

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE TWELFTH DAY OF FEBRUARY IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY IN THE BOARD ROOM OF THE COUNTY OFFICE BUILDING. THE CHAIRMAN CALLED THE MEETING TO ORDER WITH ALL MEMBERS PRESENT.

IN RE: APPROVAL OF MINUTES

Following a brief discussion, motion was made by Mr. Ellyson to approve the minutes as presented and carried as follows:

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

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Ringley stated that he had received positive comments in regard to the informational letter sent to all citizens by the Board of Supervisors concerning the County's reassessment.

IN RE: FINANCE REPORTS

The Chairman stated that he and the County Administrator had reviewed the expenditures for the month of January and motion was made by Mr. Robinson to approve the expenditures for the month of January 1990 totaling \$261,496.96 as presented in the monthly expenditure report. Motion carried as follows:

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

IN RE: TREASURER'S REPORT

Following review of the Treasurer's Financial Report as of November 31, 1989, motion was made by Mr. Ellyson 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. Motion carried as follows:

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

Mr. Ellyson voiced concern that the Treasurer's Report was not being submitted in a timely fashion. He stressed that the reports were always two months behind schedule. The Board requested the County Administrator to discuss the problem with the County Treasurer.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Ringley announced that due to the failure of the public notice advertising the public hearing on the Six Year Secondary Highway Plan to be posted properly, the public hearing had been postponed until March 12, 1990 at 8:00 p.m. The Chairman stated that since the Board had discussed the possibility of

having the hearing February 12th, anyone wishing to speak concerning the Six Year Secondary Highway Plan was invited to do so. Mr. Ringley explained that the public hearing on the annual expenditure budget of the Secondary Highway Plan would also be held at 8:00 p.m. on March 12th. He apologized for any inconvenience.

There were no citizen comments regarding this matter.

The Assistant Resident Engineer, Cliff Wallace, was present and addressed the Board. He explained that the Highway Department anticipates opening the westbound land at the Route 60 bridge project at Bottoms Bridge between April 15 and May 1, 1990.

Mr. Ellyson questioned why Route 613 was closed with detour signs posted. Mr. Wallace was unaware of the signs or any closing of Route 613. He stated he would check into the matter, that he did not believe his department was responsible.

Mr. Ellyson stated that he had received complaints regarding problems caused by logging trucks still traveling Route 611 and Route 613 at a high rate of speed.

Mr. Robinson questioned the rehabilitation project from Route 155 to the James City County line on Interstate 64.

IN RE: HEALTH ADVISORY BOARD

Dr. Jacob Jones, Director of the Hanover Health District, addressed the Board and briefly explained Hanover Health District's objectives for FY1990-91, stating that their mission was to provide leadership in planning, developing, and implementing coordinated prevention programs to promote and protect the health of Hanover Health District citizens. He stated that with money provided by the General Assembly, the District will be able to establish and coordinate a program to help provide health care to all. He explained that the cost to establish the program in four counties (Hanover, Goochland, Charles City, and New Kent) would be \$107,000 and the State would pay 60 percent. New Kent's share would be \$5,000. Dr. Jones stated that this health care plan would serve the needy citizens of New Kent.

Dr. Jones gave a status report on the vacant sanitarian position in New Kent County. He advised that Mr. Charlie Leonard, a New Kent Sanitarian, had transferred to Crater Health District to work. He stated that the Health Department is now in the process of filling the New Kent position.

Mr. Steve Fuhrman, Chairman of the Hanover District Health Advisory Board, addressed the Board and briefly explained that the Hanover Health District Advisory Board recommends that all counties in the District create a plan to address the sanitary and basic housing needs of their citizens, with a provision for those citizens without the financial resources to improve their present septic system and housing. Mr. Fuhrman also requested the Board to support the need for a wider technological range of solutions for the sanitary disposal of household septic effluent. He asked that the Board examine the need for primary care for the citizens without health insurance and below the poverty level.

The Board discussed the cost of a sewage system and Mr. Boroughs suggested a technological solution to the sanitary disposal of household septic waste.

Ms. Connie Rhinesmith, Administrator, Hanover Health District, spoke to the Board and explained the FY 1990-91 Cooperative Budget request. She explained the formula for Health Department Local and State matching funds. She advised that the Health Department received permission from the State to implement the increases over a three year period in an effort to limit the impact on the County budgets.

Ms. Rhinesmith stated that the total change for New Kent County will result in a match of 45% Local and 55% State in the FY 1993 budget.

IN RE: APPOINTMENTS

The Chairman explained that the Board needed to consider an appointment to the James River Certified Development Company. He stated that Mr. Robinson was not eligible to serve as a Board of Supervisors member, as he had served the maximum number of times allowed. The Chairman advised that this seat should be filled with another Board member.

The Chairman pointed out that Mr. S. James Johnson, Jr., is the Board's citizen appointee to the James River Certified Development Company and is eligible for reappointment and has agreed to serve.

Following a brief discussion, motion was made by Mr. Boroughs to reappoint Mr. S. James Johnson, Jr. and appoint Mr. E. David Ringley to the James River Certified Development Corporation for terms beginning July 1, 1990 and ending June 30, 1991. Motion carried as follows:

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

Motion was made by E. David Ringley to appoint Joan Vandervort as District Two's representative on the Wetlands Board for a four year term ending December 31, 1993. Motion carried as follows:

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

IN RE: AMENDMENTS TO ZONING AND SUBDIVISION ORDINANCES

R. Joseph Emerson, Jr., Director of Planning and Assistant County Administrator, explained Ordinance O-2-90, an ordinance to amend Section 9-37, Definitions, of the New Kent County Code to include Horse Tracks. He stated that the horse track definition is needed in order to allow the location of an equestrian facility in New Kent County. Mr. Emerson advised that the Planning Commission recommended approval of Ordinance O-2-90.

Mr. Ellyson voiced concern regarding the 14-day limit on temporary housing facilities, such as campers, stating that some of the people participating in a horse race may locate on the premises longer than 14 days.

There was some discussion regarding temporary housing and campground regulations. The Board agreed to delete the 14-day time period for campers that was recommended by the Planning Commission.

Mr. Robinson suggested several changes in the wording of Ordinance O-2-90.

Motion was made by Mr. Ellyson to adopt Ordinance O-2-90 as amended. Motion carried as follows:

Robert A. Boroughs	Aye
Paul C. Robinson	Aye

Richard S. Ellyson Aye
E. David Ringley Aye

FOR ORDINANCE O-2-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 236.

The Director of Planning explained proposed Ordinance O-3-90 that contains the proposed changes to Chapter 9, Section 9-376 Fire Protection. Mr. Emerson stated the reason for this amendment is that it is felt the wording does not express the intention of the Board and Planning Commission when the ordinance was drafted. He explained that the wording clarifies what is required in a five acre subdivision.

Mr. Emerson stated that this amendment is necessary in order for the County to accept the Wood's Edge Subdivision Water System.

Following a brief discussion, motion was made by Mr. Boroughs to adopt Ordinance O-3-90 as presented. Motion carried as follows:

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

FOR ORDINANCE O-3-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 237.

IN RE: WOOD'S EDGE WATER SYSTEM FEASIBILITY STUDY

The Director of Public Safety, J. Lawrence Gallaher, reported that the design and layout of the Wood's Edge Water System is in compliance with all the requirements and specifications of Chapter 8 of the New Kent County Code including fire suppression. Mr. Gallaher stated that the system has been installed and tested, including fire flow test. He stated that Wood's Edge Water System is the best in the County at this time.

Mr. Ringley asked if the cost analysis was correct. Mr. Gallaher pointed out that he felt the study was accurate.

Mr. Ellyson asked if Staff had reviewed the Wood's Edge Water System contract for any hidden commitments. The County Administrator stated that the contract had been reviewed and there were no hidden commitments.

Motion was made by Mr. Robinson to authorize the Chairman of the Board of Supervisors to execute contract documents for the Wood's Edge Water System. Motion carried as follows:

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

IN RE: FIRE DEPARTMENT REQUEST FOR PERMIT TO OPERATE A CIRCUS

R. Joseph Emerson, Jr., County Planner, explained that the New Kent County Volunteer Fire Department had submitted an application to conduct a circus on Tuesday, April 24, 1990. He stated that the application had been submitted in accordance with Chapter 11 of the New Kent County Code covering Music Festivals and Outdoor Gatherings. Mr. Emerson pointed out that the Fire Department had requested that the County allow the circus to locate on one of two sites behind the Courthouse Facility and also requested the application fee be waived. He stated that Staff recommended approval as per requirements of Chapter 11 of the New Kent County Code, the Fire Marshal, and Health Department.

Mr. Elmore Whitehurst representing the New Kent Volunteer Fire Department was present to answer any questions.

Mr. Robinson asked the number of shows performed and the type of animals in this circus.

Mr. Whitehurst advised there would be two shows on April 14, 1990, and there would be elephants, goats, llamas, and a few other animals.

Mr. Ellyson questioned the liability insurance provided for this event.

Mr. Robinson questioned the cleanup responsibility and Mr. Emerson stated that the Roberts Brothers Circus would be responsible along with the Fire Department.

Mr. Gallaher questioned if all permit fees would be waived.

Following this discussion, motion was made by Mr. Boroughs to approve the application of the New Kent County 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 all fees. Motion carried as follows:

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

The Board instructed the County Administrator to designate the site location of the circus.

IN RE: THE ESTABLISHMENT OF A REGIONAL WASTE AUTHORITY

The County Administrator, H. Garrett Hart, III, explained that the Board had received a request from the Richmond Regional Planning District Commission to adopt a Resolution of support for the creation of the Central Virginia Waste Management Authority. He explained that New Kent County has participated in the Richmond/Tri-Cities Area Solid Waste Task Force and that the formation of the Central Virginia Waste Management Authority is to assist localities in meeting State mandates of recycling up to 25 percent of its generated solid waste by the year 1995. He stated that New Kent County's contribution to the Solid Waste Authority in its first year of operation July 1990 to June 1991 is anticipated to be \$5,300. Mr. Hart reviewed proposed Resolution R-7-90 and stated that Staff recommended approval of R-7-90. Motion was made by Mr. Robinson to adopt Resolution R-7-90 as presented. Motion carried as follows:

Robert A. Boroughs	Aye
Paul C. Robinson	Aye

Richard S. Ellyson Aye
E. David Ringley Aye

FOR RESOLUTION R-7-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 238 & 239.

Mr. Hart explained that Staff recommended a member of the Board of Supervisors be appointed to the Board of Directors and that the Director of Public Safety or County Administrator be appointed as the alternate.

Following a brief discussion, motion was made by Mr. Ellyson to appoint Robert A. Boroughs to serve on the Board of Directors of the Authority and to appoint J. Lawrence Gallaher as New Kent County's alternate representative. Motion carried as follows:

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

IN RE: THE ESTABLISHMENT OF A REGIONAL JAIL STUDY COMMITTEE

The County Administrator, H. Garrett Hart, III, explained that the Board of Supervisors had received a request for New Kent County's participation in a Regional Committee to discuss the possibilities of a Regional Jail Facility between the Counties of Caroline, Goochland, Hanover, New Kent, and Powhatan. He stated that two members need to be appointed to represent New Kent on this Committee. Mr. Hart stated that it is recommended that a member of the Board of Supervisors be appointed and a member of the Administrative Staff or Sheriff's Department.

Mr. Boroughs volunteered to serve on this Regional Committee.

Motion was made by Mr. Robinson to appoint Robert A. Boroughs as the Board's representative and appoint Sheriff F. W. Howard, Jr. to the Regional Jail Study Committee. Motion carried as follows:

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

IN RE: APPROPRIATIONS TO SHERIFF'S DEPARTMENT

The Chairman explained that the Board had received a request by the New Kent County Sheriff's Department to appropriate grant monies to the Sheriff's Department budget. The Chairman explained a Radar Unit Grant in the amount of \$1,193.41, which is fully reimbursed by the State, a Selective Enforcement Grant for traffic enforcement in the amount of \$5,000 that requires no additional funding from the County, and a Communications Grant for the replacement of communications equipment in the Sheriff's Department in the amount of \$20,902. He stated that this is a matching grant and will require a 10% match by the County in the amount of \$2,090.20.

The Chairman explained Resolution R-6-90, which would appropriate the funds required in the amount of \$29,185.61.

Sergeant Ward of the Sheriff's Department was present to answer any questions.

Following a brief discussion, motion was made by Mr. Robinson to adopt Resolution R-6-90 as presented. Motion carried as follows:

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

FOR RESOLUTION R-6-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 240.

IN RE: TAX REFUNDS

The Chairman explained that the Board would consider authorizing tax refunds requested by the Commissioner of Revenue. The Chairman reviewed proposed Resolution R-4-90 requesting a refund of \$322 to Dominion Bank Shares Auto Leasing for a double reassessment of a 1987 VW and a refund in the amount of \$161 to Luther B. Adams for an erroneous assessment for a 1986 S-10 pickup.

Mr. Ellyson requested clarification of Mr. Adams erroneous assessment.

Following a brief discussion, motion was made by Mr. Ellyson to approve a refund of \$322 to Dominion Bank Shares Auto Leasing for a double reassessment of a 1987 VW and requested clarification of the Commissioner's request of a refund of \$161 to Luther B. Adams for an erroneous assessment. Motion carried as follows:

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

IN RE: BUILDING PERMIT REFUND

The Chairman explained that the Board had received a request from the Director of Public Safety to refund \$178.50 to John A. Hubbard, III, for building and zoning permit fees. He said that the Code states that if an applicant requests cancellation of a permit prior to the beginning of construction or request of any inspections, a refund of fifty percent of all building permit fees shall be made. The Chairman reviewed Resolution R-5-90 for the Board's consideration.

Mr. Robinson asked if this law was County Code or State. The Chairman replied County Code.

Motion was made by Mr. Robinson to adopt Resolution R-5-90 as presented. Motion carried as follows:

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

IN RE: MEETING SCHEDULE

The Chairman announced that the Board's next regular meeting has been scheduled for Monday, March 12, 1990.

Mr. Ellyson voiced his displeasure regarding the High School's discourteous behavior in the scheduling of Student Government Day. The Board agreed to schedule Student Government Day on April 4th and hoped the Superintendent of Schools would rectify the problem.

The Board scheduled Budget Work Sessions on February 26 and 28, 1990 at 7:30 p.m. The Chairman announced these meetings are open to the public.

IN RE: CITIZENS' COMMENT PERIOD

Dr. Barney Groves addressed the Board to express his concerns regarding the Subdivision Ordinance. Dr. Groves was discontented with the Subdivision Ordinance that passed in 1985. He stated that he had prepared to sell two 15 acre lots and had been informed that the private road which had been serving the four existing lots for approximately 17 years needed to be upgraded to meet State requirements. Dr. Groves stressed that he felt the ordinance is excessive. He suggested a committee be formed to review the subdivision ordinance.

Mr. Romie Hughart stated that he felt Dr. Groves's road was safe and in good condition.

Mr. Hughart requested clarification on why part of Route 608 had been partially paved in the location of the Gregory's. Mr. Ellyson replied that he had objected to paving 608 in front of the Gregory's, but the Highway Department requested the County to pave as much of Route 608 as possible.

Mr. David Blixt explained that he wished to purchase 15 acres from Dr. Groves and requested the Board to review each individual case, stating that this road had been used for 17 years. He advised that he was not willing to accept the Board's decision in this case.

Mr. Boroughs stated that he considered the safety aspects of dirt roads and wanted to be fair to all citizens.

The Chairman thanked each speaker and stated that the Board would take the matter under consideration.

IN RE: EXECUTIVE SESSION

Motion was made by Mr. Ringley 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 Section 2.1-344(a)(7) of the Code of Virginia. Motion carried as follows:

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

Motion was made by Mr. Robinson to go into executive session to discuss a personnel matter pursuant to Section 2.1-344(a)(1) of the Code of Virginia. Motion carried as follows:

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

Motion was made by Mr. Robinson to return to regular session and carried as follows:

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

Motion was made by Mr. Ellyson that the Board certified that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirement by Virginia law were discussed in executive meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board. Motion carried as follows:

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

There being no further business, motion was made by Mr. Boroughs to adjourn the meeting. Motion carried as follows:

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

H. Garrett Hart, III
County Administrator

E. David Ringley
Chairman