

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE NINTH DAY OF OCTOBER 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 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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IN RE:           FINANCE REPORT

The Chairman states that he and the County Administrator had reviewed the expenditures for the month of September and motion was made by Mr. Ringley to approve the expenditures for the month of September totaling \$200,308.03 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:           TREASURER'S REPORT

Following review of the August 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

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IN RE:           STAFF REPORT

The County Administrator, H. Garrett Hart, III, explained that the 1989 Virginia General Assembly amended the Code of Virginia to create an official Day of Recognition for Early Childhood and Day Care Providers and Professionals. He stated that each year October 22nd will be designated to pay tribute to, and acknowledge the contributions of, early childhood and day care providers and professionals who serve the children and families of the Commonwealth. Mr. Hart presented to the Board proposed resolution R-25-89.

The Chairman explained resolution R-25-89, which declared October 22, 1989, as the Day of Recognition for the Early Childhood and Day Care Providers and Professionals in New Kent County.

There being no further discussion, motion was made by Mr. Boroughs to adopt Resolution R-25-89 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-25-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 194.

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IN RE:                 RESIDENT ENGINEER'S REPORT

Mr. Thomas Hawthorne, Resident Engineer, requested the Board to schedule a public hearing to discuss the revision of the six year plan. He requested the meeting be scheduled for the regular meeting on February 12, 1990. Following a brief discussion, this date was agreed upon by the Board of Supervisors. Mr. Ringley thanked Mr. Hawthorne for his help in solving the problems with the stop light at the intersection of Rt. 60 and Rt. 249.

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IN RE:                 MOBILE HOME IN EMERGENCY SITUATION - ALBERT CRADDOCK

The Chairman explained that the Board had received a request from Albert Craddock to locate a mobile home on his property under the emergency mobile home clause in the zoning ordinance.

Mr. Ringley explained that Mr. Craddock owns approximately 1.18 acres of land on Route 665, tax map Section 20, parcel 33. He stated that Mr. Craddock's home had deteriorated beyond repair and that he is disabled with no financial resources to enable him to rebuild on his property.

Mr. Patrick J. Morgan, County Attorney stated that the application was in order.

Mr. Joseph Emerson, County Planner and Assistant County Administrator, advised the Board that Mr. Craddock's application was in order and that the area homeowners had been notified of Mr. Craddock's intentions and his office had received no comments.

Following a brief discussion, motion was made by Mr. Ringley to authorize the County Planner to issue a conditional use permit Mr. Albert Craddock for the placement of a mobile home on Tax Map 20-33 under the Emergency Mobile Home Clause. 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:                 OGLE LIVESTOCK CLAIM

The Chairman explained that the Board had received a request to reconsider the poultry claim submitted by Bobby Ogle of Box 171, New Kent, Virginia. The Chairman requested that this item be placed on the November 1989 Board of Supervisors agenda.

Motion was made by Mr. Boroughs to place the Ogle livestock claim on the November agenda and 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:                REPORT FROM HEALTH DEPARTMENT

Dr. Jacob Jones, Director of Hanover Health Department, addressed the Board regarding completion times of applications for a sewage disposal system construction permit. He stated that the major problem was lot lines not marked by the owner. He advised that the Health Department would make additional efforts to educate the public and hopefully eliminate some scheduling and processing delays. Dr. Jones also advised the Board that a Fax machine had been installed in the Health Department to eliminate some of the processing delays from one Health Department office to another.

Mr. Robinson thanked Dr. Jones for his attention and efforts in this matter.

Ms. Connie Rhinesmith, Administrative Manager of Hanover Health Department, addressed the Board and briefly explained the Community Health Services Formula Revision. She explained the revised formula would calculate local shares of the budget for the program by using each locality's per capita revenue capacity as it is determined by the Commission on Local Government, divided by the statewide per capita revenue capacity. Ms. Rhinesmith advised the Board that New Kent County's share would result in a 14% increase over last year.

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IN RE:                LEASE OF COUNTY PROPERTY

Mr. Patrick J. Morgan, County Attorney, explained that several changes had been made as requested by the Board to the proposed lease agreement with Richmond Cellular Telephone for the lease of 1.5 acres at the County landfill for a communications tower.

Mr. Robinson requested a description of the property and final plat following the completion of the soil borings.

Following a brief discussion, motion was made by Mr. Robinson to authorize the County Administrator to execute the lease agreement with Richmond Cellular Telephone. 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:                REZONING CASE NO. C-2-89 and CASE NO. C-13-89 FORO, INC.

Mr. R. Joseph Emerson, County Planner explained that Robert L. and Fomney Broughman, Foro, Incorporated, had requested to rezone .43 acre from A-1 (Agricultural) to B-2 (Business Limited). He stated the property is identified on Assessor's Maps as Parcels 61, 62, and 63 on Tax Map 43. Mr. Emerson gave brief description and stated that the Planning Commission gave positive endorsement to this rezoning.

There being no further discussion, motion was made by Mr. Ringley to accept the recommendation of the Planning Commission and approve rezoning case C-13-89 and C-2-89 as presented. 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: REZONING CASE NO. C-6-89 Francisco Real Estate

Mr. R. Joseph Emerson, Jr., County Planner, reviewed a request from J. C. Francisco, Jr., to rezone 1.28 acres from R-2 (General Residential) to B-1 (Business General) identified on Tax Assessor's Maps as Parcel 21 and 21B on Map 41A2((2)). Following a brief description, Mr. Emerson stated that the Planning Commission had given positive endorsement to this request.

Mr. Paul Robinson filed a Transactional Disclosure Statement with the recording secretary declaring a conflict of interest in this case by virtue of a personal interest in the business of the applicant. Mr. Robinson stated that he would abstain from voting on this rezoning application.

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FOR MR. ROBINSON'S DISCLOSURE STATEMENT, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR PAGE 195.

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There being no further discussion, motion was made by Mr. Ringley to accept the recommendation of the Planning Commission and approve rezoning case C-6-89. Motion carried as follows:

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

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IN RE: LITTER CONTROL GRANT

Mr. R. Joseph Emerson, Jr., County Planner/Assistant County Administrator, requested the Board to consider Resolution R-24-89 in support of the County's application for a Litter Control Grant. He stated that the Department of Litter Control requires that a resolution be submitted with the application for approval of the grant. Mr. Emerson stated that this was a \$3,000 grant.

Mr. Ringley questioned if this money could be used for support of local volunteerism through clubs and the purchase of signs, etc. Mr. Emerson advised it would.

There being no further discussion, motion was made by Mr. Boroughs, to adopt Resolution R-24-89 as presented. 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-24-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 196.

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IN RE: BOARD OF SUPERVISORS 1989-90 LEGISLATIVE REPORT

The Chairman explained that the Board was in the process of reviewing items to be considered in the Board's 1989-90 Legislative Packet. He stated that the Board needed to schedule a work session to formulate the Legislative Packet for adoption and presentation to the County's Legislative Representatives at the regularly scheduled November Board meeting.

The County Administrator recommended and all Board members agreed October 26th at 6:30 p.m. The Chairman invited all citizens to attend the meeting and welcomed input.

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IN RE: MEETING SCHEDULE

The Chairman announced the Board's next regular meeting would be held on Monday, November 13, 1989. The Chairman announced that a New Kent County Transportation Commission meeting would be held on October 11, 1989 and the next Planning Commission meeting was scheduled for October 25, 1989 at 7:30 p.m.

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IN RE: CITIZENS' COMMENT PERIOD

Mr. John Mullen addressed the Board in reference to Route 627 road conditions. He explained that Route 627 from U.S. 60 to Route 603 was extremely dangerous. Mr. Mullen stated that the improvements of the highway are in the County's six year plan to improve secondary roads and that he understands the problems in obtaining funds for the road, but wanted the Board to be aware of the number of accidents on the dirt road. He provided statistics from the state Department of Transportation that there have been 14 injuries in accidents on the road since 1985 and more than \$44,000 in estimated personal property damage. Mr. Mullen stated that in the past four years, three accidents involved school buses. The Chairman thanked Mr. Mullen for his concerns and expressed the Board's support. The Chairman invited Mr. Mullen and interested citizens to the Transportation Safety Commission meeting scheduled for October 11, 1989.

Mr. J. Lawrence Gallaher, Director of Public Safety, stated that Route 627 is on the Commission's agenda for the October 11th meeting and invited Mr. Mullen to attend.

Mr. Paul Robinson stated that the Department of Transportation would take immediate action to enhance site view on Route 627.

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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. 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 meeting. 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 that the Board 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
E. David Ringley	Aye
Robert A. Boroughs	Aye
Richard S. Ellyson	Aye

Motion was made by Mr. Ellyson to go into executive session for discussions relating to investment of public funds where competition or bargaining is involved 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. Ringley to resume the regular meeting 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. Robinson that the Board 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
E. David Ringley	Aye
Robert A. Boroughs	Aye
Richard S. Ellyson	Aye

The Chairman announced that the Board had received a request to hold an Outdoor Gathering in accordance with Section 11-4 of the Code of Virginia. He stated that the Horse Breeders Association wished to hold an outdoor event in support of the location of the first pari-mutuel horse racing facility in Virginia to be in New Kent County.

Motion was made by Mr. Ringley to approve the application submitted and carried as follows:

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

The Chairman announced that there would be a majority of the Board attending the Outdoor Gathering on October 18, 1989.

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