

Executive Session

AN EXECUTIVE SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE ELEVENTH DAY OF SEPTEMBER IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-FIVE IN THE BOARD ROOM OF THE COUNTY OFFICE BUILDING BEGINNING AT 6:00 P.M. WITH ALL MEMBERS PRESENT.

IN RE: ROLL CALL

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

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 and 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	Aye

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 were in executive session to discuss the disposition of the airport as to the bids for the FBO operator. We also met concerning the transfer stations as it relates to sites and acquisition of property and about contract negotiations dealing with land for the sewage treatment plant. No decisions were made in the executive session. The Board recessed for five minutes.

Regular Meeting

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE ELEVENTH DAY OF SEPTEMBER IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-FIVE IN THE BOARD ROOM OF THE COUNTY OFFICE BUILDING BEGINNING AT 7:00 P.M. WITH ALL MEMBERS PRESENT. THE INVOCATION WAS OFFERED BY MR. ROBERT BOROUGHS FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Mr. Salmon reconvened the meeting.

IN RE: CONSENT AGENDA

Mr. Bradby inquired about the appropriation for the Sheriff's Department. He didn't recall these being mentioned at the time they were working on the budget. He suggested these matching grants, if at all possible, be submitted at the time of preparing the budget. Mr. Emerson responded, the Board did appropriate \$17,491 to the Sheriff's Department for matching grants the night the budget was adopted. The Fast Cops grant came in since that time but that is basically 100%. The Sheriff does have some funds within his budget for the match, however you do have to appropriate these funds even though the money is coming back to the County through the grants. Mr. Joe McLaughlin and the Sheriff are available for more clarification on these grants. Mr. Salmon asked Mr. McLaughlin to respond to Mr. Bradby's question and he recalled at the time of the budget, the Sheriff's Department was not aware of these grants. Mr. McLaughlin replied, yes that was true. They were awarded these grants the middle of July. Mr. Bradby asked the Board be notified of any submittals for grant money prior to any matching grants being submitted. Sheriff Howard replied, they did send a letter to the Board showing the grants they were applying for. Mr. McLaughlin added, between the in kind match and the money from asset seizures, they should be able to absorb the cost of any money required over what they have asked for. Mr. Emerson asked the Sheriff if some of these grants weren't applied for after the budget was complete. Sheriff oward replied that was correct. Mr. Salmon congratulated the Sheriff and his department on the recent drug bust. Sheriff Howard said it was a cooperative venture between James City, New Kent and the State Police. They have been a member of the Colonial Narcotics Task Force for several years and they have one person assigned to that position. With good police work by the Task Force, they were able to infiltrate some upper level people. They did request assistance from the United States Attorney and the FBI. This was a very successful seizure. Mr. Boroughs 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.

IN RE: ELECTED OFFICIALS' REPORTS

(This is verbatim as requested by Mr. E. David Ringley)

Mr. Burrell said he had one report to give. "Ladies and Gentlemen, members of the Board, as you know we have spent a considerable amount of County funds to try and resolve the trash collection problems. We've spent, can you hear me in the back Ladies and Gentlemen? We've spent approximately three

quarters of a million dollars last year in New Kent in removing trash. Now this trash, it wasn't due to tonnage, it was due to the frequency of having to empty those dumpsters which fill very quickly. There is not much weight so you pay by the trip. The tonnage isn't the problem. As a result of this expense, on some of those progress reports to move forward with the installation of the new trash compactors, called transfer stations some people know them as. These compactors present a considerable savings to the citizens of New Kent. From (untranscribable) New Kent compactors County paid and this year we will be paying less than last year because we do have a compactor. We pay by the load as I mentioned. Having compactors would save us tens of thousands of dollars a month. As you can see the savings are considerable. I was shocked when I heard the County Administrator say that a Board of Supervisor had asked that we delay the process of installing a trash compactor in my district that serves a number of his constituents until after the November election. That troubled me to the extent that I called, that I talked to Mr. Emerson and this was, the first conversation was approximately two weeks ago, or week and a half ago. I talked to him again Tuesday night of last week when we had a joint meeting with the Board of Supervisors and the School Board, our Board and School Board met. Again he confirmed that this Supervisor had in fact asked for the delay. The following morning I received the following message on my home answering machine, to let you know that I sought legal direction and have been assured that because it was left on my answering machine where it was available to any number of people, I have every right to release its contents. By the way, I made copies of this tape and entrusted it to entrusted people. I also have a transcript of this tape for anyone who would like to see it, including the press and the Board members. I had the message transcribed as I said and I would like to just briefly state an overview of it and then quote a couple of things". "Jimmy, I called (I'm going to read it as transcribed so the way it sounds is the way it came off the tape)". Jimmy, I called first . . . this is Robert. I called first at work and (ugh) you weren't there so I thought I'd try you at home. This conversation was an attempt to keep me from going public with the fact that these, this proposed sites not be acted upon, whether it is a good site or not is in material. It will not be acted upon until after the election. Apparently for political reasons, I don't know, but I believe it was because it would cost both if it was put in this area. I don't know, but this is an attempt to blackmail me to not bring this to the public." Mr. Burrell said the part that concerns him is, and "I'll read this to you and it is a long statement. Anyone who would like to read it, I have copies of it". "And, (ugh), if you wanna to bring that up then I might be impelled to say something that's its the same principle that Betty was talking about when she does not want to, (ugh), bring forth the tax collection, delinquent tax collections, as Jim stated the other night". Mr. Burrell said there was more in the tape. "Mr. Chairman, this is a case of political posturing at its worse and an attempt to blackmail. First of all, I believe the insinuations he has made against the County Treasurer are without any substance and gentlemen, even if they were true, I do not believe for one moment they are, I would not stoop to have a fellow blackmail me to keep me from doing what I have taken an oath to do for the citizens of New Kent County. I did not promise the citizens I would always agree, but I did promise that I would do the best of my ability, to provide honest representation and uphold the laws of the County and the Commonwealth. Finally, I have tried to ask myself for what purpose would it serve Mr. Boroughs to seek to delay it until after the election. And actually, it would have such savings for the citizens of New Kent County and I eluded to possibly tens of thousands of dollars. It is a genuine concern for the citizens of his district who, with the new trash compactor would have to travel a greater distance but quickly discounted this because he has not indicated that he does not support the trash compactor, he simply does not want any work done until after the election. And regardless of when the work begins, those citizens he says he is concerned about, will have to travel a greater distance. The only probably explanation I could come up with, is that, perhaps Mr. Boroughs is not concerned nearly enough about the impact on the citizens that a new, less costly, more efficient and sanitary trash compactor will provide, as he is about the impact the citizens might have on him on election day. Again I want Mr. Boroughs to know, and I say it with all due respect, that I will not be intimidated nor blackmailed when it comes to representing the citizens of the Third District of New Kent County. Thank you Mr. Chairman".

"Mr. Chairman, (Robert Boroughs) on that, when it came up, Mr. Gallaher, somewhere around April, and at that period of time he said the closest place he could find for the Lanexa, Barhamsville, Plum Point, Eltham area was Paige Road. When we first begin talking about the area where we looked at, it was at the jail site. And at the jail site, after the Henrico started the facility, they were concerned that if we put that facility there that it would be hard to monitor whether the people were coming to the jail or at the trash site and it would be hard to monitor people whether they were attempting to break in or whatever around the jail, so therefore it was asked to be moved. We met with a landowner and he showed us a place and within this place there was a lot of deep ditches in it, so therefore it moved to Paige Road, the one Mr. Gallaher gave the report on some time back. I asked at that period of time to give me more time to find a more suitable site for the people in my district. First of all, I will look after District Five because they are the people I was elected to from and I will definitely take care of them regardless and the reason why that came out the way it did Mr. Burrell, it wasn't meant to be held back as a political hot potato for the simple reason I didn't want it turned into an arena where it was going to be a debatable situation from the public and not give a place where the people of my district, the proper place for my district to come and dump their trash. That was the reason I made that statement that I would like to find a place that is suitable for the people from the Wedgwood, Barhamsville, Plum Point, Eltham area and therefore as the piece I put in the paper and I've gotten some calls on it and they said if you have to buy the piece of property then do so. They felt it should be within the area which the people felt it would be easier to access. I had some letters from some elderly people in Eltham saying the same thing. So, no Mr. Burrell, it wasn't something I was trying to hide because there was nothing to hide other than me finding a site and one of the places I had in mind and why I wanted to kind of put it on hold was, Virginia Power built a transfer station. They had four or five acres of ground there and I think they probably used one. They built the road in and I was looking at that trying to save people money. I'd save the County money by maybe hopefully talking with them and getting a piece of property from there. Our staff has been out looking for different sites and as you know this evening, we discussed different sites in Executive Session and you know what the outcome of that was, so as far as having this thing for a political reason, it was really nothing to have for a political reason other than the fact that I want to get a site that was suitable for our purposes of my district and I don't care what comes out, I will still fight for that site and I will fight for a suitable site and I'm taking their input from letters and telephone calls and I used the terminology about the delinquent taxes, I said this could be a similar situation. It is a situation that you know the taxes will be collected and when they come about, it's something that you don't want to make a roaring lion out of, if I was in that position in order to keep from getting trampled over something that you are going to do and that's the purpose for this. It's not to hide anything because we know that the sites are going on just like I know that Mr. Bradby and I have been talking about a site, that's between Jackass Flats or Windsor Shades or back down towards 627 to Providence Forge. We have been talking back and forth there trying to keep the citizens from those two areas from driving extended distances as well and this is something that will be worked out between he and I. I'm not going to jump out there and he's not going to jump even though he's not running for reelection. I don't think we will both jump out there now just to make it a hot potato or a political issue saying look what I've done for my district. I've gotten a trash site here and there's not any sense in making a political issue out of a dumpster site even though, until, I know we can save the County thousands of dollars and I'll be the first to admit that and we have not held back on that, we have not held back on the one on Route 60. Our staff has done it for a year and a half looking for a piece of property there. This is the same situation over there and that is also part of my district and I don't want to go out there and make a hot potato out of something until I'm sure the citizens from all the districts can live with, that is the reason for this". Mr. Burrell said, "Mr. Chairman I have a couple of statements to make. This all came up because the County Administrator told me and attested to it several days later that Mr. Boroughs asked that this not be done until after the election. All of what he is saying about roads and cost have no bearing on it, he asked the County Administrator and the County Administrator said to Larry to, and the County Administrator, Tuesday night of last week to admit that what he told me at first, that Mr. Boroughs, he said Robert, to hold off until after the election. All this other stuff", Mr. Salmon interrupted saying "Mr. Burrell", Mr. Burrell continued "Mr. Chairman, I have a right to have my elected officials

report", Mr. Salmon again interrupted, "Mr. Burrell, what I would like to say at this time is, it is the Chair's position to run the meeting and I think you have made your point and I think Mr. Boroughs has made his point", Mr. Burrell interrupted "no, he contradicted something I said and", Mr. Salmon continued "and what I would like to do is move on with the meeting". Mr. Burrell added, "Mr. Chairman, if you refuse to let me make this statement, I will have a press conference at the end of this meeting, now you have a choice". Mr. Salmon, "It is not a choice Mr. Burrell", Mr. Burrell, "I have something to say Mr. Chairman and it will only take me", Mr. Salmon, "if you could please summarize it". Mr. Burrell, "I just want the people to know what is going on, the ad he placed was after this discussion". Mr. Boroughs, "I will continue to do what is right for my district". Mr. Salmon, "at this point gentlemen, this ends the conversation". (End of verbatim)

Mr. Salmon said he would like to make a statement. Three sites have been selected. The staff will bring back to us information on these and we will choose one of the sites at the next meeting. This is how it has been operating in all the districts up to this point in time.

IN RE: TREASURER'S REPORT

Ms. Burrell asked to address the issue that related to her in the previous transcript. Certain things that Mr. Boroughs eluded to in his message are false. I did not instruct Mr. Cornwell to postpone his efforts to collect delinquent taxes until after the election. Mr. Boroughs said "I might be impelled to say something that is the same principal that Betty was talking about when she does not want to bring forth the tax collection, delinquent tax collection as Jim stated the other night until after the election". Ms. Burrell stated this is absolutely incorrect. She has a letter that Mr. Cornwell drafted, for her approval on September 6, 1995, the same morning that Mr. Boroughs left his message. Ms. Burrell then read the letter addressed to the tax payers for unpaid and delinquent county taxes. In this letter it was requested they contact the Treasurer by September 18, 1995, if she did not have a response, she would commence with proceedings to collect all monies due with interest and penalties. After reviewing this letter, she told Mr. Cornwell that it would not be cost effective to send notices on every delinquent account because the 1995 tax bills, which indicate all delinquencies owed, would be mailed in approximately two weeks. She felt it would be a duplication of effort to mail both the tax bill and the delinquent notices at the same time. They would give the tax payers an opportunity to clear the delinquencies noted on the 1995 bill and then send a collection notice to those people whose accounts remain unpaid after a few weeks. Ms. Burrell then gave a chronicle list of events leading up to the letter from Mr. Cornwell, starting in January 1992 and ending with this letter from Mr. Cornwell attempting to collect on unpaid taxes. She stated from 1988 to 1994, she has collected \$1,700,552 more in local taxes than budgeted by the Board of Supervisors. The tax collection record speaks for itself and she resented terribly the implication that she is shirking her duties and obligations as Treasurer of the County in order to ensure her reelection. She also said during her tenure she has collected in interest \$270,000 more than budgeted by the Board. As a matter of record, and for the benefit of the public who may have read the Management Report given by Robinson, Farmer, Cox Associates, it is imperative the following information be presented. Ms. Burrell then read a Memorandum she wrote to the Board of Supervisors, dated July 24, 1995 in which she took issue to some of the findings in the Management Report.

Ms. Burrell then welcomed Mr. Preston Nuttall of Commonwealth Investment Counsel, who accepted her request to make a presentation to the Board on investments. Ms. Burrell then gave her monthly Treasurer's Report for the month of August, 1995. She made note of an advance of \$900,000 sent to us by Henrico County for expenditures relating to the regional jail. This makes the cash balance look better than it really actually is. Mr. Salmon inquired under the General Fund Accounts Payable, the negative \$164,341.26 is that for the teachers pay? Ms. Burrell responded, it is because she did not receive the bills back in time to disburse.

Mr. Ringley said because of his work, he has been forced to resign from the James River Certified Development Corporation, which meets on Thursday evening. Mr. Ringley moved to appoint Michael D. Salmon as the Board's representative to the James River Certified Development Corporation.

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

Motion approved.

Mr. Ringley said he had a special presentation for a young man in Mr. Bradby's district. He had received a letter over the weekend about Mr. Edward J. Ozmon, Jr., being presented with the Eagle Scout Award. This young man is being recognized as the first in his troop to become an Eagle Scout. In cooperation with Mr. Bradby they brought up Resolution R-34-95 to be presented to Mr. Ozmon. Mr. Bradby then read the resolution and Mr. Ringley moved to approve R-34-95.

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-34-95 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE, PAGE 368.

Mr. Bradby then asked Mr. Edward J. Ozmon, Jr. to come forward to be presented with this resolution. Mr. Bradby said the Board would like to congratulate Mr. Ozmon on his success of reaching Eagle Scout and wished him continued success and determination in his future endeavors. Mr. Ringley asked that they consider in the future all Eagle Scouts be recognized in this manner.

Mr. Salmon asked for a motion to approve the Treasurer's Report. Mr. Bradby moved to approve the Treasurer's Report for August 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

Motion approved.

IN RE: ELECTED OFFICIAL'S REPORT (cont'd)

Mr. Burrell said Sheriff Howard and he had several conversations recently in reference to traffic accidents in New Kent involving people who were not wearing their seat belts. The Sheriff felt some of these would

have not ended in a fatality if they were wearing their seat belts. Mr. Burrell asked the Board to go on record with a resolution encouraging everyone to wear their seat belts. He is looking for whatever way possible to get the word to the youth especially, to wear their seat belts. The Board asked the County Administrator to look into this issue.

Sheriff Howard said he wanted to follow up on what Mr. Burrell had spoken about. They are engaged in a group called Sheriff's and Chief's Challenge. This is a nationwide effort to try and encourage people to use seat belts. They have several checking details here in which they have done surveys and he will report back to the Board once they have the information compiled. Sheriff Howard also reported on the use of inmates. During the month of August there was a total of 657 man hours of inmate labor used in the County. If they would have to pay someone to do this labor and paid minimum wage of \$4.25, it would have amounted to \$2,792.25. Mr. Boroughs added, at the jail site, the inmate labor will save approximately \$76,000.

IN RE: STAFF REPORT

Mr. Larry Gallaher, Director of Public Safety reported on the New Kent County Emergency Operations Plan. It is required for every jurisdiction to have one and it must be updated every four years. This plan was rewritten this year and must be readopted by the Board of Supervisors. Mr. Boroughs moved to adopt Resolution R-35-95 as presented.

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-35-95 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE, PAGE 369.

Mr. Gallaher also reported on a major fire in Urbana and they requested the aid of New Kent. The telesqurt was sent to help in fighting the fire. The Urbana Town Council sent Mr. Gallaher a resolution of appreciation and recognized the New Kent Volunteer Fire Department and their personnel.

Mr. William E. Johnson, III, Accounting and Budget Officer reported on the \$900,000 check from Henrico County towards the expenses of the regional jail. He said they would need a public hearing in order to accept this money to amend the budget. Also they would need to reappropriate \$65,000 that was submitted back to the General Fund in order to complete the transfer station. Mr. Emerson explained the \$65,000 is the residual of the \$150,000 bond proceeds and they didn't know what the number would be because they were in the process of finishing Route 612 in the last budget. Now that the number is known, we need to reappropriate these bond funds. According to State law, you need to hold a public hearing any time you amend your budget greater than 1% or greater than \$500,000. Mr. Salmon asked for a general consensus on holding the public hearing at the October meeting. All agreed.

Mr. James E. Cornwell, Jr., County Attorney reported on the deeds for the wastewater treatment plant and the water distribution system in connection with the regional jail. They have negotiated acquisition of property and easements with Chesapeake Corporation. There are approximately 11 parcels and/or easements being conveyed to the County. They will be constructing two pump stations and three wells. They decided to do one deed, with a large plat showing all the properties. Mr. Cornwell and the attorney

for Chesapeake, Mr. Hudson, have reviewed this deed. It is still in draft form but they have agreed to all of the revisions. Before it can be recorded it must be accepted by the Board of Supervisors. Mr. Salmon moved to approve Resolution R-36-95 to accept the land for the water treatment and sewer plant from Chesapeake Corporation and hereby authorize the Chairman to execute the deed as well as have the deed recorded.

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-36-95 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE, PAGE 370.

Mr. Cornwell said in conjunction with this property, we are constructing a well on property that the County already owns. This is on State Route 30, tax map 37 (9A). The State Health Department requires we designate the property as being a well site. Mr. Cornwell asked for approval of Resolution R-37-95 for this 0.549 acre, Tax Map 37 (9A) shown on a survey performed by George Bryant to be a well site. Mr. Salmon moved to recognize Tax Map 37 (9A), Resolution R-37-95 as the well site for water treatment plant.

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-37-95 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE, PAGE 371.

Mr. R. J. Emerson, County Administrator, asked the Board if they would like to set a date to hear the presentation by Robinson, Farmer, Cox Associates on the Management Study. They would probably want to do this in a work session. Sheriff Howard asked for an hour and a half and Ms. Betty Burrell asked for forty-five minutes to respond to the report and Mr. Elmore of Robinson, Farmer, Cox Associates will need about an hour and a half to finish his presentation. The meeting was scheduled for November 27, 1995 starting at 7:00 p.m.

Mr. Emerson asked the Board about the selection of the firm who will be doing the audit services for the County. They had previously sent out request for proposals for audit services. The Board then interviewed five firms and authorized the County Administrator to go forward and negotiate with KPMG Peat Marwick for an engagement letter. Mr. Emerson requested the authority of the Board of Supervisors to accept this for the County and get Peat Marwick started on the audit. We do have a deadline, so it would be to our advantage to contract a firm as soon as possible. This is a three year contract and the first year will be \$23,000, second year \$24,000 and the third year will be \$25,000. Mr. Salmon made a motion to hire KPMG Peat Marwick as auditors and authorize the County Administrator to sign the contract. Mr. Bradby said he did not feel comfortable with this because of the additional cost involved. Mr. Boroughs

also added he would like to see the same firm that has been doing the books for the last fourteen years and doing the Management Study be retained. Over the three year period of time it will cost approximately \$28,500 more with the new firm. Mr. Burrell felt because of problems the County has had in the recent past, if the firm would have been more diligent, the money that was spent looking at those problems, would have been saved. Mr. Ringley said he was concerned with the personnel manual that they have been waiting on from the current auditors. He felt it was time to engage someone different. Mr. Boroughs followed up on Mr. Ringley's statement. A audit firm comes in to look at books, we asked them to do a personnel manual for us. Mr. Burrell said they had hired this firm to do an efficiency study. The Sheriff wants time to refute, the Treasurer also wants time. He mentioned a manual he brought to the Board from the State giving all kinds of stats on population, income, etc. Anyone could pull these numbers from this book for comparisons. The County paid them good money for this report but it was not spent properly. Mr. Burrell asked Mr. Emerson the approximate cost and Mr. Emerson replied \$30,000. Mr. Burrell said he would not vote for them. Mr. Boroughs added, he spoke with one of the auditors and he said he would stand behind his numbers. Mr. Salmon also added, the Efficiency Study is not finished at this time. Mr. Salmon called for the vote.

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

Motion passed.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Bob Riley spoke about the possibility of closing Route 613 during the time of work on this project. One of the reasons is for safety and the other is it would help speed up the time required for this work. The downside would be some of the citizens would have to travel further. The County supplied him a list of all the property owners on the route and VDOT would send out a letter with two weeks notice to all home owners of the closing. Mr. Riley said he would speak with Mr. Ishler and if this has a negative impact on the school buses they would look at it again. Mr. Ringley asked if he could receive a list of names of the home owners on this route. Mr. Emerson replied he would provide him with that information. Mr. Riley also asked the Board for a date on the review of the Six Year Construction Plan. The Board agreed to November 15th. Mr. Riley then advised the Board he sent the proposal to VDOT about using inmate labor and he hoped within the next 30 to 45 days they would have a letter of agreement. Mr. Ringley asked about the increase of traffic on Route 665 because of the transfer site on Route 612. Would they look into adding shoulders, checking into ditches that have washed out because of the added traffic now on this road. Mr. Riley replied, yes he would look into this. Mr. Boroughs asked if Mr. Riley could call Mr. Freeman Johnston in Eltham about the ditch across from his house. He has been cutting the bushes but now his health prevents him from doing so. Mr. Burrell inquired about a third lane on I-64. He said that it is needed now. The traffic, especially on the weekends, is extremely heavy going east. Mr. Riley replied, the project is slated for 1998. There are no construction funds in the Six Year Plan for the widening of the rest of it. Mr. Burrell inquired about the Coleman Bridge, was there any change. Mr. Riley replied, no he hasn't heard any new information.

Mr. Salmon said he would like to adjust the agenda a little bit. They had two presentations to make and the gentlemen are already late for another meeting.

IN RE: RESOLUTION R-31-95 and RESOLUTION R-32-95

Mr. Salmon asked Mr. Harold Seitz and Mr. John McLaughlin to come forward. Mr. Salmon read the resolution and made the presentation to Mr. Harold Seitz. He has been the New Kent County Volunteer Fire Department Chief for the last eighteen years. His time of service and dedication to the fire department is exemplary. Mr. Seitz thanked the Board for this recognition. He said his chief has been a big help to him, his chief has stood beside him, behind him and in front of him. The only problem with his chief, she would always ask, are you married to me or the fire department. He thanked the Board of Supervisors over the years and the help they have been to the fire department. Mr. Seitz also thanked the County Administrators, all of them have been a big help to the fire department. He also wanted to thank the Sheriff's Department as they have been a tremendous help. Chief Seitz also wanted to thank Larry Gallaher, saying he has been a tremendous help to him personally. Lastly, he thanked all the citizens of New Kent County for their kind donations.

Mr. Salmon then read the resolution and made the presentation to Mr. John McLaughlin. Mr. McLaughlin has been a volunteer with the New Kent County Volunteer Fire Department for twenty-seven years. He has been Chairman of the Board for ten years. John is a valuable community leader and an asset the County. Mr. McLaughlin thanked the Board and said without the help of everyone he couldn't have done it. It gives him a great pleasure to tell people where they can go and where they can't.

FOR RESOLUTION R-31-95 AND RESOLUTION R-32-95 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE, PAGE 372 AND 373.

IN RE: APPROVAL OF BILLS FOR ATHLETIC FACILITY

Mr. Emerson explained to the Board that these bills must be approved by the Board and then they are sent to First Union for payment. Dr. Geiger and Mr. Ishler are both present if you have any questions in reference to these bills. Mr. Burrell asked to break these away from the Consent Agenda so they may be voted on separately. Mr. Bradby asked, with the payment of these bills, does this leave the projected amount of \$26,946? Dr. Geiger replied yes. Dr. Geiger handed out an expenditure sheet to the Board showing what has been submitted and what has been paid and circled the items that are being submitted tonight. Mr. Ringley asked if the construction manager's salary was already deducted from this figure. Dr. Geiger responded yes, he has been paid. Mr. Ringley asked Mr. Emerson about the possibility of paying the construction managers salary. Mr. Emerson responded, it is up to the Board if they want to appropriate that money. The school has already paid these, we would forward the invoices on to First Union and they in turn would reimburse the County and we would make the internal adjustments here. Mr. Ringley asked when they would have an estimate of the cost to finish the project. Dr. Geiger replied we should have an estimated figure within the next two weeks. Mr. Ringley moved to approve the bills for the athletic facility in the amount of \$170,842.55 and also pay the construction manager in the amount of \$20,722.66.

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

Motion passed.

IN RE: PRESENTATION

Mr. Preston Nuttall, Senior Vice President and Portfolio Manager of Commonwealth Investment Counsel spoke to the Board in reference to how the County's investments are handled with their firm.

Commonwealth Investment Counsel is part of Wheat First Butcher Singer. They manage a portion of the County's reserve funds. Mr. Nuttall presented the Board with a booklet showing a consolidated account summary, a list of investment guidelines and their investment strategy for the short term market. They pool the funds from 25 or 30 localities from around the state, approximately \$59 million dollars, therefore they can invest more money for better returns. It also lists the maturity restrictions which the County had asked for. Mr. Nuttall suggested on the motion that is made after the Treasurer's Report, they change the wording to "highest yielding risk adjusted return". The funds are available every day, which is an advantage for the County. Mr. Burrell inquired about a statement Mr. Nuttall made in reference to motion used for the acceptance of the Treasurer's report. Mr. Nuttall replied, he likes to use the "sly" formula, safety first, liquidity and yield. Mr. Salmon thanked Mr. Nuttall for coming and making this presentation. It helps everyone understand exactly where their money is being invested.

IN RE: COLONIAL DOWNS

Mr. Mike Johnson reported on the progress of Colonial Downs. The Virginia Racing Commission gave them permission to build the first OTB (Off Track Betting) in Chesapeake. The day after they received the OTB they started working on the project. Mr. Johnson introduced Mr. Ricci Federico who will be the on site manager at this project. Mr. Jeff Jacobs has announced he is investing up to \$10 million dollars to Colonial Downs. Mr. Ringley asked about Senator Stolle's report to introduce legislation to delay the OTB's. Are you proceeding along with the plans to open the OTB? Mr. Johnson replied, yes it will open before the first of the year. Mr. Salmon added, once the OTB is operational, New Kent County will start receiving revenue money.

Mr. Ringley asked for a clarification on the public hearings starting at 8:00. Mr. Salmon responded, they are advertised for 8:00 and cannot start before that but can start after that time.

IN RE: PUBLIC HEARING - PUD O-05-95

Mr. David P. Maloney, Director of Planning explained the amendment request to the planned unit development zoning ordinance. The reason for the proposed amendment is that site plan preparation and review as required under Section 9-278 - Site Plans and Performance Standards, would place an extreme burden on the developer and county staff for large scale projects typically developed over long periods of time and containing several thousand acres. The present ordinance calls for site plan and subdivision plans be submitted to the County for review prior to the commencement of any construction, and timed with the approved project phasing plan. The necessity to receive the site plan at the time the original PUD designation is being requested is both burdensome and redundant. This requirement as it currently exists does not allow for design flexibility as site and market conditions change. The Planning Commission held a public hearing on July 17, 1995 on the amendment and there were no comments from the public. Mr. Bradby asked if this would apply to everyone or just to this one application. Mr. Maloney replied, yes it will apply to all. Mr. Bradby also inquired if there was a minimum size requirement for this amendment to apply to. Mr. Maloney answered, he thought it was 300 acres but would check the ordinance. Mr. Salmon then opened the meeting for the public hearing. There were no comments and Mr. Salmon closed the public hearing. Mr. Ringley moved to adopt Ordinance O-05-95 as presented.

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

Motion passed.

FOR ORDINANCE O-05-95 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 374.

IN RE: PUBLIC HEARING - INTENSIVE LIVESTOCK O-02-95

Mr. David P. Maloney explained the proposal on intensive livestock. In 1994 the General Assembly of the Commonwealth of Virginia passed and the Governor signed into law, legislation which amended the Code of Virginia relating to the "Right-to-Farm" Act. This legislation had the effect of prohibiting localities from requiring conditional use permits for production agricultural and silvicultural operations in agricultural zoning distinct; instead, production agricultural and silvicultural operations must be permitted by right. The proposed amendment would add definitions of the terms "intensive dairy facilities", "intensive livestock facilities," "intensive poultry facilities," "livestock," "livestock, dairy, poultry structure," "livestock raiser, dairy operator, poultry grower," and "parcel of land" to Section 9-37 of the New Kent County Zoning Ordinance. Each of these uses would be permitted subject to acreage requirements, setback requirements, and other requirements to be found in a new section of the Zoning Ordinance (Section 4A). The proposed amendment would also remove the following uses from Section 9-83 "commercial raising and housing of swine," and "raising, breeding and keeping of animals for profit on less than ten (10) acres." Mr. Maloney then outlined the acreage requirements, the setback requirements and other requirements that would be required. The Planning Commission held a public meeting on April 27, 1995. No one from the general public appeared to speak in favor of or in opposition to the proposed changes. A public hearing on the proposed Zoning Ordinance amendment was held by the New Kent County Planning Commission at its June 19, 1995 meeting. At the August 21, 1995 meeting the Planning Commission recommended the ordinance be forwarded to the Board of Supervisors for its consideration. Mr. Bradby asked if this eliminates any additional uses in the agricultural zoning. Mr. Maloney replied, it only eliminates conditional uses that pertain to agricultural operations. If a property owner has a farm, the State law does not permit the locality to place a conditional use permit on those agricultural operations. However, the County can set minimum yard requirements, lot sizes, setback requirements, etc., as it would any other use in any other district. Mr. Boroughs inquired who sets the number of acres, the State or the County? Mr. Maloney replied, the County used the model ordinance that was developed by the Virginia Agribusiness Council. The Planning Commission did modify one of those requirements and that had to do with the minimum area requirement. Instead of saying, "number of acres required by the plan, whichever is less", the Planning Commission changed that to read "whichever is greater". Mr. Ringley mentioned Reverend Hathaway asked to table this issue at the Planning Commission until the wording "less or more" was clarified, is he satisfied now? Mr. Maloney replied, they did respond to his concerns and it was the action of the Planning Commission to recommend this change. Mr. Salmon then opened the meeting for public comment. Mr. Walker Ware said he was very much opposed. He feels the citizens who own A-1 agricultural land have not been properly notified by either the Planning Commission or the Board of Supervisors exactly what this means. This means that government regulates an entire industry. It also means those people who have not been notified properly, may lose their highest and best use of their property. Stop government involvement in an occupation without interference. If the concern is about water run off, the government won't let anything run off in the water or a stream. There are too many agencies now regulating anything to do with water. One of the better things for New Kent to do would be intensive farming. Before you deprive anyone of their right under the Articles of the Constitution, #4, 5, 10 & 14 take a trip to West Virginia and look at the number of people who are raising chickens on ten acres of land. Those operations are clean, and odor free. No one else spoke and Mr. Salmon closed the public hearing. Mr. Bradby asked what the minimum size land this would affect. Mr. Maloney answered, 60 acres for beef or dairy cattle, 20 acres for swine, and 20 acres for poultry. The real minimum requirements has more to do with the number of livestock. Mr. Salmon

inquired, if someone came into the County right now and wanted to open up a slaughter operation, where they are killing 800 cows a day, what would they be required to do? Mr. Emerson responded, they would need a conditional use permit and 15 acres or greater. Mr. Salmon said, with the ordinance that is in place right now, someone could by-pass the conditional use permit and place the slaughter house right on someone's property line. Mr. Maloney replied, that is correct. Mr. Cornwell, County Attorney also wanted to bring up two issues in this amendment. One is the number of animals and the second issue is, there can be no crops, vegetation, foliage growth sustained over any portion of the operation. If it is a working farm, it still doesn't come under our definition. Mr. Bradby asked if this was only for intensive farming. Mr. Maloney, replied, yes. Mr. Ringley inquired if this was mandated by the General Assembly? Mr. Maloney replied, no these are model ordinances drafted by the Virginia Agribusiness Council in response to the action of the General Assembly. Mr. Ringley then asked about the 1994 "Right-to-Farm" Act, how does that pertain to this? Mr. Maloney replied, the "Right-to-Farm" Act stated localities could not require conditional use permits on those activities that were considered production, agricultural and silvicultural operations. However, in allowing those type of operations as uses by right, the locality could adopt minimum area requirements and setback requirements. Mr. Ringley asked about the mailing of information to the farmers prior to the meeting and no one showed up, Mr. Ware said they didn't show up because they would be exempt anyway. Could you answer his question. Mr. Maloney responded, with speaking with the Extension Services, New Kent County does not have any operations that would fall under this intensive farming regulation. Mr. Cornwell said it can be grandfathered. Mr. Ringley inquired where the closest operation would be. Mr. Maloney replied, James City. Mr. Emerson added, a larger area of this type of farming would be in southside, Surrey County, areas like that. The Board, staff members and Mr. Stran Trout, Planning Commission Chairman discussed different aspects of this change and who or what it would affect. Mr. Maloney did state, if you do nothing you are not in compliance with State Code. Mr. Bradby moved to adopt Ordinance O-02-95 as presented.

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

Motion passed.

FOR ORDINANCE O-02-95 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 375.

IN RE: APPOINTMENTS

No appointments were made.

IN RE: MEETING SCHEDULE

The Board of Supervisors will meet at 5:00 p.m. on September 12th to tour the projects in progress within the County. There will be a Joint Meeting with the Planning Commission at 6:30 p.m. on September 18th for a presentation by Delmarva Properties. The regular meeting of the Board of Supervisors will be held on Monday, October 9, 1995 at 7:00 p.m. The Planning Commission will meet on Monday, September 18, 1995 at 7:30 p.m. The Airport Commission will meet September 12, 1995 at 7:30 p.m. at the airport.

IN RE: CITIZENS COMMENT PERIOD

Mrs. Thelma Wilson she doesn't want to see the County turned into concrete instead of pasture land. Mrs. Wilson said she would like to see the Board's staggered. With the School Board and the Board of Supervisors both up for re-election the same year, it could be disastrous. She did bring it up at the General Assembly, and their reply was, the County has to ask for the change. Mrs. Wilson asked the Board to ask the General Assembly to stagger the elected officers' terms.

Mr. Ed Gran asked about the study being done on the fire department as it related to their taxes. Mr. Salmon responded, the audit firm has been chosen and they are in the process of auditing the books. Mr. Gran also inquired of the Consent Agenda. Is there a way to get a copy of this? Mr. Emerson replied, you just have to request it of Mrs. Morgan.

Mr. Walker Ware said in March of 1995 the Department of Conservation and Recreation designated the Chickahominy a scenic river. Along with that designation goes untold government regulations that would hamper anyone's ability to do anything on the river. The New Kent County Board of Supervisors have not approved the portion of the river going through New Kent as scenic. The DCR and General Assembly assumes you are standing with James City County by your silence. With two of the three bordering counties on the river, you may see a large scale attempt by the DCR to enter the Chickahominy River from the Henrico County line all the way to the James River. You need to adopt a resolution and send it to Dick Gibbons at the DCR. Mr. Salmon said the PDC is looking at this right now. Mr. Emerson suggested it be sent to the Planning Commission and then they will forward their recommendations on to the Board of Supervisors. They were hoping to have a joint meeting with Charles City Board of Supervisors and this was one of the things that would have been discussed.

Mr. Dane Clingan said he felt most of the elected officials reports were out of place. He wanted to remind the Board, this is not a forum to air their laundry and promote personal agendas, it is a forum to conduct County business in a professional manner.

Mr. Fred Bahr asked, when the Board meets on November 27th to review the Management Study, will the schools be included. Mr. Salmon replied, yes. Mr. Bahr also inquired about the \$20,000 approved by the Board of Supervisors that was not approved earlier. Mr. Salmon responded, this was money incurred by the School Board for Mr. Don Southard, the manager of the project. The Board of Supervisors asked for clarification of his salary before they would agree to pay it. Mr. Bahr said he had one last question. On the OTB, if our track is not open, does New Kent still receive money from this. Mr. Salmon replied, yes.

IN RE: ADJOURNMENT

Mr. Bradby moved to recess until September 12th at 5:00 p.m.

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

Motion passed.