

A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE ELEVENTH DAY OF DECEMBER IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-FIVE BEGINNING AT 5:00 P.M. IN THE BOARD ROOM OF THE COUNTY OFFICE BUILDING WITH ALL MEMBERS PRESENT.

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Mr. Salmon opened the meeting and asked for a roll call.

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

Mr. Salmon stated the reason for the work session was to talk about the plans for the renovation of the Old Courthouse and the Administration Building and further discussions on the Management Study.

Mr. Boynton, an architect with Boynton & Rothschild, addressed the Board and explained the proposed plans for moving the School Board and Court Services offices to the Old Courthouse and the renovation of the Administration Building. Mr. Ringley inquired about the redesign of the Board Room. Mr. Emerson replied nothing has been done at present but he would pull the old estimate and look at the possibilities and cost of doing such renovation. The estimated cost of doing the renovations as presented to the Old Courthouse and the Administration Building would be \$278,000. There was some further discussion about putting Court Services on the second floor of the New Courthouse and allowing the School Board to have the use of the complete Old Courthouse building. The Board reviewed several other ideas. Mr. Boroughs moved to authorize work to go ahead with the renovations as presented, as well as, look at using the second floor of the New Courthouse for Court Services and the upstairs of the New Courthouse also be used as a courtroom.

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

Motion passed.

Mr. Salmon said another area for discussion was the televising of the Board Meetings. Mr. Emerson reported he checked with Cablevision and they could use a video camera to do the taping for televising the following evening. He suggested they purchase a new video camera because the one currently in use is approximately eight years old and it doesn't have the slow speed required to tape. After a brief discussion between the Board members, Mr. Salmon moved to authorize the County Administrator to purchase the equipment required to televise the Board meeting.

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

Motion passed.

Another issued was the Management Study. The Board discussed the proposed organization of the administration offices. This would include two Deputy County Administrators under the County Administrator. Also proposed was a Central Purchasing clerk to handle all the purchasing for all County departments and schools. The Board also discussed the schools going on a accounting software program that would integrate with the County's. The Board had asked the County Attorney to review the contract for this management study. Mr. Cornwell said he read the contract and it was to be paid in one lump sum and the Board had changed the scope of the study on several different occasions. He would speak to Robinson, Farmer, Cox to see if they would be willing to make some adjustments because of the dissatisfaction of the Board with the study.

Mr. Emerson brought to the attention of the Board a draft of the audit for this year. The preliminary fund balance is \$1,148,591. If the Board makes the appropriations as requested, that will leave the fund balance at \$530,591. The Board agreed to meet again for review of the audit on December 18, 1995 at 5:30 p.m.

Mr. Salmon moved 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. Mr. Salmon invited the newly elected Board of Supervisors into the meeting.

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 stated they met to discuss possible litigation on problems with the New Courthouse.

Mr. Salmon then recessed the meeting until 7:00 p.m.

#### Regular Meeting

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE ELEVENTH DAY OF DECEMBER 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 REVEREND JEFFERSON FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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Mr. Salmon reconvened the meeting. The roll call was called at the 5:00 p.m. meeting.

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IN RE: CONSENT AGENDA

Mr. Salmon asked the Board if there were any items they would like to pull out of the Consent Agenda. Mr. Boroughs moved to approve the Consent Agenda which contains Resolution R-49-95 and acceptance of Minitree Glen Lane and Minitree Glen Drive into the State Secondary Road System.

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

Motion passed.

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FOR RESOLUTION R-49-95 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE, PAGE 405.

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IN RE: ELECTED OFFICIALS' REPORTS

Ms. Betty Burrell, Treasurer stated she did not have the official report as they were still posting payments both received at the bank and those they were still receiving in the mail. As of November 30th there was approximately \$2,777,000 cash balance. Ms. Burrell extended her appreciation to the volunteers who worked in the office during the busiest time of collecting taxes. Mr. Salmon stated he had received calls on the bills that showed they were due December 6th not December 5th. These constituents came in on the 6th and were charged a penalty. Ms. Burrell replied she had a call into Mr. Cornwell but had not

spoken with him about this problem. There was a printing error but her staff marked on each 7,223 bills the correct date of December 5th. They also put ads in the newspaper, sent notices to the local stores and also ran an ad on public TV showing the correct deadline. Ms. Burrell said she did not want to set a legal precedent and wanted to check with Mr. Cornwell. Mr. Salmon said it was his understanding there was \$420.95 paid in penalties on December 6th. After some further discussion by Board members, Mr. Salmon moved to refund the penalties on personal property taxes collected on December 6, 1995.

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

Motion passed.

Mr. Boroughs moved to direct staff to make an amendment to address the inconsistencies in the Comprehensive Land Use Plan for the Quinton Village located on the south line of Route 249 approximately 0.34 miles west of Route 612. This area is between the fire house and the restaurant and is zoned differently. Mr. Burrell said he received a call from the lady today about this land and he suggested this be sent to the Planning Commission. Mr. Emerson said this should be referred to the Planning Commission and they will need to hold a public hearing and then forward it to the Board of Supervisors and they will also need to hold a public hearing. Mr. Boroughs' motion was amended to refer this to the Planning Commission to bring this area into conformity with the Comprehensive Land Use Plan.

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

Motion passed.

Mr. Boroughs presented Mr. Marvin Bradby, a framed poster of Indian Chiefs, of which he is one. Mr. Bradby is believed to be the first Native American to serve as a member on the Board of Supervisors. Mr. Boroughs asked the Board if they would agree to hang this poster in the Administration Building to honor the first Native American on the Board. All agreed. Mr. Bradby thanked everyone for this poster and explained a little of the history of the poster. He said he enjoyed his time spent as a member of the Board of Supervisors.

Mr. Salmon spoke about attending. The Greater Richmond Partnership meeting which is an organization trying to attract businesses to the region. He invited Mr. Ringley to go along since he would be on the Board this next term and would encourage New Kent continue their participation with this group. The Peninsula Economic Development Commission is the same kind of group and he would encourage the County's participation. Mr. Salmon then addressed a memo he received from the Richmond Regional Planning District Commission asking all the localities to appoint the new members for January 1996. Mr. Salmon moved to appoint Mr. Ringley to be the Board's representative to the Richmond Regional Planning District Commission to be effective January 1, 1996. Mr. Burrell felt this appointment should wait until the new Board is in place. Mr. Salmon replied it is a very important commission and needs someone with experience within the local government.

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

Motion passed.

Mr. Salmon said the Board needed to appoint an additional person to the MPO, which could be a staff person. The MPO makes decisions on the spending of transportation money and this appointment would be effective for the December meeting. The first of the year is the time for new appointments and the new Board will be able to make these. Mr. Salmon moved to appoint Mr. R. J. Emerson as a technical member.

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

Motion passed.

Mr. Salmon had one other item to bring before the Board. There has been a lot of information in the paper and Ms. Betty Hicks has been campaigning for W. C. Pearson to be reinstated into the fire department. Mr. Salmon gave some background as to the happenings of the past year with the fire department. In August of 1995, W. C. Pearson was voted out of the fire department by the Board of Directors of the New Kent Volunteer Fire Department. Mr. Salmon feels that he should be reinstated as a member of the fire department. Mr. Salmon proposed a motion, not to tell the fire department they must reinstate him, but a resolution from the Board supporting W. C. Pearson be reinstated to the fire department. Mr. Bradby said he has spoken with some members of the fire department but he felt it was the fire department's right to deal with their members the way they felt necessary. He would recommend the fire department attempt to find some type of mediator to deal with this situation without the Board stepping in. He would not support Mr. Salmon's motion. Mr. Burrell also spoke with several members from the fire department and he would support a mediator. Mr. Salmon said they have had time to get a mediator and haven't done so. He has had many people call and ask for W. C. to be reinstated. Mr. Ringley said there was no way the Board of Supervisors should get involved but he would support a mediator. Mr. Burrell amended Mr. Salmon's motion for the Board to offer a resolution to the fire department to get a mediator to solve the problem as to the reinstatement of W. C. Pearson.

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

Motion passed.

Mr. Salmon then called for the vote on the first motion which was to ask the fire department hold litigation within a month towards resolving the problems.

James H. Burrell	Aye
E. David Ringley	Aye

Marvin D. Bradby	Aye
Robert A. Boroughs	No
Michael D. Salmon	No

Motion passed.

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IN RE:           STAFF REPORTS

Mr. Gallaher, Director of Public Safety spoke to the Board in reference to the holidays for the Convenience Centers. He proposed to close the two attended sites for Christmas Day and New Year's Day. One reason is because Chambers does not work and therefore we have no way of having anything pulled. Mr. Ringley said he was not in agreement with closing Christmas Day. He felt it was the largest trash day and since they have a fence around the area, people will be dumping trash all over the place. He would like it to stay open. There was some further discussion between Board members. Mr. Boroughs moved to close the Transfer Stations on Route 612 and Route 618 for Christmas Day and New Year's Day.

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

Motion passed.

Mr. Bradby suggested we advertise. Mr. Gallaher replied they would put ads in the papers and have signs posted at the centers. Mr. Gallaher reported the convenience center at the jail is making progress and the plans have been drawn up.

Mr. Cornwell, County Attorney brought the Board up to date on the wastewater treatment line conveyances for the Regional Jail project. Chesapeake donated a majority of the land needed for this project which included the wastewater treatment system, the water tank site, well sites, rights-of-way and easements for water lines and sewer lines. There are three properties owned by individuals involved that are needed to connect the system together. Two of these property owners have agreed to donate the easements to the County and subject to your approval the County has agreed to compensate Mr. Sutton in the sum of \$1,500 for the timber cut and removed. The other easement needed is from Mr. & Mrs. Sirles and they have declined to donate these easements to the County. With the approval of the Board, the County has agreed to pay them \$2,500 for the easements and timber. Henrico County will pay these funds and New Kent will be obligated to pay these funds when construction is complete. Mr. Boroughs moved to authorize the County Attorney to purchase the easements and accept other easements.

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

Motion passed.

Mr. Cornwell said there was one other piece of property that the County needed to acquire. It is one-third of an acre and owned by Mrs. Agnes Kubicz. She has given permission to begin construction while we are having the property appraised.

Mr. Salmon asked Mr. Cornwell to update the Board on the status of the Fixed Base Operator for the New Kent Airport. Mr. Cornwell replied, they issued the Request for Proposals and there was approximately 22 packages either sent out or picked up.

Mr. Emerson reported to the Board about the Old Church Exchange (GTE). GTE has submitted a request to State Corporation Commission to help remedy the pricing structure so the Old Church Exchange would not be paying long distance rates to call areas in New Kent. At the present time there is no date for the hearing by the SCC but once we know the date, the Board may want to appear to testify in favor of this. Mr. Emerson also reported on televising of the Board Meetings. We will be able to record the meetings with a video camera and then they will be televised the following night on Channel 24 by Cablevision. The video camera we currently have is about eight years old and does not have the feature of recording in slow speed which will be necessary to do the taping. The Board approved the County Administrator to purchase a new video camera during the Work Session held earlier in the evening.

Mr. Emerson addressed the Commissioner of Revenue's request of November for an increase in salary for his staff, as well as a car for his department. He forwarded to the Board salaries provided by the State Compensation Board for Constitutional Officers. Mr. Emerson said he did discuss this issue with the incoming Commissioner of Revenue and they felt it was a budget request item and it will be discussed at that time. He also spoke with the Sheriff on the vehicles he has coming through. When vehicles do become available they will consider making one available to the Constitutional Officers who do not have one, but that is also a budget item because there is no money budgeted for gasoline, repairs, etc. The last report Mr. Emerson had was in reference to a letter by Mr. Donald Currey, Aviation Specialists. Mr. Currey is interested in either purchasing or leasing property at the airport. He is interested in some of the 12 acres left on the industrial site at the airport. Mr. Emerson was asking for direction from the Board. The Board members discussed this issue and it was the general consensus by the Board to wait until the new FBO is chosen but they would notify Mr. Currey no later than February 1st. At that time they would advertise the sale of this land.

Mr. Salmon asked the Board for an alternate date for meeting with the auditors in case the auditors have a conflict with the 18th. No date could be agreed upon, so it remained the meeting would take place on the 18th at 5:30 p.m.

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IN RE:           RESIDENT ENGINEER'S REPORT

Mr. Chris Winstead made the report for the Department of Transportation. He wanted to thank all the citizens involved on the Route 613 project. They were able to finish it sooner because of the detour. Mr. Winstead reported that Angelview Lane was progressing and the plans have cleared for the right-of-way. They continue to do maintenance on the roads.

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IN RE:           CABLEVISION

Mr. Brinton Belyea of Cablevision was present. Mr. Belyea invited the County to use the Channel 24 access for any messages to reach those citizens in the County. It is free of charge. He spoke briefly about the televising of the Board meetings and encouraged the Board to visit the station to see how it actually works. Mr. Belyea also spoke about some new optical fibers they will be putting in which will enhance the quality of the viewing.

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IN RE: WINGATE APPRAISAL

Mr. Harold Wingate addressed the Board in reference to a request for an extension. He stated the field work was complete but the date entry has been slowed down with the turn over of the clerical help. The legal deadline is December 31st. They also picked up the building permits that Mr. Yeatts was doing which increased their work load. Mr. Salmon suggested Mr. Emerson contact the Commissioner of Revenue and speak to him about doing the building permits which would take part of the work load from the reassessment. Mr. Wingate asked for a 90 day extension. The Board discussed this request and asked Mr. Wingate some further questions about the timing for citizens to go before the Board of Equalization. Mr. Salmon moved to authorize the County Attorney to petition the Circuit Court of New Kent County to extend the time for completion of the reassessment until February 28, 1996.

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

Motion passed.

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IN RE: PUBLIC HEARING - 1995/96 BUDGET

Mr. William Johnson, Accounting & Budget Officer gave a brief overview of the requested funding for the 1995/96 budget. This request included \$408,000 for the schools, \$200,000 for the transfer stations and \$10,000 for the airport. If this amendment to the budget is approved tonight there will be a fund balance of approximately \$530,000. The airport is working in a positive cash flow but the County has been operating the airport longer than anticipated therefore there is a need for an additional \$10,000. Dr. J. Roy Geiger, Superintendent of Schools reiterated the request for an additional \$408,000 as presented to the Board of Supervisors in November. They have made significant cuts throughout the school system to help with budget problems they are facing. Mr. Geiger asked the Board to take all these issues into consideration when they decide on their request for this money.

Mr. J. Lawrence Gallaher, Director of Public Safety reported on the request for an additional \$200,000 for the transfer stations. When preparing the budget last year he contacted Chambers for help because this was the first year we would have two transfer stations in operation. The numbers we were given were erroneous. We operate on an advanced estimated billing and when reviewing these invoices, we realized the money that was budgeted for trash removal was going to be short. Mr. Emerson, Mr. Johnson and myself met with Chambers and finally got the estimated advanced billing down to a more reasonable amount but we will be spending approximately \$475,000 for trash removal. Mr. Salmon suggested we might want to reconsider our involvement in CVWMA next year. Mr. Salmon opened up the meeting for the public hearing.

Ms. Cathy Mitchell of Quinton has two children in high school and feels the cuts will hurt the quality and reputation of our schools.

Mr. John Crump of New Kent felt if there is outrage about the budget for the schools, then there should be anger about the budget problem with the transfer stations. We get less service for the money we are now paying and asked the new Board to take a hard look at this to see if there is any other way to do it. He supports the appropriation for the schools. If you are trying to promote new business to the County, the schools are one of the first things people consider when locating a new business.

Ms. Pam Currey of Quinton said she felt they had cut enough. Dr. Geiger did a good job with handling the budget problems. She was in favor of Cathy Kitchen helping them with the budget but she will also come down hard on State funding if we are not careful and reduce services any more.

Mr. Kornell Davis of District Four said he had no children in the schools however, he felt Dr. Geiger had made all the cuts he can make without hurting the schools.

Mr. Jim Brabrand, Brickhouse Lane asked about the extra money needed for the trash. Mr. Salmon replied, the budgeted number was too low and they were given a bad estimate of the costs for the year.

Mr. Christopher Madison of Eltham wanted to know if we are really saving money on the transfer stations. He has two children in high school and they say equipment disappears from the schools. He wanted to know if the \$408,000 figure is right. Will this benefit the staff and teachers or will it help the kids?

Ms. Thelma Wilson of Quinton said she approved of the request.

Reverend Hathaway felt they should not put all the deficits together. He thought the School Board had done a good job in meeting the requirements of the Board and felt the Board should approve the request.

Mr. Ed Pollard urged the Board to grant the schools the money and to give the new superintendent and school board a chance to get started right. He hoped the new Board would look at the budget for the trash and come up with a good number next year.

Mr. Charles Moss urged the Board to approve the school board budget request.

Mr. Ralston of Quinton, being a new resident said they look at the schools and police department before choosing a location. Can't understand why a community that is committing itself to a race track and going Hollywood with television can even discuss the purpose of not giving them what they ask for. His wife is a volunteer for the schools and helps at the library.

Mr. Ron Jordan, District Two. Said the issue is not about the school board, it is about the future. Remove the cloud that is hanging over the school system and affecting the teachers and kids by the cuts. It is time to bite the bullet and vote to approve this appropriation.

Mr. Fred Benson, Woodhaven Subdivision feels as though the schools are living on bare bones right now. We cannot afford to get behind and recommended the appropriation of funds.

Mr. Greg Davis of District Two supported the school request and felt they shouldn't have to beg for money. He would be willing to pay more taxes to help the schools.

Mr. Keith McAllister of New Kent Highway said he has four children in the schools. He was also in favor of supporting the schools. One reason for people leaving an area is poor schools and crime, we can't let that happen.

Ms. Patricia Townsend wanted to commend Dr. Geiger for doing the cost cutting but felt they have cut enough and supported the amendment to the budget.

Mr. Ed Gran said he thought everyone was smart enough to realize we have to fund the schools and everyone was smart enough to know we will have to raise taxes to pay for it. He felt the new Board of

Supervisor and the new School Board should have some say in this and felt they should fund this money on a monthly basis until they can have time to look at the problem.

Ms. Barbara Hale of Lanexa was in favor of supporting the request of the schools but was also in agreement with Mr. Gran and do it slowly to give the new boards time to look at the budget. She would like to see additional funds be put in the budget for the upcoming year so we can retain the good teachers and help morale.

Ms. Sam Snyder of Lanexa was in support of granting the money but was concerned about this taking down the fund balance so low and that next year will be a tough budget.

Ms. Shanna Hilliard of Lanexa is a stay at home mom. She has made special cuts and done without to provide for her children. She feels as though the schools have made all the cuts they can and that the Board should consider making cuts so they can provide this money for the schools.

Mr. Salmon then closed this portion of the public hearing. Mr. Burrell moved to approve the amendment to the 1995/96 budget for the addition of \$618,000. School Board \$408,000, transfer stations \$200,000 and airport for \$10,000. Mr. Boroughs asked Dr. Geiger and the School Board to consider when hiring the Assistant Superintendent they have an accounting background he and would also like the accounting system to be integrated with the County system.

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

Motion passed.

Mr. Salmon said he appreciated everyone's comments and would encourage the citizens to stay involved in the local government. Mr. Burrell added this public hearing was required by law.

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FOR 1995/96 BUDGET AMENDMENT AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE, PAGE 406.

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Mr. Salmon recessed for three minutes.

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IN RE: PUBLIC HEARING - O-16-95 VEHICLE DECAL

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Mr. Cornwell explained the ordinance before them was to amend the license tax year to allow for collection of vehicle decals concurrently with the personal property taxes. Because there will be one short year they would prorate the taxes. Mr. Emerson said it would cost the County over \$55,000 because of the proration. He suggested, if the Board goes with prorating, not to put this into effect until 1997 so they can budget for it. Mr. Salmon asked the public to comment on whether or not they were in agreement with the proration, as well as sending the decals the same time as the personal property tax bills. Mr. Salmon opened up the meeting for public comment.

Mr. Fred Bahr stated, if they do not prorate and you make the tax year from January 1st to December 31st, then you will be doubling for three months. He was in favor of doing this.

Mr. John Crump was in favor of sending the tax bill and decal information at the same time. He was not aware of the suggested proration that would reduce revenues and therefore was not in favor of proration.

Ms. Becky Philbates is upset by seeing old tags on vehicles. She agrees in doing this and therefore everyone should have a current sticker.

Mr. George Philbates agrees with it but doesn't see any point in prorating.

Mrs. Thelma Wilson was in favor of this action.

Reverend Hathaway was in favor of sending decals with taxes but was not in favor of prorating.

Mr. Ed Pollard felt it should be left like it is.

Mr. Charles Moss also agreed it should be left like it is. Would be in favor of changing the date of personal property taxes to be due in October and relieve the burden of taxes so close to the holidays.

Ms. Betty Burrell, Treasurer feels if they don't prorate the customers will be very angry and they also won't like the additional fee they have to pay at Christmas. If you prorate, put it in place in 1997. She is in favor of having one statement serve two purposes. Mr. Bradby asked Ms. Burrell how much savings there will be by sending these two items together. Ms. Burrell replied, approximately \$3,000.

Ms. Barbara Hale was in favor of sending the decals in December but she was not in favor of proration. She was also in favor of moving the taxes to July to coincide with the fiscal year.

No more comments were made and Mr. Salmon then closed this portion of the public hearing. Mr. Bradby moved to approve Ordinance O-16-95 as presented without proration.

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

Motion passed.

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FOR ORDINANCE O-16-95 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE, PAGE 407.

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IN RE: PUBLIC HEARING - (3) AGRICULTURAL & FORESTAL REQUESTS

Mr. David Maloney explained the three AFDs to the Board. The applications for consideration request the following actions. John C. and Mary G. Peace would like to add 21.98 acres to the Old Dispatch AFD; Robert B. and Elizabeth Mills would like to add 27.7 acres to the York River AFD and Troy Tomlin for removal of 5.18 acres from the York River AFD. Mr. Maloney gave the seven criteria by which properties must be judged when considering them for inclusion in an Agricultural and Forestal District. The Planning Commission was in favor of these AFDs. Mr. Salmon opened the meeting up for public comment.

Mr. George Philbates was in support of the AFDs. No further comments were made and Mr. Salmon closed this portion of the public hearing.

Mr. Boroughs moved to adopt O-10-95, O-11-95 and O-12-95 as presented.

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

Motion passed.

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FOR ORDINANCES O-10-95, O-11-95, AND O-12-95 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE, PAGES 409 THRU 414.

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IN RE: PUBLIC HEARING - O-09-95 AMENDMENT TO CONDITIONAL USE PERMIT

Mr. Maloney explained this proposed amendment addresses the process by which conditional use permits are issued by New Kent County and bring the County's process into compliance with the Code of Virginia, 1950 (as amended). In this amendment it is required all applications for conditional use permits shall be acted upon by the Board; it also states that notices and public hearings be required and lastly the zoning administrator will transmit a copy of the application to the local commission which may send a recommendation to the Board or appear as a party to the hearing. In short, the amendments prepared by staff establish a process for the issuance of conditional use permits that parallels the process for applications for rezoning. This amendment was brought about due to the change in the zoning ordinance in regard to the placement of manufactured homes. The Planning Commission at its October meeting voted to recommend this ordinance. Mr. Cornwell stated the State requires the Board of Supervisors to approve the CUP's and we need to accept this ordinance to be in compliance. Mr. Salmon opened up the meeting for public comment. No comments being heard he then closed this portion of the public hearing.

Mr. Boroughs moved to adopt O-09-95 as presented.

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

Motion passed.

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FOR ORDINANCE O-09-95 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE, PAGE 415.

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IN RE: PUBLIC HEARING - O-03-95 HORSE IN RESIDENTIAL

Mr. Maloney went over the issues dealing with horses in residential districts. He also read the requirements for the surrounding counties as it referred to horses in residential areas. A local veterinarian was contacted and suggested that one horse per three acres was probably better for the animal's well-being. Mr. Maloney stated they had also spoken with the Virginia Tech Extension Service and they indicated that no standard exists and that proper management and care can be accomplished on lots of varying sizes. Mr. Maloney then went over the changes to the New Kent County Zoning Ordinance. The basic requirements would be a conditional use permit, a minimum of three acres for the first horse and an

additional horse may be kept for each additional two acres, a stable must be provided for the housing of all horses and all pastures shall be surrounded by fencing. The Planning Commission recommends adoption of this ordinance to permit the keeping of horses on residentially zoned properties, with a conditional use permit. Mr. Salmon opened up the meeting for public comment.

Ms. Jan Watson is in favor of having horses in residential areas but feels three acres is too much. Some subdivisions have covenants that allow horses on one acre.

Mr. Henry Watson said The Colonies allow horses on one acre and he feels it is a management situation as far as one acre and urged the Board to lower the acreage to one.

Mr. Gene Martin was not in favor of three acres for horse and also suggested the Board to lower the acreage.

Mr. George Philbates said there are places in the County now that allow horses on one acre and thinks that is plenty.

Mr. Kornell Davis asked if the three acres included the dwelling. Mr. Maloney responded they felt three acres would allow for all aspects of a home; i.e. set backs, dwelling, driveway, drain fields, etc. There are also requirements for distances from wells and septics that needed to be considered.

Mr. Jim Brabrand wanted to know if a conditional use permit would be needed. Mr. Cornwell replied yes.

Mrs. Thelma Wilson felt one acre was too small.

Reverend Hathaway said the Planning Commission had many comments on this same issue at their public hearing. The concerns he had, as well as other on the Planning Commission, were while some could manage on one acre, his concern is future owners for that same property. Another consideration was for the neighbors.

Ms. Barbara Hale was in favor of the three acres, mostly because of the neighbors and what that could represent.

No more comments were made and Mr. Salmon closed the public hearing. There was some further discussion between Board members and staff. Mr. Ringley moved to adopt Ordinance O-3-95 to amend the New Kent County Zoning Ordinance to permit the keeping of horses on residentially zoned properties with a conditional use permit as presented.

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

Motion passed.

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FOR ORDINANCE O-3-95 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE, PAGE 419.

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Mr. Bradby asked to be excused as he had to get to work. Mr. Salmon excused him.

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IN RE:            APPOINTMENTS

Mr. Boroughs moved to appoint Alease Christian as District Five's representative to the Board of Trustees-Heritage Library for the term ending June 30, 1999. Mr. Boroughs moved to reappoint Albert Dean to the Agricultural & Forestal Advisory for the term ending December 31, 1999. He also moved to reappoint Mr. John Mullen to the Board of Road Viewers for the term ending December 31, 1996. Mr. Boroughs moved to reappoint Mr. Paul Davis to the Recreation Commission for the term ending December 31, 1996.

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

Motion passed.

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IN RE:            MEETING SCHEDULE

The regular meeting of the Board of Supervisors will be held on January 8, 1996 at 7:00 p.m. The Planning Commission will meet on Monday, December 18, 1995 at 7:30 pm. The Board of Supervisors will meet on December 18th at 5:30 p.m. for a presentation from the auditors. The Racing Commission will meet on December 20th at 9:00 a.m.

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Mr. Boroughs made a motion to close the County Offices on December 27th as part of the Christmas holidays.

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

Motion passed.

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IN RE:            CITIZEN'S COMMENTS

Mr. Ed Branch gave his time to W. C. Pearson.

Mr. David Pitts, Jr., a member of Company #2 Fire Department. He wanted to speak on behalf of W. C. Pearson and would like to see him reinstated back into the fire department with no exceptions or stipulations. He has been an outstanding member and Chief and has done more positive things for the fire department than any other single individual. It is very sad and degrading if we just want to talk, I have to go outside the fire house because he is not allowed on the grounds. He hopes the citizens and the Board members would support this reinstatement. It sometimes seems like an outside influence is doing this to W. C. but it can't be proven. He hoped by speaking up for someone he admires doesn't cost him his membership in the fire department. He hopes the citizens and the Board would support the reinstatement of W. C. Pearson.

Mr. Jim Linkenhoker, a member of Company #2. The members of the volunteer fire department of New Kent County are very proud and dedicated men and women. The problems with the fire department have almost become debilitating. We need W. C. back with no restrictions. It is now time for the Board of Supervisors to step in. It is the Board's responsibility to see there is proper protection. When a few members of the Board of Directors can expel the best trained volunteer for no reason except politics, the Board of Supervisors have to get involved. He felt he was jeopardizing his membership by speaking out on behalf of W. C. Pearson.

Mr. Gary Lewis, a member of Company #2. He stated he was reluctant to speak, and felt as those who spoke before him, he may be put out of the fire department. W. C. is valuable volunteer to the fire department. The Fire Department Board has no right to remove someone that was voted in by the members of his own company. They said he was expelled because he was detrimental to the company and he did not believe this was the reason. W. C. was removed because he pushed for Company's Two independence from the fire department. His request was not only W. C.'s but the Company's wish also. Company Two's request for independence or the department's mediation is a serious step that needs to be taken now.

Ms. Betty Hicks, a member of Company #2. She came to voice her support for W. C. Pearson. She appreciated the Board's comments made earlier requesting mediation to begin in one month's time. She has spoken with a lot of people over the last few months about this issue including the members of the Board of Directors and Chief Seitz of the fire department. They cannot tell me why they deem W. C. detrimental to the fire department and why they kicked him out. They continue to say there are personnel issues which can only be discussed in executive session. Where does it say in the By-Laws they can accuse, try and convict someone without having to say why. This situation involved personalities and politics. There is no evidence of any illegal or wrongdoings on the part of W. C. Pearson. A majority of Company Two's members are asking for W. C.'s reinstatement and the community is voicing their support. Based on the direction of the Board's resolution, they will begin to direct the public support and their concern about this situation to the fire department Board of Directors. We will insist that mediation begin immediately and they will request the Board to reinstate W. C. immediately. The Fire Department Board of Directors will meet on December 21st and this meeting is open to the public.

Mr. Tommy Hicks, a member of Company #2. He said he is a valuable county employee because he is free. It is the County's responsibility to provide fire protection. The County provides equipment but that won't be any good with the volunteers. The Board of Supervisors will have to accept the responsibility of the fire department especially with the new growth in the County. They will need to look into a paid fire chief at some time. He has been with the fire department for over 22 years. The organization needs W. C. Pearson.

Mr. W. C. Pearson, a citizen of the County for 44 years. He joined Company #2 in March of 1982 and dedicated his serviced to the citizens of New Kent County. He has been Chief and also headed up several projects which have benefited the entire fire department and the County. At a meeting on August 17, 1995 his name was stricken from the rolls of the fire department. A one page letter dated June 6, 1995 stating that he has refused to abide by the Constitution By-Laws was handed to him at that meeting. He does not know what By-Law was broken because he was not allowed to hear it. The letter also stated that his presence on department property is deemed to be detrimental to the function of the department and safety to the citizens of New Kent County. His presence on the property will be deemed to be a criminal offense of trespassing and violation of the Virginia Code and he will be prosecuted to the fullest extent of the law. It has been said he is allowed to step onto the property to provide advanced life support only. He has not received this in writing and will stay off of the fire department property for fear of being prosecuted. He was never given a chance to an appeal hearing which was requested in writing on September 21, 1995. The fire department agreed to use a mediator at their September Board Meeting to help resolve the

problems between the companies but nothing has been done. Company #2 has supported his return since being kicked out. At the November Board Meeting over 40 letters were read to reinstate him. A motion was made to reinstate him with the stipulation that he could never hold another elected office and would have to answer directly to the Board of Directors. There was a tie vote of 3 to 3 and the tie was broken by Chief Seitz who voted no. He is being blamed for all the problems in the fire department. The splitting of Company #2 away from the fire department is a dead issue. He urged the Board of Supervisors to get involved to resolve these issues.

Mr. John Mihalcoe, a member of Company #1. He stated he used to be a member of Company #2 but transferred because he did not like what was going on. He urged everyone to come to the fire department meetings. They spoke about one man getting kicked out, what about those people who were kicked out when W. C. was Chief? They tried to remove John McLaughlin because of his accident. He is not happy with what goes on in Company #2. He felt it was up to the Board of Directors what goes on in the fire department.

Mrs. Thelma Wilson wanted to thank those Board members who were leaving for their four years of service.

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IN RE:           ADJOURNMENT

Mr. Ringley moved to adjourn.

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

Motion passed.

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