

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE NINTH DAY OF JANUARY IN THE YEAR OF OUR LORD NINETEEN HUNDRED EIGHTY-NINE IN THE BOARD ROOM OF THE COUNTY OFFICE BUILDING. THE CHAIRMAN CALLED THE MEETING TO ORDER WITH ALL MEMBERS PRESENT.

The Chairman recognized Mrs. Frances Fleming of Girl Scout Troup No. 445 who explained that they were beginning their cookie drive by presenting each Supervisor with a box of cookies. She stated the cookies would go on sale January 12, 1989.

IN RE: APPROVAL OF MINUTES

The Chairman stated that he would like to amend the minutes to more accurately reflect his statements regarding the Plaster rezoning case at the Board's meeting of December 12, 1988. Motion was made by Mr. Ringley to approve the minutes as amended and carried as follows:

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

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Ellyson announced that the Board's citizen committee to review the pari-mutuel racing issue was scheduled to meet on January 11, 1989, however, he had a conflict with that date as it was also the meeting time of the County's Transportation Safety Commission. He asked that a member of the Board be present at the committee meeting on his behalf.

Mr. Boroughs thanked the Virginia Department of Transportation and Lawrence Gallaher, Director of Safety, for their time in working on areas of concern in his district.

The Chairman welcomed Senator Cross and Delegate Grayson to the meeting. He also recognized Mr. Rudy Jones, a member of the Board of Supervisors in Charles City County.

Mrs. Ann Seitz, Clerk of the Circuit Court, announced that her office would be closed on January 16, 1989.

IN RE: FINANCE REPORTS

The Chairman announced that he and the County Administrator had reviewed the invoices for the month and they were available for review by any Board member. Motion was made by Mr. Boroughs to approve the expenditures for the month of December, 1988 totaling \$201,082.31 as presented in the monthly expenditure report. Motion carried as follows:

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

IN RE: STAFF REPORTS

Patrick J. Morgan, County Attorney, reported that he had attended a meeting of the Pamunkey River Study Committee on January 4, 1989. He stated that the committee discussed the Ware Creek and Crump Creek projects with the committee passing a resolution supporting the Ware Creek project. He further stated that a public hearing would be held on January 18, 1989 on the Ware Creek project.

The Chairman stated that at the last meeting the Board had recommended the Planning Commission study revising the zoning ordinance to allow broadcasting studios as a permitted use in the B-1 zoning district. However, the County Attorney had brought it to his attention that broadcasting studios are already allowed in B-1 districts with a conditional use permit. He asked for a consensus from the Board whether or not they wished to have the ordinance changed or keep it as a permitted use with a conditional use permit. It was the consensus of the Board to NOT change the ordinance as it relates to broadcasting studios in the B-1 district.

The County Attorney stated that the County had received 25 proposals for architectural services on the courthouse expansion project and staff was in the process of reviewing them for conformity with the requests for proposal.

H. Garrett Hart, County Administrator, stated that staff was beginning to gather information for an open membership starting July 1st on health insurance.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Tom Hawthorne, Resident Engineer for the Virginia Department of Transportation (VDOT), reported that the first phase of the Route 627 project had been bid and that there appeared to be a \$40,000 to \$50,000 surplus in this project's budget. He recommended that these funds be placed in the budget for the next phase of the Route 627 project.

Mr. Ellyson asked if they could begin the next phase of the project immediately. Mr. Hawthorne stated the right-of-way had not been acquired for phase two at this time.

IN RE: ELLYSON - 1989 BOARD CHAIRMAN - RINGLEY - VICE CHAIRMAN

The Chairman turned the Chair over to the County Administrator for the election of Chairman of the Board.

Mr. Boroughs thanked Mr. Robinson for his excellent job as Chairman of the Board during 1988. Mr. Boroughs then nominated Mr. Ellyson for Chairman of the Board during 1989.

Motion was made by Mr. Ringley to close the nominations for Chairman and carried as follows:

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

Motion was made by Mr. Boroughs to elect Mr. Ellyson as Chairman of the Board and carried as follows:

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

The County Administrator turned the Chair over to Chairman Ellyson. Mr. Ellyson then thanked Mr. Robinson for his hard work during his tenure as Chairman of the Board.

The Chairman then called for nominations for Vice Chairman. Mr. Robinson nominated Mr. Ringley for Vice Chairman. Motion was made by Mr. Boroughs to close the nominations for Vice Chairman and carried as follows:

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

Motion was made by Mr. Robinson to elect Mr. Ringley as Vice Chairman of the Board and carried as follows:

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

IN RE: BYLAWS DISCUSSED

The Chairman explained that the previously adopted bylaws of the Board would continue in effect unless amended and any member of the Board may amend the bylaws by submitting proposals in writing thirty days prior to consideration by the full Board. Mr. Boroughs motioned to readopt the current bylaws of the Board as he had no changes to recommend.

Mr. Ringley asked if the wording on Page 9, Section B, last sentence, was correct. The County Attorney stated he felt this was correct.

Mr. Hart asked that the Board review the order of business on their agenda and suggested a change in Item I on page 12 as it relates to the emergency services coordinator.

Mr. Robinson suggested a change in Item B on page 7 which would require written agendas for all called meetings.

In response to these many suggested changes, Mr. Boroughs withdrew his motion to adopt the current bylaws. The Chairman suggested that these changes be sent in writing to each Board member and this matter be deferred until the February Board meeting.

IN RE: OFFICE OF TIEBREAKER

The Chairman explained that in the past the Board had chosen not to have the office of tiebreaker and that if the Board wished to continue with this practice, they would need to adopt Resolution R-1-89 which stated the Board's desire not to have this office. Motion was made by Mr. Ringley to adopt resolution R-1-89 as presented and carried as follows:

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

FOR RESOLUTION R-1-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 118.

IN RE: MEETING SCHEDULE

The Chairman asked if the Board wished to change their regular meeting schedule and introduced resolution R-2-89 which would keep the current schedule. Motion was made by Mr. Robinson to adopt resolution R-2-89 as presented and carried as follows:

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

FOR RESOLUTION R-2-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 119.

IN RE: STANDING COMMITTEES

The Chairman explained that the Board has six standing committees and made appointments as follows:

Finance Committee	Mr. Ellyson and Mr. Robinson
Public Works Committee	Mr. Boroughs and Mr. Robinson
School Board Liaison	Mr. Boroughs and Mr. Ringley
Legal Affairs Committee	Mr. Ellyson and Mr. Robinson
Personnel Policy & Management Committee	Mr. Ringley and Mr. Robinson
Water Resources Committee	Mr. Boroughs and Mr. Robinson

IN RE: 1989 LEGISLATIVE MEETING

The Chairman welcomed Senator Elmo Cross and Delegate George Grayson to the meeting and asked Mr. Robinson to review the 1989 Legislative Program. Mr. Robinson explained that the two items of primary concern to the Board were full state funding of mandated programs and the ever increasing costs of health insurance. He then reviewed other items of concern to the County.

Mr. Boroughs and Mr. Ellyson stated that they supported impact fees of some type to off-set development. Mr. Robinson pointed out that this was not a part of the County's Legislative Program as adopted by the Board.

Senator Cross pointed out that the non-tidal wetlands regulations were being administered by the State Water Control Board under 401 Section C of the Clean Water Act. Senator Cross also explained that due to this being a short session of the General Assembly bills such as the one requesting a waiver of the 90 day review period by the Planning Commission would be difficult

to get passed. He recommended the Board take some local action and bring the request before the Virginia Association of Counties for next year.

The Board expressed their appreciation to Delegate Grayson for the pari-mutuel legislation he was proposing.

Delegate Grayson thanked New Kent High School for loaning their cheerleaders to William and Mary College at a recent basketball game.

Senator Cross urged the Board to contact him by telephone concerning any bills on which they have comment as some of the legislation moves through rather quickly.

IN RE: WOODHAVEN SHORES ORDINANCE

The County Attorney reviewed proposed ordinance O-1-89 which would declare the roads in Woodhaven Shores as highways for law enforcement purposes. Following discussion, motion was made by Mr. Ringley to authorize a public hearing on proposed ordinance O-1-89 at the February Board meeting and carried as follows:

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

IN RE: ZONING ORDINANCE AMENDMENTS

The Board reviewed the following listing of items discussed as possible amendments to the zoning ordinance at their work sessions on December 3, and 4, 1988.

1. Section 9-49(d) - change "may" to "shall" in second sentence.
2. Section 9-58(b) - should be clarified.
3. Section 9-68 - change Division 17 to Division 18.
4. Section 9-95 - should include a reference such as; for applicable area requirements, setbacks, etc. see Division 8 of this article.
5. Include 9-130(q) under Section 9-122.
6. Contractor storage under M-1 should be reviewed.
7. Section 9-228 - change wood loading yards to wood yards for consistency.
8. Review setback requirements between the M-1 and M-2 districts, especially in industrial parks.
9. The process for issuing a conditional use permit for a tower over 50 feet should be examined.
10. Rezoning applications should be received 30 days prior to the planning commission's meetings.
11. Section 9-255(b) is it reasonable?
12. Section 9-266(E) should be incorporated into mobile home application.
13. Non-conforming use permits should be developed and issued.
14. Section 9-272 - check date.
15. 9-297(H) - parking beyond the minimum requirements reviewed.
16. Section 9-297(I)3 - change "and grass" to "or grass".
17. Section 9-307(b) - four (4) typographical error.
18. Section 9-307 - review section.

Motion was made by Mr. Boroughs to refer items 1-18 as discussed at the work sessions on December 3, and 4, 1988, to the Planning Commission for their review and recommendation and carried as follows:

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

IN RE: CITIZENS COMMITTEE TO REVIEW COMPREHENSIVE PLAN

The Chairman stated that the Board had discussed the possibility of appointing a citizen committee to review the revisions to the Comprehensive Plan.

Mr. Ringley stated that he was in favor of citizen input being involved in the revisions to the Plan.

Mr. Boroughs felt that the Planning Commission was the Board's citizen committee responsible for preparation of the revisions and that each Board member should have meetings in their respective districts to gather citizen input.

Mr. Robinson stated that given the current workload of the Planning Commission, he desired to have broader public input.

Mr. Ellyson felt that a citizen committee would slow the process down somewhat. He also stated that the County should rely on professional staff and public hearings should be held periodically on the phases of the update.

Mr. Robinson cited that the professional staff working on the update had requested a citizen committee.

Mr. Edmund Shaw stated that he was in favor of a citizen committee.

Motion was made by Mr. Robinson that the Board form a citizen committee to review the work of the Planning Commission on a quarterly basis or as each section of the Comprehensive Plan is completed and carried as follows:

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

The Chairman requested that the Board discuss the composition of this committee at the February Board meeting.

IN RE: CAPITAL IMPROVEMENT REQUEST - ADDITION TO PRIMARY
 SCHOOL

The Chairman explained that the School Board had requested authorization to be placed on the State's literary loan list for funding to construct an addition on the primary school.

Mr. Boroughs stated that he was in full support of this request as it locked in a low interest rate and would give the School Board approximately five years before they would have to utilize the funds.

Mr. G. G. Crump, Jr., Chairman of the School Board, explained that by being placed on the list the School Board was guaranteed low interest funding.

Motion was made by Ringley to refer for consideration by the Planning Commission a possible addition to the primary school to be included in their discussions of capital needs in the formulation of the capital improvements plan. Mr. Boroughs offered a friendly amendment requesting that the matter be placed on the Commission's next agenda. Mr. Ringley rejected Mr. Boroughs amendment and motion carried as follows on Mr. Ringley's motion:

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

IN RE: WARE CREEK RESERVOIR PROJECT

The Chairman introduced resolution R-3-89 which had been requested by James City County. The resolution supported the Ware Creek Reservoir project of which New Kent County is a participant. He asked if the Environmental Protection Agency (EPA) had denied the project or deferred their decision.

The County Attorney stated that the EPA had indicated they would veto the project but had given a ninety day extension before making a final decision and that a public hearing would be held on January 18, 1989 on the project.

Mr. Robinson asked that the word "entirely" be struck from the second paragraph of the resolution as James City did not rely entirely on groundwater for their water supply. The Board concurred.

Motion was made by Mr. Robinson to adopt resolution R-3-89 as amended and carried as follows:

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

FOR RESOLUTION R-3-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR, AT PAGES 120-121.

IN RE: APPOINTMENTS

The Chairman asked for recommendations for appointments to the various committees and boards whose members' terms expire December 31, 1988.

Beginning with the Planning Commission, Mr. Ellyson recommended the reappointment of Nathaniel Lewis and Melvin Thompson as District One's representatives for four year terms ending December 31, 1992.

For the Industrial Development Authority, Mr. Boroughs recommended the reappointment of Gratton Stephens for District Three and Mr. Robinson recommended the reappointment of Frank Taylor for District Four for four year terms ending December 31, 1992.

On the Transportation Safety Commission, Mr. Ringley recommended the reappointment of John McLaughlin for District Two and Mr. Robinson recommended John I. Caldwell, III, for District Four for four year terms ending December 31, 1992.

On the AFD Advisory Committee, Mr. Boroughs recommended James Christian be reappointed from District Three and Mr. Robinson recommended the reappointment of Norman Thomsen from District Four for four year terms ending December 31, 1992.

For the Board of Road Viewers, which are one year terms ending December 31, 1989, Mr. Ellyson recommended reappointing Andrew Mihalcoe from District One, Mr. Ringley recommended reappointing Nick Fleming, Mr. Boroughs recommended reappointing John Combs from District Three, and Mr. Robinson recommended reappointing Stephen Lueke as District Four's representative.

On the Historic Commission, Mr. Ringley recommended Betty Bowery to represent District Two and Mr. Robinson recommended Diana M. Abbs to represent District Four for four year terms ending December 31, 1992.

For the Building Code Board of Appeals, it was recommended that David Paul and Charles Moss be reappointed as at-large members for four year terms ending December 31, 1992.

Motion was made by Mr. Robinson to approve all recommended appointments and carried as follows:

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

IN RE: COUNTY CAR PURCHASE AUTHORIZED

Director of Public Safety, Lawrence Gallaher, explained that his vehicle, which was a used vehicle received from the Sheriff's Department, had very high mileage on it and was beginning to cost quite a bit to keep on the highway. He requested the County purchase a vehicle for him under the State of Virginia's police car contract. He explained that because he was Emergency Services Coordinator he had several radios in his vehicle and therefore, required many of the same options as required on police cars.

Following discussion, motion was made by Mr. Ringley to authorize the County Administrator to place an order for the purchase of a 1989 Chevrolet Caprice under the purchase plan of the Commonwealth of Virginia for the purchase of motor vehicles for cities, towns and all political subdivisions after local area prices have been checked. Motion carried as follows:

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

IN RE: SALE OF AIRPORT INDUSTRIAL PARK

The County Attorney explained that thirty acres at the New Kent Airport had been set aside several years ago for the development of an industrial park. He explained that the County had been contacted by individuals interested in the purchase of property at this site and prior to any sale of County property a public hearing must be held. He suggested that the Board hold a public hearing stating their intention to sell lots at the industrial park site.

The County Administrator pointed out that the Board would still have to approve any purchase price prior the sale of property.

Motion was made by Mr. Boroughs to set for public hearing at the February meeting the Board's intent to sell lots at the New Kent County Industrial Park. Motion carried as follows:

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

IN RE: TAX REFUNDS - RUSSELL AND DOMINION BANKSHARERS SERVICE

The Commissioner of Revenue requested a refund to Jake Russell in the amount of \$111.00 for overpayment of 1987 and 1988 personal property taxes. He also requested \$276.00 be refunded to Dominion Banksharers Service for a double payment of 1988 personal property taxes.

The Chairman stated that resolution R-4-89 would authorize the refunds as requested. Motion was made by Mr. Boroughs to adopt resolution R-4-89 as presented and carried as follows:

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

FOR RESOLUTION R-4-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 122.

IN RE: DEPOSITORY

County Treasurer, Betty Burrell-Moore, requested that the Board allow her to deposit approximately 10% to 15% of the County's monthly expenditures in Dominion Bank. She felt that the County should not keep all of its funds in Citizens and Farmers Bank.

Following discussion, it was the consensus of the Board to defer action on the Treasurer's request until the February Board meeting.

IN RE: TREASURER REQUESTS ADDITIONAL STAFF

County Treasurer, Betty Burrell-Moore, requested that the Board consider an additional full-time position in her office. She explained that the Treasurer's Office had been staffed with two full-time employees for over fifteen years even though the County's population had risen dramatically. She stated that this position's responsibility would be to focus on delinquent tax collection and she felt it would pay for itself.

The Chairman asked if she had planned to request funding for this position through the Compensation Board. The Treasurer stated that she did.

Mr. Robinson requested the Treasurer and Staff to find out how much money the County was losing in delinquent personal property taxes annually.

It was the consensus of the Board to defer action on this matter until the February meeting.

IN RE: RICHMOND REGIONAL PDC - 1989 LEGISLATIVE PROGRAM

The Chairman explained that the Richmond Regional PDC had requested the Board's endorsement of their 1989 Legislative Program. Mr. Robinson, the Board's representative to the RRPDC, briefly reviewed the program and explained that they would be presenting this package to the legislators on January 12, 1989.

Following discussion, motion was made by Mr. Ringley that the Board of Supervisors endorse and support Richmond Regional Planning District Commission's 1989 Legislative Program as presented and carried as follows:

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

IN RE: MEETING SCHEDULE

The Chairman announced that the Board's next regular meeting would be held on Monday, February 13, 1989. The Board also scheduled a meeting on Monday, January 23, 1989, at 6:00 p.m. to interview applicants for the position of Director of Planning.

IN RE: CITIZENS' COMMENT PERIOD

Mr. Edmund Shaw addressed the Board concerning the public address system proposed for the Board Room. The County Administrator explained that bids had been obtained for the equipment and the staff was in the process of reviewing them. In an effort to expedite the project, motion was made by Mr. Ringley to give the County Administrator the authority to expend the funds for the purchase of a public address system for the Board Room and carried as follows:

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

Mr. Shaw also asked if the Board had set a schedule for the publication of the County Newsletter. Mr. Robinson stated that there was no set schedule at the present time, however, the Board had anticipated sending out the newsletter four times during the year.

Mr. Charles Yeatts, Commissioner of Revenue, stated that when new county vehicles are purchased, the county should get rid of the old ones. The County Attorney stated that the School Board sold approximately three surplus vehicles each year.

IN RE: EXECUTIVE SESSION - PLANNING COMMISSION RECORDING
SECRETARY'S SALARY

Motion was made by Mr. Robinson to go into executive session to discuss personnel matters as allowed under Section 2.1-344(a)(1) of the Code of Virginia and carried as follows:

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

Motion was made by Mr. Boroughs to resume regular session and carried as follows:

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

The Chairman announced that the Board had reviewed resumes for the position of Director of Planning and discussed a request made by the recording secretary of the Planning Commission for an increase in compensation.

Motion was made by Mr. Ringley to set the compensation of the recording secretary of the Planning Commission at \$30.00 per meeting and carried as follows:

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

There being no further business, motion was made by Mr. Robinson to adjourn and carried as follows:

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

H. Garrett Hart, III
County Administrator

Richard S. Ellyson
Chairman