

A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE TWELFTH DAY OF JULY IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-THREE IN THE LOWER CONFERENCE ROOM OF THE COUNTY OFFICE BUILDING. ALL MEMBERS OF THE BOARD WERE PRESENT.

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IN RE: WATER RATES

Chairman Mike Salmon called the meeting to order and turned the meeting over to Mr. Steve Jacobs of Robinson, Farmer, Cox Associates, who presented and explained the Capital Improvements Plan dated April 1993.

The Board members engaged in discussion with Mr. Jacobs, but no action was taken concerning the matter.

The Chairman called recess until the Board could reconvene upstairs.

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE TWELFTH DAY OF JULY 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 ALL MEMBERS PRESENT. THE REVEREND FLOYD JEFFERSON GAVE THE INVOCATION, AFTER WHICH THE PLEDGE OF ALLEGIANCE WAS MADE.

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IN RE: MINUTES

Mr. Bradby moved to approve the minutes of the meetings held on June 7 and June 10, 1993.

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

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IN RE: FINANCE REPORT

Ms. Alease Christian presented her report. Mr. Burrell moved to approve the expenditures for the month of June totaling \$353,070.51 as presented in the monthly expenditures report.

E. David Ringley	Aye
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

Ms. Betty J. Burrell gave her report. Mr. Bradby moved to approve the Treasurer's report for the month of May 1993 and to authorize the Treasurer to continue to invest County funds in the highest yielding legal investment, subject to audit. She said that as of June 30, 1993, \$453,318 more delinquent taxes had been collected than previously expected.

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

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IN RE:                RESIDENT ENGINEER'S REPORT

Mr. Riley's report was very brief. He said that speed studies had been completed on both Route 627 projects and that 40 mph signs had been posted. Mr. Salmon asked if any speed studies had been done on Route 249. Mr. Riley said he knew of none in recent years but thought it time to do so. Mr. Salmon also brought up the need to post lower speed rates on Route 612 at the Kenwood Farms and Greenwood Estates Subdivisions and Mr. Riley said they would look into it. Mr. Ringley thanked Mr. Riley and the VDOT for the deceleration lane on Route 60 at Brook Road; work is expected to begin within sixty days.

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IN RE:                RESOLUTION OF APPRECIATION R-17-93, MRS. DORIS A. STONE

A resolution of appreciation was presented to Mrs. Doris A. Stone for her eight years of service on the Social Services Board. Mr. Salmon read the resolution and Mr. Boroughs made the motion to adopt. Mr. Ringley, who serves as the Board's representative to the Social Services Board, also commended Mrs. Stone.

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

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FOR RESOLUTION R-17-93 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FIVE AT PAGE 185.

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IN RE:                AIRPORT ADVISORY COMMITTEE REPORT

Mr. Robert Sulcer reported that the committee recommends that a comprehensive master plan for the airport be developed. He was advised by Mr. Morgan that an application for a grant to accomplish this has been submitted. Mr. Sulcer also requested that the Board sponsor the Airmobile from the Air Museum for a three-day visit next April to New Kent County whereby interested citizens may view the exhibits.

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IN RE:                PUBLIC HEARING, ORDINANCE O-05-93, WATER RATES

Prior to the public hearing, Mr. Steve Jacobs of Robinson, Farmer, Cox Associates, explained the various scenarios for water rates as prepared by his company. The chairman opened the public hearing.

Mr. George Philbates said that he was not on a County-owned system, but he spoke in favor of the increase.

Mrs. Gladys Otey was also in favor of the increase although she is not on a county system; she said it is the cheapest water she has heard of; she said that the cost of her drilled well and pump replacement was far greater than the rates proposed for homeowners on the county systems.

Mr. Cabell Martin, who lives in White House Farms, does not want such a large increase because he thinks the County is making a profit; he said that he paid for the well and then the well was turned over to the County to maintain.

Mrs. Kathleen Russell from The Colonies recommended that the County maintain the quarterly billing.

Mr. Tom Davis, also of The Colonies, said that residents paid for their wells when they bought their homes; he supported Mrs. Russell's position.

Dr. Brian Wright of Five Lakes spoke against the increase and suggested that the County should charge their customers for what they use and not raise the base rate.

Mr. Chris Madison of Eltham said he did not hear the consultant; he will bill the County for his well.

Mr. Greg Davis of Five Lakes spoke against the increase of the base rate but preferred billing according to usage.

The Chairman closed the public hearing. He explained that the Water Fund is an enterprise fund which is money to be spent on costs. Only water customers pay for the revenue.

Mr. Ringley expressed the opinion that the water systems are moneymaking projects and that the proposed high rate for businesses may discourage prospective businesses from locating in the County. He said he did agree with some kind of an increase.

Mr. Salmon recommended that the Board consider the public comment, go through the numbers, and then take the subject up at their next meeting. Mr. Ringley asked for the name or type of business which would require a 6-in. meter. The Board members were in consensus to consider the water rates at the regular August meeting.

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IN RE: RESOLUTION, R-12-93, SECONDARY HIGHWAY BUDGET

Mr. R. H. Riley, Jr., Resident Engineer, gave a brief explanation of the Annual Secondary Highway Budget and Priority Listing. He reported that he had submitted the proposed budget for 1993-94 because it had been due on July 1, 1993. The Chairman then opened the public hearing.

Mr. George Philbates spoke in approval of the budget as presented and thanked the Board of Supervisors for looking into Angelview Road which has been a hassle for school buses through the years; he suggested a cul-de-sac for school bus turnaround and offered to donate fill dirt.

Mrs. Gladys Otey asked that Ashland Farm Road be left on the priority list.

Mrs. Gladys Morris spoke of the water in the driveway where school buses turn around.

Mr. Carl Lunsford said that school buses cannot make it through on Poindexter Road when it rains.

Mr. E. E. Harrison, speaking of Route 604, said that numerous accidents had occurred on this road.

Mrs. Edith Randall, a bus driver, said the road deserves to be paved.

Mrs. Sam Snyder was amused at the priorities and wondered if "politics" was going on.

Mr. Gratton Stephens was involved in an accident on Poindexter Road several years ago; he said that it is a very dangerous road and should be moved up on the priority list.

The Chairman closed the public hearing and expressed his opinion that, as the County changes, the priorities may need to change, and through roads should have higher priority than dead-end roads.

Mr. Boroughs asked Mr. Hart to confer with Mr. Ishler about repairing the driveway on Angelview Lane where buses turn around. He also said that he tried to get Route 604 on the priority list several years ago but met opposition. He made a motion to adopt Resolution R-12-93 as presented.

In discussion, Mr. Bradby said he would like to see the Board move Route 604 up, even to the top of the list, but he understood Mr. Riley to say that such changes should come up in the fall of the year; he did not want to cause any problem by changing the priorities at this time. Mr. Riley said that changing the budget figures might jeopardize the County's funding. Mr. Ringley thanked the Board for putting Ashland Farm Road on the list. He said that Poindexter Road has a traffic count of 325 vehicles per day and is a connecting road. Ashland Farm Road has 103 vehicles a day and is a dead-end road while Angelview Lane has 104 vehicles per day and is a dead-end road. Poindexter Road has three times more traffic and should be a priority. He would like to see the roads that are in the project list moved up. Mr. Riley said, even if Route 604 were Number One on the list, it would still take a year to get the survey work done and plans drawn up. Mr. Boroughs remarked that he wished Mr. Ringley had agreed with him to put Poindexter Road on the priority list six years ago. Motion tied and failed as follows:

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

Mr. Burrell moved to postpone the subject until the Board's next meeting. Mr. Bradby suggested that, since nothing could be done on Route 604 for a year, that any change of priority on the list be held until later this year when the six-year plan normally comes up. Mr. Burrell wanted another day to digest information. Mr. Ringley answered Mr. Boroughs, saying that six years ago he was a rookie on the Board and was green and did not know how to handle Mr. Boroughs at that time. Motion carried, as follows:

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

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IN RE: PUBLIC HEARING, REZONING CASE C-2-93

Following a five-minute recess, Chairman Salmon reconvened the meeting and Mr. Emerson explained the application of Kenneth and Cynthia Evans to rezone Tax Parcel 41-11, currently zoned Industrial M-1, to Agricultural A-1 and Conservation C-1 for the mining of sand and gravel which is not allowed now in an industrial zone. Mr. Salmon opened the public hearing but no comments were offered by the public. Mr. Ringley moved to approve the Rezoning Application C-2-93 as submitted.

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

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IN RE: PUBLIC HEARING, ORDINANCE O-04-93, MOTOR VEHICLES CODE

Mr. Morgan, County Attorney, explained that the ordinance adopts the State Motor Vehicles Code into the County Code and is done annually. Mr. Salmon opened the public hearing, but again no comments were heard from the public. Following close of the public hearing, Mr. Bradby moved to adopt Ordinance O-04-93 as presented.

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

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FOR ORDINANCE O-04-93 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FIVE AT PAGE 186.

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IN RE: PUBLIC HEARING, ORDINANCE O-06-93, VOTING PRECINCTS

Proposed changes in the voting precincts were explained by the County Attorney. Mr. Morgan also displayed a colored map of the districts with the proposed precincts pinpointed. Mr. Salmon opened the public hearing.

Mr. Fred Bahr, who lives within one-half mile of a polling place, said he must drive seven miles to vote.

Mr. Tom Davis of The Colonies said he had the same question Mr. Bahr had.

The public hearing was closed. Mr. Boroughs asked if the matter could be postponed, but Mr. Morgan said that time for approval from the Justice Department would be too short. A lengthy discussion culminated in postponement of the matter until the next scheduled meeting of the Board. Mr. Salmon went on record that, as far as District One is concerned, Kentwood Heights Baptist Church is a good location.

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IN RE: WATER

Mr. Hart, County Administrator, made a brief explanatory presentation concerning the proposed sale of water from the Delmarva well to the City of Newport News. Revenues will be approximately \$55,000/yr. Term of agreement is 15 years but can be terminated by County with 24 months notice. Newport News will pay 100% of operation/maintenance including monitor wells. With the construction of Cohoke Reservoir, New Kent would receive one million GPD raw water at no cost in exchange for the right for the lines to pass through the County to Diascund Reservoir. The lines would be taxable under same provisions that Newport News facilities are currently taxed. For recreation purposes such as a boat ramp, 12 acres on the Diascund will be donated by Newport News. The Board is also considering a mitigation plan.

Mr. Salmon, Chairman, offered citizens who had signed up for Citizen's Comment period, an opportunity to speak to this issue.

Mr. Fred Bahr asked several questions: Who owns the Delmarva well? Where is treatment system located? And a question relating to the capacity of the reservoir to hold the million gallons more per day.

Mr. Victor Golderos read a Water Narrative.

Mr. Bob Broughman disagreed that the water issue is not costing the County money; he thinks the issue should go to referendum.

Mr. Tom Davis asked if the County would be responsible for 15 years bond obligation even if deal is cut off before the 15 years is over, to which the answer was yes.

Ms. Gladys Otey said she felt cheated, accused the Board and Staff of working behind closed doors and going behind their backs.

Mr. Bill Poad asked what New Kent would do with 1 million gallons of raw water and said he didn't think \$100,000 would cover many dry wells.

Mr. Ray commented that water runs over the spillway at Newport News reservoir and that it seems like a terrible waste to him.

An unidentified man asked if the agreement was drafted by New Kent, and then asked why Mr. Morgan's memo mentioned the draft submitted by Newport News.

Mr. Bill Moseley read a letter addressed to David Ringley from Woodhaven Water Company expressing opposition to the sale of water to Newport News; he then pointed out a few problems with the agreement; and referred to the May 18 memo.

Mr. Chris Madison suggested that the Board accept the resignation of Mr. Hart and the citizens accept the resignation of the Board of Supervisors.

An unidentified resident of District 1 asked the County to spell out the need for a water system and take it to referendum.

Mr. Bill San Martino agreed with others who had spoken who recommended a two-fold referendum: (1) Whether the citizens will back the Board in a water system, and (2) Whether they want any of the groundwater sold to any other county.

Ms. Donah Hockaday spoke about the environmental issues, that the Sierra Club is still warning about the pumping for the sale of groundwater out of the Groundwater Management Area, and they feel like it is only the start--the more groundwater that is pumped, the less chance of getting a reservoir.

Mr. Mark Fulcher urged the Board to turn down the water deal.

Ms. Sam Snyder recommended that the water issue be put on referendum.

Ms. Dianna Abbs relinquished her allotted time to Mr. Moseley and Mr. Bahr that they might finish their comments.

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Chairman Salmon excused Mr. Bradby from the meeting because he had to report to work.

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Mr. Moseley finished reading the letter from Woodhaven Water Co.

Mr. Bahr wondered what effect the wellwater would have on Diascund, and about having Newport News build a treatment plant as opposed to a pipeline to the reservoir.

Mr. Phillip Felts said that he felt the contract has enough holes in it that New Kent will be left holding the bag.

Mr. Salmon thanked the citizens for their comments. Mr. Burrell moved that action be tabled until a time when Mr. Bradby could be present. Mr. Ringley recalled that the Board voted previously on the issue when he was in the hospital in February; Mr. Burrell reminded him that the Board knew his position and did not vote against his position. Mr. Ringley also referred to the opinion of a local well driller contractor who said that the racetrack project could be accommodated by drilling one or two smaller wells at the Delmarva Site and other places in the County. He recommended that the Board support the water for a racetrack the same way that they will accommodate the racetrack for sewer; that at the point where a racetrack developer comes to the County with an application approved in hand, then at that point the County would guarantee 150,000 gallons of water per day to be paid for with revenues generated by the racetrack.

Mr. Salmon answered a couple of comments made during public comment period: (1) Mr. Hart and Mr. Morgan work at the direction of the Board and this is a Board matter. (2) In answer to the accusation that the Board is working behind closed doors, the Board has done everything possible to bring information to the public, including mailing the facts to every post office boxholder in the County. Although not required to hold a public hearing, the Board did hear public comment on the issue at this meeting. Mr. Salmon also said that, in order to get businesses in the County, utilities must be provided and that this is an opportunity to put in some infrastructure; that getting businesses and industries into the County will help control taxes. Mr. Ringley expressed a desire to vote and get the matter over with. Mr. Burrell offered to withdraw his motion if the Board wanted to vote. He said that several citizens would agree to building New Kent's own water system and operate it so that New Kent will have control; and that is what the Board is attempting to do. He also spoke in favor of the racetrack as the kind of revenue producing business that would be good for the County. He withdrew his motion. Mr. Ringley moved that the County of New Kent promise whatever racetrack operator that is successful in getting the permit approved

by the State of Virginia Racing Commission that we drill enough small wells at the property to supply them with their water needs and that they be paid for from water fees collected from this water system, and that we discontinue talks with Newport News as far as water lines traversing New Kent County. He said he might oppose that pipeline from Cohoke Reservoir. Mr. Boroughs said he thought Mr. Bradby should be present for the vote. Mr. Boroughs said he was not ready to vote on the issue at this time, but was ready for the question on Mr. Ringley's motion.

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

Mr. Boroughs moved to postpone the vote on the proposed contract until the next meeting.

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

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IN RE:            PRIMARY SCHOOL FINANCING

In order to meet the Primary School construction schedule, it is necessary for the Board to meet and discuss the final details of the financing; Tuesday, July 13 at 6 p.m. was recommended as the time for the next meeting. The Board members concurred.

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IN RE:            APPROPRIATIONS

Mr. Hart explained briefly that the County participates in a program whereby the County receives funds from the Commonwealth of Virginia resulting from forfeited assets proceedings. Mr. Ringley moved to appropriate \$3,900.00 to Line Item 2107-5805, Forfeited Assets, and \$4,5083.86 to Line Item 2201-5805, both retroactive to FY 1992-93 Budget; and \$18,162.57 to line Item 2201-5805 and \$8,894.71 to Line Item 2201-5805, Forfeited Assets, for FY 1993-94 Budget.

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

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IN RE:            REFUND

Mr. Burrell moved to refund \$304.50 to Mrs. Patricia Powell for double assessment and payment of 1992 personal property tax.

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

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IN RE:            MEETING SCHEDULE



Mr. Salmon announced that the next regular meeting of the Board of Supervisors will be held August 9; the Planning Commission will meet on July 19; the Airport Advisory Commission will meet in September; the Board of Supervisors will also meet on Tuesday, July 13 at 6 p.m.

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IN RE: CITIZENS COMMENT

Mr. Felts said he had talked to both Mr. Salmon and to Mr. Riley of VDOT concerning what is happening on Route 612; he hopes the speed limit will be lowered.

Ms. Hockaday wanted to know about infrastructure of the water system and Mr. Salmon recommended that she contact him or Mr. Hart.

Mr. Antwan Sutherlin asked if the Highway Plan would be taken care of at the next meeting and if the meeting would be open to the public, both of which questions were answered affirmatively. Ms. Stone said that some New Kent residents who get their mail in West Point had not received the water information sheet.

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IN RE: EXECUTIVE SESSION

Mr. Boroughs moved to go into Executive Session to discuss a personnel matter pursuant to § 2.1-344(a)(1) of the Code of Virginia.

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

Mr. Burrell moved to go back into regular session.

E. David Ringley	Aye
James H. Burrell	Aye
Robert A. Boroughs	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.

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

Mr. Boroughs moved to adjourn the meeting.

E. David Ringley	Aye
James H. Burrell	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