

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE ELEVENTH DAY OF SEPTEMBER 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. Ringley 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. Paul Robinson advised the Board that the Richmond Regional Planning District Commission had discussed the a proposed bylaws and charter amendment that would grant the Planning District Commission Board the authority to set the structure of dues. He also informed the Board that the PDC would vote on whether the Richmond Regional Planning District Commission should do a regional water resource plan.

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. Ringley to approve the expenditures for the month of August 1989 totaling \$216,365.80 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 July 31, 1989, Treasurer's Report, motion was made by Mr. Robinson 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: RESIDENT ENGINEER'S REPORT

Mr. Thomas Hawthorne, Resident Engineer, gave a progress report on work being done on Route 613, Route 606, and Bottoms Bridge.

The Chairman reported that truck traffic on Route 613 continues to be a problem. He voiced his concerns for the school buses that must travel Rt. 613. Mr. Hawthorne stated he realizes the problem and that his department is doing everything possible with the assistance of the State and Local law enforcement agencies.

Mr. Ringley requested Mr. Hawthorne's assistance in checking the Bottoms Bridge stop light. He had received complaints that the light was not working properly in relation to the time frame from Route 249 to Route 60. Mr. Hawthorne advised that the highway department would investigate the matter.

IN RE: SHERIFF'S DEPARTMENT

Sheriff F. W. Howard, Jr., was present and reported on the 1988 U. C. R. for New Kent County. He stated that his department had solved 49.3% of crime in New Kent County for 1988.

The Sheriff introduced Deputy Sheriff William Jeffrey Drake who came to work for the County July 15, 1989.

IN RE: LEASE OF COUNTY PROPERTY

The Chairman explained that the Board would consider a request from Richmond Cellular Telephone Company to lease a site at the County's closed sanitary landfill for the construction of a 200 foot communications tower. Following a discussion of the proposed lease, motion was made by Mr. Boroughs to table execution of the lease until the items discussed are addressed and the Board will reconsider at the October Board meeting. Motion carried as follows:

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

IN RE: PUBLIC HEARING: AMENDMENT TO CHAPTER 10 OF THE COUNTY CODE

The County Attorney, Patrick J. Morgan, explained that the General Assembly repealed Title 46.1 of the Code of Virginia and added a new Title 46.2 to revise and amend the laws relating to motor vehicles. The new act becomes effective on October 1, 1989. Mr. Morgan stated that he had prepared Chapter 10, Motor Vehicles, indicating revisions to the New Kent County Code, which will ensure that the Code is enforceable in light of the new State law. He stated that a public hearing on the proposed ordinance to amend Chapter 10 of the County code was properly advertised.

The Chairman opened the public hearing for comments.

Mrs. Thelma C. Wilson questioned if the law would be enforced throughout the County or only in subdivisions.

The Chairman stated this ordinance was enforced County wide.

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

Following a brief discussion, motion was made by Mr. Robinson to adopt Ordinance O-10-89 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-10-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR, AT PAGE 172 - 193.

IN RE: NOISE PERMIT TO DISCHARGE CANNON

J. Lawrence Gallaher, Director of Public Safety, addressed the Board and reported that the cannon had been fired at the first New Kent High School football game on September 8, 1989. He stated that the cannon had been fired a total of eight times. Mr. Gallaher stated he had received no negative comments but, had been told the cannon was not loud enough.

The Chairman stated he had attended the game and he had received comments that the cannon was not loud enough.

Following a brief discussion, motion was made by Mr. Robinson to issue an annual permit to the New Kent County School Board for a period of one school year to discharge a cannon not to exceed two ounces of charge during the home games with no shots being fired after 10:00 p.m. in accordance with Article II Section 6A-12 Item d of the New Kent County Code. Motion carried as follows:

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

IN RE: RESOLUTION OF APPRECIATION/APPOINTMENT TO PLANING COMMISSION

The Chairman read proposed resolution R-23-89 a Resolution of Appreciation for Mr. Melvin Thompson for his five years of service on the Planning Commission prior to his death on July 12, 1989.

Following a brief discussion, motion was made by Mr. Ellyson to adopt Resolution R-23-89 as presented. Motion carried as follows:

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

The Chairman explained that the Board would consider an appointment to the Planning Commission to fill Mr. Thompson's unexpired term. Motion was made by Mr. Ellyson to fill the unexpired term of Mr. Melvin Thompson on the New Kent County Planning Commission. This term shall end on December 31, 1992. Motion carried as follows:

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

FOR RESOLUTION R-23-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 171.

IN RE: APPOINTMENT TO BUILDING CODE/FIRE CODE BOARD OF APPEALS

The Chairman explained that J. Lawrence Gallaher, Director of Public Safety, had requested an appointment to the Building Code/Fire Code Board of Appeals to fill a vacancy that occurred when Henry J. Williams, Jr., came to work for the County as a Building Inspector effective on August 1, 1989. Mr. Gallaher recommended Brian Parsley, of Parsley Brothers Construction Company, be appointed to fill the unexpired term of Mr. Williams.

There being no further discussion, motion was made by Mr. Ringley to accept the recommendation of the Director of Public Safety and appoint Brian Parsley, of Parsley Brothers Construction Company, to serve on the Building Code/Fire Code Board of Appeals for a term to expire December 31, 1990. Motion carried as follows:

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

IN RE: AFD RENEWALS

Mr. R. Joseph Emerson, Jr., Director of Planning, explained to the Board that there are several AFD's that needed to be referred to the Planning Commission to begin the renewal process. He also stated that the Planning Office had received applications for additions to three AFD's and also an application to create a new AFD.

Following a brief discussion, motion was made by Mr. Boroughs that the following list of AFD applications be referred to the Planning Commission for review and recommendation.

Marengo AFD
York River AFD
Eltham AFD
York River Extension
And additions to
Hampstead-Northbury-Shimokins AFD
Pamunkey Church AFD
Old Dispatch AFD
Old Tavern AFD (new)
Old Dispatch AFD (withdrawal of property)

Motion carried as follows:

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

IN RE: MEDICAL ASSISTANCE SERVICES

Mr. H. Garrett Hart, III, County Administrator, explained the State and Local Hospitalization Program that is administered by the Department of Medical Assistance Services. This program provides funds for basic health care services for any Virginians. Mr. Hart stated that during the 1989 General Assembly it became mandatory that cities and counties participate in the program. He advised the Board that New Kent County's local share will be \$2,770.

The Chairman questioned if this amount of money was appropriated in the 1989-90 budget. Mr. Hart advised that Staff was made aware of this program prior to the adoption of the 1989-90 budget, but chose not to include it in the budget, because the County share had not been finalized and could be subject to change. Mr. Hart stated that in accordance with Chapter 11 Section 32.1-334 of the Code of Virginia, New Kent County is required to pay their local share of this program.

There being no further discussion, motion was made by Mr. Ringley to appropriate \$2,770 to the State and Local Hospitalization Program in accordance with Chapter 11 Section 32.1-334 the Code of Virginia. 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, October 9, 1989.

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 and to discuss a matter requiring the protection of the privacy of an individual in a personal matter not related to public business pursuant to Section 2.1-344(a)(4) of the Code of Virginia and to for consultation and briefings by legal counsel, consultants, or staff members pertaining to actual or probable litigation or other legal matters requiring the provision of legal advice by counsel pursuant to Section 2.1-344(a)(7) 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 that the Board hereby certified 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
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E. David Ringley	Aye
Robert A. Boroughs	Aye
Richard S. Ellyson	Aye

There being no further business, motion was made by Mr. Ringley to adjourn the meeting. Motion 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