

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE NINTH DAY OF AUGUST IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-THREE IN THE BOARD ROOM OF THE COUNTY OFFICE BUILDING. THE INVOCATION BY MR. BOROUGHS WAS FOLLOWED BY THE PLEDGE OF ALLEGIANCE. ALL MEMBERS OF THE BOARD WERE PRESENT.

IN RE: MINUTES

Mr. Bradby moved to approve the minutes of the meetings held on July 12 and July 13, 1993.

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

IN RE: TREASURER'S REPORT

Ms. Betty J. Burrell presented her report and Mr. Ringley moved to approve the Treasurer's report for the month of June 1993 and to authorize the Treasurer to continue to invest County funds in the highest yielding legal investment, subject to audit.

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

IN RE: ELECTED OFFICIALS REPORTS

Mr. Bradby presented the following statement:

For the record I would like to share with the Board my concern for the planning of the future of our county. My grave concern is that our board is not placing our county above personal feelings. In open admission of animosity toward me at our last board meeting, Mr. Ringley harassed, made accusations, and threatened to prevent me from being reelected to the Board of Supervisors.

These statements were made in the presence of a county employee, a board member, staff members and bond counsel as a result of action taken by the majority of the board.

Mr. Chairman, I am suggesting to the board that, if we have any personal differences, we use self-discipline in order that we may first accomplish the matters before us.

Mr. Burrell reported that in recycling New Kent is doing very well according to the population. He also made reference to newspaper articles which made derogatory statements about the Board meeting in executive session. He stated that Mr. Ringley had voted to go into all executive sessions and asked Mr. Morgan, Mr. Hart, and Mr. Emerson, and then other Board members to confirm his statement as correct. Mr. Burrell said that in the Spring of the year at one meeting Mr. Ringley had said that all the staff should be gotten rid of and that the Board should resign, and very soon thereafter in executive session Mr. Ringley pushed very hard for Board members to give a \$10,000 each raise to the County Administrator, Assistant County Administrator/Director of Planning, Director of Public Safety, and County Attorney, which with benefits would amount to approximately a \$50,000 cost to the County. Mr. Burrell found it ironic that at one meeting Mr.

Ringley wished to get rid of staff and then turned around and wanted to give a substantial raise to each.

Mr. Ringley said that he did go to the Executive Sessions and did stay the entire time; that he had walked out of a public meeting before, risking suit according to the Virginia Association of Counties. He reported that, if there are any homes in New Kent County, damaged by the tornado of Friday, August 6, there is the possibility of state and federal monies available for repair of these homes.

Mr. Boroughs, too, referred to a newspaper quote of Mr. Ringley's statement that "Fidel Castro wouldn't even sign a contract like this," which Mr. Boroughs contended made the rest of the Board look bad. He maintained that Mr. Ringley sat in the room and worked with the contract; his suggestions went into the contract and he knew everything that went into it as well as every other Board member; he took just as much part in that contract work as any of the rest did; and that the other Board members are against being smacked in the face by a member who took part in the same activity. To the accusation that the Board did not notify citizens about this, that or the other, Mr. Boroughs said that he had sent out questionnaires on many different occasions and on different subjects in order to keep them informed. To a newspaper allegation that he had "brought religion" into what was going on, he said he did not bring religion into it, but a constituent had sent him a response with his thoughts on the subject. Mr. Boroughs encouraged the newspapers to do a more thorough job of research. He also brought up the erroneous report by the newspaper that New Kent had no sign ordinance.

Mr. Ringley responded that he had been against the water issue from the beginning and that he had tried to protect New Kent County and its valuable water resource; that he had tried to see New Kent come out better monetarily than the signed contract requires; that he had never wavered even though he was outnumbered.

Mr. Burrell was offended by the implication that the Board was meeting unethically. He also said that all the Board members had worked hard to get the best deal for the County.

Mr. Ringley further stated his belief that, when negotiations resumed, the press and public should have been notified.

Mr. Burrell pointed out that Mr. Ringley was part of the previous Board which had instructed the County Administrator to do just what he has done.

Mr. Boroughs added that he, too, had been threatened by Mr. Ringley.

IN RE: STAFF REPORTS

Mr. Gallaher, Director of Public Safety, reported on the amount of damage wrought by the tornado of August 6 and said that New Kent County was fortunate. He said that of the \$42,000 total damage in the area \$38,000 was for 64 acres of timber.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Riley said that he was amazed at the number of trees downed by the storm, and that I-64 and other County roads closed by the trees were all open by 10:30 p.m. that evening. Mr. Boroughs requested that a speed study be conducted between Route 601 and James City Line. Mr. Salmon expressed appreciation for the quick cleanup of storm damage.

IN RE: JOINT PUBLIC HEARING WITH THE PLANNING COMMISSION

Chairman T. Marshall Philbates convened the Planning Commission with the following other members present: Roger Burcham, Stran Trout, Howard Gammon, Louis Abrams, and David Ringley. Absent were Sam Howard, Dr. Stroube, David Frank, and Reverend Hathaway.

IN RE: JOINT PUBLIC HEARING, ORDINANCE O-07-93, AMEND §§ 9-83, 9-229
and 9-245 OF NEW KENT COUNTY CODE

Mr. Philbates turned the public hearing meeting over to Mr. Gammon. Mr. R. J. Emerson, Jr., Planning Director, explained that the ordinance proposed to amend the above-mentioned sections of the County Code to allow horse racing facilities in the A-1 and M-2 categories with conditional use permit. Only one person spoke: Ms. Thelma Wilson agreed that New Kent County should have horse racing.

IN RE: JOINT PUBLIC HEARING, SUBDIVISION ORDINANCE

Mr. Emerson stated that the Planning Commission has been working on amending the County's Subdivision Ordinance for over a year and has worked with Richmond Regional Planning District Commission. Mr. Emerson welcomed Mr. David Maloney of the RRPDC who briefly outlined the specific changes that were being proposed in the final draft and pointed out some of the differences. Mr. Emerson said that previous and current ordinances allow strip development along State-maintained highways. Mr. Maloney said the proposed changes would encourage planned subdivision development with fewer entrances to the highways, thus eliminating some of the traffic hazards. In his recap Mr. Emerson said that a second tier of review has been added to the preliminary subdivision approval to add more flexibility to the Planning Commission as well as to the developer.

Mr. Gammon opened the public hearing. Mr. Julian Lipscomb asked how long it will be between the preliminary plan and the final plan; the answer was six months, which Mr. Lipscomb felt to be a little short. In other comments he disapproved of the proposed changes to §§ 427.1 and 428 in the current ordinance. Mr. Paul Robinson spoke on behalf of himself and the leadership of Richmond Realtors; he, too, disagreed with the proposed changes to § 9-427 and offered suggestions for limiting the number of entrances on State-maintained highways.

Mr. Ringley disclosed that, in order to avoid any perceived conflict on this issue by the public, he would abstain from participating in discussion and voting on this particular issue.

FOR MR. RINGLEY'S DISCLOSURE STATEMENT, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FIVE AT PAGE 198.

Mr. Boroughs said that Mr. Robinson's comments needed to be considered by Board members and that he needed more time to look at the subject.

Mr. Philbates expressed appreciation for Mr. Robinson's input, not only a verbal presentation but written as well.

There being no further comments from the public, Mr. Gammon declared the joint public hearing closed.

Mr. Philbates reconvened the Planning Commission meeting and asked for recommendations from the members.

Mr. Trout moved, and Mr. Gammon seconded, that at this time the Planning Commission recommend Ordinance O-07-93 be presented to the Board of Supervisors as presented. Motion passed unanimously.

Mr. Gammon stated that he was not ready to pass the Subdivision Ordinance on to the Board of Supervisors. Therefore, he moved and Mr. Trout seconded, to defer any action on the Subdivision Ordinance and that it be deferred until the next Planning Commission meeting in order to reevaluate public comments. Motion passed with all affirmative votes except for Mr. Ringley's abstention.

Mr. Gammon moved and Mr. Abrams seconded to adjourn the meeting.

IN RE: PUBLIC HEARING, REZONING CASE C-1-93

Mr. Emerson informed the Board that Mr. John Britt had applied to rezone a 6.22 acre portion of property on the south side of Route 33 from A-1 to M-2 for the proposed development of a waste wood processing and pallet manufacturing plant. The Planning Commission had recommended approval with submitted proffers and site plan.

Mr. Salmon opened the public hearing. Mr. Chris Madison spoke in favor of the rezoning but was afraid of another junk yard along the road. There being no further comments from the public, Mr. Salmon closed the hearing.

IN RE: PUBLIC HEARING, REZONING CASE C-3-93

Mr. Emerson stated that Robert L. and Lydia W. Verlander had applied to rezone a portion of their property on the north side of SR 33 from R-1 to B-1 for the purpose of operating a produce stand. The Planning Commission had recommended approval of this case also. Mr. Linwood Gregory was present on behalf of the applicants and spoke briefly in their favor.

Mr. Salmon opened the public hearing but no comments were offered and the hearing was closed.

IN RE: ORDINANCE O-07-93, ZONING ORDINANCE AMENDMENTS

Following all the public hearings, Mr. Salmon returned to the subject of the first joint public hearing. Mr. Bradby moved to approve Ordinance O-07-93 as presented. Motion passed as follows:

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

IN RE: SUBDIVISION ORDINANCE

The Board members were in agreement that they should delay having a work session on the ordinance until after the Planning Commission makes a recommendation.

IN RE: REZONING CASE C-1-93, JOHN B. BRITT

Mr. Boroughs moved to approve Rezoning C-1-93 with submitted proffers and site plan. Mr. Ringley asked about a deceleration lane; Mr. Emerson said the VDOT had indicated a willingness to discuss an alternative, but if none was found, then a deceleration lane would be required. Mr. Boroughs had no problem with that. Mr. Gregory said VDOT would work with Mr. Britt on a timetable. Mr. Ringley wished to distinguish the difference between VDOT's "recommendation" and "requirement." In answer to a question from Mr. Burrell, Mr. Emerson answered that, if required, there would be two deceleration lanes. Mr. Boroughs spoke in favor of approval.

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

IN RE: REZONING CASE C-3-93, ROBERT & LYDIA VERLANDER

Mr. Boroughs moved to approve Rezoning Application C-3-93 as presented. Mr. Burrell spoke favorably.

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

IN RE: RESOLUTION OF APPRECIATION R-20-93

Mr. Salmon presented a resolution to recognize the charitable work done by Ms. Loretta Donaldson, with assistance from other citizens of the County, to provide aid to the victims of floods in the Mississippi Valley area. Mr. Ringley also expressed his pride in her and her accomplishments.

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

FOR RESOLUTION R-20-93 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 201.

IN RE: CONDITIONAL USE PERMIT CUP-4-93, KENNETH W. & CYNTHIA G. EVANS; AND CONDITIONAL USE PERMIT CUP-5-93, CUSTOM CONCRETE, LTD.

Mr. Emerson explained that the permit requests are related and involve adjacent properties on which a business to mine sand and gravel will be operated. Mr. Ringley moved to approve Conditional Use Permit CUP-4-93 and Conditional Use Permit CUP-5-93 with conditions as proposed by Staff.

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

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

Following a visual presentation of the proposed water rates increase and a lengthy discussion by Board members, Mr. Burrell moved to adopt Ordinance O-05-93 as presented and to appropriate \$193,713 to the New Kent County Water Fund in accordance with the proposed budget.

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

FOR ORDINANCE O-05-93 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGES 202-203.

At 9:40 p.m. Mr. Bradby asked the chairman for permission to leave the meeting in order to report to work, which Mr. Salmon granted. Mr. Burrell also requested and was granted permission to leave the meeting a short time later.

IN RE: REFUND

Chairman Salmon said that the Board had received several requests for refunds from the Commissioner of Revenue. Mr. Salmon then moved to approve the refund of \$73.92 to Eric T. Hicks, \$60.55 to Harry A. Pierce, \$52.46 to John C. Pitts, Jr., all for double payment of personal property taxes; and a refund of \$20.05 to Tansle M. Sapp for erroneous payment of personal property tax.

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

IN RE: PRIMARY SCHOOL FINANCING, RESOLUTIONS R-21-93 THROUGH R-23-93

The Chairman recognized Mr. Steve Johnson of Mays & Valentine. Mr. Johnson presented a series of resolutions dealing with the financing of the repairs to the New Kent Primary School, completion of the second floor of the new Courts Building, renovations to the old Courthouse Building, Administration Building, and for transfer stations. He submitted written materials to the Board members and explained the debt service that will be required on the bond issue. Mr. Salmon moved to adopt Resolutions R-21-93, R-22-93 and R-23-93 as presented.

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

FOR RESOLUTIONS R-21-93, R-22-93, AND R-23-93, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGES 204-211.

IN RE: MEETING SCHEDULE

Mr. Salmon announced that the next regular meeting of the Board of Supervisors would be held on September 13; the Planning Commission on August 16; and the New Kent Airport Advisory Commission on September 7, 1993.

IN RE: CITIZENS COMMENT PERIOD

The first speaker, Mr. Ed Hayes, presented his comments concerning the water agreement. He implored the Board, if they do not create a dialogue with the public, to at least quit saying they care what they think.

Ms. Sam Snyder said she found it very disturbing that Board members have an unlimited amount of time for comments while citizens are restricted, and suggested that the same time rules apply.

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. Motion carried as follows:

E. David Ringley	Abstain
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Mr. Boroughs moved to go back into regular session.

E. David Ringley	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Mr. Boroughs 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
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

Mr. Ringley moved to adjourn the meeting.

E. David Ringley	Aye
Robert A. Boroughs	Aye
Michael D. Salmon	Aye

H. Garrett Hart, III
County Administrator

Michael D. Salmon
Chairman