

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE EIGHTH DAY OF MAY 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.

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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

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IN RE: FINANCE REPORT

The Chairman explained that the expenditures had been reviewed by both he and the County Administrator. Motion was made by Mr. Ringley to approve the expenditures for the month of April, 1989 totaling \$231,671.92 as presented in the monthly expenditure report. Motion carried as follows:

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

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IN RE: STAFF REPORTS

The County Administrator stated that a public hearing would be held on May 16, 1989 by the State Water Control Board to consider taking regulatory action to declare or expand a groundwater management area. He explained that if this regulation were passed New Kent County would be a part of this expanded groundwater management area. Mr. Hart requested permission to send a written statement to the State Water Control Board stating New Kent County's opposition to being placed in this management area. The Board concurred with Mr. Hart that he should state the County's opposition.

Mr. Hart announced that the Virginia Horse Racing Commission would be holding a public hearing on May 17, 1989 at 3:00 p.m. at William and Mary College.

Mr. Hart also announced that a public hearing would be held concerning the Chesapeake Bay Preservation regulations on May 18, 1989 also at William and Mary College.

Following discussion, the Board tentatively scheduled a joint work session with the Planning Commission to meet with a representative of the Local Assistance Board (Chesapeake Bay Preservation project).

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IN RE: RESIDENT ENGINEER'S REPORT

Mr. Tom Hawthorne, Resident Engineer of the Virginia Department of Transportation, thanked the New Kent Volunteer Fire Department for their assistance in removing downed trees caused by the recent storms.

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IN RE:           TURNERS LANDING ROAD

The Chairman reviewed proposed resolution R-11-89 which requested that the Virginia Department of Transportation accept Turners Landing Road into the State Secondary System. Mr. Robinson asked if the date of the plat was correct in the resolution. Mr. Hart stated that the he had used the original date of the plat as the road system had not been altered. Motion was made by Mr. Robinson to adopt resolution R-11-89 as presented and carried as follows:

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

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FOR RESOLUTION R-11-89 AS ADOPTED SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX 4, AT PAGE 142.

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IN RE:           RURITAN WEEK

The Chairman explained that the County's Ruritan Clubs had requested that the Board of Supervisors adopt a resolution proclaiming the week of May 21-27, 1989 as RURITAN WEEK and Sunday, May 21, 1989, as RURITAN SUNDAY. Motion was made by Mr. Ringley to adopt resolution R-12-89 as presented and carried as follows:

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

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FOR RESOLUTION R-12-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX BOOK 4, AT PAGE 143.

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IN RE:           STATEMENT OF TREASURER'S ACCOUNTABILITY

The Chairman explained that the Board had received the audit at their March meeting and that since that time the audit had been submitted to the State Auditor of Public Accounts and found to be accordance with their specifications. He stated that in accordance with State Law the Board needed to authorize the advertisement of the Statement of Treasurer's Accountability. Motion was made by Mr. Boroughs to authorize the advertisement of the Treasurer's Statement of Accountability as required by State Law and carried as follows:

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

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IN RE:           TAX AND BUILDING PERMIT REFUND

The Board reviewed proposed resolution R-13-89 which would authorize several tax refunds as requested by the Commissioner of Revenue and Building Official. Motion was made by Mr. Boroughs to adopt resolution R-13-89 as presented and refund \$245.00 to R. K. Coleman for a building permit fee and \$142.30 to William L. Jellie for an overpayment of 1986 personal property taxes. Motion carried as follows:

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

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FOR RESOLUTION R-13-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX BOOK 4 AT PAGE 144.

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IN RE:                    CONFINEMENT OF PRISONERS APPROPRIATION

The Chairman explained that Sheriff Howard expects to expend \$125,000 during the current fiscal year on the confinement of prisoners and was requesting an appropriation in that budget line item. Sheriff Howard addressed the Board and explained that Henrico County Jail has increased rates from \$25.00 to \$35.00 on a per day prisoner charge. He also explained that there was an 18% increase in his department's arrests rate and the arrests were for more violent crimes than in previous years.

Following discussion, motion was made by Mr. Boroughs to appropriate \$30,026.41 from unallocated funds to line item 2109-3009 for the purchase of jail space and carried as follows:

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

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IN RE:                    PLANNING COMMISSION MATTERS REFERRED

The Chairman explained that the Board had received two requests concerning possible amendments to the Zoning Ordinance. The first request was from the Clerk of the Virginia Senate concerning Senate Joint Resolution No. 137 which requested that local governing bodies amend their zoning ordinance to permit employer-sponsored child day care in areas zoned for business and industry. The second request was from the City of Newport News concerning the establishment of a reservoir protection area or large lot zoning around the Diascund Reservoir. Motion was made by Mr. Ringley to refer the requests 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

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IN RE:                    PUBLIC HEARING; DEPARTMENT OF TRANSPORTATION'S ANNUAL BUDGET AND PRIORITY LISTING FOR FISCAL YEAR 1989-90

The Chairman explained that the Board of Supervisors would hold a joint public hearing with representatives of the Virginia Department of Transportation (VDOT) on the proposed secondary improvement priority listing for fiscal year 1989-90. Mr. Tom Hawthorne, Resident Engineer for VDOT, explained that the County would receive approximately \$600,000 during the upcoming fiscal year to finance the priority listing projects. Mr. Hawthorne then reviewed the priority listing and opened the floor for public comment.

Mr. Richard Wrobel asked if this hearing dealt only with roads receiving state funding. Mr. Hawthorne stated that it did.

Mr. Edward Pollard asked how the priorities were set. Mr. Hawthorne explained that this listing was taken straight from the Six Year Plan which was adopted by the Board of Supervisors every two years. He explained that a Six Year Plan hearing would be held in the Fall of 1989.

Mrs. Thelma Wilson asked about the siltation coming from the Wrights Corner construction project (Route 640). Mr. Hawthorne stated that they were doing everything possible to protect the Lake at Woodhaven Shores Subdivision but the recent heavy rains had made it very difficult. There being no further comment, the Chairman closed the public hearing.

The Chairman then read for the record a petition received from property owners in The Colonies subdivision requesting that Colony Trail be taken into the secondary system. The County Administrator explained that with the exception of Cliffe Side Court which did not meet the number of houses criteria, all the roads which were presently not in the state system would be taken in this summer. He stated that arrangements had been made with VDOT to have the work done and the funding had been included in the FY 1989-90 budget.

Mr. Hawthorne stated that road construction would begin in the next 30 to 45 days on these roads.

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IN RE: PUBLIC HEARING; AMENDMENTS TO CHAPTER 6

The Chairman opened a public hearing for comment on proposed ordinance O-2-89 which would amend Chapter 6 of the New Kent County Code (Fire Safety Regulations).

The County Attorney explained that this ordinance would basically bring the County Code into compliance with new state legislation.

Director of Public Safety, J. Lawrence Gallaher, requested that the proposed ordinance be amended to allow for a fine of up to \$500.00 and a 30 day jail sentence as penalties for violators.

Following discussion, it was the consensus of the Board that this amendment be drafted for presentation to the Board at the next regular meeting as it would require a separate public hearing.

Mr. Robinson also suggested, and the Board concurred, that Mr. Gallaher look into and make recommendation on the removal of debris after a fire.

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

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IN RE: PUBLIC HEARING; AMENDMENTS TO THE NEW KENT COUNTY CODE  
ON FEES

The Chairman opened a public hearing on proposed ordinances O-3-89 which would amend the fees for permits issued by the Building Official, and O-4-89 and O-5-89 which would amend the fees required by Chapter 9 of the New Kent County Code. He explained that these fees were not being increased to raise general revenues but to require that the individuals applying for these various permits pay the costs associated with the issuance of the permits.

Following a review of ordinance O-3-89, Mr. Robinson stated that the calculation of the fees should be clarified. The Board concurred with Mr. Robinson.

Mr. Robinson asked how much of an increase the fees represented for a new house permit. Mr. Gallaher stated it was an approximate 30% increase and explained that the fees have not been changed since 1982.

Mr. George Simmons asked how the money would be spent and asked why the County did not require certification of tradesmen for electricians, plumbers, etc. Mr. Gallaher stated that larger jurisdictions do have this requirement, however, State Law does not require the County to certify contractors.

Ms. Laurie Fisher stated that she felt this increase would be borne by those already living in the County. Mr. Ellyson explained that the purpose of these fees was not to raise general revenue but to pay for the Department of the Building Official and the costs associated with various zoning permits.

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

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IN RE:                    ADOPTION OF PRIORITY LISTING FOR FY 1989-90

Motion was made by Mr. Robinson to adopt resolution R-14-89 which sets the priority list for 1989-90 and carried as follows:

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

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FOR RESOLUTION R-14-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK 4, AT PAGE 145.

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IN RE:                    AMENDMENTS TO CHAPTER 6

Following discussion, motion was made by Mr. Robinson to adopt ordinance O-2-89 as presented and carried as follows:

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

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FOR ORDINANCE O-2-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR, AT PAGES 146-150.

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IN RE:            AMENDMENT TO COUNTY CODE SETTING FEES

Following discussion, motion was made by Mr. Robinson to defer action on ordinances O-3-89, O-4-89, and O-5-89 until the next regular meeting of the Board of Supervisors and carried as follows:

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

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IN RE:            MEETING SCHEDULE

The Chairman announced that the next regular meeting of the Board would be held on Monday, June 12, 1989. Also, he announced that the Board would meet on May 22, 1989 at 7:00 p.m. for the purpose of adopting the FY 1989-90 County Budget and setting the tax rates and that a tentative meeting had been scheduled on May 24, 1989 to meet with representatives of the Chesapeake Bay Program's Local Assistance Board. The Chairman also stated that a Bicycle Rodeo was being held on Saturday, May 13, 1989 at the New Kent Middle School from 9:00 a.m. to 1:00 p.m.

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The Chairman called for a ten minute recess at this time.

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IN RE:            EXECUTIVE SESSION

The Chairman called the meeting back into order and motion was made by Mr. Robinson to go into executive session to discuss a litigation matter pursuant to Section 2.1-344(a)(6) of the Code of Virginia. The motion 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 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 would be taken on the matter discussed in executive session.

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IN RE:            BUDGET WORK SESSION

School Board Chairman, G. G. Crump, Jr., was present to discuss the School Board's proposed FY 1989-90 budget with the Board. Mr. Crump asked for the reinstatement of \$250,000 cut from the school budget by the Board of Supervisors.

Mr. Robinson asked Mr. Crump if there was an amount the School Board could cut from their budget. Mr. Crump stated that the School Board understood months ago that this would be a very tight budget year and had prepared their budget accordingly.

Mr. Boroughs felt that the school budget should only be cut \$50,000 to \$75,000.

Mr. Ringley felt that the \$250,000 should be reinstated.

Following discussion, the Chairman stated the Board would take the school budget under consideration.

After discussing the Social Services' Department budget, it was the consensus of the Board to reinstate \$3,000 in local only funding.

Following discussion of the Treasurer's budget, the Board decided to leave it as previously discussed.

The Board then discussed the Sheriff's budget. Mr. Boroughs felt additional funds could be taken from this budget and placed in purchase of jail space.

Following discussion of the Commonwealth's Attorney budget, the Board decided to go with the County Administrator's recommendation.

After discussion of the fire department, Mr. Boroughs suggested and the Board concurred to increase the donation by \$5,000.

Concerning the state forest fire service contribution, the Board agreed to give full funding.

The Board also agreed to fully fund the Health Department's budget as requested, however, Mr. Robinson stated he wanted to see an improvements in services.

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IN RE:            PETITION PROHIBITING THE HUNTING OF WATER FOWL IN  
                      DIASCUND CREEK

Mr. Robinson read a petition he received from residents in The Colonies subdivision requesting the prohibition of hunting of water fowl in the Diascund Creek which is adjacent to the subdivision. He stated that he would look into the matter and make a report at the next meeting. County Attorney, Patrick Morgan, stated he would research state law regarding this prohibition and report back to the Board.

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Motion was made by Mr. Ringley to adjourn the meeting and carried as follows:

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

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H. Garrett Hart, III  
County Administrator

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Richard S. Ellyson  
Chairman