

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE TENTH DAY OF DECEMBER 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: MINUTES

Mr. Robinson moved to approve minutes of the meetings held on October 10, October 15, October 29, November 7, November 13, November 26 and November 28, 1990.

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

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Ringley introduced a matter concerning the request of Mr. Andy Piplico for the Board to consider amending Sec. 9-427.1(B) of the New Kent County Subdivision Ordinance. Mr. Boroughs expressed his feelings that the Planning Commission would be overburdened if they had to review the law each time a developer needs a change in the law. Mr. Ellyson moved to refer this request to the Planning Commission.

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

IN RE: FINANCE REPORTS

Mr. Ellyson moved to approve the expenditures for the month of November, 1990 totaling \$228,307.85 as presented in the monthly expenditures report.

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

IN RE: TREASURER'S REPORT

Mr. Robinson moved 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.

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

IN RE: STAFF REPORTS

Mr. Hart asked the Board for guidance in determining which figure to adopt for the population figure until the final U. S. Census figures become available. It was decided that the preliminary 1990 Census number of 10,431 would be used as the "per capita" figure until the final figure becomes official in March 1991.

Mr. Hart also stated that he had been contacted by state agencies working in the County Administration Building inquiring as to whether December 31st would be a holiday for County employees. The Board was not in favor of granting a holiday.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Cliff Wallace reported that the Interstate 64 base from Route 155 to James City County line was completed on December 7 and that in the spring the top will be applied and markers will be placed. Work on Route 627 near the reservoir was completed and accepted in November.

IN RE: FEASIBILITY STUDY FOR QUINTON ESTATES

Mr. J. Lawrence Gallaher, Director of Public Safety, stated that he had reviewed the Description of Central Water System and Feasibility Study for Quinton Estates and was satisfied that it complies with County requirements and meets the requirements of Chapter 8 of the New Kent County Code. Mr. Ellyson moved to accept the Feasibility Study for Quinton Estates Water System.

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

IN RE: APPOINTMENTS

The chairman asked for recommendations for appointments to the various boards and commissions whose members' terms expire December 31, 1990.

Planning Commission: Mr. Ringley moved to appoint Dr. Robert Stroube as District Two's representative to fill an unexpired term ending December 31, 1991; Mr. Boroughs moved to reappoint T. Marshall Philbates as District Three's representative; and Mr. Robinson moved to appoint Samuel C. Howard as District Four's representative. The latter two were appointed to serve a four-year term ending December 31, 1994.

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

Industrial Development Authority: Mr. Ringley moved to appoint Ronnie Kelley as District Two's representative and Mr. Robinson moved to reappoint William Mountcastle as District Four's representative for a four-year term ending December 31, 1994.

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

Agricultural & Forestal Districts Advisory Committee: Mr. Ellyson moved to reappoint Ralph Randolph as District One's representative and Mr. Robinson moved to reappoint Frank R. Taylor as District Four's representative for a four-year term ending December 31, 1994.

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

Historic Commission: Mr. Ellyson moved to reappoint Eva John Brown as District One's representative and to leave the second appointment vacant at this time; Mr. Boroughs moved to reappoint Hunter Martin as District Three's representative; and Mr. Robinson moved to reappoint Jacquelin Pomeroy as District Four's representative, all for a four-year term ending December 31, 1994.

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

Wetlands Board: Motion was made to leave vacant District One's representation at this time; Mr. Ringley moved to appoint Bobbie Grachan as District Two's representative for a four-year term ending December 31, 1994.

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

Board of Zoning Appeals: Mr. Ringley moved to reappoint J. Harold Black for a four-year term ending December 31, 1994.

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

Charles City, New Kent, Henrico Mental Health & Retardation Board: Mr. Ellyson moved to appoint Nina Burrell as an at-large member for a three-year term ending December 31, 1993.

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

Transportation Safety Commission: Mr. Ellyson moved to reappoint Joseph Allen as District One's representative for a four-year term ending December 31, 1994. Mr. Boroughs will make recommendation next month for District Three's representative.

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

Board of Road Viewers: Mr. Ellyson moved to reappoint Andrew Mihalcoe as District One's representative; Mr. Ringley moved to reappoint Beverly Rosser as District Two's representative; Mr. Boroughs moved to reappoint John W. Combs; and Mr. Robinson moved to reappoint Stephen S. Lueke, all for a one-year term ending December 31, 1991.

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

Building Code of Appeals: Mr. Ellyson moved to reappoint Harold K. Seitz and Brian Parsley for four-year terms ending December 31, 1994.

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

IN RE: PUBLIC HEARING ON RESOLUTION R-40-90, ARTICLES OF
INCORPORATION OF CENTRAL VIRGINIA WASTE MANAGEMENT
AUTHORITY

Patrick Morgan, County Attorney, stated that revisions had been made to the Articles of Incorporation of Central Virginia Waste Management Authority and therefore a new resolution requiring public hearing and passage was necessary. He pointed out the substantive policy changes in the Revised Articles. The Chairman then opened the public hearing.

The Reverend Milton Hathaway asked whether this would include hazardous waste materials. Mr. Morgan answered that the Authority must comply with local zoning ordinances and that New Kent does not allow processing of hazardous materials.

Following the close of the public hearing and there being no further questions or comments from Board members, Mr. Robinson moved for the adoption of Resolution R-40-90, a resolution creating the Central Virginia Waste Management Authority and concurrence of the New Kent Board of Supervisors with the Articles of Incorporation. Motion passed as presented.

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

FOR RESOLUTION R-40-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FOUR, AT PAGES 360-367.

IN RE: RESOLUTION R-41-90, TO ESTABLISH BOUNDARY OF SERVICE AREA, CVWMA

Resolution R-41-90 petitions the Director of the Virginia Department of Solid Waste Management to designate the service area of the Authority as the regional solid waste management planning boundary; and, further, supports the Memoranda of Understanding between the Authority, the Richmond Regional Planning District Commission, and Crater Planning District Commission; and expresses agreement to participate with those agencies in the development of a regional solid waste management plan for the Authority's service area in meeting mandated requirements.

Mr. Robinson moved to adopt Resolution R-41-90 as presented.

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

FOR RESOLUTION R-41-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FOUR, AT PAGES 368-369.

IN RE: PRIMARY SCHOOL REPAIRS

Mr. Hart reported that the Board had received a letter from the chairman of the School Board suggesting a meeting of the two boards to view the problems at the Primary School. It was decided to meet on December 26 at 3 p.m. at the Primary School.

IN RE: VIRGINIA NATURAL GAS

Walter F. Witt, Jr., of the Hunton & Williams law firm, representing Virginia Natural Gas, made a brief presentation concerning the proposed pipeline across 15.3 miles of New Kent County. The 16-in. pipe will be approximately three-to-five feet below the surface of the ground. VNG applied and obtained permit for construction of the pipeline from State Corporation Commission in 1988. Other permits have been applied for and are being considered by several boards and commissions. He said that for safety purposes the pipeline will be monitored on a 24-hour basis. He concluded by urging the Board, upon consideration at public hearing, to grant the request. Kad Raman, Manager of Engineering Services for VNG, and Arthur Raney, Consulting Engineer, were also present to answer questions. After considerable discussion concerning the pipeline and Virginia Power's right-of-way, Mr. Boroughs moved to hold a public hearing at the regular meeting of the Board scheduled for February 11, 1991.

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

IN RE: RESOLUTION R-38-90, APPROPRIATIONS

Mr. Boroughs moved to adopt Resolution R-38-90 as presented, which appropriates \$3,195.26 to Line Item 6220-007, Drug Free Schools & Community Act; and \$10,000.00 to line Item 9604-0004, New Kent County CADRE. Motion passed.

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

FOR RESOLUTION R-38-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR, AT PAGE 370.

IN RE: RESOLUTION R-39-90, REFUNDS

Mr. Yeatts, Commissioner of Revenue, had requested the Board to refund \$168.19 to Lawrence W. Stephenson for 1988 and 1989 personal property taxes on a boat, erroneously paid to New Kent County. Mr. Robinson moved to approve Resolution R-39-90.

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

FOR RESOLUTION R-39-90 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FOUR, AT PAGE 371.

IN RE: WATER ISSUES

Mr. Hart stated that due to several recent events the Board might wish to consider hiring legal consultants adept in negotiating water agreements that would be advantageous to New Kent County. He said that arrangements between the City of Newport News and neighboring counties may infringe upon the available supply of surface and ground water in the county. Mr. Hart stressed the need for hiring legal counsel specializing in regional water and environmental issues, or possibly an engineering firm to do the same, to analyze New Kent's position in its contract with the Ware Creek Project, a firm that could determine what the effect would be of the transiting line across New Kent County in the Cohoke Reservoir Project, and that could predict possible effects of any groundwater withdrawal by City of Newport News. Mr. Ellyson made the point that New Kent should take a strong position on the State level to defend the fact that the County at the present time is totally dependent upon shallow or deep wells and that it would be detrimental to the health and welfare of the citizens of New Kent to allow a municipality the size of Newport News to put deep wells in the aquifers and endanger the sole source of water for the citizens of New Kent. The consensus, after discussion, was for Mr. Hart to report at the Board's January meeting on results of a meeting between David Morris of Newport News, Sandford Wanner of James City, and himself, and if possible to draft a scope of services needed.

IN RE: MEETING SCHEDULE

The January meeting of the Board of Supervisors was set for Monday, January 14, 1991.

IN RE: CITIZEN'S COMMENT PERIOD

Mr. Andy Piplico thanked the Board for their consideration of his request for changing Sec. 9-427(B) of the New Kent County Code; and also requested the Board to recommend that the Planning Commission schedule the public hearing at their January meeting. The Board could do nothing but refer the matter to the Planning Commission and only the Planning Commission can schedule a joint public hearing on such an item.

IN RE: DISCUSSION ON COURTHOUSE PLANS AS REVISED

While the Board awaited the arrival of Senator Cross and Delegate Grayson, Mr. Robinson moved that the Board talk about courthouse plans as revised.

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

IN RE: 1991 LEGISLATIVE PACKAGE

After welcoming Senator Elmo Cross and Delegate George Grayson, Mr. Ringley reviewed the 1991 Legislative Package, pointing out New Kent County's priority concerns. The item of first concern is the Chesapeake Bay Preservation Act and its impact on individual landowners. The second concern is the issue of off-track betting, essential to locating a race track in Virginia. Board members and the legislators engaged in extensive discussion concerning the issue. Mr. Grayson said that he is not prepared to vote for off-track betting anywhere--in committee, on the floor, or in referendum--but he would not vote against it in committee if his vote were going to be the vote that would defeat.

Mr. Robinson questioned the legislators about a recent development concerning consolidation of social services agencies. Senator Cross said that the extent would not be known until the General Assembly meets in January.

Mr. Ringley moved that the Board go into executive session for discussions relating to prospective business or industry pursuant to § 2.1-344(a)(5) of the Code of Virginia.

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

Motion was made by Mr. Robinson 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 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

The Chairman announced that no action was taken on the matter discussed in executive session.

Motion was made by Mr. Boroughs to adjourn the meeting and 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