

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE FOURTEENTH DAY OF JANUARY 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. A MINUTE OF SILENCE WAS OBSERVED DUE TO THE OMINOUS THREAT OF WAR IN THE MIDDLE EAST. ALL MEMBERS OF THE BOARD WERE PRESENT.

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IN RE:           MINUTES

Mr. Robinson moved to approve minutes of the meeting held on December 10, 1990.

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

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IN RE:           APPOINTMENTS

Mr. Boroughs moved to appoint Robert Randall to the Board of Zoning Appeals to fill an unexpired term ending December 31, 1991; and also moved to appoint George H. Holmes to the Transportation Safety Committee for a four-year term ending December 31, 1994. Motion carried:

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

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IN RE:           FINANCE REPORTS

Mr. Boroughs moved to approve the expenditures for the month of December 1990 totaling \$317,682.20 as presented in the monthly expenditures report.

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

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IN RE:           TREASURER'S REPORT

Mr. Ellyson moved to approve the Treasurer's Report, as of November 30, 1990, and to authorize the Treasurer to continue to invest County funds in the highest yielding legal investment, subject to audit.

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

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IN RE:           STAFF REPORTS

Mr. H. Garrett Hart, County Administrator, gave an updated report on the review of final contract agreement concerning the regional jail. He said that an agreement has been reached that can be presented to the Boards for review in each of the counties of New Kent, Henrico, and Goochland. It is being finalized by the Henrico County Attorney and copies will be forwarded to the Board members as soon as received by Mr. Hart.

Mr. Hart also reported on an informal meeting he had with representatives of James City County and City of Newport News concerning the interest of Newport News in constructing wells in lower New Kent County and upper James City County for the purpose of emergency water sources. Both James City County and New Kent County instructed that a more formal proposal be drafted for presentation to the Board for discussion.

Regarding the application for a Pamunkey River discharge permit from Virginia Water Control Board, Mr. Hart said that he and Mr. Emerson are scheduled to meet with the State Water Control Board to discuss their concerns with the dissolved oxygen discharge into the Pamunkey River.

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IN RE:           RESIDENT ENGINEER'S REPORT

Mr. Hawthorne very briefly reported that no new construction projects are underway at this time, and that it is an in-between period as far as budget goes. Mr. Ellyson called attention to the hazardous conditions existing at the traffic light at Bottoms Bridge due to ingress and egress of customers at the traffic light at Bottoms Bridge.

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IN RE:           RECOGNITION OF VISITORS

Mr. Ringley recognized and welcomed the following persons: Jack King and G. G. Crump of the New Kent School Board, Burton Alexander, Superintendent of Schools, Margaret Yancey of the Social Services Board, Floyd Miles, Charles City Supervisor, and Thelma Wilson who spoke briefly of the need for Red Cross volunteers to work with the military and their families.

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IN RE:           ANNUAL REORGANIZATION OF THE BOARD

Mr. Ringley relinquished the chair to the County Administrator for election of Chairman of the Board. Mr. Ellyson nominated Mr. Robert A. Boroughs and Mr. Ringley moved to close the nominations.

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

Motion was made by Mr. Ellyson to elect Robert Boroughs Chairman of the Board for the year 1991.

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

Upon election, Mr. Boroughs assumed the chair and continued the meeting with the election of Vice Chairman. Mr. Ringley nominated Richard S. Ellyson for Vice Chairman and Mr. Robinson moved to close the nominations.

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

Motion was made by Mr. Robinson to elect Richard S. Ellyson for Vice Chairman of the Board for the year 1991.

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

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IN RE:            ADOPTION OF BYLAWS

Mr. Ringley's question concerning public hearings advertised to begin at 8 p.m. was discussed briefly. Motion was then made by Mr. Ellyson to readopt the Board's current bylaws as revised 2/13/89.

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

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IN RE:            RESOLUTION R-1-91, OFFICE OF TIEBREAKER

Mr. Robinson moved to adopt Resolution R-1-91, by which the Board chooses not to have a tiebreaker.

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

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FOR RESOLUTION R-1-91 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FOUR, AT PAGE 372.

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IN RE:            RESOLUTION R-2-91, MEETING SCHEDULE OF THE BOARD

The subject of separate, rather than joint, public hearings for conditional use permits and rezoning cases was discussed. Mr. Ellyson moved that separate public hearings be held in 1991 for rezonings and conditional use permits.

Paul C. Robinson	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye

Robert A. Boroughs     Aye

Mr. Hart said that the Board may wish to consider holding a second meeting per month due to the increasing amount of information being transmitted to the Board. He said that the second meeting would be in the nature of a work session on a scheduled date. Various opinions, pro and con, were expressed. Mr. Ringley made a motion that the Board of Supervisors establish its regular meeting dates pursuant to § 15.1-536 of the Code of Virginia to be the Second Monday and the Fourth Monday of each month at 7:30 p.m. in the Board Room of the County Office Building.

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

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FOR RESOLUTION R-2-91 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FOUR, AT PAGE 373.

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IN RE:                    APPOINTMENT OF STANDING COMMITTEES FOR 1991

Mr. Boroughs stated that he would work with Staff during the next month in order to establish goals, which he would announce at the February meeting. He asked the Staff to look at Article VIII of the Bylaws, Procedures for Financial Control, and that sections A(5), B(9) and C be taken care of to their fullest. He said that he will be meeting with the County Administrator the week of February 25th and he would like for the Budget to be prepared so that everything will be ready by the March meeting. He asked that the Personnel Policy and Management Committee, once appointed, take a look at all the offices and constitutional offices for budgetary purposes to consider overtime work, more help, or cutbacks, or take a look at the holiday schedule. Additionally, he asked the committee to study the maintenance contracts on all the machines. These things he asked to be done in time to get back to the Board by budget time. He said he would like for the School Board Liaison Committee to get together with the School Board Chairman and Superintendent before we get into budgeting, to find out what we need to be working together on, so that we can understand what budget cuts will mean.

Mr. Boroughs appointed Supervisors to the Standing Committees as follows:

Finance Committee\Ellyson and Boroughs  
Public Works Committee\Robinson and Boroughs  
School Board Liaison\Robinson and Ringley  
Legal Affairs Committee\Ellyson and Ringley  
Personal Policy & Management Committee\Robinson and Ringley  
Water Resources Committee\Ellyson and Boroughs

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IN RE:                    PRESENTATION OF COUNTY FLAGS

Mrs. Diane Blanton presented four flags to the School Board. The flags were accepted by Mr. Jack King, Chairman of the School Board, and will be displayed at each of the schools in the County.

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IN RE:                    RESOLUTIONS OF APPRECIATION, R-4-91 and R-3-91

Mr. Ringley read Resolution R-4-91 expressing appreciation to Mrs. Teresa Edwards for her service on the Planning Commission, and moved adoption of the resolution.

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

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FOR RESOLUTION R-4-91 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FOUR, AT PAGE 374.

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Mr. Robinson read Resolution R-3-91, an expression of appreciation for the service given by Mr. Marvin Bradby to the Planning Commission, and moved for adoption of the resolution.

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

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FOR RESOLUTION R-3-91 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FOUR, AT PAGE 375.

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IN RE:               RESOLUTION R-10-91, CONCERNING CONSOLIDATION OF SOCIAL SERVICES DEPARTMENTS

Mr. Boroughs called upon Mrs. Margaret Yancey, Chairman of the Social Services Board, who requested that the Board of Supervisors study carefully the proposals for consolidation before any changes take place. Mrs. Marianne Powell, Director of the Social Services Department, spoke to the Board briefly about a few issues of concern. She pointed out that the proposal for the district may not be beneficial to the County as a savings nor for possible liability reasons. Mr. Ringley made a motion to adopt Resolution R-10-91 as presented. The resolution basically requests the General Assembly to establish a joint committee to study the appropriateness of consolidation. It was established through the discussion which followed that the passing of the resolution would not affect the receipt of federal funding for the department.

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

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FOR RESOLUTION R-10-91 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FOUR, AT PAGE 376.

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IN RE:               SOCIAL SERVICES FUNDING

Mrs. Powell requested the Board to allocate and appropriate \$600.00 to allow for the continuance of the General Relief Program. Mr. Ringley moved to appropriate the \$600.00 additional funding to

Line Item 5300-2000   Welfare Admin.-Local

Motion carried as follows:

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

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IN RE: PRIMARY SCHOOL REPAIRS, RESOLUTIONS R-8-91 AND R-9-91

Mr. Hart reported that the Board had met at the Primary School and had subsequently requested MMM Design Group to give estimates on cost of repairs to the walls and roof. He said that a loan from the Literary Fund would be the most economical means of funding the necessary repairs. Resolution R-8-91 clarifies the Board's position on the issue of construction and the authorization of a literary loan application; Resolution R-9-91 is a resolution required by State Board of Education for approving a literary loan application.

Mr. Robinson moved to adopt Resolution R-8-91 as amended, the second "Whereas" Clause to read: "WHEREAS, in their current condition the walls may be repaired by constructing a new wall in front of the existing wall or by making some other repairs to the front of the existing structure;" and to change the word "application" to "loan" in the first resolution paragraph. Motion passed.

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

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FOR RESOLUTION R-8-91 AS AMENDED AND ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FOUR, AT PAGE 377.

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Mr. Ringley moved to adopt Resolution R-9-91 as presented.

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

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FOR RESOLUTION R-9-91 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FOUR, AT PAGE 378.

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Mr. Robinson moved to authorize the expenditure of \$4,200.00 from the Primary School Construction Fund for architectural studies necessary for the Literary Loan Application.

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

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IN RE: OAKWOOD DRIVE INTO SECONDARY SYSTEM, RESOLUTION R-5-91

Mr. Hart stated that Oakwood Drive now has enough residences on it to qualify for acceptance into the State Secondary System. Mr. Ringley made a motion to adopt Resolution R-5-91 stating the Board's desire that Oakwood Drive in Five Lakes Subdivision be included in the State Secondary System pursuant to § 33.1-229 of the Code of Virginia as amended. Motion carried.

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

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FOR RESOLUTION R-5-91 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FOUR, AT PAGE 379.

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IN RE: ABANDONMENT OF RIGHT-OF-WAY

Mr. Patrick Morgan, County Attorney, stated that, if the Board wishes to abandon the right-of-way to the north of Cary Road for a well lot, it would need to set the matter for public hearing. Mr. Morgan recommended that the Board abandon the right-of-way under § 33.1-157. Mr. Ringley moved to hold a public hearing at the Board's regular meeting on February 25, 1991 to consider the abandonment of the right-of-way adjacent to Cary Road.

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

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IN RE: COURTHOUSE PROJECT

Mr. Hart stated that MMM Design has requested that another work session be held to determine the next step in continuing the project. It is necessary for the Board to decide on the scope of the work and which plan is to be accepted. Mr. Boroughs said that he would like to have MMM's answers to his questions before the meeting. The matter of choosing a plan for the courthouse project will be carried over to the Board's next regular scheduled meeting, which is January 28, 1991.

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IN RE: REFUNDS, RESOLUTION R-6-91

Requests for refunds were received from the Commissioner of Revenue and from the Treasurer. Mr. Ellyson moved to adopt Resolution R-6-91, which authorizes the payment of refunds to William R. Davis et als., in the amount of \$34.04, to Teresa A. Edwards in the amount of \$204.05, to Quail Oaks, Inc., in the amount of \$9.20, to Richard Davis in the amount of \$26.95, to Circle Business Credit, Inc., in the amount of \$411.00, to Donald T. & Dorothy K. Sellars in the amount of \$87.32, and to E. S. Wartman in the amount of \$255.30. Motion carried.

Paul C. Robinson	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye

Robert A. Boroughs     Aye

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FOR RESOLUTION R-6-91 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FOUR, AT PAGE 380.

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IN RE:                    APPROPRIATIONS, RESOLUTION R-7-91

The Board was informed by the Chairman that the Sheriff's Department had requested an appropriation of \$2,000.00 from funds received in the Sheriff's Auction held on December 8, 1990. A request for appropriation of \$12,119.51, purchase price of a brush chipper, was also received. Mr. Ringley moved to adopt Resolution R-7-91 appropriating the following:

Line Item 2107-5815, Sheriff's Auction  
Line Item 4203-7001, Maintenance & Equipment

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

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FOR RESOLUTION R-7-91 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FOUR, AT PAGE 381.

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IN RE:                    SOUTH GARDEN ANTIQUES

Mr. R. J. Emerson, Director of Planning, explained that a letter had been received from Marsha Hood Mason stating her desire to operate an upscale antique business at South Garden on Route 60, which is in an A-1 zoning district. Mr. Robinson moved to refer to the Planning Commission for their consideration the issue of whether or not to allow antique shops with conditional use permits as a home occupation in A-1 zoning districts.

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

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IN RE:                    RENEWAL OF CONDITIONAL USE PERMIT FOR PAINT BALL GAMES

Mr. Ringley moved to renew Conditional Use Permit CUP-5-87 for a period of one year. Motion carried.

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 Board's next regular meeting is scheduled for January 28th at 7:30 p.m.

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IN RE: REDISTRICTING

Mr. Emerson said that final census information would not be available until March 1st concerning the location of minorities within the County. If the Board chose to consider a five-member district, it would mean one district would be created minority if there were a clustering of minorities in one area. Motion was made by Mr. Ellyson to consider five districts in the redistricting.

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

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IN RE: CITIZEN'S COMMENT PERIOD

Mrs. Wilson called again for volunteers who will be needed if war casualties are brought to Richmond hospitals. Mary Thomas Carswell announced that D. Gardner Tyler, grandson of President Tyler and a resident of Charles City County, has published another history of Charles City County. She invited everyone to a reception to be held at the Library on February 3 at 3 o'clock. Mr. Tyler will be present to autograph copies of his book. Mr. Rudolph Jones of Charles City County brought conciliatory remarks and asked if the setting of a second monthly Board meeting would be an ordinance change.

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IN RE: EXECUTIVE SESSION

Mr. Robinson moved to go into executive session to discuss matters pursuant to § 2.1-344(a)(6), § 2.1-344(a)(7), and § 2.1-344(a)(1) of the Code of Virginia. Motion carried.

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

Motion was made by Mr. Robinson to resume the meeting and motion carried.

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

Mr. Ellyson 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.

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There being no further business or discussion, Mr. Ringley moved to adjourn the meeting. Motion carried as follows:

Paul C. Robinson	Aye
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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