

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE TWENTY-SIXTH DAY OF AUGUST IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-ONE IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING. THE CHAIRMAN CALLED THE MEETING TO ORDER AND GAVE THE INVOCATION. ALL MEMBERS WERE PRESENT.

---

IN RE: MINUTES

Minutes of meetings held on July 8 and August 5 were corrected and approved upon motion of Mr. Robinson.

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

---

IN RE: FINANCE REPORT

Mr. Hart presented the finance reports. Mr. Ellyson moved to approve the expenditures for the months of June and July totaling \$325,231.23 for June and \$392,344.61 for the month of July as presented in the monthly expenditures reports.

---

IN RE: TREASURER'S REPORT

Following Mr. Hart's presentation of the Summary Reports for June and July, Mr. Ringley moved to approve the Treasurer's Reports for those months and to authorize the Treasurer to continue to invest County funds in the highest yielding legal investment, subject to audit.

---

IN RE: ELECTED OFFICIALS REPORTS

Mr. Robinson reported that on Sunday, August 18th, he and Mr. Boroughs had attended the Local Government Officials' Conference which was held in Charlottesville August 18-20, 1991. Mr. Robinson also said that he attended the Public Safety Steering Committee meeting that same afternoon.

---

IN RE: NEW SUPERINTENDENT OF SCHOOLS ANNOUNCEMENT

Mr. G. G. Crump, Jr., was called upon to report the name of the newly appointed Superintendent of Schools. He said that the School Board appointed Mr. Robert Joseph Adams, Jr., whose contract becomes effective September 19, 1991. Mr. Adams has served as Superintendent of Schools for Nelson County since 1988.

---

IN RE: STAFF REPORTS

Mr. R. J. Emerson, Planning Director, presented two requests that required recommendation to the Planning Commission. One was from a developer, Reginald E. Baker, who wishes that the Zoning Ordinance of the County be amended to reduce the minimum lot size requirements to 15,000 sq. ft. in subdivisions zoned Residential R-1 that have central water and sewer service.

The other request was for an amendment to the ordinance, under the conditional use permit section of Agriculture zoning, to allow for sporting clay courses. Mr. Ellyson moved to table Mr. Baker's request until further information can be provided.

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

Mr. Ringley moved to send to the Planning Commission for consideration and recommendation to the Board of Supervisors the request concerning the sporting clay courses.

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

Mr. Hart said that he had been informed by a contractor who is a New Kent County citizen and prospective bidder on the courthouse construction project, that major contractors in the area would not find September 5th a good bid opening date, and suggested September 10th as a better date. Mr. Ringley made a motion to set September 10th at 2 p.m. for bid opening.

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

Mr. Gallaher discussed with the Board his schedule for upcoming surgery. He announced that at three-day nuclear disaster exercise would begin August 27th and involve many County and volunteer service agencies who would be participating.

---

IN RE: RESOLUTION R-32-91, HERITAGE LIBRARY

Mr. Robinson presented Resolution R-32-91 recognizing the Tenth Anniversary of the Heritage Library and commending the staff and volunteer workers. Motion was made by Mr. Robinson to adopt Resolution R-32-91 as presented.

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

Several persons affiliated with the Library were in attendance.

---

FOR RESOLUTION R-32-91 AS PRESENTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR AT PAGE 486.

---

IN RE: RESOLUTION R-31-91, CAPITAL AREA TRAINING CONSORTIUM JTPA

Mr. Hart read Resolution R-31-91 proclaiming the week of August 26-September 2, 1991 as National JTPA Alumni Week in the County of New Kent. Mr. Ringley moved to adopt Resolution R-31-91 as presented.

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

Mr. Hart also read a short description of the 1991 JTPA Alumni, Ms. Addie Brandon, who completed training and is successfully employed as a child care worker.

---

FOR RESOLUTION R-31-91 AS PRESENTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR AT PAGE 487.

---

IN RE: PUBLIC HEARING, REZONING C-2-91, JEFFREY DEATON

Mr. Jeffrey Deaton had requested rezoning of Tax Parcel Numbers 45-65, 45-66, 45-66A, 45-67 and 45-67A, but Mr. Emerson informed the Board that he had received a letter from Mr. Deaton dated August 21, 1991 amending his request. He no longer wants to rezone Parcels 45-65 and 45-66 as Business, but wishes to rezone the remaining mentioned parcels to Business in order to operate a medical equipment rental center and office building. The Highway Department requires a deceleration lane if the entire property strip is operated as business.

No citizen offered comment during the public hearing and the public hearing was closed.

Mr. Ellyson expressed his feelings that there was too much confusion, that the Planning Commission had heard an entirely different case from the one being requested of the Board; he also said that he favored rezoning the whole piece or remand it to the Planning Commission. Mr. Boroughs concurred.

Following more discussion, Mr. Ellyson moved that the rezoning case C-2-91 be remanded to the Planning Commission for reconsideration and appropriate action.

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

---

IN RE: NOISE PERMIT FOR CANNON

Mr. Ringley moved that the New Kent High School be granted a one year permit to discharge a cannon at home football games on condition that no more than two ounces of powder be used per firing and that no shots be fired after 10:00 p.m.

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

---

IN RE: VIRGINIA RECYCLING CONDITIONAL USE PERMIT CUP-1-91

Mr. Emerson, Director of Planning, presented the information and permit submitted by Virginia Recycling Corporation, including the recommendations for conditions on this permit made by the Planning Commission at their meeting of July 17, 1991. A lengthy discussion, covering the indestructibility of the oil collecting tank, the flammability of the shredded tires, and the preference for a letter of credit versus a performance bond, culminated in a motion by Mr. Robinson to hold a public hearing at the Board's regular meeting on September 23, 1991. Motion passed.

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

---

IN RE: SOUTH GARDEN ANTIQUES, CONDITIONAL USE PERMIT CUP-4-91

Mr. Emerson also presented information on the request of Melissa Hood Mason to operate an antique shop on property zoned Agriculture A-1 with conditions as listed in the Zoning Ordinance. Mr. Ellyson made a short statement of his disapproval. Mr. Robinson made a motion to approve CUP-4-91 with the following restrictions:

1. There shall be no outdoor storage of goods or merchandise.
2. Any building so used shall be the residence of the proprietor or an accessory structure thereto. Additionally, an accessory structure shall not exceed one (1%) percent of the size of the parcel, and in no case shall the structure exceed five thousand square feet.
3. Employees shall be limited to residents of the dwelling.
4. Signs shall be limited to no more than two (2) and shall be two square feet or less in size.
5. Parking shall comply with Section 9-28 of the Zoning Ordinance.
6. Site plan in accordance with Division 18 of the Zoning Ordinance shall be required.

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

---

IN RE: GEOGRAPHIC INFORMATION SYSTEMS (GIS) MAPPING SYSTEM

Chairman Boroughs suggested that the matter be stricken from the Agenda, and the other Board members concurred.

---

IN RE: AIRPORT INDUSTRIAL PARK

Mr. Emerson said that Staff had been approached by Mr. William Glass about the possibility of moving his business to the County's industrial property located at the New Kent Airport. Mr.

Glass had expressed his interest in purchasing the remainder of the property also. Mr. Robinson recommended that the Legal Committee be appointed to study the matter and form a recommendation for action by the Board.

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

---

IN RE: BOND ISSUE, RESOLUTION R-34-91

Mr. Hart presented Resolution R-34-91 whereby the Board declares its intent to lease the land to the Industrial Development Authority and also to lease the building from them and to use the proceeds of that lease to endorse a bond issue of \$1.8 million issued by the IDA for the construction of the new courthouse. Mr. Daniel Siegel of Natkin, Heslep, Siegel & Natkin, was present to discuss the issue with the Board members. On recommendation of Mr. Robinson, adjustments were made in paragraphs 4, 5 and 6. Mr. Robinson moved to adopt Resolution R-34-91 as amended.

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

---

FOR RESOLUTION R-34-91 AS PRESENTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR AT PAGES 488-492.

---

IN RE: REFUNDS

Mr. Ringley moved to refund \$68.63 to Mrs. Doris S. Cully for a disapproved building permit for a garage; and \$40.40 to Peter Daniel for a disapproved building permit for a temporary office trailer.

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

---

IN RE: YORK RIVER AGRICULTURAL AND FORESTAL DISTRICT

Mr. Emerson explained the application of Mr. and Mrs. Chapman to remove a five-acre parcel from the York River AFD. Mr. Ringley moved to refer the AFD removal of property application from Richard G. and Margaret L. Chapman to the Planning Commission for their consideration.

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

---

IN RE: MEETING SCHEDULE

Mr. Boroughs announced that the next regular meeting of the Board of Supervisors is scheduled for September 9, 1991.

---

IN RE:               STREETS IN THE COLONIES

Mr. Robinson said that he had received a request from The Colonies Property owners Association to initiate action to have two streets that have not yet been brought into the maintenance system accepted--the eastern end of Four Islands Trail and Cove Court. Staff was instructed to set up a meeting at the site with representatives of Virginia Department of Transportation.

---

IN RE:               EXECUTIVE SESSION

Mr. Robinson moved to go into Executive Session to discuss a matter requiring the protection of the privacy of an individual in a personal matter not related to public business pursuant to § 2.1-344(a)(4) of the Code of Virginia.

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

Mr. Ellyson moved to return to regular session.

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

Mr. Boroughs 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. Ringley moved to return to regular session.

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 meetings to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the executive meetings were heard, discussed or considered by the Board.

---

IN RE:           ADJOURNMENT

Mr. Ringley moved to adjourn.

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