

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE TWENTY-EIGHTH DAY OF MAY IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-ONE IN THE BOARD ROOM OF THE COUNTY OFFICE BUILDING. MR. BOROUGHS, CHAIRMAN, CALLED THE MEETING TO ORDER WITH ALL MEMBERS PRESENT. THE REVEREND TOWE GAVE THE INVOCATION.

IN RE: MINUTES

Minutes of several meetings had been presented to the Board members for their review. Minutes of the April 15th public hearing (correction made on page 17--Mrs. Hayes rather than Mrs. Yates); special meeting on May 6th; regular meeting on May 13th (with corrections to include Mr. Robinson's expression of appreciation to the Board for their support on Route 627 improvements, and to include Mr. Boroughs concurrence); and special meetings on May 15th and May 20th. Mr. Ringley made the motion to approve these minutes as corrected.

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

IN RE: FINANCE REPORTS

Mr. Hart presented the finance reports. Mr. Ellyson moved to approve the expenditures for the month of April 1991 totaling \$254,856.55 as presented in the monthly expenditures report.

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

IN RE: TREASURER'S REPORT

Mr. Hart also presented the Treasurer's report and his summary. Mr. Robinson 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

IN RE: ELECTED OFFICIALS REPORTS

Mr. Hart reported on behalf of the Treasurer that second notices had been mailed and within two weeks more than \$15,000 in delinquent taxes had been collected.

IN RE: REDISTRICTING

The Chairman announced that public comment would be limited to Citizens Comment period at the end of the meeting.

Mr. R. J. Emerson, Jr., Assistant County Administrator/Director of Planning, presented information concerning Plan J Modified. Maps with proposed districts outlined were available, and a transparency was projected upon the screen in order for all citizens in attendance to view the proposed plan. He explained that changes made to modify Plan J still results in a higher percentage of black population in the proposed minority-majority district.

Mr. Ellyson moved to adopt Ordinance O-05-91 as modified to show Election District Three with the population of 2,184, Election District Five with a population of 2,003 and adding the heading for Section 2-23, Election District Three, and further modified to defer action on Section 2-30.

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

FOR ORDINANCE O-05-91 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FOUR AT PAGES 456-0, 456-1 (MAP AND STATISTICS) AND 457-466.

Mr. Robinson moved to adopt Resolution R-24-91, which had been read by Mr. Hart prior to action on the ordinance.

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

FOR RESOLUTION R-24-91 ENACTING ORDINANCE O-05-91, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR AT PAGES 467-468.

A VERBATIM TRANSCRIPT OF DISCUSSION AND ACTION ON REDISTRICTING MAY BE FOUND ON FILE IN THE OFFICE OF THE COUNTY ATTORNEY.

IN RE: CABLEVISION

Mr. Doug Benton, Marketing Director for 1st Commonwealth Communications, Inc., reported that cablevision installation is complete in Chickahominy Shores and near completion in The Colonies. In response to questions from Board members, Mr. Benton answered that there are approximately 1060 subscribers in the County, that it takes from about 7-10 days for installation upon request, unless an electric pole is involved which may take up to three months, and that no rate changes are anticipated within the next six months at least.

IN RE: RESOLUTION R-23-91, PROCUREMENT FOR EMERGENCY WATER SYSTEM REPAIR

Mr. Morgan, County Attorney, said that there is a need for contractual relationship with a contractor for emergency water system repair. Ability to respond quickly would be more important than low bid. The resolution authorizes competitive negotiation for such services. Mr. Robinson questioned the necessity for a blank dollar amount on the standard Declaration page of

the proposed bid package. Mr. Morgan agreed to correct that to a rate-per-hour statement. Mr. Ringley moved to adopt Resolution R-23-91 with the correction and motion passed.

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

FOR RESOLUTION R-23-91 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR AT PAGE 469.

IN RE: RESOLUTION R-22-91, CHANGES TO REGIONAL JAIL CONTRACT

Mr. Hart reported on changes to the contract which were necessitated by information received from Virginia Department of Corrections. For the most part, the changes consisted of lowering the number of spaces needed and identifying those spaces as beds rather than cells. Mr. Robinson moved to ratify amendments to the Regional Jail Contract by the adoption of Resolution R-22-91 as presented.

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

FOR RESOLUTION R-22-91 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR AT PAGE 470.

IN RE: STAFF REPORTS

Staff members presented updated reports on the following subjects: Virginia Natural Gas, Talleyville Water System, by Mr. Hart; Water System in Five Lakes, Water Systems Manual, and Refuse Ordinance Enforcement, by Mr. Gallaher. Due to the dire emergency with the water system in Five Lakes, Mr. Gallaher was asked to report back to the Chairman as soon as possible on the matter. In order for Mr. Gallaher to get to Five Lakes immediately, the livestock claim was considered next.

IN RE: LIVESTOCK CLAIM

The Board considered payment of a claim for loss of thirty chickens killed by dogs. Mr. Robinson moved to approve payment to Pattie K. Wyatt in the amount of \$120.90 for the loss of poultry, as per requirements of § 3.1-796.118 of the Code of Virginia.

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

IN RE: STAFF REPORTS (CONTINUED)

Reports on Proposed Subdivisions, Engineering Study on Sewer System Inventory, Non-point Source Management Program, Chesapeake Bay Preservation Act, and House Numbering System, were given by Mr. Emerson. The Comprehensive Plan was also discussed. Another work session is needed. Mr. Robinson recommended that the meeting be scheduled in conjunction with a Planning Commission meeting.

IN RE: MEETING SCHEDULE

The Board's next regular meeting was scheduled for June 10, 1991 and that the Planning Commission will meet June 19, 1991.

IN RE: CITIZENS COMMENT PERIOD

The Reverend Milton Hathaway was the first speaker. At the conclusion of his remarks, Mr. Robinson moved to go into executive session to discuss a personnel matter pursuant to § 2.1-344(a)(1) of the Code of Virginia. The question was called for and motion passed:

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

Upon return of the Board, Mr. Robinson moved to go back into regular session.

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.

The following persons spoke: Mr. Steve Pershing, legal director of the American Civil Liberties Union of Virginia; Alan Clarke, a cooperating attorney for the ACLU; and Edward W. Pollard, president of the New Kent Branch of the NAACP.

THE AFOREMENTIONED VERBATIM TRANSCRIPT, INCLUDING THE CITIZENS' COMMENT PERIOD, MAY BE FOUND ON FILE IN THE OFFICE OF THE COUNTY ATTORNEY.

IN RE: EXECUTIVE SESSIONS

Mr. Ellyson 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.

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

Following the Executive Session, Mr. Ellyson moved to reconvene the meeting.

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

Mr. Robinson 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.

Mr. Boroughs called upon Mr. Emerson to respond to statements made by Rev. Hathaway. (See Verbatim Transcript, pp. 35-36.)

Mr. Ellyson again 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.

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

Mr. Robinson made the motion to go back into regular session.

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

Mr. Ringley 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.

IN RE: ADJOURNMENT

Mr. Ellyson moved to adjourn the meeting.

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

H. Garrett Hart, III
County Administrator

Robert A. Boroughs
Chairman