

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE THIRTEENTH DAY OF FEBRUARY 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.

IN RE: APPROVAL OF MINUTES

Motion was made by Mr. Robinson to approve the minutes as amended and carried as follows:

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

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Robinson reported that the Richmond Regional Planning District Commission had decided not to purchase the building which had been under consideration by the Commission. Mr. Ellyson asked if the funding would hold. Mr. Robinson stated that they would have to start over again as all the numbers would change.

Mr. Boroughs requested that the County Administrator meet with the Quin Rivers Agency for Community Action, Inc. and investigate the possibility of the Board of Supervisors passing a resolution concerning funding for affordable housing.

Mr. Boroughs thanked representatives of the Virginia Department of Transportation for solving the signing problem on Route 642.

IN RE: FINANCE REPORT

Motion was made by Mr. Ringley to approve the expenditures for the month of January, 1989, totaling \$205,717.09 as presented in the monthly expenditure report and carried as follows:

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

IN RE: FIRST COMMONWEALTH CABLEVISION UPDATE

Mr. Bill Newborg of First Commonwealth Cablevision gave the Board a status report on the progress of installing cable television in the County. He explained that the head-in system had been completed and hard cable was being installed at this time.

Mr. Ringley asked when cable television service would be available in the west end of the County. Mr. Newborg stated that it should be available by June or July, 1989.

Mr. Ellyson asked how many households they would service throughout the County. Mr. Newborg stated they would initially service 2,200 households and that the criteria for adding

service was 15 homes per mile. He further reported that his company had purchased a building in the Eltham area and would soon be opening an office.

IN RE: VIRGINIA ESTUARINE RESEARCH RESERVE SYSTEM PRESENTATION

Ms. Carroll Curtis of the Virginia Institute of Marine Science was present to give the Board a presentation on the Council on the Environment's Chesapeake Bay National Estuarine Research Reserve System in Virginia. Ms. Curtis gave a ten minute slide presentation reviewing the areas on the Pamunkey River in New Kent County that they had cited for study.

Mr. Robinson asked if this study would in any way inhibit hunting or fishing in these areas. Ms. Curtis stated there would be no conflict between the study of the area and hunting or fishing.

IN RE: PUBLIC HEARING; SALE OF INDUSTRIAL PARK PROPERTY AT AIRPORT

The Chairman opened a public hearing on the sale of the Industrial Park Property at the New Kent County Airport.

Mrs. Thelma C. Wilson asked what type of industry would be allowed at the park. The Chairman explained that the property was zoned M-1, limited industry, and listed both the permitted uses and the uses permitted by conditional use permit only. He further stated that there was an interested buyer at this time who would like to place a warehouse on the property.

There being no further public comment, the Chairman closed the public hearing.

Mr. Robinson felt that a plan of development should be formulated for the sale of the park and a marketing method worked out. He also felt some covenants and conditions should be developed and the property should be appraised.

Mr. Ellyson asked that Mr. Robinson formulate a report and present it at the next regular Board meeting. Mr. Robinson stated he would be happy to do so as long as it was understood he was not involved in the marketing or sale of the property.

Motion was made by Mr. Ringley to defer action on this matter until the next regular Board meeting and carried as follows:

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

IN RE: PUBLIC HEARING; WOODHAVEN SHORES ORDINANCE

The Chairman opened a public hearing on proposed ordinance O-1-89 which would allow the private streets in Woodhaven Shores Subdivision to be designated as highways in the County for law enforcement purposes only.

The County Attorney explained that Section 46.1-181.5 of the Code of Virginia allows the County to designate these private roads as highways so that traffic violations can be enforced. He

stated that the Woodhaven Shores Property Owners Association had requested the Board to take this action.

Mr. Clay Blanton, attorney for the Woodhaven Shores Property Owners Association, explained that there had been several traffic tickets written in the subdivision and thrown out of court since the violations took place on a private road. He stated the Property Owners Association was very much in favor of passage of this ordinance.

Mr. James Mathison asked what type of laws would be enforced. H. Garrett Hart, County Administrator, explained that the main enforcement would be speeding, wreckless driving, driving by minors, and drunk driving. He explained, however, that if the ordinance passes, the Virginia Department of Transportation (VDOT) would assess the roads for what traffic laws could be enforced (speeding, site distance, etc.).

Mr. Ringley stated that he had spoken with the Sheriff and he supported the passage of the ordinance.

There being no further public comment, the Chairman closed the public hearing.

Motion was made by Mr. Ringley to adopt ordinance O-1-89 as presented and carried as follows:

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

FOR ORDINANCE O-1-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 123.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Ringley asked Mr. Tom Hawthorne, Resident Engineer of the Virginia Department of Transportation (VDOT), if a new traffic light would be installed at the intersection of Routes 155 and 60. Mr. Hawthorne stated that there would be new stoplights, median and turning lanes at the intersection.

Mr. Ellyson asked if additional signing or warning could be placed at the intersection of Routes 612 and 249 as he had noticed several people run through the intersection without stopping. Mr. Hawthorne stated that they were looking into the best way to handle this intersection.

Mr. Ringley asked that wrong way signs be placed at several locations on Route 60.

IN RE: AIRPORT MANAGER'S REPORT

Mr. Ringley stated that Mr. A. C. Worley, Airport Manager, had contacted him prior to the meeting to inform the Board that he would not be attendance at the meeting due to illness. This matter was deferred to the March agenda by consensus.

IN RE: TREASURER'S REQUEST FOR ADDITIONAL STAFF

Ms. Betty Burrell-Moore, County Treasurer, requested an additional full-time position in her office citing that it would reduce the need for part-time funding and help with the collection of delinquent taxes which were accruing at \$67,400 each year with a projected total of \$719,000 in all delinquent taxes at the end of this fiscal year. However, Ms. Burrell-Moore noting the staff's recommendation to study this request during the budget process, amended her request for an appropriation of additional part-time funding to get her through the end of this fiscal year. She explained that she would then approach the Board during the budget process and request that the Compensation Board grant her an additional full-time position for the next fiscal year.

Mr. Ringley asked what the Compensation Board uses to base its staffing requirements on for constitutional officer's offices. Ms. Burrell-Moore stated that she felt it was based on population, however, there were jurisdictions similar to New Kent who had more staff.

Mr. Ringley asked what method she would use for delinquent tax collection. Ms. Burrell-Moore stated she would attempt to collect the oldest delinquent accounts first.

Mr. Robinson asked how much funding she would need to fund the current part-time position through the end of this fiscal year. Ms. Burrell-Moore stated approximately \$2,500. Mr. Robinson also asked if that position would be able to concentrate on delinquent tax account. Mr. Burrell-Moore stated that after County license decals had been completed, she hoped to concentrate on these accounts in April.

Mr. Ellyson asked that this matter be deferred. Mr. Robinson asked how long this matter could wait since Ms. Burrell-Moore's current part-time funding was almost exhausted.

Mr. Boroughs asked if the County Attorney's Office were working with the Treasurer's Office on collection problems. The County Attorney stated that he was giving it as much time as he could.

Following discussion, motion was made by Mr. Robinson to appropriate \$2,500 from the general fund balance to the Treasurer's Office for part-time salaries and carried as follows:

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

Mr. Ellyson stated that he was unsure whether or not the Treasurer was utilizing her present staff to their fullest.

IN RE: ORDINANCE O-18-88 - EXTENSION OF THE ELTHAM AFD

County Administrator, Garrett Hart, gave a brief review of the proposed agricultural and forestal district explaining that it was located in an area designated for low density development on the land use plan.

Mr. Robinson stated that if the Board approved this district it would be inconsistent with the land use plan and to do so would be setting a dangerous precedent. He felt this would open the door for others to get short term tax relief prior to developing their property.

Mr. Boroughs stated that there were farms in the same general area which were already located in agricultural and forestal districts.

Following discussion, motion was made by Mr. Boroughs to adopt ordinance O-18-88 as presented. Motion was defeated as follows:

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

IN RE: ORDINANCE O-19-88 - ESTABLISHMENT OF THE OSBORN AFD

Mr. Hart briefly reviewed an application to establish the Osborn Agricultural and Forestal District clarifying some questions concerning the location of parcel 50-2. Following discussion, motion was made by Mr. Robinson to adopt ordinance O-19-88 which approves application AFD-3-88 and establishes the Osborn Agricultural and Forestal District. Motion carried as follows:

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

FOR ORDINANCE O-19-88 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR, AT PAGES 124-125.

be a commercial lot available for development. Mr. Robinson then pointed out that this would have been a good case for conditional zoning.

Motion was made by Mr. Boroughs to accept the recommendation of the Planning Commission and approve rezoning case C-7-88 as presented and carried as follows:

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

IN RE: COMPREHENSIVE PLAN CITIZENS' COMMITTEE

The Board entered into a discussion on the composition of the Citizens' Committee which was approved at the January Board meeting.

Mr. Boroughs stated that the County was without a planner and the time limit for the update of the Comprehensive Plan under the grant was short. He explained that he still felt it was the Board's responsibility to gather input from the public.

Mr. Robinson felt that some citizens of the County had expertise in areas which would be a benefit to the formulation of the Comprehensive Plan.

Mr. Ellyson stated that this was too critical a document to be done hurriedly.

Following discussion, motion was made by Mr. Robinson that the composition of the committee formed to review the Comprehensive Plan be made up of a member from the Recreation Commission, the Historic Commission, Agricultural and Forestal Districts Advisory Committee, the School Board, a representative from the Extension Service, Public Works, Sheriff or his designee, a resident member of the Rescue Squad, Fire Chief or his designee, one citizen from each district appointed by the Board of Supervisors and the Director of Planning to serve as an ex-officio member. Motion carried as follows:

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

The Chairman asked that the County Administrator remind the Board of these appointments prior to the next Board meeting.

IN RE: BYLAWS AMENDED

The Chairman reported that the following amendments had been suggested to the current Bylaws of the Board of Supervisors:

1. Article IV, Section C, Order of Business - The addition of a sentence following the order of business that states the Chairman has the authority to alter this order of business if he deems it necessary.
2. Article IV, Section J, Item 2 - The Board may want to consider whether or not this section should be included.
3. Article V, Item B - The addition of a sentence requiring written agendas for all called meetings.
4. Article IX, Section I, amended to read as follows: Serve as Emergency Services Coordinator for the County, only if the Board of Supervisors has not chosen to designate another County employee to fill this position.

Following discussion, motion was made by Mr. Ringley to adopt the Bylaws as amended with the exception of item two above and carried as follows:

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

IN RE: APPOINTMENTS

Motion was made by Mr. Ringley to reappoint George Fisher to the Agricultural and Forestal Advisory Committee for a four year term ending December 31, 1992 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 reappoint Ms. Alexandra Byers to the Historic Commission for a four year term to end December 31, 1992 and carried as follows:

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

IN RE: SHERIFF'S APPROPRIATION

The Chairman explained that the Sheriff had requested an appropriation in the amount of \$1,193.41 for the purchase of a radar unit. He stated that this appropriation would involve no local funding as the unit would be purchased through federal grant funds. Motion was made by

Mr. Robinson to appropriate \$1,193.41 to the Sheriff's Department as requested and carried as follows:

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

IN RE: MINUTE BOOK PAGES VOIDED

The County Administrator explained that in conjunction with the new County computer system, the County had purchased a new laser printer, however, the printer will not print on the ledger sheets utilized by the Board of Supervisors' Order Book. Motion was made by Mr. Boroughs to void the remainder of Board of Supervisors Order Book No. 10 following page 128 and carried as follows:

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

IN RE: REFUNDS

The Chairman explained that the Board had received several requests from the Treasurer, Commissioner of Revenue and Director of Public Safety concerning refunds for double payment of taxes, refund for penalty and interests, business license refund and building and zoning permit refunds. He explained that proposed resolution R-5-89 would authorize the following refunds to be made:

1. Wayne and Connie Moody \$771.76
2. M. Anderson Bradshaw for Linda Adams 132.00
3. Crestar for Steven & Mary Simmons 940.32
4. Newport News Savings Banks for Avery Kirby 282.48
5. Fleet Funding for Barbara H. Murphy 462.00

6. Jerome Martin (Interest & Penalty) 307.87
7. Providence Forge Citgo Gas Company 188.95
8. Karen L. Brogan 185.00

Motion was made by Mr. Robinson to adopt resolution R-5-89 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-5-89 AS ADOPTED SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 132.

IN RE: MEETING SCHEDULE

The Chairman announced that Student's Government Day would be held on April 4, 1989. He also explained that the Board's Ad Hoc Committee to study a pari-mutuel facility for the County would hold its next meeting on March 1, 1989 at 7:30 p.m.

IN RE: CITIZENS' COMMENT PERIOD

Mr. Harold K. Seitz, Fire Chief, thanked the Board for approving their rezoning application and stated that they hoped to have Company Three in operation shortly. He reported that they also hoped to have an ambulance at each of the fire stations to answer calls.

Mr. Richard Robble requested that the Board pay the expense to bring Colony Trail in The Colonies subdivision up to state specifications so it can be brought into the state's system. Mr. Hart advised him that all funds had been expended from the present year's budget, however, the Board had anticipated including funds in the FY 1990 budget for more improvements to be made to The Colonies' roads.

Ms. Renata Shutz asked how a person would be selected from each district to serve on the review committee for the Comprehensive Plan. The Chairman explained that it would be up to each Supervisor to decide who to select from his district to serve on this committee.

IN RE: EXECUTIVE SESSION

Motion was made by Mr. Robinson to go into executive session to discuss a personnel matter pursuant to 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. Ringley to return to 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 no action was to be taken on the matter discussed in executive session.

There being no further comment, motion was made by Mr. Robinson to adjourn the meeting 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