

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE THIRTEENTH DAY OF DECEMBER 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 adopt the minutes of meetings held on November 1 and December 6, 1993.

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

---

IN RE: FINANCE REPORTS

Mrs. Alease L. Christian, Finance Coordinator, gave reports for the months of October and November. Mr. Burrell moved to approve the expenditures for the month of October 1993 totaling \$280,433.63 and for November totaling \$480,765.28 as presented in the monthly expenditures reports.

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 gave her report for the month of September. Mr. Bradby moved to approve the Treasurer's report for the month of September 1993 and to authorize the Treasurer to continue to invest County funds in the highest yielding legal investment, subject to audit. The Chairman asked for balances of the previous year to be placed beside this year's balances on her monthly reports henceforth.

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

---

IN RE: ABSTRACTS OF VOTING

Ms. Gwen Ellyson, Registrar, presented the Abstract of Votes for the election held on November 2, 1993. She also provided information concerning voter transactions for the past year. Voter turnout was higher than State average even though percentage was lower than in the 1989 gubernatorial election. Mr. Salmon expressed appreciation.

---

FOR ABSTRACT OF VOTES AS PRESENTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 225-236.

---

IN RE:           PRESENTATION TO MR. BOROUGHS

The Chairman recognized Mr. Robert A. Boroughs, Supervisor, for his 10 years of service and presented him with a framed certificate as provided by the Virginia Association of Counties.

---

IN RE:           HOLIDAY SCHEDULE, RESOLUTION R-36-93

Mr. Patrick J. Morgan, County Attorney, explained that the Governor had declared certain days to be holidays in addition to those normally taken by State employees. The Supreme Court had notified Circuit Court judges that Thursday, December 23, and Thursday, December 30, would be holidays. It would be necessary to adopt a resolution in order to close the courts for those days as directed. Mr. Ringley moved to adopt Resolution R-36-93 as presented.

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

---

FOR RESOLUTION R-36-93 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 237.

---

IN RE:           RESIDENT ENGINEER'S REPORT

Mr. R. H. Riley, Resident Engineer, requested that the Board set a date for a public hearing on the Six-Year Secondary Construction Program and suggested it be held in February; it was set for February 14, 1994. The Board set the date of January 24, 1994 for a work session, which will begin at 6 p.m. Mr. Bradby asked Mr. Riley to look into a driveway problem being experienced by Mrs. Beatrice Johnson on Route 60.

---

IN RE:           RESOLUTION R-35-93, VPSA REFUNDING BONDS

Mr. Morgan explained that the Virginia Public School Authority will refund to localities a share of savings realized from recent exchange to new bonds. The \$29,966.00 refund must be spent on capital improvements or purchases of school equipment within six months of receipt. Mr. Boroughs moved to adopt Resolution R-35-93 as presented.

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

---

FOR RESOLUTION R-35-93 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGES 250-253.

---

IN RE:           MINITREE GLEN WATER SYSTEM

Mr. Morgan reported that a discrepancy had been discovered and, due to Mr. Ylonen's being out-of-town, he felt that consideration of the water agreement should be tabled until the next meeting. Mr. Salmon moved to table the item until the next meeting.

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

---

IN RE: 1994 LEGISLATIVE PACKAGE

Mr. Morgan presented the 1994 Legislative Package and went over items briefly. By consensus the Board agreed upon a few minor changes.

---

IN RE: RESOLUTION R-32-93, AUTHORITY FOR SPECIAL POLICE

Resolution R-32-93, which would allow special deputies the authority to issue summonses for auto decal violations at the same time they monitor the dumpster sites, was tabled at the November meeting in order for the Board to gain further information. Following the chairman's reintroduction of the item, Mr. Ringley moved to adopt Resolution R-32-93 as presented. Motion passed after discussion on the pros and cons of the issue.

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

---

FOR RESOLUTION R-32-93 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FIVE AT PAGE 238.

---

IN RE: ORDINANCE O-13-93, AUTOMOBILE GRAVEYARDS, PUBLIC HEARING

Mr. Morgan explained that the ordinance would require automobile graveyards to store disabled vehicles behind fences or some type of green belt. The proposed ordinance was similar to a section that previously was in the County's Zoning Ordinances but had not been included in the revision. Mr. Emerson explained that under current regulations, conditional use permits would be required; therefore, grandfathered or existing yards would not be covered. Mr. Emerson then presented a video showing the conditions of a couple of automobile graveyards now existing within the County. The Chairman opened the public hearing.

Mr. Sid Barker asked how long inoperable vehicles can remain.

Mr. James Rose, Jr., asked a couple of questions of uncertain pertinence.

Mr. Boyd Sears, Jr., Attorney representing Mr. George Philbates, eloquently defended Mr. Philbates' right to store disabled vehicles on his property, and asked the Supervisors to take a long, hard look before adopting such an ordinance as proposed.

Mr. George Philbates, owner of Philbates Auto Wrecking, Inc., opposed the ordinance. He also presented a video, and as his video projected, he divulged information concerning the dollar amounts received for economically repairable autos.

Mr. C. B. Pearson spoke in favor of the ordinance.

Mr. Bruce Lange said the purpose of the ordinance is not to put Mr. Philbates out of business but is to improve the site by screening.

Mr. Bob Cox expressed the thought that what is attractive or unattractive is personal opinion and personal opinions should not be imposed in the law.

Mr. Richard Potter was not so concerned about the fence as he was about soil contamination from the wrecked vehicles.

Ms. Gladys Otey expressed her concerns about highway safety at the site of Philbates Auto Wrecking and suggested that Mr. Philbates arrange for safer parking of the wrecked vehicles as well as for his customers.

Mr. Claude Philbates said that he recalls no accidents having occurred in front of the wrecking business. He also said the Supervisors should look at the business as personal property owner's rights.

Ms. Kim Haurand said she had concerns about the negative connotations that a junkyard has on nearby real estate values; she also expressed concern about drivers who are unfamiliar with the dangers present at the Philbates site.

Mr. Michael Haurand said the junkyard is a hazard to drivers and should be of more concern than the esthetic side; he prefers fencing for screening.

Mr. Chris Hockaday said that property owners who complain about property values in the area knew that the junkyard was there when they bought their property.

Mr. Lester Silva, who works for OSHA through the Virginia Department of Labor and Industry, said that the problem should be viewed as far as safety and health are concerned and suggested that a small committee be formed to look into problems such as pollution. He further warned that too many restrictions may put Mr. Philbates out of business and his livelihood.

Ms. Donah Hockaday agreed that only Mr. Philbates would know what is economically feasible; she said that some persons fail to remember that citizens still have rights--that property owners should be able to do exactly what they want to do with their land.

Ms. Cheryl Petska, a real estate agent, spoke in favor of the ordinance; she said that some customers tell her that they do not want to live in the area of the junkyard. Speaking as a former police officer, she also claimed that it is a traffic hazard.

Ms. Sam Snyder said that Mr. Philbates's customers often open their car doors so close to the road that drivers must swerve in order to avoid hitting them, and she strongly recommended approval of the ordinance.

Ms. Nancy Hayes said she had viewed several junkyards while traveling along Route 301 and that all were screened.

The Chairman closed the public hearing. Among several items of discussion, Mr. Boroughs expressed his reluctance to adopt the ordinance and his fear of a suit against the County. Mr. Bradby asked about the "grandfather" effect. Mr. Ringley said he did not introduce the ordinance to single out Mr. Philbates or to put anybody out of business. He also said his main concerns are the safety factor and to prevent future junkyards in New Kent County. Mr. Burrell said he did not think Mr. Philbates' business would be adversely affected by a fence. Mr. Burrell moved that the item be tabled until the next meeting. Mr. Salmon said that the ordinance addresses the entire county--not just Mr. Philbates' business; he felt that a fence would not be an economic detriment to the business. Mr. Ringley made a friendly amendment to the motion but withdrew it soon afterwards.

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

---

IN RE: PUBLIC HEARING, AGRICULTURAL & FORESTAL DISTRICTS

Following the introductory remarks by Mr. Emerson, the chairman opened the public hearing. No comments from the public were received. Mr. Boroughs moved to adopt Ordinances O-08-93, O-09-93, O-10-93, O-11-93, and O-12-93 as presented. During discussion a difference of opinion concerning rollback taxes became evident. The Commissioner of Revenue said he had written to the Attorney General for an opinion which may or may not differ from the County Attorney's interpretation. Mr. Bradby made a friendly amendment to adopt Ordinance O-12-93 subject to collection of rollback taxes.

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

For identification purposes, the agricultural and forestal districts with ordinances are listed as follows:

Renewals:

Ordinance O-08-93, Osborn AFD

Ordinance O-09-93, Pamunkey Church AFD

Ordinance O-10-93, East Providence Forge AFD

Extension:

Ordinance O-11-93, Extension of Pamunkey Farms

Withdrawal of Certain Acreage (subject to collection of rollback taxes):

Ordinance O-12-93, York River AFD

---

IN RE: TAX RELIEF FOR THE ELDERLY

Mr. Morgan said that the Commissioner of Revenue and the Treasurer both wish to discuss the subject with the Board's Finance Committee; therefore, he suggested that the Board postpone the matter until the Finance Committee can meet and make recommendations. A date will be set in January.

---

IN RE: OPERATIONS EFFICIENCY STUDY

Mr. Hart reported that a request for proposals will be developed using a sample scope of services generated by Robinson, Farmer, Cox Associates. He suggested that all agencies should be included in the study.

---

IN RE: CONDITIONAL USE PERMIT CUP-8-93, PARI-MUTUEL RACETRACK

Mr. Emerson said that Delmarva Properties had submitted a conditional use permit application requesting allowance of the operation of a pari-mutuel racetrack in an Agricultural, A-1 zoning category. It was verified that this application pertained to Delmarva's 345-acre parcel only. Mr. Burrell moved to approve CUP-8-93 as presented with conditions as outlined in O-07-93.

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

---

IN RE: APPOINTMENTS

Mr. Boroughs recommended the appointment or reappointment of the following persons whose terms of appointment expire on December 31, 1993:

Ms. Nina Burrell to the Charles City-New Kent-Henrico Mental Health & Retardation Board for a three-year term ending December 31, 1996;

Mr. Charles Davis to the Industrial Development Authority for a four-year term ending December 31, 1997;

Mr. George Philbates as District 5's representative to the Transportation Safety Commission for a four-year term ending December 31, 1997;

Mr. John Mullen as District 5's representative to the Board of Road Viewers for a one-year term ending December 31, 1994;

Mr. Paul Davis as District 5's representative to the Wetlands Board for a four-year term ending December 31, 1997;

James Smith and John Caldwell to the Building Code Board of Appeals for a four-year term ending December 31, 1997;

Paul Davis to the Recreation Commission for a one-year term ending December 31, 1994;

Mr. James Russell to the Airport Advisory Commission for a one-year term ending December 31, 1994; and

Mr. Martin Howard to the Hanover Health Advisory Board for a two-year term ending December 31, 1995;

Mr. Salmon, after inquiring of Mr. Boroughs if appointees to Building Code Appeals and Hanover Health District had been notified, reserved his vote on those appointments until they could be notified.

Mr. Burrell recommended the appointment of Ms. Charlean Murray to the Historic Commission to fill an unexpired term ending December 31, 1995;

Mr. Bradby recommended the appointment of the Reverend Floyd Jefferson as District 4's representative to the Planning Commission for a four-year term ending December 31, 1997;

Mr. Burrell also moved to reappoint Mr. Charles Moss as District 3's representative to the Recreation Commission for a one-year term ending December 31, 1994. Mr. Ringley moved to reappoint Mr. Walter Cornett as District 2's representative to the Recreation Commission and Mr. Charles Gillett to the Airport Commission for one-year terms ending December 31, 1994;

Mr. Salmon moved to approve all the aforementioned recommendations.

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

---

IN RE:            APPROPRIATION

Mr. Boroughs moved to appropriate \$868.00 to Line Item 53020-5744, Independent Living/Program Foster Care.

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

---

IN RE:            REFUNDS

Several refund requests were presented to the Board, but due to questions concerning two of the requests, those two were tabled. Mr. Bradby moved to approve a refund of \$1,645.00 to BMW Financial Services NA, Inc., for an erroneous assessment. The Chairman also suggested that the Finance Committee consider the prorating of personal property taxes.

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

Michael D. Salmon     Aye

---

IN RE:            INTRODUCTION OF NEW PLANNING DEPARTMENT PERSONNEL

Mr. Emerson was called upon to introduce the new personnel working in his department. He introduced Mr. John Newton, Environmental Planner, and Mr. Jonathan Stanger, Code Enforcement Officer.

---

IN RE:            REFUNDS

In a return to the subject of refunds, Mr. Burrell moved to table the two refunds that had been requested by the Director of Public Safety.

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

---

IN RE:            MEETING SCHEDULE

Mr. Salmon announced that the Board of Supervisors will meet on January 10, 1994 at 7 p.m.; the Planning Commission on December 20 at 7:30 p.m.; the Airport Advisory Committee on January 4 at 7:30 p.m.

---

IN RE:            CITIZENS COMMENT PERIOD

Ms. Donah Hockaday inquired about an agenda item that had not been discussed during the meeting. Mr. Salmon said that it might come up following the executive session. Next, she described the plight of a New Kent County citizen who is in need of medical aid but unable to pay. Mr. Ringley offered a couple of helps he might seek.

Mr. Lester Silva announced with great pride that he had recently become an American citizen. He encouraged everyone to maintain that greatness which the forefathers fought for. Mr. Salmon congratulated him.

Ms. Thelma Wilson expressed appreciation to the Board for their hard work during this long, hard year.

---

IN RE:            EXECUTIVE SESSION

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

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

Mr. Boroughs moved to go back into regular session.

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

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

---

IN RE: HEALTH CARE COVERAGE FOR BOARD OF SUPERVISORS

Mr. Salmon moved to add the Board of Supervisors to the New Kent County Health Care Plan at the level of coverage provided to constitutional officers and department heads.

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

---

IN RE: ADJOURNMENT

Mr. Boroughs moved to adjourn the meeting.

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

---

H. Garrett Hart, III

---

Michael D. Salmon