

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE THIRTEENTH DAY OF AUGUST 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. IT WAS ANNOUNCED THAT MR. BOROUGHS WOULD ARRIVE LATER.

IN RE: MINUTES

Motion was made by Mr. Robinson to approve the minutes of the July meeting.

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

IN RE: ELECTED OFFICIALS REPORTS

Mr. Robinson announced that he would attend the LGOC on Sunday, August 19th only.

IN RE: RESOLUTION R-28-90

Mr. Ringley moved to adopt Resolution R-28-90, congratulating John O. Brown, a citizen of New Kent County, on the occasion of his 100th birthday. Motion passed, after which Mr. Brown's son accepted and thanked the Board for their recognition.

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

FOR RESOLUTION R-28-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR, PAGE 309.

IN RE: FINANCE REPORTS

Following discussion, Mr. Robinson moved approval of the financial report which showed expenditures for July totaling \$315,204.88. Motion carried.

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

IN RE: TREASURER'S REPORT

Following considerable discussion, including an update on the status of the E911 account, the Treasurer's Report was approved on motion of Mr. Robinson which carried as follows:

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

The motion also authorized the Treasurer to continue to invest County funds in the highest yielding legal investment, subject to audit.

IN RE: STAFF REPORTS

Mr. R. Nicholas Hahn, Code Compliance Officer, was introduced by Mr. R. J. Emerson, Jr., Director of Planning.

IN RE: EXECUTIVE SESSION

Mr. H. Garrett Hart, III, County Administrator, requested a brief 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)(5) of the Code of Virginia. 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:

Mr. Robert A. Boroughs	Abstain
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.

Mr. Boroughs, who arrived during Executive Session, explained that he had attended a meeting of the New Kent Athletic Association.

IN RE: PUBLIC HEARING, ORDINANCE O-6-90, HAZARDOUS MATERIALS

As reported by Mr. J. Lawrence Gallaher, Director of Public Safety, the ordinance gives the County authority to recover cleanup costs of hazardous materials spills. Mr. Robinson asked if costs could be recovered if spills occurred on private property, to which Mr. Gallaher replied negatively. Mrs. Thelma Wilson spoke favorably toward adopting the ordinance. Rather than reading the entire ordinance aloud as requested by Mr. Edward Pollard, Mr. Gallaher briefly outlined the changes. There being no further comments, the hearing on Ordinance O-6-90 closed.

Mr. Ellyson moved to adopt Ordinance O-6-90 as presented and it carried.

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

FOR ORDINANCE O-6-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR, PAGES 310-311.

IN RE: PUBLIC HEARING, ORDINANCE O-16-90, COLLECTION OF \$2.00 FEE

There were no comments from the public concerning the collection of a fee in each criminal or traffic case heard in the courts of this county. The said fees will be earmarked for renovation and maintenance of the Courthouse. Mr. Hart gave a brief synopsis of the Courthouse Renovation Project. Mr. Robinson moved to adopt Ordinance O-16-90 as presented. Motion passed.

Robert A. Boroughs	Aye
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, PAGE 312.

IN RE: PUBLIC HEARING, REZONING CASE C-4-90, PROPERTY OF JOHN S. DeLEEUEW

Mr. Emerson, Planning Director, introduced the rezoning request and presented a video of the subject property. Will Smith of Dewberry & Davis, said that the owner plans a woodsy, large-lot development with an average of one unit per acre.

Mr. Robinson disclosed that he would be unable to participate in this transaction because he has a personal interest in a business entity which may be affected by actions of the Board.

FOR MR. ROBINSON'S TRANSACTIONAL DISCLOSURE STATEMENT, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR, PAGE 313.

Mr. Ellyson asked what research has been done concerning the severe drainage as shown on the topo map, to which Mr. Emerson replied that it would be taken care of at the time of preliminary approval.

Mr. Boroughs' question was how Chesapeake Bay Act affects this development. Mr. Emerson answered that it will intensify the erosion and sediment control restrictions. Mr. Ringley asked if a deed restrictions violation would be a criminal or a civil matter. Mr. Emerson replied that it would be a civil matter.

Mrs. Thelma Wilson requested that it be shown on the map how the developer plans to protect the drainage areas near the stream that goes into Woodhaven. Mr. Smith pointed out the buffer area.

Mrs. Cynthia Lacy, owner of property across the road, commented that she would like to know more about the type of housing planned. The answer, 2000 sq. ft. houses.

Mr. Jim Saunders, neighbor to the north, asked the Board to consider his concerns of increased traffic; that no buffer strip is mentioned in letter from Mr. Meador, Conservation Specialist; that runoff from fertilizer would eventually enter Woodhaven Lake, increasing algae growth; solid waste disposal; number of children in Primary School.

The Chairman declared the public hearing closed.

Mr. Ellyson asked for clarification on deed restrictions concerning trees at the end of the lots, where utilities usually are placed and where utility companies are known to cut trees. Mr. Smith said that in this particular case a central water system would provide for water lines in the streets, no sewer lines at all, but they have had no specific discussions with Virginia Power as to where electric lines will be placed.

Mr. Ellyson moved to approve Rezoning Case C-4-90 as presented with a 100-foot buffer to be reserved on the western end of the property along the stream and a 1000-foot setback from I-64 for the subdivision entrance; and to be incorporated into the deed restrictions to apply to all lots: (1) All chimneys of all structures shall be constructed of masonry materials with a visible exterior surface of brick or stone; (2) All foundations of all structures shall be constructed of masonry materials with a visible exterior surface of brick or stone; and to apply to lots abutting or within fifty (50) feet of Tax Parcel 20-73B, no healthy living tree that is over three inches diameter at the base shall be removed from that area within fifty (50) feet of the rear lot line or within fifty (50) feet of Tax Parcel 20-73B as applicable; and that an environmental impact study be performed before any other work is started. Motion passed.

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

IN RE: STAFF REPORTS CONTINUED

Mr. Hart reported that the well located near intersection of I-64 and SR 106, which previously tested high lead content, has been retested and passed all tests, is acceptable for public water use, and has been sealed in preparation for the Board's further development of that site.

Inspection of street signs has been completed. Repairs are being performed by the contractor, and at completion, reinspection will be made. Mr. Hart will report back at September meeting.

Mr. Hart stated that he had received an application for a conditional use permit for an outdoor concert in association with the County Fair.

Mr. Boroughs moved to approve CUP-4-90 with the following conditions: that all activities cease prior to 10 p.m., and that all cleanup and trash removal be performed in accordance with the established plan of trash removal for the County Fair itself, and to waive the conditional use fee.

Robert A. Boroughs	Aye
Paul C. Robinson	Aye

Richard S. Ellyson Aye
E. David Ringley Aye

Mr. Hart reported that the FAA has approved the sale of the Brindle property at the Airport. The sale will be conducted by sealed bids and at auction, whichever is the higher price, with privilege of rejecting any and all bids.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Tom Hawthorne brought attention to several items: (1) Southwood Builders out of Hanover County was low bidder on the Rt. 627 project; (2) VDOT received two requests for public hearing on the upcoming Rt. 611 project, but the requests were withdrawn after meeting with the requesters to go over details with them; and (3) Concerning the requested speed zoning study on Rt. 613, their Traffic Investigator recommended that curve warning signs and advisory speed signs be posted along the road, which will be done as soon as signs are fabricated. There followed a brief discussion about the extent of the Rt. 627 project. Mr. Boroughs expressed appreciation for the turning lane on Rt. 273 at Rt. 600. He asked Mr. Hawthorne to view the intersection to determine if guardrails are needed at the steep bank.

IN RE: RESOLUTION R-24-90, NATIONAL JTPA ALUMNI WEEK

Mr. Ringley said that a request had been received from the Capital Area Training Consortium to declare August 27 to September 3 National Job Training Partnership Act Alumni Week. Ms. Rosalyn D. Key, Director of the Consortium, announced that Pamela Foster will be recognized as New Kent County's outstanding JTPA alumni. Mr. Ringley moved to adopt Resolution R-24-90 as presented. Motion carried.

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

FOR RESOLUTION R-24-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR, PAGE 314.

IN RE: BINGO PERMIT

The Auxiliary of Company No. 2, New Kent Volunteer Fire Department, requested the Board's authorization to hold Bingo games at the County Fair. Mr. Robinson moved to approve the bingo permit application as submitted by the Auxiliary.

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

IN RE: RESOLUTION R-25-90, HOUSE BILL NO. 751

Mr. Ringley said that he had received a request from Delegate Arthur R. Giesen, Jr., to adopt a resolution in support of H.B. No. 751 which would require that certain State mandates applicable

to counties would be inoperative on the affected county until a State appropriation is made to pay in full any additional cost of compliance with the requirement. Mr. Robinson spoke in favor of the bill, but pointed out a "loophole." Mr. Robinson moved to adopt Resolution R-25-90, supporting House Bill No. 751 with the exception of Sec. 30-80(C). Mr. Ellyson offered a friendly amendment, that a copy of the resolution be forwarded immediately to New Kent's representatives in the General Assembly. Motion passed.

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

FOR RESOLUTION R-25-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR, PAGE 315.

IN RE: RESOLUTION R-26-90, SUPPORTING CAROLINE COUNTY'S REQUEST

Caroline County Board of Supervisors have requested support of New Kent County's Board in an effort to oppose the construction of a jail facility on a site at Fort A. P. Hill. The facility would service the needs of Northern Virginia localities. It was also requested that copies of the supporting resolution, if passed, be forwarded to Senators Warner and Robb, Congressman Bateman, Governor Wilder, elected representatives in the General Assembly, and a copy to the Caroline County Board. Mr. Boroughs moved to adopt Resolution R-26-90 as presented and motion passed.

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

FOR RESOLUTION R-26-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR, PAGE 316.

IN RE: TO SET FOR PUBLIC HEARING, ORDINANCE O-20-90

Consideration was given to a proposed amendment to Section 10-49(b) of the County Code which would allow a member of a fire department or rescue squad to buy a license for one vehicle at a reduced fee (one-half the applicable fee). Mr. Robinson moved to authorize the advertising of proposed Ordinance O-20-90, as presented, for public hearing at the October meeting. Motion carried.

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

IN RE: RESOLUTION R-23-90, LITTER GRANT

Mr. Boroughs moved to adopt Resolution R-23-90 which allows the County to acquire its annual \$3,000 grant from the Department of Waste Management. Motion passed.

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

FOR RESOLUTION R-23-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR, PAGE 317.

IN RE: REFERRAL OF AFDs TO THE PLANNING COMMISSION

Mr. Boroughs moved to refer the following Agricultural and Forestal renewals and new applications to the Planning Commission for their review: Pamunkey River Valley, Mountcastle, Evelyn, Rankin, and York River Extension. Motion passed:

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

IN RE: WATER AND SEWER FEASIBILITY STUDY

Following Mr. Emerson's introductory remarks, Mr. Boroughs moved to grant the County Administrator authority to execute the contract with Gannett Fleming, Inc., for the Countywide study, but after a long, pro-and-con discussion, the motion was withdrawn.

Mr. Ellyson moved to defer action until the September Board Meeting which will provide time for Mr. Hart to trim the scope of work as outlined in the proposed Agreement. Motion passed.

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

IN RE: REVIEW OF NORTH POINTE WATER AGREEMENT

Mr. Hart suggested that the Board needs to accept an agreement with Brianwood, Inc., for the transferal of the water system in the North Point Subdivision. Mr. Robinson disclosed that he has a personal interest in a business entity which represents an entity affected by the transaction.

FOR MR. ROBINSON'S TRANSACTIONAL DISCLOSURE STATEMENT, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR, PAGE 318.

Mr. Hart also remarked that the Board needs to determine the fee for each connection to the system. Mr. Ringley made the motion to execute the agreement between Brianwood, Inc., and County of New Kent. The vote was:

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

In the related matter of determining a connection fee, Mr. Ringley moved to set the connection fee at \$600.00 per connection. Motion failed.

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

Mr. Ellyson then moved to set the connection fee for the North Pointe Water System at \$1200.00 each. Motion carried.

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

IN RE: RESOLUTION R-27-90, REFUNDS

This resolution covered refunds of \$21.96 to Dale Anderson for overpayment of taxes, \$20.00 to Charles Samolinski for a decal purchased in error, \$150.00 to Dorothy M. Boulware for a nonprocessed rezoning application, and \$444.40 to Mr. E. P. Jones, Jr., Pastor of the Fellowship Church, for an overpayment of a building permit. Mr. Robinson's motion to adopt Resolution R-27-90 passed as presented.

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

FOR RESOLUTION R-27-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR, PAGE 319.

IN RE: SCHEDULE OF MEETINGS

The next regularly scheduled meeting of the Board will occur on September 10. It was announced that the Planning Commission would meet August 15, and that the Comprehensive Review Committee's meeting is September 12.

IN RE: CITIZENS' COMMENT PERIOD

Fire Chief Harold Seitz reported that he had received a request from the Hanover Fire Department asking for help on the regional training building. He said that the NKVFD's budget prevents them from giving any monetary contribution on the building. Mr. Robinson suggested that Mr. Hart talk to neighboring county administrators to inquire what they are doing regarding the matter, before action can be considered by this Board.

Mrs. Thelma Wilson shared a few items of statistical information relating to New Kent County, which she had received from Va. Legislative Services.

Mr. Boroughs moved to adjourn the meeting.

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