

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE THIRTEENTH DAY OF NOVEMBER 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: FINANCE REPORT

The Chairman stated that he and the County Administrator had reviewed the expenditures for the month of October and motion was made by Mr. Ringley to approve the expenditures for the month of October, 1989 totaling \$259,324.48 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

IN RE: ELECTED OFFICIAL'S REPORT

Ms. Ann Seitz, Clerk of Court, was present and thanked New Kent County citizens for their support in the November 8th election.

Mr. Robert Boroughs expressed his sympathy to the family and friends of the two recent traffic fatalities and expressed his concern regarding a New Kent County deputy being shot at.

IN RE: STAFF REPORT

Mr. H. Garrett Hart, III, County Administrator, explained that Ms. Eva John Brown had been appointed to the Historic Commission, but no formal minutes indicated this action had been taken. To correct this matter, motion was made by Mr. Ellyson to appoint Ms. Eva John Brown to the Historic Commission 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: RESIDENT ENGINEER'S REPORT

Mr. Thomas Hawthorne, Resident Engineer, reported that Route 613 and Route 606 projects had been completed. He advised that the Skimino Creek project is underway and the Bottoms Bridge work is under construction. Mr. Hawthorne reported that the Route 627 from the Diascund Creek bridge to one mile

north of that point will be the next project on the secondary system. Mr. Hawthorne explained that the railroad is in the process of replacing the railroad crossings in the County.

Mr. Paul Robinson stated that he had met with Delegate George Grayson and a New Kent County school transportation representative on Route 627 to review the status of proposed projects for Route 627.

IN RE: CABLE TV

Mr. Don Perry of 1st Commonwealth Communications reported to the Board the status of Cable TV in New Kent County. Mr. Perry advised the Board that their proposed microwave relay system was not feasible. 1st Commonwealth is installing a hard-line cable system, which resulted in more of the County area being covered, but some areas will not receive it as soon as anticipated. Mr. Perry advised that some homes have been activated. He stated that 1st Commonwealth is approximately 120 days behind schedule, but they are proceeding quickly and efficiently to complete the system by March 31, 1990.

Mr. Ringley requested a phone number of Cablevision that interested citizens could contact for information. Mr. Perry advised a toll free number is in service, 800-999-8444 and 966-2666 is a working number in New Kent County.

IN RE: OGLE POULTRY CLAIM

At the request of Supervisor Boroughs, the Board of Supervisors reconsidered the poultry claim of Mr. & Mrs. Bobby Ogle. Mr. Boroughs explained that he had visited the site where the animals were destroyed and had seen several large dogs in the area. He believed the destruction had been done by dogs and felt the County should consider compensation for Mr. & Mrs. Ogle.

J. Lawrence Gallaher, Director of Public Safety, reported to the Board adult poultry estimates he received from the VPI Extension Office. He stated the price range was from \$301 to \$755. He explained that the County did not know the grade of poultry. Mr. Gallaher explained that his office had not received a cost estimate from Mr. Ogle for this claim.

Mr. Ellyson stated that there had to be proof that dogs actually killed the poultry and the Board needed to know a true fair market value for the claim.

Patrick J. Morgan, County Attorney, advised the Board that the Board must be convinced that the destruction was done by dogs.

Supervisor Ringley expressed his concerns that the owners had been instructed by the animal warden to dispose of the poultry before he had reported to the site.

Following a discussion, motion was made by Mr. Ringley to compensate Mr. & Mrs. Bobby Ogle \$250 for their poultry destroyed on April 6, 1989. Motion carried as follows:

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

IN RE: CONDITIONAL USE PERMIT

The Chairman explained that the Board would consider a renewal application from Avery L. Kirby to operate paint-ball games in New Kent County.

H. Garrett Hart, III, County Administrator, explained that this permit was previously approved and is known as Conditional Use Permit CUP-5-87 and requires the Board's review for reissuance.

Mr. Avery Kirby was present to answer any questions.

Mr. Paul Robinson stated he had received no complaints regarding this activity.

Following a brief discussion, motion was made by Mr. Robinson to renew CUP-5-87 as presented. Motion carried as follows:

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

IN RE: LEGISLATIVE PACKET

The Board of Supervisors reviewed the 1990 Legislative Program. Following a discussion, the County Administrator was directed to compile the legislative program as discussed and place the possible adoption of the 1990 Legislative Program on the agenda for the December Board of Supervisors regular meeting.

H. Garrett Hart, III, County Administrator, presented the Board with Resolution R-30-89, which requests that the General Assembly prevent the regulations as proposed by the Virginia Fire Services Board from going into effect. The Board discussed that the new regulations proposed by the Virginia Fire Services Board would impose an extreme financial burden as well as time burden on the volunteer fire department resulting in possible ineligibility of the majority of the firefighters who now volunteer their services to the County.

Motion was made by Mr. Boroughs to adopt Resolution R-30-89 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-30-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK APPENDIX BOOK FOUR AT PAGE 211.

IN RE: APPOINTMENT OF ASSESSOR

The Chairman explained that the Board had awarded the Assessment of New Kent County property for the general reassessment to Wingate Appraisal Services. He explained that the reassessment is almost complete and it is necessary to appoint Mr. Harold Wingate as Assessor so he may perform the preliminary hearings for County citizens who wish to discuss their new assessed value. The Chairman stated that following the hearings by the Assessor the Board will appoint a Board of Equalization to resolve any assessment dispute not resolved by the Assessor's hearings.

Mr. Harold Wingate was present and reported to the Board the status of the general reassessment and a proposed timetable for the hearings.

IN RE: REGISTRAR

Ms. Gwen Ellyson, New Kent County Registrar, reported the results of the November 7, 1989, election and stated that this election brought a 78% turnout. Ms. Ellyson reported that New Kent had a total of 515 new registrants for the year. She explained the procedure and possibility of a recount and the possible cost to the County. Ms. Ellyson presented to the Board in Abstract of the votes cast in New Kent County.

FOR ABSTRACT OF VOTES, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGES 213 - 219.

IN RE: ADOPTION OF REGIONAL WATER RESOURCES PLAN

The Chairman explained that the Board had received a request from Richmond Regional Planning District Commission to adopt a resolution of support for the Regional Water Resource Task Force to prepare a Regional Water Resources Plan for the Richmond region. The Chairman reviewed proposed Resolution R-28-89.

Following a brief discussion, motion was made by Mr. Robinson to adopt Resolution R-28-89 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-28-89 AS ADOPTED SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGES 220 - 221.

IN RE: CHAPTER 10 MOTOR VEHICLES AMENDMENT

Patrick J. Morgan, County Attorney, explained that Ordinance O-11-89 is to reenact an amendment that was adopted by this Board on February 13, 1989, but was inadvertently omitted from the recent update to Chapter 10. He stated that there was no change involved in the content of the proposed amendment. This change would correct and reenact Section 10-22 of the New Kent County Code. The County Attorney advised a public hearing would need to be scheduled before adoption of this ordinance.

Following a brief discussion, motion was made by Mr. Robinson to schedule a Public Hearing for Ordinance O-11-89 on December 11, 1989, at 8:00 p.m. Motion carried as follows:

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

The Board then questioned if Section 10-22 of the New Kent County Code is in effect at this time for private roads and streets designated as highways for law enforcement purposes in Woodhaven Shores. The County Attorney answered Section 10-22 is not in effect.

Motion was made by Mr. Ellyson to adopt Ordinance O-11-99 as an Emergency Action to take effect immediately. Motion carried as follows:

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

FOR COPY OF ORDINANCE O-11-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 222.

IN RE: APPROPRIATIONS

H. Garrett Hart, III, County Administrator, explained that the Board needed to consider reappropriations from the unexpended 1988-89 fund balance to the 1989-90 budget. He explained:

1. West Point Volunteer Fire Department and Rescue Squad failed to make a request for their annual donation of \$3,780 in the 1988-89 budget year. They have requested that we reappropriate the 1988-89 appropriation into our 1989-90 budget so they may receive it.
2. Reappropriation of \$11,000 to Professional Services for the completion of the Capitol Improvements Plan to be performed by Robinson, Farmer and Cox Associates.

Mr. Hart also explained that the Board needed to appropriate \$7,732.68 to the Auditor of Public Accounts for services rendered for the audits performed for the Clerk of the Circuit Court of New Kent County for Fiscal Years June 20, 1987, June 30, 1988 and Turnover Audit for the period of July 1, 1988 through November 11, 1988. He stated that staff was unaware of these expenditures and no funds had been appropriated for this expense.

Mr. Hart reviewed Resolution R-29-89, which covered these appropriations. There being no further discussion, motion was made by Mr. Ringley to adopt Resolution R-29-89 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-29-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 212.

RE: MEETING SCHEDULE

The Chairman announced that the Board's next regular meeting would be held on Monday, December 11, 1989. Also, the Chairman announced that a Joint Public Hearing with the Planning Commission would be held on November 15, 1989 at 7:30 p.m.

IN RE: EXECUTIVE SESSION

Motion was made by Mr. Ellyson to go into executive session for discussions relating to prospective business or industry 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. 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

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

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