

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE TENTH DAY OF SEPTEMBER 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. MR. ROBINSON WAS ABSENT.

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IN RE:           MINUTES

Corrections were made to the minutes for the August 13th meeting. Upon motion of Mr. Boroughs, the minutes were approved.

Robert A. Boroughs	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye

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IN RE:           ELECTED OFFICIALS REPORTS

The Board set the time for meeting to discuss the matter of a Regional Jail. It was agreed to meet at 6:30 p.m. on Wednesday, September 12, 1990.

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IN RE:           FINANCIAL REPORTS

A report of expenditures for the month of August, totaling \$360,374.01, was approved upon motion of Mr. Boroughs, which passed:

Robert A. Boroughs	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye

The Chairman presented the Treasurer's report, accounting for the various funds through 7/31/90. Motion was made by Mr. Ellyson 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.

Motion passed as follows:

Robert A. Boroughs	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye

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IN RE:           STAFF REPORTS, RESOLUTION R-34-90

Patrick J. Morgan, County Attorney, presented Resolution R-34-90, a resolution of support for the creation of the Central Virginia Waste Management Authority, whereby the Board resolved to rescind R-15-90; determined it to be in the public's best interest to join together with other jurisdictions to form the public service utility; endorsed the new and amended Articles of Incorporation recommended for the authority and expressed its intent to appoint Robert A. Boroughs to the Board of Directors; and instructed the County Administrator to forward a copy of the resolution to the Executive Director of the RRPDC within five days of adoption.

Mr. Boroughs moved to adopt Resolution R-34-90 as presented.

Robert A. Boroughs    Aye  
Richard S. Ellyson    Aye  
E. David Ringley      Aye

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FOR RESOLUTION R-34-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR, PAGES 320-321.

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IN RE:                RESIDENT ENGINEER'S REPORT

Mr. Tom Hawthorne, Resident Engineer for VDOT, reported that the contractor will start clearing and grubbing next week on the Rt. 627 project. He said that on the I-64 rehabilitation-project, the contractor is expected to start paving in a week. In response to Mr. Boroughs' previous request, Mr. Hawthorne viewed the intersection at Rts. 273 and 600 and determined that the bank is not steep enough to warrant work on guardrails. Mr. Ellyson inquired as to the status of the banks at the intersection of Rts. 608 and 609 which was originally to have been done prior to opening of schools. Mr. Wallace responded that VDOT has to clear up the matter of easements.

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IN RE:                NEW KENT CABLEVISION

Mr. Morgan reported that the company had suffered a great deal of damage due to vandalism at the Gloucester office, and for that reason Mr. Belyea could not be in attendance to make the report. Mr. Ringley said that he continues to receive many complaints and would like to hold a meeting with 1st Commonwealth Communications and get something done.

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IN RE:                JTPA

Pamela Foster was awarded a copy of the resolution adopted at the Board's August meeting pertaining to National Job Training Partnership Act Alumni Week.

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IN RE:                NEW KENT CADRE

Ms. Helen Henrich, Chairperson of New Kent CADRE Program, gave an overview of the program. She said that as a result of hard work by Sylvia Hathaway and herself to put together a proposal, they had received a \$10,000 grant which must be spent by June 1991. Another part of the presentation was given by Mr. Tom Cahoun from the Parent's Subcommittee. He said that the group is looking for space, approximately 120 sq. ft., where they would have afternoon and evening access to telephones and for paperwork. He also requested support and endorsement of the Board and a Board member to be assigned to the Parents Committee.

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IN RE:                SOCIAL SERVICES REPORT

The Board received a report from Mrs. Marianne Powell, Director of Social Services in the County. She outlined the scope of services and programs provided by the department. She announced that VCU has asked New Kent Social Services to be a field placement for them. Five Masters-level students and a supervisor would work with them at no cost to the County.

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IN RE:                VOL. II MAINTENANCE CODE OF VIRGINIA UNIFORM STATEWIDE BUILDING CODE

Mr. J. Lawrence Gallaher explained the reasons Volume II, Maintenance Code, is needed. It was the consensus of the Board that the matter should be referred to the Board's Public Works Committee.

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IN RE: CHESAPEAKE BAY REGULATIONS

Mr. Morgan introduced the subject of Chesapeake Bay regulations as they have been incorporated into draft ordinances O-22-90 and O-23-90, explaining that these do not go to Planning Commission.

Monday, October 15th, was set for a Work Session with the Planning Commission, at 7:30 p.m. Mr. Boroughs moved to set Ordinances O-22-90 and O-23-90 for public hearing at the November 12th Board Meeting.

Robert A. Boroughs	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye

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IN RE: RESOLUTION OF LOTTERY PROCEEDS

Mr. Hart, in his introductory remarks, said that the Board had received a request from Prince Edward County concerning adoption of a resolution requiring the General Assembly to return ten percent of gross receipts on sales of lottery tickets to the localities and for the legislation to become effective on July 1, 1992.

Mr. Ringley moved to adopt Resolution R-32-90 as presented. Motion passed.

Robert A. Boroughs	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye

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FOR RESOLUTION R-32-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR, PAGE 322.

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IN RE: RESOLUTION R-29-90

Mr. Ringley stated that he had received a letter from Floyd County Board of Supervisors requesting support in encouraging Virginia Association of Counties to seek legislation imposing a fractional increase in the Virginia income tax scale, the revenue from which would be collected by the Commonwealth and distributed on a per capita basis to local governments for use at their discretion. Mr. Boroughs moved to adopt Resolution R-29-90 as presented. Motion passed.

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

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FOR RESOLUTION R-29-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR, PAGE 323.

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IN RE: RESOLUTION R-30-90, CAPITAL OUTLAY FOR SCHOOL BUDGETS

By means of this resolution the Board will request the Virginia General Assembly to restore the category of capital outlay in the school budget for fiscal 1992 and subsequent budgets as that item existed in the 1989 school budget. Mr. Ellyson moved to adopt Resolution R-30-90 and motion passed.

Robert A. Boroughs	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye

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FOR RESOLUTION R-30-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR, PAGE 324.

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IN RE: APPOINTMENTS

Mr. Ellyson recommended and moved the reappointment of Howard Ormand as representative of District 1 to the Transportation and Safety Commission for a term beginning January 1, 1990 and ending December 31, 1994. Motion passed.

Robert A. Boroughs	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye

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IN RE: WATER AND SEWER STUDY

Mr. Emerson reported that staff had met with the engineers and that they had removed the items that had concerned the Board, particularly those on which studies had been done previously. He said that they had left in all the information that was necessary to implement the Chesapeake Bay Preservation Act, as well as the study to locate and catalog septic systems (necessary for the grant), and modeling studies of the existing system of the design and construction angle, reducing the cost by \$11,400.00 for an overall cost of \$43,000.00, leaving the Board's participation at \$25,500.00. Mr. Ellyson asked about source of funding and Mr. Hart answered that the intention is to fund it out of Capital Reserves from the Water Fund. Mr. Boroughs moved to grant the County Administrator authority to execute the contract with Gannett Fleming. Mr. Ellyson requested to defer action as a matter of courtesy since he and Mr. Robinson took exception to the original scope of the project, until both of them could be present to discuss it and be sure that it has been modified properly. Motion was made to postpone action on the matter until Wednesday, September 12, 1990 at 6:30 p.m. Motion passed.

Robert A. Boroughs	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye

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IN RE: APPROPRIATIONS, RESOLUTION R-33-90

Concerning receipt of State funds granted to the School Board and to the Sheriff's Department, Mr. Ellyson moved to adopt Resolution R-33-90 as presented, appropriating \$4,802.00 to Title VI-B; \$2,092.00 to general operating funds, inservice training; \$5,000.00 to capital outlay,

Category 19-403; \$43,784.00 to tuition to others, Category 17-B-221; \$2,646.77 to selective enforcement, Category 02107-1001A; and \$58,639.00 to Line Item 9100-0003, law enforcement grant. Motion passed.

Robert A. Boroughs	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye

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FOR RESOLUTION R-33-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR, PAGE 325.

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IN RE: REFUNDS, RESOLUTION R-31-90

Mr. Gallaher requested a refund in the amount of \$177.33 to Daniel D. and Elizabeth K. Aranda for half the amount of cancelled building and zoning permits.

Mr. Yeatts requested a refund of \$94.50 to D. L. Peterson Trust for 1989 auto taxes erroneously paid.

Motion to adopt Resolution R-31-90, approving the refunds, was made by Mr. Boroughs. Motion passed.

Robert A. Boroughs	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye

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FOR RESOLUTION R-31-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX FOUR, PAGE 326.

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IN RE: CITIZENS COMMENT PERIOD

Mr. Stuart T. Creasy said that he feels the least New Kent County could do for fire department and rescue squad volunteers, who do so much for the County, is to donate the \$20 sticker for these people. Mr. Ringley stated that a public hearing concerning a discount on the sticker is set for the October Board meeting.

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IN RE: EXECUTIVE SESSION

Mr. Ringley moved to go into executive session to discuss a personnel matter pursuant to § 2.1-344(a)(1) of the Code of Virginia, and 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 § 2.1-344(a)(7) of the Code of Virginia.

Robert A. Boroughs	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
Richard S. Ellyson	Aye
E. David Ringley	Aye

Mr. Boroughs 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
Richard S. Ellyson	Aye
E. David Ringley	Aye

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Mr. Ellyson's motion to adjourn the meeting passed as follows:

Robert A. Boroughs	Aye
Richard S. Ellyson	Aye
E. David Ringley	Aye

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H. Garrett Hart, III  
County Administrator

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E. David Ringley  
Chairman