

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE TENTH DAY OF JULY 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 THREE MEMBERS PRESENT.

FOR WAIVER OF NOTICE OF THE MEETING, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR, AT PAGE 299.

IN RE: MINUTES

Motion was made by Mr. Robinson to approve the June minutes.

Mr. Paul C. Robinson Aye
Mr. Richard S. Ellyson Aye
Mr. E. David Ringley Aye

IN RE: ELECTED OFFICIALS' REPORT

Motion was made by Mr. Ringley to appoint Ms. Edibel Roland of 101 Cedar Lane, Quinton, Virginia 23141 to the Anti-Litter Committee

Paul C. Robinson Aye
Richard S. Ellyson Aye
E. David Ringley Aye

IN RE: FINANCE REPORT

The Chairman stated that he and the County Administrator had reviewed the expenditures for the month of June totaling \$294,136.11, which are available to any Board member for review. Motion was made by Mr. Ellyson to approve the expenditures for the month of June 1990 totaling \$294,136.11 as presented in the monthly expenditure report. Motion carried as follows:

Paul C. Robinson Aye
Richard S. Ellyson Aye
E. David Ringley Aye

IN RE: TREASURER'S REPORT

The Chairman presented the Treasurer's Report showing the fund balance of various accounts as of April 30, 1990. Following a discussion concerning the Emergency 911 Fund, motion was made to defer the Treasurer's Report until the August meeting to clarify questions.

Paul C. Robinson Aye
Richard S. Ellyson Aye
E. David Ringley Aye

IN RE: STAFF REPORTS

Mr. Morgan submitted a report from New Kent Cablevision concerning the status of their work.

Following discussion, Mr. Ellyson requested that a list of cablevision subscribers be provided with the next report from New Kent Cablevision.

The County Administrator advised the Board that he had received a letter from Mr. Jack King, Chairman of the New Kent County School Board, requesting that the Board of Supervisors appropriate \$19,824.00 in additional funding received by the School Board from the State of Virginia.

Motion was made by Mr. Ellyson to approve and appropriate the following:

1. \$11,538 to Category 6220-0008 Line Item 240-0888 Governor's Grant
2. \$7,036 to Category 6203-0004 Line Item 2402-0008 Remedial Education
3. \$1,250 to Category 6220-0006 Line Item 2402-0012 Special Education

Paul C. Robinson	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye

The County Administrator reported to the Board that all street signs had been installed and the inspection of the signs was now to begin.

It was further reported that the County Administrator and the Director of Planning were involved in correcting and upgrading the tax maps and that the project should be completed by December, at which time the delivery of new addresses could begin.

Mr. Hart reported that the Hanover Jail Committee had formulated an RFP for architectural services to do preliminary needs and design studies for a regional jail including Goochland, New Kent, Hanover and Caroline Counties.

Mr. Hart also reported that he had been approached by Henrico County concerning New Kent County's interest in a regional jail facility with Goochland, Henrico and New Kent participating. He said he had requested Henrico to put this proposal into writing for the Board of Supervisors to review.

Mr. Hart updated the Board of Supervisors on the problems experienced with the Five Lakes water system and apprised them of the ongoing work to alleviate the existing problems. He also advised them that the ongoing voluntary conservation efforts by the citizens on the Five Lakes system were working effectively and had alleviated an emergency situation.

IN RE: ORDINANCE O-15-90 ABANDONMENT OF LOT LINES AND
 ALLEYWAYS IN WINDSOR SHADES

Mr. Morgan reported to the Board of Supervisors that the changes in Ordinance O-15-90, as requested by the Board and the citizens who requested certain changes during the public hearing, had been made and that the ordinance as it currently exists addresses the concerns of all parties involved.

Following discussion, motion was made by Mr. Robinson to adopt Ordinance O-15-90 as amended and carried as follows:

Paul C. Robinson	Aye
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Richard S. Ellyson Aye
E. David Ringley Aye

Mr. Ellyson then questioned who would notify the Clerk of Court of the change in deeds on the vacated property. Mr. Morgan replied that this would be the responsibility of the County Attorney and that he intended to file this information with the Clerk of the Circuit Court the following day.

FOR ORDINANCE O-15-90 AS ADOPTED SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR, AT PAGES 300-301.

IN RE: REZONING CASE C-2-90

Mr. Emerson, Director of Planning, presented Rezoning Case C-2-90 a request from Anna Chenault and Janice Searle to rezone parcel 10-48B from Agriculture A-1 to Residential R-1A. Mr. Emerson reported that following a public hearing the Planning Commission recommended approval of Rezoning Case C-2-90. Motion was made by Mr. Ellyson to approve Rezoning Case C-2-90 as presented. Motion carried as follows:

Paul C. Robinson Aye
Richard S. Ellyson Aye
E. David Ringley Aye

IN RE: CONSIDERATION OF A \$2.00 COURT COST FEE

Mr. Morgan presented the Board of Supervisors Ordinance O-16-90 to collect a fee of \$2.00 for each traffic case filed in District and Circuit Courts of New Kent County. The revenue from these fees is to be earmarked for renovation and maintenance of the New Kent County Courthouse. Due to a lack of quorum, the public hearing scheduled for this ordinance could not be held and was rescheduled for the Board of Supervisors' regularly scheduled August meeting. However, due to the condition of the current Courthouse roof, the critical need for additional courtroom space, and the short duration of the law allowing for the collection of the fee, the Attorney felt that an emergency situation exists. It was Mr. Morgan's opinion that the Board could then adopt Ordinance O-16-90 as an emergency measure and readopt the Ordinance following the public hearing during the August meeting. Following discussion, motion was made by Mr. Robinson that the Board adopt Ordinance O-16-90 as presented. Motion carried as follows:

Paul C. Robinson Aye
Richard S. Ellyson Aye
E. David Ringley Aye

FOR ORDINANCE O-16-90 AS ADOPTED SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR, AT PAGE 302.

Mr. Ringley, Chairman of the Board, stated that the Public Hearing on the Court Fees as well as the Public Hearing for the Hazardous Materials Recovery Ordinance will be held at the August Board meeting.

IN RE: RESOLUTION IN SUPPORT OF SEPARATE GROUNDWATER
MANAGEMENT AREA

The Board received a request from the Richmond Regional Planning District Commission to consider a resolution requesting that the State Water Control Board reconsider a request to declare two separate groundwater management areas for north and south of the James River.

Following discussion, motion was made by Mr. Robinson to amend the last paragraph of Resolution R-22-90 to read as follows: "BE IT RESOLVED that the Board of Supervisors of New Kent County supports the State Water Control Board's decision to reconsider the request to declare two separate Groundwater Management Areas, and requests that they, the State Water Control Board, declare two separate Groundwater Management Areas for north and south of the James River. Motion carried as follows:

Paul C. Robinson	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye

FOR RESOLUTION R-22-90 AS ADOPTED SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR, AT PAGE 303-304.

IN RE: DISCUSSION ON REQUEST FOR PROPOSALS FOR BANKING SERVICES

Mr. Morgan reported to the Board of Supervisors that it was now again time to procure a contract for banking services for the County's depository.

Since banking services are not normally considered professional services, they would usually be procured through competitive sealed bidding. However, since these services vary from bank to bank, and the County's needs are particular to a government entity, it is felt that requests for proposals through competitive negotiation would be more appropriate and practicable. The Chairman then read Resolution R-17-90 which directs the County Attorney to advertise for the procurement of banking services through competitive negotiation. Motion was made by Mr. Ellyson that the Board adopt Resolution R-17-90 authorizing request for proposals for banking services.

Paul C. Robinson	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye

FOR RESOLUTION R-17-90 AS ADOPTED SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR, AT PAGE 305.

IN RE: GREENWOOD FEASIBILITY STUDY

The Director of Public Safety, Mr. Gallaher, stated that the Board had received a copy of the Greenwood Estates Feasibility Study and that the primary change was the addition of a 40,000-gallon storage tank instead of a 30,000-gallon storage tank and that this made minor changes in the feasibility calculations for the Greenwood Estates water system. Mr. Robinson disclosed that he had a personal interest in a business entity which formerly represented an entity which will benefit or suffer by the action before the Board and he would abstain from participation in this issue.

FOR MR. ROBINSON'S TRANSACTIONAL DISCLOSURE STATEMENT, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 307.

Motion was made by Mr. Ringley that the Greenwood Estates Feasibility Study be approved.
Motion carried as follows:

Paul C. Robinson	Abstain
Richard S. Ellyson	Aye
E. David Ringley	Aye

IN RE: NORTH POINTE FEASIBILITY STUDY

Mr. Hart reported to the Board of Supervisors that Brianwood Incorporated, the developer of North Pointe Subdivision, had agreed to make the improvements in the existing Five Lakes water system as discussed at the July 18th Work Session of the Board of Supervisors. With these improvements, North Pointe Subdivision could adequately be supplied with water from the Five Lakes system.

Mr. Hart then stated that the next step in the completion of the North Pointe water system was the acceptance of the Feasibility Study for the improvements made by Brianwood Incorporated. Mr. Hart stated that this was an unusual situation, and that part of the system was already installed but had never been accepted by the County, and that the system contained no source or storage but only transmission lines. Mr. Robinson disclosed that he had a personal interest in a business entity which represents an entity which will benefit or suffer by the action before the Board and he would abstain from participation in this issue.

FOR MR. ROBINSON'S TRANSACTIONAL DISCLOSURE STATEMENT, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 306.

The Board of Supervisors then reviewed the Feasibility Study as submitted by Brianwood Incorporated. After a lengthy discussion, motion was made by Mr. Ellyson that the Board accept the Feasibility Study for the water system in North Pointe Subdivision.

Paul C. Robinson	Abstain
Richard S. Ellyson	Aye
E. David Ringley	Aye

IN RE: PERSONAL PROPERTY REFUNDS

The Board of Supervisor reviewed the following requests for personal property refunds: Mr. James E. Beggs be given a refund of \$7.88 for overpayment of 1989 personal property taxes. An adjustment was made for high mileage on his 1988 Chevrolet pick-up.

Mrs. Bernice S. Thompson be given a refund of \$37.84 for a double assessment of 1985 personal property taxes. A vehicle was assessed under Mrs. Thompson's maiden name and also under her married name.

Motion was made by Mr. Ellyson to adopt Resolution R-21-90. Motion carried as follows:

Paul C. Robinson	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye

FOR RESOLUTION R-21-90 AS ADOPTED SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR, AT PAGE 308.

IN RE: MEETING SCHEDULE

The next meeting has been scheduled for August 13, 1990.

IN RE: CITIZENS' COMMENT PERIOD

Mr. Yeatts stated that he expects to receive 7% more in personal property taxes than was received last year.

IN RE: AIRPORT DISCUSSION OF REGIONAL ISSUE (EXECUTIVE SESSION)

The Chairman requested that all matters possible be discussed in open session, and that only the matters concerning the contract with the Fixed Base Operator be reserved for executive session. Mr. Hart then gave a detailed recount of the events that led to a discussion between the Director of the Airport Commission and New Kent County staff concerning a merger of the New Kent County Airport with the Capital Region Airport Commission. The Board of Supervisors then discussed the benefits and detriments of the possible merger between the Capital Region Airport Commission and the New Kent County Airport. The Board then discussed the legality of this type of merger. It was suggested that the next step is to discuss this issue with the current Fixed Base Operator, Mr. Worley. The Chairman then instructed the County Administrator to inform Mr. Worley that they would like to discuss this issue with him at their next regularly scheduled meeting.

IN RE: EXECUTIVE SESSION

Motion was made by Mr. Ringley to go into executive session for consultation and briefings by legal counsel, consultants, and staff members pertaining to actual or probable litigation or other legal matters requiring the provisions of legal advice by counsel pursuant to Section 2.1-344(a)(7) Code of Virginia, to discuss the contract with BFI.

Motion carried as follows:

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:

Paul C. Robinson	Aye
Richard S. Ellyson	Aye
E. David Ringley	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. Motion carried as follows:

Paul C. Robinson	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye

The Chairman announced that no action was taken on the matter discussed in executive session. Motion was made by Mr. Ellyson to adjourn the meeting and carried as follows:

Paul C. Robinson	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye

H. Garrett Hart, III
County Administrator

E. David Ringley
Chairman