

A REGULAR MEETING OF THE BOARD OR SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE ELEVENTH DAY OF DECEMBER 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 November and motion was made by Mr. Robinson to approve the expenditures for the month of November, 1989 totaling \$218,213.80 as presented in the monthly expenditure report. Motion carried 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 Treasurer's Financial Report as of September 30, 1989, 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: ELECTED OFFICIAL'S REPORTS

Mr. Robinson announced that the Richmond Regional Planning District Commission has completed the study of recycling in the regional area and New Kent County was included in the study. He stated that plans have been made for the creation of a Solid Waste Management Authority to help accomplish the objective of reducing solid waste into landfills by 25% by 1995. Mr. Robinson stated that it appeared this action would possibly require a financial commitment from each jurisdiction participating. He stated that New Kent County would have an option to participate, but it is not mandatory.

Mr. Ringley reported that he and the County Administrator had attended the University of Arizona Race Track Symposium and had gained valuable information. He stated that they visited an impressive facility. Mr. Ringley felt that this trip was very beneficial to him and the Board as New Kent continues the quest to be the site of the first pari-mutuel race track in Virginia.

Mr. Ellyson advised the public that he had received a notice from the Virginia Department of Emergency Services issuing a winter storm watch effective from late tonight until 1900 Hrs. Tuesday night.

IN RE: STAFF REPORTS

The County Administrator, H. Garrett Hart, III, informed the Board that he had received a letter from the Executive Director of the Tri-River Alcohol Safety Action Program requesting that Sheriff F. W. Howard, Jr. be reappointed to serve on the Tri-River ASAP Board of Directors. He stated that an appointment for a three year term (January 1, 1990 - December 31, 1992) is needed.

Motion was made by Mr. Boroughs to reappoint Sheriff F. W. Howard, Jr., to the Tri-River ASAP Board of Directors for a three year term from January 1, 1990 to December 31, 1992. Motion carried as follows:

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

The County Attorney, Patrick J. Morgan, informed the Board that he had received a request from William H. Scheil, Jr., Attorney at Law, representing Howard M. Brindle and Beverly K. Brindle, to remove their item from the Board's agenda, Item 4 Federal Relocation Assistance Program.

The Chairman honored the request and removed Item 4 from the agenda.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Tom Hawthorne, Resident Engineer, stated that he planned to present the proposed six year plan at the next regular Board meeting and the Board had previously agreed to hold the public hearing at the February Board meeting.

Mr. Ellyson commended Mr. Hawthorne and his employees for a job well done during the recent winter road conditions.

IN RE: LEGISLATIVE PACKET

The Chairman welcomed Delegate George Grayson to the meeting and asked the County Administrator to review the 1990 Legislative Program. Mr. Hart explained that the primary concern to the Board was the fiscal stress of local governments. He stated the most critical problem facing New Kent County is the continued increase in fiscal demand for services to its citizens. The Board urges the State to aid localities through State financial assistance and the passage of legislation allowing localities additional taxing and revenue-generating authority. Mr. Hart also stated that the Board of Supervisors supports legislation to allow local collection of a one-half cent local sales tax and dispersion of a portion of the revenues collected from the lottery back to the localities. Mr. Hart explained that the Board requests that 50% of the net funds raised from the Virginia State Lottery be provided to localities.

Delegate Grayson explained that Senator Cross was not able to attend due to another commitment and road conditions due to inclement weather. Delegate Grayson thanked New Kent County residents for their support in the recent election. He thanked the citizens for the opportunity to serve and encouraged the Board to contact him concerning bills before the General Assembly.

IN RE: REPORT; REVIEW OF COUNTY AUDIT FOR FISCAL YEAR ENDING JUNE 30,
 1989

Mr. Randolph C. Jones of Robinson, Farmer & Cox Associates presented the County audit for the year ending June 30, 1989. Mr. Jones explained that he had met with the Board's Finance Committee recently and reviewed the audit with the Committee and County staff. Mr. Jones stated that it is evident that New Kent County is experiencing growth.

The Chairman acknowledged receipt of the audit and thanked Mr. Jones for his attendance.

The Chairman stated that the Board needed to publish the Statement of the Treasurer's Accountability on all County funds in a newspaper having general circulation in the County.

Motion was made by Mr. Robinson to publish the Statement of Treasurer's Accountability on all County funds in the Tidewater Review newspaper. Motion carried as follows:

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

IN RE: PUBLIC HEARING - CHAPTER 10 AMENDMENT

The Chairman explained that the Board would hold a public hearing on a proposed amendment to the County Code as it applies to Section 10-22. This action is to make the roads of Woodhaven Shores public roads for law enforcement purposes only. The Chairman stated that the Board had passed the ordinance as emergency legislation and now must hold a public hearing and pass it again to make it a permanent part of the County Code.

The Chairman opened the public hearing for comment.

Ms. Thelma C. Wilson requested the Board to pass the ordinance and questioned if it applied to all subdivisions or just Woodhaven Shores.

The Chairman answered that the ordinance only applied to Woodhaven Shores at this time. There being no further comments, the Chairman closed the public hearing.

Mr. Ringley stated that he had received no negative comments regarding this ordinance.

There being no further discussion, motion was made by Mr. Ringley to adopt O-11-89 as presented. 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-14-89 - WAYNE J. BRITT

The County Planner, R. Joseph Emerson, Jr., explained an application from Wayne J. Britt to rezone Assessor's Parcels 42-21, 42-22, and 42-23 totaling 31 and 1/4 acres from Agricultural District (A-1) to Industrial District (M-1). He stated the property is located approximately 1 mile from Providence Forge and is currently vacant. Mr. Emerson stated that the proposed use of the property is a contractor storage yard.

Mr. Robinson questioned if the site plan submitted by the applicant is legally binding. Mr. Emerson responded that it was not legally enforceable. Mr. Robinson suggested that Staff review Mr. Britt's site plan in context with the Environmental Report that had been submitted by the Council on the Environment and determine whether or not wetlands would affect the development of that property.

Following a discussion, motion was made by Mr. Robinson to defer rezoning case C-14-89 for thirty days. Motion carried as follows:

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

IN RE: AMENDMENT TO ZONING ORDINANCE

The County Planner, R. Joseph Emerson, Jr., explained that the Board and Planning Commission had held a joint public hearing to consider proposed Ordinance O-13-89, Zoological Gardens, which amended Section 9-37 to define Zoological Gardens, amended Section 9-83 to allow Zoological Gardens as a Conditional Use, and amended Section 9-245 to create Specific Use Conditions for Zoological Gardens.

Mr. Emerson explained that the Planning Commission recommended approval of Ordinance O-13-89 as presented.

The Board of Supervisors discussed the following changes to O-13-89:

1. Sec. 9-37, Definitions, to include "Zoological Gardens. A place where live, nonindigenous animals are kept for educational displays."
2. The garden is to be fenced with a heavy duty, chain link, perimeter fencing ten (10) feet high.
3. Paved State-maintained roads will be provided for the site and all interior roads dedicated for purpose of public vehicular access will be built to standards for State-maintained paved roads.
4. The garden may not be closer than 1000 feet to any adjacent residence.

Following a discussion, motion was made by Mr. Ellyson to accept the recommendation of the Planning Commission and approve Ordinance O-13-89 as amended. Motion carried as follows:

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

FOR ORDINANCE O-13-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGES 225 and 226.

IN RE: AMENDMENT TO ZONING ORDINANCE

The County Planner, R. Joseph Emerson, Jr., explained that due to requests for the establishment of bed and breakfast operations in the County, a proposed Ordinance O-12-89 was prepared by Staff which would allow bed and breakfast/home stay establishments in New Kent County. He stated that the Planning Commission at their November 15, 1989 meeting recommended approval of Ordinance O-12-89.

Mr. Robinson requested that the number of bedrooms be changed to no more than five bedrooms. He also requested the Board to discuss and possibly amend item three under Use Criteria.

Following a discussion, motion was made by Mr. Robinson to accept the recommendation of the Planning Commission and approve Ordinance O-12-89 as amended. Motion carried as follows:

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

FOR ORDINANCE O-12-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR PAGES 227 and 228.

IN RE: RESOLUTION - RIDGEWOOD DRIVE, GREENWOOD ESTATES

The Chairman explained that the Board needed to adopt a resolution requesting the Virginia Department of Transportation to include Ridgewood Drive in Greenwood Estates Subdivision in the State Secondary Highway System. He stated that the dedicated right-of-way and easements have been provided and the minimum number of residences required on the street have been met.

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 resolution.

Following a review of Resolution R-31-89, motion was made by Mr. Ringley to adopt Resolution R-31-89 as presented. Motion carried as follows:

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

FOR RESOLUTION R-31-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR PAGE 229.

IN RE: APPOINTMENTS

The Chairman asked for recommendations for appointments to the various committees and boards whose members' terms expire December 31, 1989.

Beginning with the Planning Commission, Mr. Boroughs made a motion to reappointment Louis Abrams as District Three's representative and Mr. Robinson made a motion to reappoint W. Howard Gammon as District Four's representative for four year terms ending December 31, 1993. Motion carried as follows:

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

For the Industrial Development Authority, Mr. Boroughs made a motion to reappoint Mr. Charles Davis as District Three's representative and Mr. Ellyson made a motion to reappoint Mr. W. O. Isgett as District One's representative for four year terms ending December 31, 1993. Motion carried as follows:

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

On the Transportation Safety Commission, Mr. Boroughs made a motion to reappoint George Philbates, Jr. as District Three's representative for a four year term ending December 31, 1993. Motion carried as follows:

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

On the Agricultural and Forestal Districts Advisory Committee, Mr. Ellyson made a motion to reappoint C. H. Evelyn, Jr., as District One's representative for a four year term ending December 31, 1993. Motion carried as follows:

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

For the Board of Road Viewers, motion was made by Mr. Ellyson to reappoint Andrew Mihalcoe as District One's representative, Mr. Ringley recommended appointment of Beverly Rosser as District Two's representative, Mr. Boroughs reappointed John W. Combs as District Three's representative, and Mr. Robinson reappointed Steve Lueke as District Four's representative all serving a one year term to end December 31, 1990. Motion carried as follows:

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

On the Wetlands Board, motion was made by Mr. Boroughs to appoint John S. Royster as Districts Three's representative for a four year term ending December 31, 1993. Motion was made by Mr. Ellyson to defer appointments for District One. Motion carried as follows:

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

For the Building Code Board of Appeals, motion was made by Mr. Boroughs to reappoint John I. Caldwell, III and James Smith as at-large members for four year terms ending December 31, 1993. Motion carried as follows:

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

On the Board of Equalization, Mr. Ellyson recommended the appointment of Harold Black as District One's representative, Mr. Ringley recommended Helene Mikelaites as District Two's representative, Mr. Boroughs recommended Edgar E. Hayes as District Three's representative, and Mr. Robinson recommended James D. Ward as District Four's representative for their terms to end June 30, 1990. Motion carried as follows:

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

Mr. Robinson requested the appointment of District Four's representative to the Zoning Appeals Board be deferred to the January Board meeting.

IN RE: RESOLUTION - REQUEST OF COMPREHENSIVE WATER AND SEWER STUDY

The County Administrator, H. Garrett Hart, III, explained that the Planning Commission had adopted a resolution at their November 15, 1989 meeting requesting a comprehensive water and sewer study be done at the completion of the Comprehensive Plan, which is currently under revision and update. Mr. Hart stated that the Capital Improvements Plan includes financial planning for a water and sewer system. He recommended that consideration be given to the water and sewer system as well as the traffic plan to compliment the Comprehensive Land Use Plan.

Following a discussion, motion was made by Mr. Robinson to defer action on the Comprehensive Water and Sewer Facility Study to the January Board meeting. Motion carried as follows:

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

Richard S. Ellyson Aye

IN RE: APPROPRIATIONS

The Chairman explained that the Board needed to consider appropriations to the 1989-90 budget. He stated that additional refuse containers were needed to handle refuse at the new high school and this resulted in a charge of \$4,412. He advised that an appropriation in the amount of \$4,412 should be considered by the Board.

The Chairman also explained that the County had received a grant from the Council on the Environment for the preparation of the County's Comprehensive Land Use Plan. He stated that the \$20,000 grant was budgeted in entirety in the 1988-89 budget, but the entire amount was not expended and the balance of \$11,961.32 remains at the close of the 1988-89 budget year. The Chairman stated that a reappropriation of \$11,961.32 was required.

The Chairman reviewed Resolution R-32-89 to make the appropriations.

Following a brief discussion, motion was made by Mr. Ringley to adopt Resolution R-32-89 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-32-89 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR PAGE 231.

IN RE: MEETING SCHEDULE

The Chairman announced that the Board's next regular meeting has been scheduled for Monday, January 8, 1990.

The Chairman announced that there would be a meeting of the Pamunkey River Water Study Committee at Captain George's Restaurant on December 14, 1989, at 6:30 p.m.

IN RE: CITIZENS' COMMENT PERIOD

The Chairman requested Staff to be prepared to discuss and review the following projects; Enhanced 911 and Street Naming Signs, at the January Board meeting.

IN RE: EXECUTIVE SESSION

Motion was made by Mr. Robinson to go into executive session to discuss a personnel matter regarding the Building Official's Office pursuant to Section 2.1-344(a)(1) of the Code of Virginia.

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

Motion was made by Mr. Ringley 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