

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE EIGHTH DAY OF FEBRUARY IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-THREE IN THE BOARD ROOM OF THE COUNTY OFFICE BUILDING. THE CHAIRMAN CALLED THE MEETING TO ORDER WITH FOUR MEMBERS PRESENT. MR. RINGLEY WAS ABSENT DUE TO ILLNESS AND HOSPITALIZATION. THE INVOCATION GIVEN BY MR. BOROUGHS WAS FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

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IN RE: MINUTES

Mr. Bradby moved to approve additions to the minutes of the meeting held on December 14, 1992 as well as the minutes of meetings held on January 5, January 11, January 25, and February 1, 1993.

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| James H. Burrell   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

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IN RE: FINANCE REPORT

Mr. Burrell moved to approve the expenditures for the month of January 1993 totaling \$259,264.17 as presented in the monthly expenditures report.

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| James H. Burrell   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

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IN RE: TREASURER'S REPORT

Following the report given by Ms. Burrell, Mr. Boroughs moved to approve the Treasurer's report for the months of November and December 1992 and to authorize the Treasurer to continue to invest County funds in the highest yielding legal investment, subject to audit.

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| James H. Burrell   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

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IN RE: ELECTED OFFICIALS REPORTS

Mr. Salmon announced that the Budget Work Session to be held on February 10th would be rescheduled for 6:30 p.m. on February 18 in order that the Board members might meet with the supervisors of Henrico County on that date.

Mr. Burrell reported that he had attended a meeting of the Central Virginia Waste Management Authority. He said he would like for New Kent to start its recycling program as soon as possible. Mr. Boroughs paid tribute to the late Eddie Powell for his many contributions to the youth of New Kent County.

Mr. Bradby spoke of the fundraising campaign being initiated for the benefit of Mary Minor Malechek who is in need of extraordinary medical treatment.

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IN RE: STAFF REPORTS

Mr. Emerson presented information concerning an application for a conditional use permit for temporary storage of a mobile home, MH-1-93. Mr. Boroughs moved to approve the permit on condition that all necessary papers and fees are provided to Mr. Emerson's office.

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| James H. Burrell   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

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IN RE: REPORT OF THE AIRPORT ADVISORY COMMISSION

Mr. Bob Sulcer brought the Board up-to-date on the activities of the Commission as they seek to carry out the responsibilities assigned by the Board. Mr. Salmon commended the members for their dedication.

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IN RE: RESIDENT ENGINEER'S REPORT

Mr. Bob Riley reported that a signed contract is expected within two weeks and that work on Route 627 will then resume as soon as possible. He also reported that a request has been made to look at a right turn lane, westbound on Route 60 at Route 1201, which is an entrance to Five Lakes. He will ask for State funds for the project. They have also had a request to look at the cul-de-sac on Brook Road in Five Lakes which has drainage problems. He said that a stop sign has been taken care of at Route 647.

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IN RE: PUBLIC HEARING, ORDINANCE O-01-93, REFUND OF WATER DEPOSIT

Mr. Morgan, County Attorney, said that the ordinance change had been proposed in order that deposit fees for water hookups could be refunded to those water users who are not delinquent in payments. Chairman Salmon opened the public hearing but no comments were made; the public hearing was closed. Mr. Bradby moved to adopt Ordinance O-01-93 as presented.

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| James H. Burrell   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

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FOR ORDINANCE O-01-93 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 169.

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IN RE: APPROPRIATION, DEPOSIT REFUNDABLE

Pursuant to the passing of Ordinance O-01-93, Mr. Salmon moved to appropriate \$2,500.00 to Line Item 4104-1003, Deposit Refundable.

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| James H. Burrell   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

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IN RE: RESOLUTIONS R-4-93, R-5-93, R-6-93, R-7-93 AND R-8-93; HIGHWAYS INTO SECONDARY SYSTEM

Mr. Hart presented the five resolutions for adopting certain sections of roads in the County which have been improved and relocated by the State Highway Department. By these resolutions, existing rights-of-way will be abandoned and the improvements adopted for state maintenance program. Mr. Boroughs ascertained that adjoining property owners would be notified of the abandoned sites reverting to them and moved to adopt Resolutions R-4-93, R-5-93, R-6-93, R-7-93 and R-8-93 as presented.

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| James H. Burrell   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

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FOR RESOLUTIONS R-4-93, R-5-93, R-6-93, R-7-93, AND R-8-93, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGES 170-174.

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IN RE: BYLAWS AMENDED

Mr. Salmon explained that an amendment to the current Bylaws had been suggested to change the third sentence of Article V, Paragraph A, to read: "Any matter not listed on the agenda shall not be acted upon over the objection of any three members present." Mr. Burrell moved to readopt the current Bylaws of the Board of Supervisors as amended.

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| James H. Burrell   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

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IN RE: STATEMENT OF TREASURER'S ACCOUNTABILITY

Mr. Salmon said that the Finance Committee had reviewed the audit by Robinson, Farmer, Cox Associates for the year ending June 30, 1992, and that everything appeared to be in order. Mr. Bradby moved to authorize the advertisement of the Treasurer's Accountability as required by law.

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| James H. Burrell   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

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IN RE: APPOINTMENTS

Mr. Boroughs recommended the appointment of Mr. Eric Lemons to the Board of Zoning Appeals for a five-year term ending December 30, 1997.

Mr. Burrell reappointed Mr. James Moody, Sr., as District Three's representative to the Board of Road Viewers for a one-year term ending December 31, 1993.

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| James H. Burrell   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

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IN RE:           CONDITIONAL USE PERMIT CUP-13-92, BED AND BREAKFAST.

Mr. Emerson explained the request of Howard and Joyce Vogt to operate a bed and breakfast and antique shop located on the west side of State Route 155 approximately 1-1/2 miles north of Providence Forge. He said that they have met all the criteria needed to operate and that Staff recommended approval. Mr. Bradby moved to approve CUP-13-92 as presented.

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| James H. Burrell   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

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IN RE:           CONDITIONAL USE PERMIT CUP-14-92, OAKHILL FARMS, INC.

Mr. Emerson presented the application of Oakhill Farms, Inc., Woodstock, Virginia, to drill a replacement well for their private water system which is in the original section of the Five Lakes Subdivision. The well is currently in operation and serving 84 connections. Staff recommended approval of this application. Mr. Boroughs moved to approve CUP-14-92 as presented.

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|--------------------|-----|
| James H. Burrell   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

Mr. Hart, County Administrator, said that the Board had been approached by Oakhill Farms about the possibility of the County taking over and operating the original Five Lakes water system. An evaluation is necessary; in order to evaluate the appropriate price for the system, Staff has requested proposals for engineers to do an evaluation of that system and to give a report so that the Board can respond to the offer. Several engineering companies responded and their proposals have been reviewed by Staff. Mr. Hart requested authorization to proceed with the study at a \$2,000 approximate cost. Mr. Boroughs moved to authorize the evaluation study.

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| James H. Burrell   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

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IN RE:           WATER AGREEMENT

Following a brief explanation by Chairman Salmon, Mr. Burrell moved to direct the County Staff to discontinue negotiations with the City of Newport News concerning the sale of groundwater from the Talleyville and Delmarva wells as detailed in the current proposal.

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| James H. Burrell   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

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IN RE:            APPROPRIATION

Mr. Hart presented a request from the Director of Public Safety for appropriation of funds to cover cost of two-way mobile radio equipment for which reimbursement has been received from the State. Mr. Bradby moved to appropriate \$7,093.21 to Line Item 3505-7003, Communication Equipment.

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| James H. Burrell   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

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IN RE:            REFUNDS

Mr. Burrell moved to refund \$38.50 to Paula Parisi Peaden, \$30.80 to Marvin E. Dooley; \$346.50 to Sovran Leasing Corp., and \$88.42 to Patricia L. Gregory, all for double tax assessment and payment; and \$54.00 to Maureen A. Neal for erroneous assessment.

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| James H. Burrell   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

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IN RE:            MEETING SCHEDULE

The next regular meeting of the Board will be held on March 8, 1993; a meeting with Henrico County on February 10; a Budget Work Session at 6:30 p.m. on February 18, 1993; and the Airport Advisory Commission on March 2 at 7:30 p.m. at the Airport.

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IN RE:            CITIZENS COMMENT PERIOD

Mr. Norman Thomsen discussed the situation concerning truck traffic from Route 60 onto Route 106, specifically the area between I-64 and Rt. 60, and involving Chambers trucks mostly. He pointed out that there is a far greater number of private drives and school bus stops on Route 106 than there are on Route 60.

Mr. Jack Simons said his comments were unnecessary following the Board's action concerning the water issue.

Ms. Laura Wicker asked why the Board continued negotiations following the citizens petitions.

Mr. Thomas Mountcastle's comments concerned the conditional use permit given Howard and Joyce Vogt last month.

Mr. Robert Broughman commented on the water issue and expressed an opinion that Newport News will be back.

Ms. Diana Abbs said: "It was a very wise decision on behalf of the Board of Supervisors to vote down the sale of our groundwater to the City of Newport News. This was quite a learning process for all of us and we got quite an education. We learned a lot more than we thought we would about water. I understand that Newport News has extensive studies on injection wells in our area. After checking wells in New Kent and not finding adequate information on injection wells and since there are Federal requirements concerning these wells with the EPA, I think the Board of Supervisors should look into this matter."

Ms. Donah Hockaday thanked the Board for ending discussions with Newport News; asked that the Board keep the public informed on any issue; and read an excerpt from HB 2387 of the 1993 General Assembly concerning injection wells.

Mr. Chris Hockaday thanked the Board for doing the right thing.

Mr. James Gardner expressed concern at what happened at the February meeting when a County employee offered comments as a private citizen; he asked that apologies be given.

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IN RE: EXECUTIVE SESSION

Mr. Boroughs 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. (Camp #16)

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| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| James H. Burrell   | Aye |
| Michael D. Salmon  | Aye |

Mr. Boroughs moved to go back into regular session.

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| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| James H. Burrell   | Aye |
| Michael D. Salmon  | Aye |

Mr. Burrell 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.

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| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| James H. Burrell   | Aye |
| Michael D. Salmon  | Aye |

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IN RE:            PRIMARY SCHOOL RENOVATION

Mr. Hart brought before the Board as an additional item the need of the School Board for authorization to proceed with engineering and design of the Primary School addition and renovation in order to meet the construction schedule. The Board of Supervisors agreed to discuss this matter. Following discussion, Mr. Salmon moved to authorize the School Board to proceed with work necessary to construct the Primary School addition and renovation projects with the understanding that this construction is not to exceed \$2.7 million.

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| James H. Burrell   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

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IN RE:            ADJOURNMENT

Mr. Bradby moved to adjourn.

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| James H. Burrell   | Aye |
| Marvin D. Bradby   | Aye |
| Robert A. Boroughs | Aye |
| Michael D. Salmon  | Aye |

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H. Garrett Hart, III  
County Administrator

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Michael D. Salmon  
Chairman