

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE ELEVENTH DAY OF FEBRUARY IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-ONE IN THE BOARD ROOM OF THE COUNTY OFFICE BUILDING. THE CHAIRMAN CALLED THE MEETING TO ORDER WITH ALL MEMBERS PRESENT. THE REVEREND DAVID TORRENCE LED IN PRAYER.

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IN RE: MINUTES

Mr. Ellyson moved to approve minutes of the meeting held on January 28, 1991.

Paul C. Robinson	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye
Robert A. Boroughs	Aye

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IN RE: ELECTED OFFICIALS REPORTS

Mrs. Ann Seitz expressed her thanks for the flag that is flying in front of the courthouse.

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IN RE: APPOINTMENTS

Mr. Boroughs made a motion to appoint Mrs. Elaine D. Garner to serve as District Three's representative on the Heritage Library Board for an unexpired term ending June 30, 1994.

Paul C. Robinson	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye
Robert A. Boroughs	Aye

Mr. Boroughs asked the Board to consider a resolution of appreciation to be sent to Lewis Parker and Raymond Guest for introducing House Bill 1763 and also one to be sent to Chairman of the Board of Supervisors in James City County, thanking all of them for their support and help in lobbying for the passage of the bill. Mr. Robinson suggested that a letter from the Board Chairman be sent to those persons rather than a resolution. Mr. Hart agreed to take care of the matter. Mr. Emerson gave a report on the status of the bill as of the date of this meeting.

On the subject of the 1991 Goals and Objectives, known as the Work Plan, Mr. Boroughs said that he would call for a report each month. Mr. Hart suggested that the report be given at the second meeting of each month. He also asked the Board members for their suggestions on prioritizing the list. Mr. Ringley requested that emphasis be put on the E-911 item. Mr. Robinson suggested that the list gives a good overview of what the Board and Staff are doing and that it would provide a good outline for a newsletter. Mr. Hart said that he would be happy to provide an updated report each month.

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IN RE: FINANCE REPORT

Mr. Robinson moved to approve the expenditures for the month of January 1991 totaling \$233,179.55 as presented in the monthly expenditures report.

Paul C. Robinson	Aye
Richard S. Ellyson	Aye

E. David Ringley      Aye  
Robert A. Boroughs      Aye

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IN RE:                    TREASURER'S REPORT

Mr. Ringley moved to approve the Treasurer's Report and to authorize the Treasurer to continue to invest County funds in the highest yielding legal investment, subject to audit.

Paul C. Robinson      Aye  
Richard S. Ellyson      Aye  
E. David Ringley      Aye  
Robert A. Boroughs      Aye

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IN RE:                    STAFF REPORTS

Mr. Hart reported that the County Attorney had suggested that a monthly meeting be held with the Airport Manager in order to deal with problems, needed repairs, et cetera, which may occur during his absence in case he is activated for military purposes. Mr. Ellyson moved to refer the matter to the Public Works Committee.

Paul C. Robinson      Aye  
Richard S. Ellyson      Aye  
E. David Ringley      Aye  
Robert A. Boroughs      Aye

Mr. Hart reported that he and department heads had met with staff members of Charles City County to discuss matters of cooperation, joint efforts between the counties that would be mutually beneficial, on subjects as far-ranging as GIS and economic development. He said that quarterly meetings of administrators and department heads of the two counties will be scheduled.

He also reported that he and Mr. Gallaher had inspected dumpster sites that day and had made up a list of items that need to be done by BFI, by the County, and by the State.

He requested a meeting of the Public Works Committee to discuss the NPDES permit and also the airport matters.

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IN RE:                    RESIDENT ENGINEER'S REPORT

Mr. Tom Hawthorne, Resident Engineer, introduced a new member of his staff, R. H. "Bob" Riley, Jr., who will become Assistant Resident Engineer effective July 1, 1991. He reported that, due to budget cuts, advertising for the construction work on Route 627 has been delayed from May to July.

He announced that preallocation hearings for interstate and primary improvements will be held April 10th, 10 a.m., at the District Office in Colonial Heights.

In response to a question by Mr. Ringley, Mr. Hawthorne said that budgetary savings for snow removal would be implemented by less overtime for employees and less use of hired equipment. Snow removal on secondary roads would probably not be delayed as much as twelve hours.

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IN RE:                    APPOINTMENT TO HANOVER DISTRICT HEALTH ADVISORY BOARD

Mr. Robinson moved to reappoint Mr. E. David Ringley to the Hanover District Health Advisory Board for a two-year term effective January 1, 1991 and ending December 31, 1992.

Paul C. Robinson	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye
Robert A. Boroughs	Aye

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IN RE: PUBLIC HEARING, CONDITIONAL USE PERMIT CUP-6-90, VIRGINIA  
NATURAL GAS

Mr. Emerson, Director of Planning presented information on the application by Virginia Natural Gas. He said that the proposed pipeline will traverse approximately fifteen miles through the County. He read a letter received that day from Newport News Water Works which requested that the permit be contingent upon Water Works' approval on the proposed gas line.

Mr. Walter Witt, a lawyer who represents Virginia Natural Gas, reviewed and updated information given in December, to communicate to the Board the efforts made by VNG to notify property owners and to acquire easements. Mr. Ringley asked if anything had been done to address the environmental impact on the heron rookery at the western end of the County. Mr. Brian Machamer, Senior Engineer with VNG, responded that the proposed pipeline has been routed away from the rookery by approximately 1500 to 3000 feet. C. O. Wagner, Director of Field Survey, pointed out on a diagram where the pipeline passes the rookery. There followed a short explanation relating to location appearance of the valve site.

Following this exchange, the public hearing was opened.

Mrs. Thelma Wilson asked when construction will be completed, to which Mr. Witt answered "No later than December of this year."

John Slosjarik, a property owner who would be affected by the change due to the rookery, claimed that his first verbal contact with the gas company occurred a few days previously. He advised the Board to be concerned about the rookery's future growth and about the water use of the Hampton area.

Rick Carnohan expressed concern that skirting the rookery by 3000 feet would possibly put the pipeline through his house. Concerning the 75-foot right-of-way, Mr. Witt said that trees will be cleared permanently from 50 feet and temporarily from the remaining 25 feet, which will be allowed to revegetate. A map was shown to Mr. Slosjarik and Mr. Carnohan.

James Ward spoke of his ordeals with the gas company. He protested that the proposed pipeline will be placed about thirty feet off the Virginia Power easement rather than in the existing right-of-way. There are already several utility easements across his property. He said he had settled with the gas company after the informal hearing, but would gladly "unsettle."

Next Lewis Hockaday, another property owner, showed the Board a picture of a double valve site which had been furnished to him by Virginia Natural Gas. He said they had promised that nothing would be above ground and that everything would be in the Virginia Power right-of-way. He, too, had settled after threat of eminent domain. More recently he was informed that a valve site would be placed on his property. He was told that they wanted to buy a strip of land 30' wide by 135'

long situated in the middle of one of his fields. According to Mr. Hockaday, an adequate place for the valve site would be approximately one mile away in a certain isolated area. Kad Raman stated that there is some flexibility in design of the pipeline route and re-location of valve sites.

Thomas Hoover, Commonwealth's Attorney, told the Board that he had received several complaints from homeowners when surveyors came onto their property without asking permission.

T. J. Barnett, Jr., who lives on Route 627, commented that valves can leak, and that he had not settled with the company because the pipeline goes across the middle of his property within 50-60 feet of his house. He also asked what revenue the County would get.

Betty Barnett, said that company representatives led her to believe that VNG had all the necessary permits and papers in order, that everything was go, that the County had approved everything already, and that they were just waiting for her to settle.

Clinton H. Sheppard, Jr., from Sovran Bank, Trustee of the Clinton Williams Estate, thanked Mr. Emerson for notification of the public hearing. He had received very little in the way of communication from Virginia Natural Gas.

Mr. Emerson said that he had received several telephone calls from property owners who voiced their displeasure with the way the company conducted itself in the field; and that they had not been contacted before surveyors entered their property.

Mr. Boroughs asked if VNG had met with Newport News Water Works. Mark Kincaid, with Newport News Water Works, was present and answered that they have been working together.

Mr. Witt restated that every effort had been made by the Virginia Natural Gas and the County to notify citizens of the surveying, the informal hearing, and this public hearing.

Mr. Ellyson made a statement concerning the company's lack of concern for the property owners.

Mr. Robinson said that prior to issuance of the permit, he thought that time should be given to allow for affected landowners to again meet with VNG's engineers to try to resolve the final design to the satisfaction of the landowners.

Mr. Ringley agreed with Mr. Robinson and said that he would like to have some kind of environmental impact statement on the heron rookery.

Mr. Boroughs also stated his lack of satisfaction.

Mr. Robinson moved to defer action on the request for permit until the first regular meeting of the Board in March, which would be March 11th.

Paul C. Robinson	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye
Robert A. Boroughs	Aye

Mr. Robinson said that he would like not to have to include a condition in the permit such as the one requested by Newport News Water Works, because he would not be comfortable granting

them preferential treatment that could not be allowed any other property owner. Mr. Boroughs advised VNG to try to work with the customers and come back to the March 11th meeting. He also asked Mr. Emerson to take a look at the washout on the Virginia Power line on Mr. Hockaday's property to see if it can be corrected.

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IN RE: REPORT ON SCHOOL MATTERS

The Reverend David Torrence, member of the New Kent School Board, gave a brief report concerning the meeting he and David Ringley had attended last month. The conference was held for local elected governing bodies and local school boards to talk about partnership. Of six areas that were highlighted, New Kent School Board and Board of Supervisors are already acting upon several, which puts New Kent County ahead of many other localities.

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IN RE: PERMIT TO HOLD CIRCUS BY NEW KENT VOLUNTEER FIRE DEPARTMENT

Mr. Emerson presented the request and explained the accompanying documents. Mr. Robinson made a motion to approve the application of the Volunteer Fire Department subject to the requirements of Chapter 11 of the New Kent County Code, the Fire Marshal and Health Department, and to waive the application fee for the benefit of the Fire Department.

Paul C. Robinson	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye
Robert A. Boroughs	Aye

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IN RE: REFUND

The Board had received a request for a refund in the matter of a double assessment on a 1987 Nissan. Mr. Ringley moved to authorize a refund of \$266.81 to Mrs. Eva O'Grady, as requested by the Commissioner of Revenue.

Paul C. Robinson	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye
Robert A. Boroughs	Aye

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IN RE: MEETING SCHEDULE

The next meeting of the Board will be held on Monday, February 25, 1991. Mr. Hart announced that there would be a meeting of the Industrial Development Commission on Wednesday, February 13th, at 7:30 p.m. at which time House Bill 1743 would be discussed. Planning Commission meeting is to be held February 20th at 7:30 p.m. Mr. Boroughs announced that a Patriotic Rally will be held on February 17th beginning at 2 p.m. at New Kent High School.

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IN RE: CITIZENS COMMENTS

Mr. Carnohan broached the subject of Virginia Natural Gas avoiding the running of the pipeline through Henrico County. Mr. Robinson said that this is good from an economic development perspective. Mr. Hart said that customer service is being encouraged for the Providence Forge area as well as the area near Bottoms Bridge.

Mr. Robinson inquired as to the status of the property at the airport that will be sold. Further discussion will take place at the February 25th Board meeting.

Mr. Robinson also inquired about the use of attorney services in the event that Mr. Morgan is called for military service. Mr. Hart stated that information is being collected and that it could be forwarded to the Board for their review. Mr. Hart expressed appreciation to Mr. Hoover for being present at this meeting which Mr. Morgan was not able to attend.

Mr. Robinson made a motion to adjourn the meeting.

Paul C. Robinson	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye
Robert A. Boroughs	Aye

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H. Garrett Hart, III  
County Administrator

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Robert A. Boroughs  
Chairman