

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE NINTH DAY OF APRIL IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY IN THE BOARD ROOM OF THE COUNTY OFFICE BUILDING. THE CHAIRMAN CALLED THE MEETING TO ORDER WITH ALL MEMBERS PRESENT.

IN RE: APPROVAL OF MINUTES

Motion was made by Mr. Robinson to approve the minutes as presented and carried as follows:

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

IN RE: FINANCE REPORTS

The Chairman stated that he, Mr. Boroughs and the County Administrator had reviewed the expenditures for the month of March, which were available to any Board member. Motion was made by Mr. Robinson to approve the expenditures for the month of March 1990 totaling \$199,367.57 as presented in the monthly expenditure report. Motion carried as follows:

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

IN RE: TREASURER'S REPORT

Following review of the Treasurer's Financial Reports, motion was made by Mr. Ellyson to approve the Treasurer's Reports as of January 31, 1990 and February 28, 1990 and to authorize the Treasurer to continue to invest County funds in the highest yielding legal investment, subject to audit. Motion carried as follows:

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

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Boroughs reported on the Regional Jail Committee meeting held April 3, 1990. Mr. Boroughs briefly reviewed the counties involved in the Design Study and requested direction from the Board on New Kent County's decision to participate in the Study.

Mr. Hart explained that it was at Mr. Boroughs' urging that the Committee move on with the Study, that New Kent County is in desperate need to move forward in a regional solution.

Mr. Robinson expressed support of New Kent's continued participation. He felt that New Kent should stay involved and continue to lead the effort in pursuing possibilities of a Regional Jail Facility.

It was the consensus of the Board that Mr. Boroughs advise the Regional Jail Committee that New Kent County will participate in the Study at the present time. The Board requested the County Administrator to draft a letter to Richard Johnson, Hanover County, stating the Board's decision.

The Chairman explained that he had received a Proclamation requesting Tuesday, April 24, 1990, be declared Circus Day in the County of New Kent for the exhibition of the Roberts Brothers Circus sponsored by the New Kent County Volunteer Fire Department.

Motion was made by Mr. Ringley to declare Tuesday, April 24, 1990 as Circus Day in New Kent County. Motion carried as follows:

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

The Chairman explained that he also had received a request from the New Kent County Branch NAACP requesting the Board to recognize by resolution the third Sunday in May, May 20th, as Freedom Day in New Kent County. He stated that the Landmark Case, Brown V. Board of Education, was decided on May 17, 1954, and has served as a symbol of freedom.

The Chairman reviewed Resolution R-14-90 and motion was made by Mr. Ringley to adopt R-14-90 as presented. Motion carried as follows:

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

FOR COPY OF RESOLUTION R-14-90 ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 245.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Tom Hawthorne, Resident Engineer, was present and reported that he had reviewed the request for guardrail at Route 665/640 and stated that he felt he could justify the placement of guardrail at that location. Mr. Hawthorne advised the Board that he had also examined the site on Route 627 where guardrail was requested and stated that he would not be able to justify guardrail, but during freezing weather situations the Highway Department would pay close attention to the location.

IN RE: NEW KENT CABLEVISION

Mr. William Newborg, Manager of 1st Commonwealth Communications, was present and reported the March progress to the Board. Mr. Newborg reviewed the activated routes throughout the County and noted that four crews would begin working in Five Lakes Subdivision. Mr. Newborg advised if New Kent County citizens have questions regarding cable installation, they should call 843-3112 or 966-2666.

IN RE: RESOLUTION OF PROCLAMATION

Ms. Marianne Powell, Director of Social Services, addressed the Board and requested the adoption of proposed Resolution R-12-90, a proclamation designating April as Child Abuse Prevention Month in Virginia. She stated this was an effort to make the community aware and focus attention upon the problem.

The Chairman reviewed Resolution R-12-90, he stated that during the fiscal year 1988-89 seventeen cases of child abuse, founded or reasonably suspect, were reported in this county.

Motion was made by Mr. Boroughs to adopt Resolution R-12-90 as presented. Motion carried as follows:

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

FOR COPY OF RESOLUTION R-12-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 246.

IN RE: RESOLUTION OF APPRECIATION

The Chairman explained that the Board would consider a Resolution of Appreciation for the participants in the Adopt a Highway Program. He reviewed proposed Resolution R-13-90, in which the Board of Supervisors expressed their thanks and appreciation for the efforts of the groups, individuals, and associations who participate in the Adopt a Highway Program.

Motion was made by Mr. Ringley to adopt Resolution R-13-90 as presented. Motion carried as follows:

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

FOR COPY OF RESOLUTION R-13-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 247.

IN RE: ORDINANCE O-7-90 PLANNED UNIT DEVELOPMENTS

Mr. R. Joseph Emerson, Jr. Director of Planning/Assistant County Administrator, explained proposed Ordinance O-7-90. He stated that the passage of this ordinance would make possible the creation of Planned Unit Developments in New Kent County and also would complete everything that was needed in the development ordinances for the placement of a horse racing facility in the County. Mr. Emerson highlighted the application requirements under Section 9-236 and stated that the Planning Commission held a public hearing on March 21, 1990 and recommended approval of Ordinance O-7-90.

Following a discussion on road requirements, motion was made by Mr. Ellyson to adopt the Planning Commission's recommendation to approve Ordinance O-7-90 Planned Unit Developments as amended to

add Number 17 on Page 3 to read: "paved State-maintained roads will be provided for the site and all interior roads dedicated for purpose of vehicular access will be built to standards for State-maintained paved roads." Motion carried as follows:

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

FOR COPY OF ORDINANCE O-7-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 248 - 265.

IN RE: REZONING CASE C-1-90 EDDIE R. AND JOYCE C. PLASTER

Mr. R. Joseph Emerson, Jr., Director of Planning/Assistant County Administrator, explained a rezoning application from Eddie R. Plaster, Jr. and Joyce C. Plaster proposing to rezone parcel 28 of Tax Map 21 from Agricultural (A-1) to Residential (R-1A).

He advised that the property is located on the east side of Route 612 approximately 7/10 of a mile south of Route 612's intersection with Route 249. Mr. Emerson stated that the proposed use of the property will be Single Family Residential housing and that the soil feasibility study indicates that the soils are suitable for septic tank use. He advised that Mr. Tom Hawthorne, Resident Engineer, stated that the proposed 80-lot subdivision will not exceed the capacity of Route 612. Mr. Emerson advised that the Richmond Regional Planning District had provided the figure of .68 children per household in the age group of 6 to 18 and stated that his discussions with Mr. Burton Alexander, Superintendent of Schools, indicated the school system could handle the growth. Mr. Emerson advised that the Planning Commission held a public hearing on March 21, 1990 and that members were split in their decision, providing no recommendation. Mr. Emerson informed the Board that he had received a letter and proposed Restrictive Covenant for the Plaster property from Eugene McCaul, Attorney for Eddie Plaster. He said the covenant assures that along the open area of the north line of the property, extending eastwardly from Route 612, no house shall contain less than 1400 square feet.

Following a discussion, the Board took a few moments to review letters submitted from adjacent property owners.

Motion was made by Mr. Ellyson to deny C-1-90. He stated that after reviewing and walking the site, he felt that the character and homes in the area should be considered. Mr. Ellyson stated that he would be more inclined to support this subdivision if the minimum dwelling size was 1800 square feet minimum. Motion was defeated as follows:

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

Motion was made by Mr. Ringley to approve C-1-90 as presented. Motion carried as follows:

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

E. David Ringley Aye

Mr. Boroughs stated that he had visited other subdivisions in the area near Plaster's property and found homes from 1200 to 2000 square feet in size. He stated that the homes in the community were well maintained and felt that Plaster's Restrictive Covenant of no house less than 1400 square feet would be suitable.

IN RE: AGRICULTURAL AND FORESTAL DISTRICT RENEWALS, NEW
 APPLICATIONS FOR INDUCTION, AND REMOVALS

Mr. R. Joseph Emerson, Jr., Director of Planning/Assistant County Administrator, explained applications for the following Agricultural and Forestal Districts: AFD's up for renewal are Marengo, York River, York River Extension, Eltham, and Hampstead-Northbury-Shimokins. Applications included Extensions of Old Dispatch, Old Tavern. Applications also included requests to withdraw a parcel from the Old Dispatch AFD and three from York River AFD. Mr. Emerson reviewed the seven criteria by which the property must be judged in order to qualify as an AFD.

Mr. Emerson explained to the Board that the Marengo AFD was being presented for renewal and that the AFD Advisory Board and Planning Commission recommended approval with a fifty-foot setback from State Route 606. Marengo AFD is to be entered into the program for ten years.

There was some discussion concerning the fifty-foot setback right-of-way from State Route 606. Mr. Tom Hawthorne was consulted and he felt a fifty-foot setback was sufficient.

Motion was made by Mr. Robinson to approve proposed Ordinance O-14-90, the Marengo AFD as presented. Motion carried as follows:

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

FOR COPY OF ORDINANCE O-14-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR PAGE 266 - 267.

Mr. Emerson reviewed the York River AFD explaining that it was a renewal and stated that the AFD Advisory Board and Planning Commission recommended approval in entirety minus certain acreage as Mr. Emerson explained. He presented proposed Ordinance O-8-90.

There was some discussion regarding Section g of O-8-90. Motion was made by Mr. Ellyson to amend O-8-90, Section g to read "Lands along all rights-of-way within fifty (50) feet from centerline are excluded from the district". Motion carried as follows:

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

Motion was made by Mr. Ellyson to approve Ordinance O-8-90 as amended. Motion carried as follows:

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

FOR COPY OF ORDINANCE O-8-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 268 - 270.

Mr. Emerson explained the Eltham AFD and stated that the AFD Advisory Board and Planning Commission recommended approval of the Eltham AFD minus certain acreages that he pointed out. Mr. Emerson reviewed proposed Ordinance O-9-90 and stated that this AFD has been established for a period of ten years.

Following a brief discussion, motion was made by Mr. Robinson to approve Ordinance O-9-90 as presented. Motion carried as follows:

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

FOR COPY OF ORDINANCE O-9-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 271 - 272.

Mr. Emerson reviewed Hampstead-Northbury-Shimokins AFD Extension, for which the AFD Advisory Board and Planning Commission recommended approval as presented.

Following a brief discussion, motion was made by Mr. Robinson to approve Ordinance O-10-90 as presented. Motion carried as follows:

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

FOR COPY OF ORDINANCE O-10-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 273 - 274.

Mr. Emerson continued and explained the Extension of the Pamunkey Church Agricultural and Forestal District. He stated that the AFD Advisory Board and Planning Commission recommended approval as presented. Mr. Emerson explained that the time period is to run concurrently with the existing AFD. Motion was made by Mr. Robinson to approve Ordinance O-11-90 as presented. Motion carried as follows:

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

FOR COPY OF ORDINANCE O-11-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 275 - 276.

Mr. Emerson explained the Old Dispatch AFD Extension stating that the AFD Advisory Board and Planning Commission recommended approval as presented minus certain acreages which he listed. He stated the time period shall run concurrently with the existing AFD.

Motion was made by Mr. Ellyson to approve Ordinance O-12-90 as presented. Motion carried as follows:

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

FOR COPY OF ORDINANCE O-12-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 277 - 278.

Mr. Emerson explained Old Tavern AFD application and stated that the AFD Advisory Board recommended approval as presented for a period of ten years. He stated that the Planning Commission recommended denial of the request due to parcels 19-22, 19-21, 20-7B, 20-7, 19-34, 20-20, 20-21, 19-31, 19-32, and 19-33 being designated in the Comprehensive Plan as a growth area of the County for Low Density Development, and therefore ineligible for AFD qualification.

Mr. Robinson filed a Transactional Disclosure Statement with the County Administrator declaring a conflict of interest in this case by virtue of a business associate of the spouse of the applicant, Shirley F. Francisco. Mr. Robinson stated that he would abstain from voting on Ordinance O-13-90.

Mr. Ellyson questioned the Staff's feelings regarding the rights-of-way from the centerline. Mr. Emerson responded that the right-of-way needed to be one hundred (100) feet from both Route 640 and Route 613. Following a brief discussion, motion was made by Mr. Ellyson to amend Ordinance O-13-90, Section g to read "Lands along all rights-of-way within one hundred (100) feet from centerline are excluded from the district". Motion carried as follows:

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

There was some discussion on whether or not the Old Tavern AFD application met the requirements for AFD regarding the 200 acre continuous core. Mr. Emerson explained that the 200-acre contiguous parcel was in Low Density Development, but not Agricultural and Forestal.

Mr. Ellyson stated that when it was considered by the AFD Advisory Board they recommended approval, because it is an active farm and the AFD Board felt that it was in the County's best interest to maintain this open land.

Motion was made by Mr. Ellyson to approve Ordinance O-13-90 as amended. Motion carried as follows:

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

Mr. Boroughs stated his reason for voting no was that other AFD's were taken out or turned down because of low density areas, and he felt the precedence had been set.

FOR COPY OF ORDINANCE O-13-90 AS ADOPTED SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 279 - 280.

Mr. Emerson continued and explained a withdrawal from the York River AFD. He stated that the Anna Chapman Estate had applied to remove two acres from AFD status. He stated that the reason for withdrawal was to allow her church to build a parsonage on this two acre parcel. Mr. Emerson advised that the AFD Advisory Board and Planning Commission recommended approval of this request. Motion was made by Mr. Ellyson to approve withdrawal of the Anna Chapman Estate from the York River AFD. Motion carried as follows:

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

Mr. Emerson also explained a request from Gordon V. Taylor to be allowed to remove 26 acres of Parcel 28-40A from the York River AFD. The AFD Advisory Board and Planning Commission recommended approval of this request.

Motion was made by Mr. Robinson to accept the request of Gordon V. Taylor to remove 26 acres of Parcel 28-40A from the York River AFD. Motion carried as follows:

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

Mr. Emerson reviewed a request from Virginia T. Hartung's request to remove Parcel 28-40B from the York River AFD. The AFD Advisory Board and Planning Commission recommended approval. Motion was made by Mr. Ellyson to approve Virginia T. Hartung to remove Parcel 28-40B from the York River AFD. Motion carried as follows:

Robert A. Boroughs	Aye
Paul C. Robinson	Aye
Richard S. Ellyson	Aye

E. David Ringley Aye

Mr. Emerson explained that Wayne C. Taylor had made a request to withdraw Parcel 8-41 from the Old Dispatch AFD. The AFD Advisory Board and Planning Commission recommended approval of this request.

Motion was made by Mr. Ellyson to withdraw Parcel 8-41 from the Old Dispatch AFD. Motion carried as follows:

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

IN RE: MEETING SCHEDULE

The Chairman announced that the Board's next regular meeting has been scheduled for Monday, May 14, 1990. The Board will hold a Budget Work Session on Wednesday, April 17, 1990 at 7:00 p.m. and a Public Hearing on Wednesday, April 25, 1990 at 8:00 p.m. to adopt a resolution creating the CVWMA.

Mr. Ellyson announced that the Transportation Safety Commission will meet on April 18, 1990 at 7:30 p.m.

IN RE: EXECUTIVE SESSION

Motion was made by Mr. Ringley to go into executive session for discussions relating to prospective business or industry pursuant to Section 2.1-344(a)(4) of the Code of Virginia and to discuss a personnel matter pursuant to Section 2.1-344(a)(1) of the Code of Virginia. Motion carried as follows:

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

Motion was made by Mr. Ellyson that the Board 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. Motion carried as follows:

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

There being no further business, motion was made by Mr. Ringley to adjourn the meeting. Motion carried as follows:

Robert A. Boroughs Aye
Paul C. Robinson Aye
Richard S. Ellyson Aye

E. David Ringley Aye

H. Garrett Hart, III
County Administrator

E. David Ringley
Chairman