

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE TWELFTH DAY OF JUNE 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 OFFICERS REPORTS

Mr. Robinson reported that he had attended a public hearing held by the Chesapeake Bay Local Assistance Board on the Chesapeake Bay regulations.

Mr. Ringley reported that he had also attended a Chesapeake Bay meeting and the main point of interest he learned from the meeting was that soil erosion from development was the major source of pollution to the Bay.

Following discussion, Mr. Boroughs motioned to allow discussion of an item not on the agenda concerning an appointment to the Heritage Library Board 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 reappoint Mrs. Thelma C. Wilson to the Heritage Library Board for a four year term ending June 30, 1993. Motion carried as follows:

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

Following discussion, motion was made by Mr. Robinson to allow for discussion and action on an appointment to the Board of Social Services 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 Mrs. Doris Stone to the Board of Social Services for a four year term ending June 30, 1993 and carried as follows:

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

The Chairman announced that Mr. R. Joseph Emerson, Jr., currently Director of Planning for Dinwiddie County, had accepted the Board's offer to fill the Director of Planning/Assistant County Administrator's position in New Kent County at an annual salary of \$35,000 effective July 17, 1989.

IN RE: STAFF REPORTS

Patrick J. Morgan, County Attorney, gave an update on the progress of cable television in New Kent County. He reported that the courthouse area would be eligible for cable within two weeks. Mr. Robinson asked if the rates were higher than originally offered and if the Board had the authority to regulate these rates. Mr. Morgan stated that the rates were indeed somewhat higher, however, the local governing body no longer has the authority to regulate what rates are charged by these companies.

County Administrator, H. Garrett Hart, reported that the Finance Committee and staff had interviewed auditors for a three year contract for auditing services for the County. He stated that the Finance Committee recommended negotiating first with Robinson, Farmer, and Cox Associates and then with Goodman and Company should negotiations fail with Robinson, Farmer and Cox Associates. Motion was made by Mr. Robinson to accept the report of the Finance Committee and authorize the County Administrator to negotiate with Robinson, Farmer and Cox Associates for auditing services and carried as follows:

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

Mr. Hart reported that the County Auditors were doing a preliminary review in preparation for the audit of the year ending June 30, 1989 and they had discovered a technical error in the minutes of July 11, 1988. Following discussion, motion was made by Mr. Ellyson to amend a motion on Page 20 of the July 11, 1988 minutes to read "to amend and appropriate to the Sheriff's 1988-89 Budget in the amount of \$28,000 for the purpose of adding another road deputy's position to cover the midnight shift in New Kent County". Motion carried as follows:

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

Mr. Robinson clarified for those present that the \$28,000 covered salary as well as equipment, uniforms, benefits, etc.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Tom Hawthorne, Resident Engineer of the Virginia Department of Transportation, reported that the projects at Wrights Corner on Route 640 and Providence Forge at Routes 155 and 60 had

been completed and accepted. He also stated that the projects on Routes 613 and 606 were starting and that the County had received \$633,000 for its 1989 allocation for secondary road construction.

Mr. Ellyson asked if there would be any guardrail installed at the newly completed project at Wrights Corner. Mr. Hawthorne stated that the road did not qualify for guardrail as it is a secondary road, however, delineators would be placed at the area of concern.

Mr. Robinson thanked Mr. Hawthorne for his Department's work in Providence Forge and felt the intersection was not only a safety benefit but also would improve the appearance of the Providence Forge area.

IN RE: FINANCE REPORT

The Chairman stated that he and the County Administrator had reviewed the expenditures for the month of May and motion was made by Mr. Ringley to approve the expenditures for the month of May, 1989 totaling \$299,263.16 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: AMENDMENT TO COUNTY CODE FEES

The Chairman explained that a public hearing had been held on proposed ordinances O-3-89, O-4-89 and O-5-89 at the May Board meeting, however, action on the ordinances had been deferred to this meeting pending further clarification of O-3-89 which set the building code fees. Director of Public Safety, J. Lawrence Gallaher, reported that the overall increase in all fees would be approximately 42%, however, the fees had not been increased for eight years. Following discussion, motion was made by Mr. Ringley to adopt ordinance O-3-89 as presented and carried as follows:

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

FOR ORDINANCE O-3-89 AS ADOPTED SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR, AT PAGES 152-155.

The Board then entered into a discussion on proposed ordinance O-4-89 which would set fees under Chapter 9 of the New Kent County Code. Mr. Robinson felt that Item C of the ordinance should have a ceiling set since the rezoning of large tracts of land could be quite expensive as proposed.

Mr. Boroughs stated he felt Item C should be left as proposed.

Following discussion, motion was made by Mr. Robinson to defer action on proposed ordinance O-4-89 until the next regular meeting for further study on the proposed fee for rezoning applications (Item C). Motion carried as follows:

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

The Board discussed proposed ordinance O-5-89 which would set the fees for land disturbing permits, wetlands permits and review of subdivision plans. Motion was made by Mr. Ringley to adopt ordinance O-5-89 as presented and carried as follows:

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

FOR ORDINANCE O-5-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR, AT PAGE 156.

IN RE: THE COLONIES SUBDIVISION ROADS

The Chairman explained that for quite sometime the County had been working on getting the roads accepted in The Colonies Subdivision into the state secondary system. He reviewed proposed resolution R-15-89 which would request the Virginia Department of Transportation (VDOT) to accept Colony Trail, John Smith Trail, Two Rivers Trail, Maysonike Court, and Lake Pointe Trail into the state secondary system. Motion was made by Mr. Robinson to adopt resolution R-15-89 as presented and carried as follows:

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

Mr. Robinson thanked the Board for their cooperation in getting the roads in The Colonies Subdivision accepted into the state system.

FOR RESOLUTION R-15-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR, AT PAGES 157-158.

IN RE: WARRIOR ROAD

The Chairman explained that Warrior Road in Orapax Farms Subdivision has qualified as a rural addition and proposed resolution R-16-89 requested VDOT to accept it into the secondary system. Motion was made by Mr. Ellyson to adopt resolution R-16-89 and carried as follows:

Paul C. Robinson	Aye
E. David Ringley	Aye
Robert A. Boroughs	Aye

Richard S. Ellyson Aye

FOR RESOLUTION R-16-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR, AT PAGE 159.

IN RE: RECOGNITION OF CLIFTON W. DAVIS

Mr. Boroughs reviewed proposed resolution R-17-89 which recognized Mr. Clifton W. Davis for his twenty years of service to the County as an extension agent. Mr. Davis retires June 30, 1989 and motion was made by Mr. Boroughs to adopt resolution R-17-89 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-17-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR, AT PAGE 160.

The Chairman presented a copy of the resolution and a pewter Jefferson Cup on which the County's Seal was placed and expressed his appreciation to Mr. Davis for his dedication to the citizens of the County. Mr. Davis thanked the Board and all the County Departments for their cooperation during his tenure as County Extension Agent.

IN RE: ABANDONMENT OF MAGNOLIA COURT

The Chairman explained that since all of the lots on Magnolia Court in the Five Lakes Subdivision had been provided access to state maintained roads and do not use Magnolia Court for ingress or egress, the cul-de-sac will not meet the requirements of VDOT for acceptance into the secondary system. At the suggestion of VDOT, the developer, Children's Hospital, have requested that the Board of Supervisors abandon the public easement prior to any recordation of the deed transferring ownership to adjacent lot owners. Motion was made by Mr. Ringley to set for public hearing on July 19, 1989, the consideration of the abandonment of Magnolia Court in Five Lakes Subdivision. Motion carried as follows:

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

IN RE: CANNON PERMIT

The Chairman explained that the New Kent County School Board had been approached by Mr. Jim Harding who has requested permission to discharge a blank round from a cannon each time the New Kent High School Football Team scores a touchdown at a home game. Subsequently, the New Kent County School Board has requested permission for the discharge of the cannon in accordance with Section 6A-12D of the New Kent County Code (Noise Regulations) which requires that the Board of Supervisors issue a permit for such an activity.

Mr. Boroughs felt that the permit should be granted as many high schools and colleges permit such a use and he felt it would be good for morale.

Mr. Ellyson stated that he feels granting this permit would be allowing a hazard which was unnecessary and he felt a public hearing should be held on the issuance of the permit.

Mr. Robinson stated that after speaking to two residents in the immediate area of the high school, he found that no formal notification had been sent regarding the issuance of this permit. He felt notification should be given and if the permit were granted, specific conditions for its issuance should be given.

Motion was made by Mr. Ringley to set the issuance of the permit for public hearing at the July 10, 1989 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

IN RE: PROVIDENCE FORGE VOLUNTEER RESCUE SQUAD

The County Administrator explained that the Board had received several requests from the Providence Forge Volunteer Rescue Squad concerning items which they feel the County could do to help strengthen their membership and recruitment. He stated that the majority of these requests dealt with the reduction in taxes or fees charged rescue squad members and staff recommended that the items be referred to the Finance Committee for further study and recommendation.

Mr. Ellyson stated that tax rates should apply equally to everyone and there should be no exceptions.

Mr. Robinson felt that the Board should consider the legalities and the costs of the requests.

Mr. Boroughs felt that the requests opens the door to other volunteers requesting the same reductions in taxation.

Motion was made by Mr. Robinson to defer action on the requests made by the Providence Forge Volunteer Rescue Squad until the regular September Board meeting during which time the issue would be referred to the Finance Committee for study and evaluation. Motion carried as follows:

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

IN RE: CHAPTER 6 AMENDMENTS

J. Lawrence Gallaher, Director of Public Safety, explained that at a public hearing last month on amendments to Chapter 6 (Fire Safety Regulations) he suggested a lesser penalty should apply to several sections. The Board at that time requested that new amendments be drafted and presented

at this meeting. He reviewed changes in penalties to Sections 6-9, 6-10, and 6-16 of the County Code.

Following discussion, motion was made by Mr. Boroughs to set the proposed amendments to Chapter 6 of the New Kent County Code for public hearing at the July Board meeting and carried as follows:

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

IN RE: SALE OF PROPERTY AT COUNTY AIRPORT

County Attorney, Patrick J. Morgan, explained that as a part of the obstruction removal process at the New Kent County Airport, the County purchased approximately 12 acres and a residence referred to as the Brindle property. He stated that this property was purchased with the intent to sell the residence and approximately half of the property, however, prior to any sale of County-owned property the Board is required to hold a public hearing. Motion was made by Mr. Robinson to set for public hearing at the August Board meeting the sale of county-owned property formally known as the Brindle property at the northwestern end of the runway at the New Kent County Airport consisting of approximately seven acres. Motion carried as follows:

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

IN RE: AMENDMENTS TO FY 1988-89 BUDGET

The Chairman explained that several adjustments needed to be made to the budgets of the Constitutional Officers' Budgets as they received salary increased in January. Also, a request had been received from the Electoral Board for an appropriation to fund the Republican Primary Election on June 13, 1989. Motion was made by Mr. Boroughs to appropriate \$8,598 to the Sheriff's budget (salaries and benefits), \$1,927 to the Treasurer's budget (salaries and benefits), \$1,735 to the Commissioner of Revenue's budget (salaries and benefits), \$619 to the Commonwealth's Attorney's budget (salaries and benefits), and \$5,497 to the Registrar's Office for expenditures associated with the Republican Primary Election. Motion carried as follows:

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

The County Administrator explained that since the School Budget's unexpended funds would revert back to the General Fund and the Board wished to appropriate those funds to the Primary School Capital Repairs Fund, and since those funds exceeded one percent of the overall budget, according to state law the Board was required to hold a public hearing. Motion was made by Mr. Boroughs to schedule a public hearing at the July Board meeting concerning the appropriation of these funds. Motion carried as follows:

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

IN RE: TAX REFUNDS

The Chairman explained that the offices of the Commissioner of Revenue and Treasurer had requested the Board's approval on several tax refunds. He stated that proposed resolution R-19-89 would grant refunds in the amount of \$72.00 to Max Taylor Lemon, \$11.44 to Jerry and Claudette Mullins, \$174.24 to Clifford and Marjorie Casey and \$5.26 to Jimmie and Lake Monhollon. Motion was made by Mr. Robinson to adopt resolution R-19-89 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-19-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 161.

IN RE: MEETING SCHEDULE

The Chairman announced that the next regular meeting of the Board would be held on Monday, July 10, 1989. Also, he announced that the Board would meet on June 21, 1989 for joint public hearings with the Planning Commission. The County Administrator stated that a tentative meeting had been arranged for the Board and Planning Commission to meet with representatives of the Chesapeake Bay Program's Local Assistance Board.

IN RE: CITIZENS' COMMENT PERIOD

Mr. Dennis Taylor stated that he had bought Assessor's Parcel 8-41 recently and found it to be in an agricultural and forestal district. He stated that he had sent a letter to the County requesting that the property be withdrawn from the district. He explained that he understood the process, however, wanted to request that the Board grant this withdrawal when it comes under their consideration.

IN RE: EXECUTIVE SESSION

Motion was made by Mr. Ellyson to go into executive session to discuss a personnel matter pursuant to Section 2.1-344(a)(1) 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.

There being no further business, motion was made by Mr. Boroughs 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