

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

IN RE: MINUTES

Mr. Ellyson moved to approve the minutes of September 9, September 11 and September 16, 1991 as presented.

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 for the month ending August 31, 1991. Mr. Ringley made a motion to approve expenditures for the month of August totaling \$225,997.08.

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 for the period ending August 31, 1991. Mr. Robinson made a motion 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. Boroughs presented a financial statement regarding construction of the building for New Kent Volunteer Fire Department Company 3. The statement indicated that the cost of the building was \$126,660.89, and that the current debt is \$58,212.35. Mr. Boroughs explained that the construction has been of no cost to taxpayers, that it has been entirely voluntary, and the men and women there have done a great job. Mr. Seitz reported that the Ladies Auxiliary has done a tremendous job also.

IN RE: STAFF REPORTS

Mr. Morgan, County Attorney, reported that the County has received a grant from the Federal Aviation Administration in the amount of \$94,455 and a match by the State in the amount of \$5,247 to be used for REILs and PAPIs (lights used to aid in night landings) at the airport. Mr.

Morgan requested the Board to authorize the County Administrator to accept the grants in order that construction may begin. In answer to Mr. Ringley's question, Mr. Morgan responded that the County would match in the amount of \$5,248, making a total amount of \$104,950.00. Mr. Ringley moved that the County Administrator be authorized to accept the grants by executing the necessary papers.

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

Mr. Hart notified the Board that a horserider caravan would arrive at New Kent Courthouse on Tuesday, September 24, and the chairman would present to the riders a scroll signed by New Kent citizens affirming their belief in the Bill of Rights. The scroll, along with others from many parts of the Commonwealth, will be taken by various caravans to the opening ceremony at the State Fair in Richmond as part of the bicentennial celebration of the ratification of the Bill of Rights.

IN RE: GROUND LEASE FOR NEW KENT COURTHOUSE

In response to Mr. Ellyson's question from the meeting of September 9, Mr. Morgan presented a copy of the plan drawn by MMM Design Group of the 3.3 acres of land to be leased to the Industrial Development Authority upon which the courthouse will be built. Mr. Morgan requested the Board to authorize the Chairman of the Board of Supervisors to enter into a ground lease agreement with the Industrial Development Authority and to enter a lease of the new courthouse facilities from the Industrial Development Authority. Mr. Ellyson so moved.

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

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

Mr. Emerson, Planning Director, presented information concerning the request for a conditional use permit and the Planning Commission's recommendations. Two videos were shown. After a lengthy discussion, the chairman opened the public hearing.

The first speaker was Bill Mountcastle who lives on Route 615 South. He said that he is not against recycling of any type--tires or what--but does not feel that this is the proper piece of land to be doing it on. He also said that the piece of property on which the oil recycling tank is located lies not over 50 yards from a creek. He is against issuing the permit for the oil recycling tank. Mr. Charlie Evelyn said he backed everything Mr. Mountcastle said and that he had described it very well.

Mrs. Nancy Hayes said that the issue had been discussed thoroughly at the Planning Commission meeting and she did not understand what the holdback is.

Eric Keck, an adjacent property owner, said that he is happy with the protection that Virginia Recycling has set up for the tank and the containment area around it, and that he is not opposed to it.

The chairman closed the public hearing. During the lengthy discussion, Mr. Boroughs said that he would like to see another item added to the list of conditions. Mr. Ellyson proposed to delete the words "performance bond" and require a letter of credit instead.

Mr. Gallaher was asked which he would rather see there--an impervious base or a berm? He responded that he would prefer to see a diked area with possible further spill containment for small leaks that occur at time of delivery.

Mr. Ringley moved to approve the conditional use permit application by Virginia Recycling (CUP-1-91) with the following conditions:

1. Renewal of the conditional use permit on a yearly basis. This permit shall return to the Planning Commission on a yearly basis for review and recommendation to the Board of Supervisors.
2. All shred stored on site shall be treated status quo until July 1, 1992 at which time a plan of removal shall be put into effect by Virginia Recycling.
3. A 100 foot buffer area will be established adjacent to Schiminoe Creek.
4. A concrete berm will be constructed to contain any oil overflow. This plan shall be approved by the Director of Planning and the Director of Public Safety.
5. The volume of whole tires stored on site limited to 2,500.
6. Fire control plan: The plan should provide for fire containment and include an emergency response plan to be approved by and filed in the Office of the Director of Public Safety.
7. A letter of credit shall be required for the recycling facility. The surety will be assessed based on the existing volume of processed tire material and used oil stockpiled on the site.
8. A security fence shall be completed for the site.
9. A TPH (Total Petroleum Hydrocarbon) soil test shall be taken immediately and every six months thereafter at the owners' expense and results furnished to the County.

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

IN RE: CHESAPEAKE BAY PRESERVATION ORDINANCES

The Board of Supervisors and the Planning Commission in joint session reviewed Chesapeake Bay ordinances as proposed by Staff. Mr. Morgan presented the proposals and said that they had been broken down into three separate ordinances because they deal with three separate areas. Mr. Morgan suggested that the Board meet with the Planning Commission on October 9th at 7:30

p.m. to continue the review session for material not covered at this meeting. It was decided to hold the joint public hearing for the ordinances at the regular October 28th Board meeting.

IN RE: MEETING SCHEDULE

In addition to the meetings listed previously, there will be a special meeting of the Board on September 24, 1991 at 6 p.m. with the architect and contractor for the Courthouse project. The Board's next regular meeting will be held on October 14, 1991.

IN RE: EXECUTIVE SESSION

Mr. Boroughs moved to go into executive session to discuss a personnel matter pursuant to § 2.1-344(a)(1) of the Code of Virginia.

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

Mr. Robinson made a motion to return to 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.

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

IN RE: ADJOURNMENT

Mr. Ringley made a motion 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