

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE FOURTEEN DAY OF AUGUST 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 presented 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. Thomas Hoover, Commonwealth's Attorney, addressed the Board and advised that some Circuit Court traffic fines had been incorrectly sent to the State Treasury instead of the New Kent Treasurer. He stated that he would present to Mr. Hart, County Administrator, a list of traffic cases involving New Kent Sheriff's Department from the past three years to be presented to the State to adjust the overpayments.

Mr. Charles Yeatts, Commissioner of Revenue, reminded the Board that the Board needs to appoint a Board of Equalization for a general reassessment. He stated the individuals would need to be trained by the Department of Taxation.

Mr. Paul Robinson informed the Board that the Richmond Regional Planning District Commission has undertaken a regional wide recycling feasibility study. He stated that the County would be required to reduce solid waste into landfills by at least 25% by 1995 through recycling efforts.

IN RE: FINANCE REPORT

The Chairman stated that he and the County Administrator had reviewed the expenditures for the month of July and motion was made by Mr. Robinson to approve the expenditures for the month of July, 1989 totaling \$308,774.84 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: TREASURER'S REPORT

Following review of the June 30, 1989, Treasurer's Report, motion was made by Mr. Ringley 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. Motion carried as follows:

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

IN RE: STAFF REPORT

Mr. J. Lawrence Gallaher, Director of Public Safety, addressed the Board and stated that Supervisor Robinson, Supervisor Ringley, BFI representatives and himself visited eight container sites on this date to discuss and view refuse problems. Mr. Gallaher explained BFI suggested additional containers and possibly additional personnel to avoid spillage problems at the sites. He advised the Board that he planned to reschedule personnel in Public Safety to work weekends and police the sites in an effort to write tickets and control violators.

Mr. Robinson suggested the County pay a bounty or bonus to law enforcement personnel authorized to write tickets to violators at container sites. Following a discussion, motion was made by Mr. Robinson requesting the County Attorney to investigate the legality of the County paying a bounty for tickets written to out-of-County violators at the refuse container sites. Motion carried as follows:

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

Mr. Robinson requested Mr. Gallaher to send a letter to all licensed contractors in the County explaining what items may be disposed of at the container sites.

Mr. Gallaher announced that the cannon test firing was scheduled for August 21, 1989, at 7:30 p.m. at the old high school football field.

IN RE: PUBLIC HEARING: LEASE OF COUNTY PROPERTY

The Chairman explained that the Board was considering a request to lease a portion of the former landfill site for the erection of a communications tower. He stated that the Board is required to hold a public hearing to receive public comment on whether the Board should lease the property.

Mr. David Anthony, General Manager of Richmond Cellular Telephone Company, was present and briefly addressed the Board. He stated that Richmond Cellular was interested in leasing County property to construct a 200 foot self-supporting communications tower. He stated this lease would be beneficial to the County and Richmond Cellular.

H. Garrett Hart, III, County Administrator, stated that the agreement would be for approximately 1.5 acres. He stated that Richmond Cellular would be required to get a conditional use permit for the construction of the tower and meet all the requirements imposed by the permit. Mr. Hart further explained that the construction of this tower would assist the County in obtaining power to the new dog pound facility and would generate tax revenue.

The Chairman opened a public hearing to receive comments.

Ms. Thelma C. Wilson questioned the location of the tower at the landfill.

Mr. Charles Yeatts, Commissioner of Revenue, expressed his support. He stated it would be a good tax revenue and help the County obtain power for the dog pound.

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

IN RE: PUBLIC HEARING: SALE OF COUNTY PROPERTY

Patrick J. Morgan, County Attorney, explained that the Board was considering the sale of approximately 7.16 acres of property and a residence located near the New Kent County Airport. Mr. Morgan explained as a part of the federal grant for obstruction removal, the County had purchased the property with the understanding that it be resold. He advised that under Section 15.1-262 of the Code of Virginia, the County may not dispose of property until a public hearing was held.

The Chairman opened the meeting for public comment.

Mr. Edward Pollard asked why the County wanted to sell the property.

The Chairman explained that the FAA grant funds had to be repaid.

Mr. Charles Yeatts, Commissioner of Revenue, stated the sale of the property would place it back on the tax rolls.

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

IN RE: PUBLIC HEARING: CHANGE IN NAME OF POLLING PLACE

The Chairman advised that the Board would consider amending the New Kent County Code as it relates to the polling place at the New Kent Middle School.

The County Attorney, Patrick Morgan, explained that the names of the school in the County had been changed due to the opening of the new high school.

He stated that the New Kent Middle School, which serves as the polling place for Election District 1, becomes "New Kent Elementary School". Mr. Morgan further explained that federal regulations require that any change involving a polling place be submitted to the Justice Department for approval. He explained that proposed ordinance O-9-89 would make the necessary change in the New Kent County Code.

The Chairman opened the public hearing for comment.

Mr. Edward Pollard questioned if the location was to be changed. The Chairman explained that only the name of the polling place would change.

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

Motion was made by Mr. Ringley to adopt the proposed amendment to Chapter 2 of the New Kent County Code as presented. Motion carried as follows:

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

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Thomas Hawthorne, Resident Engineer, advised the Board that the work on the secondary system in the County is progressing. He stated that work had begun on Rt. 606 and Rt. 613.

Mr. David Ringley thanked Mr. Hawthorne, Mr. Wallace, Mr. Fields and Mr. Robinson for their assistance involving roads in Five Lakes Subdivision being brought into the State system.

IN RE: CAPITAL AREA AGENCY ON AGING

Ms. Mary Payne, Executive Director of Capital Area Agency on Aging, gave a brief report on the activities of the Agency. She presented to the Board a draft of the Capital Area Agency on Aging's Area Plan for fiscal years 1990 and 1991.

IN RE: PROPOSED ORDINANCE O-4-89

The Chairman explained that Ordinance O-4-89 had been referred to the Finance Committee for their recommendation at the last regularly scheduled Board meeting. He stated that the Finance Committee met and made the following recommendations:

The fee for rezoning application be set at \$350.00

The fee for a variance to the Board of Zoning Appeals be set at \$500.00

The fee for an appeal to the Board of Zoning Appeals be \$500.00

The Chairman explained that these fees were based on the actual cost incurred by the County for processing these applications.

Following a discussion, motion was made by Mr. Ringley to adopt ordinance O-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 ORDINANCE O-4-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR, AT PAGE 167

IN RE: PUBLIC HEARING; LEASE OF COUNTY PROPERTY

Following a brief discussion, motion was made by Mr. Ringley to authorize the County Administrator to negotiate an agreement for the lease of approximately 1.5 acres at the County's sanitary landfill site with Richmond Cellular Telephone Company. Motion carried as follows:

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

Richard S. Ellyson Aye

IN RE: SALE OF COUNTY PROPERTY

The Board briefly discussed the sale of County property at the New Kent Airport. The Chairman explained that the property could be sold by sealed bid or at public auction. He stated that the Board could also hire a real estate firm to market the property.

Following this discussion, motion was made by Mr. Robinson to have the property appraised and conduct an auction of the property using a sealed bid and public auction process. Motion carried as follows:

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

IN RE: UNITED WAY

The Chairman explained that the Board had received a request from United Way Services to adopt a resolution requesting that the Board of Supervisors support the new donor involvement program of the United Way of Greater Richmond. He explained that the program allows for contributions made to United Way be designated for volunteer and charity organizations within the County of New Kent.

Following a brief discussion, motion was made by Mr. Robinson to adopt proposed resolution R-21-89 as presented. Motion carried as follows:

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

FOR RESOLUTION R-21-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 168

IN RE: REZONING CASE C-6-88 - E. R. PLASTER

The Chairman explained that rezoning case C-6-88 had been deferred from the July meeting to allow the Board of Supervisors to review the information supplied by Supervisor Robinson concerning the density allowed in agricultural/conservation land use designations.

Following discussion, motion was made by Mr. Boroughs to deny rezoning case C-6-88 as submitted. Motion was defeated as follows:

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

Motion was made by Mr. Robinson to accept the recommendation of the Planning Commission and approve rezoning case C-6-88 as submitted. Motion was defeated as follows:

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

The Board agreed to table the matter and the Chairman requested Patrick Morgan, County Attorney, to check the effect of the tie vote.

IN RE: REZONING CASES

The Chairman explained that the County had sponsored a request to rezone C-3-89; Directwood Products, C-4-89; Layfield Lumber Company, and C-5-89; Mountcastle Lumber Company from M-1 (Warehousing and Limited Industrial) to M-2 (Heavy Industrial). He stated that on January 3, 1967, the County adopted a Zoning Ordinance that did not allow for sawmills to be in Industrial Limited, M-1, but allowed them in Industrial General, M-2, which made them non-conforming uses. He stated that the County sponsored the rezoning to rectify the situation. The Chairman advised that the Planning Commission had recommended approval of all three cases.

Following a brief discussion, motion was made by Mr. Boroughs to accept the recommendation of the Planning Commission and approve rezoning case C-3-89. 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 accept the recommendation of the Planning Commission and approve rezoning case C-4-89. 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 accept the recommendation of the Planning Commission and approve rezoning case C-5-89. Motion carried as follows:

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

IN RE: BINGO PERMIT

The Chairman explained that the Auxiliary of Company No. 2 of the New Kent County Volunteer Fire Department was requesting the Board's authorization to hold bingo games at the New Kent County Fair on September 9, 1989.

Motion was made by Mr. Ringley to approve the bingo permit application as submitted by the Auxiliary of the New Kent Volunteer Fire Department Company No. 2. Motion carried as follows:

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

IN RE: ZONING ORDINANCE AMENDMENT

The Chairman explained that the Board would consider an amendment to the Zoning Ordinance which would allow employer sponsored day care facilities. He advised that the Planning Commission had recommended approval of the amendment.

Following a brief discussion, motion was made by Mr. Robinson to adopt ordinance O-8-89 as presented. Motion carried as follows:

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

FOR ORDINANCE O-8-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR, AT PAGE 169

IN RE: REFUNDS

The Chairman explained a request from the Director of Public Safety to refund \$229 to R. L. Thompson, Jr., for building and zoning fees for which no construction had begun or inspections given. The Chairman also explained a request from the County Treasurer to refund \$33.73 to Keith Sedberry for overpayment of mobile home taxes.

There being no further discussion, motion was made by Mr. Ringley to adopt resolution R-22-89 as presented. Motion carried as follows:

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

FOR RESOLUTION R-22-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 170

IN RE: APPOINTMENTS

The Chairman stated that the Board may wish to make appointments to a New Kent Racing Committee to review possible regulations for the planning, construction and operation of a horse racing facility in New Kent County.

Motion was made by Mr. Ellyson to appoint the following individuals to the New Kent Racing Committee:

Richard S. Ellyson, Board of Supervisors representative.
H. Garrett Hart, III, County Administrator
J. Lawrence Gallaher, Director of Public Safety
R. Joseph Emerson, Jr., Director of Planning
Farrar W. Howard, Jr., Sheriff
Linwood Gregory, representing District 1
John Mihalcoe, representing District 2
Chapman Harrison, representing District 3
Mark Kilduff, representing District 4

Motion 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 the Board's next regular meeting has been scheduled for Monday, September 11, 1989. He announced that a Planning Commission meeting was scheduled on Wednesday, August 19, 1989. The Chairman advised that the Board of Supervisors would be traveling to Saratoga, New York on Saturday, August 19, 1989, to view the horse racing facilities.

IN RE: CITIZENS' COMMENT PERIOD

Mr. Edward Pollard stated that he was disturbed that no women or minorities were selected to serve on the Racing Committee.

The Chairman thanked Mr. Pollard and stated the Board would take the matter under advisement.

IN RE: NEW KENT FIRE DEPARTMENT CO. 3

At the request of Mr. Boroughs, the Board agreed to discuss building permits for New Kent County Fire Department Co. 3 for construction of their facility in the Weir Creek District. Mr. Boroughs stated that construction on the building was due to start in approximately two months.

Following a brief discussion, motion was made by Mr. Boroughs for the County to wave all building permit fees for the construction of Company 3. Motion carried as follows:

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

IN RE: EXECUTIVE SESSION

Motion was made by Mr. Ellyson to go into executive session to discuss a prospective business whose interest in locating in this County has not previously been announced, pursuant to Section 2.1-344(A)(5) of the Code of Virginia. 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. Robinson to resume the regular session and carried as follows:

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

The Chairman moved that the Board hereby certifies that 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:

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

IN RE: NEW KENT COUNTY HIGH SCHOOL TEST SCORES

At the request of Mr. Ringley, it was agreed by the Board to discuss the low test scores of New Kent High School. Mr. Ringley stated that the Richmond Times Dispatch recently published the results of the 1989 test scores of 133 localities of students in the State of Virginia. New Kent students ranked low in the standings. He stated that in the eleventh grade, New Kent scored 41 and the State average is 57, in math New Kent scored 35 with the State average being 56, and in science 41 with the State average at 62. He requested the School Board be contacted for an explanation.

Following a discussion, motion was made by Mr. Ellyson that Mr. Hart, County Administrator, draft a letter to the Chairman of the School Board requesting input and explanation on the results of the test scores. Motion carried as follows:

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

IN RE: REZONING CASE C-6-88 E. R. Plaster

Motion was made by Mr. Ellyson to reconsider for approval C-6-89. 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. Ellyson to accept the recommendation of the Planning Commission and approve rezoning case C-6-88 as submitted. Motion was defeated as follows:

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

There being no further business, the Chairman adjourned the meeting.

H. Garrett Hart, III
County Administrator

Richard S. Ellyson
Chairman