

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE FOURTEENTH DAY OF MAY 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: ELECTED OFFICIALS' REPORT

Mr. Ringley informed the Board and public that he had received a letter from The Honorable A. R. Giesen, Jr., House of Delegates, stating that at the 1990 General Assembly Session he introduced House Bill 751, The State Payment for State Mandates Act. Delegate Giesen requested the New Kent County Board of Supervisors to contact local legislators requesting their support and requested the Board to adopt a resolution in support of House Bill 751.

Mr. Ringley instructed the County Administrator to place House Bill 751 on the agenda for the Board's regular June meeting.

IN RE: FINANCE REPORTS

The Chairman stated that he and the County Administrator had reviewed the expenditures for the month of April totaling \$344,703.39, which were available to any Board member for review. Mr. Robinson questioned the Water Fund expenditure, which included a payment to Gammon Well Company of \$109,999 for the construction of the County well at the intersection of I-64 and State Route 106.

Mr. Robinson and Mr. Ellyson felt that the expenditures should not be approved until an appropriation to the budget could be made to cover the water fund expenditure. Mr. Hart explained that the required appropriation was on the Board's agenda as Item 9.

Following a brief discussion, motion was made by Mr. Robinson to defer action on approving the expenditures for the month of April 1990, until the end of the meeting. 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 March 31, 1990 and April 30, 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: RESIDENT ENGINEER'S REPORT

Mr. Tom Hawthorne, Resident Engineer, was present and reported that work would begin on Friday, May 18th, to the Route 606 resurface project. He stated that poor drainage under the pavement had caused the road surface problems.

Mr. Hawthorne advised that I-64 construction repairs from Route 155 to the James City County line would begin after July 4th, 1990.

Mr. Ellyson questioned when the bridge repairs on Route 60 at Bottoms Bridge would be complete. Mr. Hawthorne stated that the completion date for the second side was late summer.

Mr. Hawthorne advised that I-295 would open mid-July.

Mr. Robinson advised Mr. Hawthorne that he had received comments from citizens requesting that the highway lines be remarked on Route 155 between I-64 and Route 666. Mr. Hawthorne stated he would handle the request.

IN RE: NEW KENT CABLEVISION

Mr. William Newborg, Manager of 1st Commonwealth Communications, was present and reported the April progress to the Board. Mr. Newborg reviewed additional activated routes throughout the County. He stated that he expected completion by the end of June for all of Five Lakes Subdivision and that Sherwood Estates would be activated by May 25th. Mr. Newborg advised he is still waiting for approval from the telephone company for Woodhaven Shores.

IN RE: RESOLUTION OF SOLID WASTE

The County Administrator, H. Garrett Hart, III, explained that the Board of Supervisors had received a request from the Chairman of the Mecklenburg County Board of Supervisors for support of a Resolution requesting that the Department of Solid Waste Management Promulgate regulations concerning the composting of biodegradable materials.

Mr. Hart stated that grass trimmings, leaves, tree branches, construction lumber and tree stumps can no longer be burned and are for the most part required to be landfilled. Mr. Hart explained that the County is considering the purchase of a chipper in order that the County may compost biodegradable materials.

Mr. Robinson commented that the Department of Waste Management took away our rights of disposing of this material while setting mandates of a 25% reduction in solid waste.

Mr. Ringley read Resolution R-16-90 requesting the General Assembly to adopt laws allowing for the composting of biodegradable materials.

Following a brief discussion, motion was made by Mr. Boroughs to adopt Resolution R-16-90 as presented. Motion carried as follows:

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

Mr. Robinson requested that a copy of Resolution R-16-90 be sent as soon as possible to the General Assembly representatives.

FOR COPY OF RESOLUTION R-16-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 283 - 284.

IN RE: 8:00 P.M. PUBLIC HEARING

The County Attorney, Patrick J. Morgan, explained at this public hearing the Board would consider vacating certain lot lines in Windsor Shades Subdivision. He stated the lot lines abandoned are to lots not previously sold in the subdivision or to existing streets or alleyways. Mr. Morgan stated that the law applicable at the time the subdivision was recorded may have given the County an easement for public right-of-way on all streets and alleyways even if they were never built. He advised that the proposed Ordinance O-15-90 vacates the lot lines and abandons any property interest the County may have in the vacated streets and alleyways.

The Chairman then opened the floor for public comment.

Mr. Leonard Perry questioned boundary lines involving an alleyway that he owned property on both sides of. The Board replied that the alleyway would go to the lot owners involved. In his case the acreage involved between his lots would become his property.

Mr. Louis Hockaday stated that he had sent a letter on February 9, 1989, requesting that a platted 16' alleyway that bisected lots be abandoned by the County. He questioned the possibility of a landowner becoming land locked. Mr. Hockaday stated that the existence of the alleyway will pose a legal and title marketability problem.

Mr. Robinson questioned why Mr. Hockaday's request was not included in the Ordinance along with Chesapeake Corporation's list. He stated that the portion of 1st Street from Wisconsin Avenue extending west to the west corners of Lot 2, Block 16, and west corner of Lot 15, Block 15, needed to be included as requested by the landowners.

Following a lengthy discussion, the Chairman closed the public hearing.

Mr. Robinson provided a Transactional Disclosure Statement to the secretary stating that he would not personally benefit or lose as a result of the actions of his voting on this matter, therefore he would participate in this transaction.

Following a discussion, the Board requested the County Attorney to provide a corrected ordinance at the next regular meeting.

Motion was made by Mr. Ringley to defer action on Ordinance O-15-90 until the Board's next regular meeting. 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 MR. ROBINSON'S TRANSACTIONAL DISCLOSURE STATEMENT, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 285.

IN RE: CENTRAL VIRGINIA SOLID WASTE AUTHORITY

Mr. Kevin Byrnes of the Richmond Regional Planning District Commission, was present and addressed the Board regarding the projected annual solid waste tonnage for New Kent County and other issues of concern concerning the operation and the power of eminent domain of the Authority.

Mr. Robinson stated he felt the CVSWA was worthy of New Kent County's support. He felt that the County could not handle the job independently and should join a regional effort.

Mr. Boroughs voiced his concern stating that the County can not afford to handle solid waste management on its own.

Mr. Ellyson expressed concern regarding the financial aspects of the CVSWA.

The County Administrator, H. Garrett Hart, III, advised that the Staff recommended participation in the Central Virginia Solid Waste Authority.

Following a discussion, motion was made by Mr. Robinson to adopt Resolution R-15-90 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-15-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 286 - 290.

IN RE: REZONING CASE C-14-89 WAYJO, INC.

R. Joseph Emerson, Jr., Director of Planning, explained that Mr. Wayne J. Britt had requested to rezone land parcels 42-21, 42-22, and 42-23 totalling 31.25 acres from Agricultural District (A-1) to Industrial District (M-1). He stated that the property is located on Route 60 east approximately 1 mile from Providence Forge. Mr. Emerson advised that the proposed use of the property is a contractor storage yard. He stated that Mr. Britt had addressed the wetlands and aesthetic concerns. Mr. Emerson stated that the Planning Commission recommended approval of this case C-14-89 at their November 15, 1989 meeting. Mr. Robinson stated that he felt Mr. Britt made the proffers in good faith and encouraged Mr. Britt to place those proffers in the restrictive covenants.

Mr. Boroughs voiced his support of Wayjo, Inc.

Following a brief discussion, motion was made by Mr. Boroughs to accept the recommendation of the Planning Commission and approve rezoning case C-14-89 as presented. Motion carried as follows:

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

IN RE: APPOINTMENTS

The Chairman explained that the Board would consider the reappointment of Mrs. Margaret Yancey to the New Kent County Social Services Board to fill a second term as District 2's representative effective July 1, 1990, and expire June 30, 1994.

Motion was made by Mr. Ringley to reappoint Mrs. Margaret Yancey to the New Kent County Social Services Board for a term to begin on July 1, 1990, and end June 30, 1994. Motion carried as follows:

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

IN RE: WATER FEASIBILITY STUDY

The Chairman explained that Mr. Richard Disalvo of Dewberry and Davis was present to review the Feasibility Study concerning the water system to be built in Greenwood Estates Subdivision.

Mr. Richard Disalvo reviewed a Financial Analysis for the operation and maintenance of the Central Water Supply of Greenwood Estates that was prepared by Dewberry & Davis. Mr. Disalvo explained that his report had been prepared in accordance with Section 8-32 of the County's Subdivision Ordinance. From his study, he suggested the County consider a yearly increase of 1.9% in the monthly utility bill. J. Lawrence Gallaher, Director of Public Safety, stated that the need for a 1.9% rate increase in utility billing keeps coming up in the Feasibility Studies. He stated the last increase was in 1983 and suggested the Board consider these facts. Mr. Gallaher advised that the contractor installing the lines has questioned the Engineer's, Sydnor Hydrodynamics, design on the plans regarding the pump house facility and storage. He stated that the County's engineer is in the process of reviewing Sydnor's design and will submit a response back to the County.

Mr. Robinson asked Mr. Gallaher if he was making a recommendation to the Board regarding this Feasibility Study.

Mr. Gallaher replied that he recommended the Board to consider that there are questions in the Engineer's design that should be addressed before making a decision. He stated that the Feasibility Study was acceptable, but recommended the Board not accept the Feasibility Study without accepting the final review of the Specifications by the Engineer, Sydnor Hydrodynamics.

Mr. Robinson submitted a Transactional Disclosure Statement with the recording secretary stating due to his association with Francisco Real Estate, agent for the Developer, he would abstain from voting on this issue.

Mr. Boroughs stated he felt it appropriate to accept the Feasibility Study at this time and asked if it would be appropriate to tentatively accept the Feasibility Study based on a favorable determination of the Engineer's reply to the questions raised.

Mr. Ellyson expressed concern on accepting the Feasibility Study without being sure the specifications are adequate.

Following a lengthy discussion, motion was made by Mr. Boroughs to tentatively accept the Feasibility Study subject to a favorable response from the Engineer. Motion carried as follows:

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

The Chairman requested that Staff notify the Board members of the Engineer's response.

FOR MR. ROBINSON'S TRANSACTIONAL DISCLOSURE STATEMENT, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 291.

IN RE: HAZARDOUS MATERIALS SPILL RECOVERY ORDINANCES

J. Lawrence Gallaher, Director of Public Safety, explained his request that an Ordinance be drafted to enable the County to recover the cost of cleaning up a hazardous materials spill. He stated that this ordinance is similar to the Fire Safety Ordinance the Board passed. Mr. Gallaher explained that if the Board wishes to adopt this Ordinance O-6-90, a public hearing must be set.

Motion was made by Mr. Boroughs to set Ordinance O-6-90 for public hearing on June 11, 1990. Motion carried as follows:

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

IN RE: APPROPRIATIONS

The Chairman stated that the Board would consider an appropriation from Capital Improvements to the Water Construction Account to make payment for the construction of a municipal well at the intersection of Route 106 and Interstate 64, in order that the County may reserve its rights for the use of the water prior to the implementation of the Ground Water Management Act.

H. Garrett Hart, III, County Administrator, stated that the construction of the well is complete and source and chemical content testing is going on. He stated that the Board accepted the low bid from Gammon Well Company and subsequently adjusted that bid for a total amount of \$109,999. Mr. Hart stated that the Board needed to appropriate these monies, so payment of services could be rendered.

Following a discussion, motion was made by Mr. Robinson to appropriate \$109,999 from General Capital Reserves to Line Item 9103-3006 Water Well Construction. 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, June 11, 1990. The Board will hold a Budget Public Hearing and a Joint Public Hearing with the Planning Commission on May 16, 1990 at 8:00 p.m.

IN RE: CITIZENS COMMENTS

Mr. Harold Seitz, Administrative Chief of the New Kent County Volunteer Fire Department, advised the Board that Company 3 is in operation out of the new building on Route 33. He stated that there are 15 Emergency Medical Technicians in the Volunteer Fire Department and they assist the Rescue Squad volunteers when responding to an emergency call.

Mr. Bobby Ogle questioned what the County's next step is relating to the deadline given to the Animal Preserve off Route 249.

The County Administrator replied that the County Attorney would be discussing the County's alternatives in executive session.

IN RE: EXECUTIVE SESSION

Motion was made by Mr. Robinson to go into executive session for discussions relating to investment of public funds where competition or bargaining is involved pursuant to Section 2.1-344(a)(6) 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. Ringley to resume the meeting. 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 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 Section 2.1-344(a)(7) 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 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