

A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEW KENT WAS HELD ON THE THIRTEENTH DAY OF JUNE IN THE YEAR OF OUR LORD NINETEEN HUNDRED EIGHTY-EIGHT IN THE BOARD ROOM OF THE COUNTY OFFICE BUILDING, NEW KENT, VIRGINIA. THE CHAIRMAN CALLED THE MEETING TO ORDER WITH ALL MEMBERS PRESENT.

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IN RE:           MAY MINUTES

Following a discussion concerning the comments of Robert Varlander at the Britt's conditional use permit public hearing, motion was made by mr. Boroughs to defer action on the minutes until the next regular meeting:

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

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IN RE:           ELECTED OFFICIALS' REPORTS

Sheriff F. W. Howard, Jr. presented the 1987 Uniform Crime Report which showed 230 index crimes. He stated that his department had a 41.30% clearance rate while the state average was only 26.5%. He also reported that breaking and enterings (B&E's) had decreased during 1987 and he credited this reduction with the Neighborhood Watch Program. Sheriff Howard stated that during the month of May, 1988, they processed 204 complaints which was the largest amount for a one month period experienced by his department.

Motion was made by Mr. Ellyson to appoint Mrs. Joan Dougherty as District One's representative to the Anti-Litter Council for a term ending December 31, 1991, and carried as follows:

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

Mr. Ringley asked if the Anti-Litter Council had met. H. Garrett Hart, County Administrator, stated that Mr. Ellyson's was the last appointment to be made on the Council and now a meeting could be called.

Mr. Robinson reported that he had received a notice from Virginia Natural Gas of a proposed 2.5% rate increase and that any protest could be made prior to July 26, 1988. He also stated that in a recent publication of THE COURTHOUSE DOOR there was an announcement of a public hearing on July 15, 1988 in Charlottesville concerning land use regulations. He felt that since New Kent County had many agricultural and forestal districts, someone from the County should attend.

Mr. Robinson also reported that Richmond Regional Planning Commission has released a solid waste study report and the County would be receiving additional information on the report. Also, he had attended a NARC conference recently and gave a brief report to the Board members. Mr. Robinson also read from a letter received from the State Office of Emergency Services on a VOPEX exercise held in the County last October. He stated that the letter rated New Kent's performance quite high and especially commended Lawrence Gallaher, Director of Public Safety.

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IN RE:           EXPENDITURE REPORT

The Chairman stated that he and the County Administrator had reviewed the expenditures for the month of May, 1988 and the invoices were available for inspection by the Board. Motion was made by Mr. Boroughs to approve the expenditures for the month of May, 1988 totaling \$262,138.30 as presented in the monthly expenditure report. Motion carried as follows:

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

Mr. Robinson asked what the status was of the bills for two Board members trips to Gainesville, Florida in March. Mr. Hart stated that he had not received the bills yet.

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IN RE:           TREASURER'S REPORT

Following a discussion concerning the Treasurer's Reports received for March and April, 1988, 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:

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

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IN RE:           STAFF REPORTS

Mr. Frederick L. Bates, Director of Planning, gave a brief report to the Board concerning the multi-jurisdictional study made on the feasibility of a waste-to-energy plant in the York-James City-New Kent region. Mr. Bates reported that it was indeed feasible and that Chesapeake Corporation in West Point would accept the waste. Mr. Robinson asked Mr. Bates to compare the Richmond Regional PDC solid waste study with that of the York Region. Mr. Bates stated he would review both studies and make a report to the Board.

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IN RE:           PUBLIC HEARING - CHAPTER 5 AMENDMENT

The Chairman explained that Section 5-14 of the New Kent County Code required that all lot lines be visibly marked prior to the first building permit inspection. He stated that at staff's recommendation, this section was being amended to bring it into compliance with the current zoning ordinance.

Mr. Gallaher, Director of Public Safety, stated that this ordinance had been very beneficial in making setback inspections.

The Chairman opened the public hearing for comment on the proposed amendment. There was no comment made by either the general public or the Board on the proposal. Motion was made by Mr. Boroughs to close the public hearing and carried as follows:

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

Motion was made by Mr. Ellyson to adopt ordinance O-5-88 as presented and carried as follows:

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

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FOR ORDINANCE O-5-88 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX FOUR, AT PAGE 36.

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IN RE:           STAFF REPORTS

The County Administrator presented proposed resolution R-21-88 which would replace resolution R-16-88 which had been adopted on May 9, 1988. He explained that resolution R-16-88 which requested Old Lock Lane to be taken into the secondary system as a rural addition, listed an incorrect section reference. Following discussion, motion was made by Mr. Ellyson to adopt resolution R-21-88 as presented and carried as follows:

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

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FOR RESOLUTION R-21-88, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK 4, AT PAGES 37-38.

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The County Administrator also distributed copies of a proposed water agreement for the development of Greenwood Estates Subdivision on Route 612. He explained that this was for the Board's review and this agreement would be placed on the July agenda for action.

The County Administrator also stated that he, Mr. Boroughs, and Mr. Robinson had met with Judge Carneal on May 16, 1988 concerning expansion of the court facilities. He explained that they had reviewed a preliminary schematic plan and had decided to proceed with preliminary engineering. Judge Carneal had agreed to allow expansion of the existing record room during the upcoming year with preliminary work being accomplished on the courtroom expansion as soon as possible.

Mr. Ringley asked if this would include relocation of the General District Court from Providence Forge. Mr. Hart stated that this would be accomplished in the expansion of the courthouse.

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IN RE:           RESIDENT ENGINEER'S REPORT

Tom Hawthorne, Resident Engineer, reported that one turn-out lane on Route 647 has been completed and that the other turn-out was in jeopardy due to the lack of a right-of-way donor. Mr. Robinson stated he would meet with the Department of Transportation concerning the problem.

Mr. Hawthorne also stated that the work on Route 601 was almost completed and paving should be accomplished within a few weeks. Also, he reported that the traffic light at Routes 33 and 249 was now functional. Mr. Robinson thanked Mr. Hawthorne and his staff for their efforts in having the traffic signal placed at the hazardous intersection.

Mr. Robinson asked for a report on the status of funding for the proposed park and ride lot at Bottoms Bridge. Mr. Hawthorne stated that he had inquired into funding possibilities and would be reporting back to the Board upon receipt of final information.

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IN RE:           MUTUAL AID AGREEMENT

J. Lawrence Gallaher, Director of Public Safety, explained that the proposed mutual aid agreement was between local governments. He stated that the Sheriff's Department, rescue squads and fire departments have their own mutual aid agreements. This agreement, however, would allow paid fire departments and emergency personnel to respond in an emergency situation in New Kent County. Mr. Robinson stated that he fully supported the agreement but would like the local fire departments and rescue squad to review the agreement prior to execution.

Motion was made by Mr. Robinson to defer action on the mutual aid agreement until the July meeting allowing the fire departments and rescue squad and the Sheriff's Department to make recommendation. Motion carried as follows:

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

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IN RE:           SOLID WASTE PROPOSALS

The Chairman explained that the Board had authorized the County Administrator to receive requests for proposals for the collection and disposal of solid waste in New Kent County. The County Administrator explained that the County had received proposals from Bay Disposal, Inc. which was accompanied by a bid bond and met all the RFP requirements, from Christians Refuse Company which was not accompanied by a bid bond and did not meet all RFP requirements, and from BFI Waste Systems which was accompanied by a bid bond and met all RFP requirements.

Mr. Hart explained that following review of the proposals, staff recommended the Board authorize negotiations with BFI Waste Systems based on their proposal representing the lowest costs alternative and their years of experience in waste collection with other communities.

Mr. Robinson stated that the Public Works Committee had reviewed the proposals and that they supported the staff's recommendation. Mr. Robinson asked about white goods. Mr. Hart stated that white goods would still be the County's responsibility to remove from the dumpster sites where they were being illegally dumped.

Following discussion, motion was made by Mr. Ellyson to authorize the County Administrator to enter into negotiations with Browning Ferris Industries for the collection and disposal of solid waste within New Kent County and upon successful negotiations enter into contract. Motion carried as follows:

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

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IN RE:           BRITT'S, INC. - CONDITIONAL USE PERMIT

The Chairman explained that a public hearing had been held at the May Board meeting on an application submitted by Britt's Inc. for a conditional use permit to operate a borrow pit in Eltham.

Following review of the staff's recommendations for conditions on the permit, the Chairman asked Mr. Royster, a representative of Britt's, Inc., if they agreed with the conditions. Mr. Royster stated that they felt the requirements of VDOT were excessive and had contacted them concerning their opinion.

Mr. Randy Woodruff, a nearby resident of the project, was asked by Mr. Robinson if the area residents had met with the applicant as stated at the public hearing. Mr. Woodruff stated that the residents wanted assurance in the form of a deed amendment that they would have access to the lake created by the operation. Mr. Robinson stated that the Board could not get involved in private subdivision covenants and that was not a consideration in the conditional use application. Mr. Woodruff continued stating that Kentwood Development Corporation owned the property on which the borrow pit was located and also were the developers of the subdivision, therefore, it was the same development. He also cited that problems had been encountered with Kentwood Development Corporation in the development of the subdivision and he felt problems would be associated with the borrow pit.

Mr. Robinson stated that if the application was granted not only would the applicant have to meet the conditions placed on the conditional use permit but also those of the Division of Mines, Minerals and Energy. Mr. Robinson also felt that a condition should be added to the permit not allowing the operation any closer than 300 feet to any residence without permission of the landowner.

Mr. Ellyson felt that this proposal was ill-advised and would create a health hazard.

Mr. Boroughs stated that he had met with the residents in the area of the project and some were against it and some were not. He further stated that he felt the problems associated with the nearby subdivision could not be considered as this was a separate land use.

Following discussion, motion was made by Mr. Boroughs to approve conditional use permit CUP-1-88 for Britt's, Inc. to operate a borrow pit on tax parcel 28A1-250A under the following conditions:

1. All operations associated with the borrow pit be in accordance with the requirements of the Virginia Department of Mines, Minerals & Energy and that all conditions placed on the operation by the State become conditions of this permit. That the most eastern entrance of the project be the only entrance used for the borrow pit operation.
2. That the eastern entrance be reconstructed to the specifications of the Virginia Department of Transportation with a minimum radii of thirty-five (35) feet and that the road from this entrance for a distance of 450 feet be constructed of six (6) inch 21A aggregate base material, eight (8) inches of asphalt concrete paving type B3 and a surface coat of one and one-half inch asphalt concrete paving type S5.
3. The minimum width of this road surface shall be eighteen (18) feet. The remainder of the entrance road shall be surfaced with eight (8) inches of 21A aggregate base and maintained in a dust free condition by the application of calcium chloride or by application of water. The determination of what constitutes dust free is at the sole discretion of the County.
4. Comprehensive scale drawing identifying all areas of tidal wetlands and the proposed borrow pit boundary in relation to these areas shall be submitted.
5. The construction and maintenance of an undisturbed seeded earthened berm separating the operation of any and all tidal wetlands as determined by the Virginia marine Resources Commission.
6. All operations of the borrow pit both excavation and hauling shall be done between the hours of 6:00 a.m. and 6:00 p.m., Monday through Saturday.
7. That no mining operations take place within 300 feet of the nearest residence unless written permission is granted by the owners.

Motion carried as follows:

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

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IN RE:           FOX RUN ASSOCIATES - CONDITIONAL USE PERMIT

The Chairman explained that a potential legal matter had arisen regarding Fox Run Associates' application for a conditional use permit to construct a drag race strip and an oval track. Motion was made by Mr. Ellyson to go into executive session for briefings by legal counsel pertaining to legal matters pursuant to Section 2.1-344(a)(6) of the Code of Virginia and carried as follows:

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

Motion was made by Mr. Boroughs to resume the meeting and carried as follows:

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

The Chairman announced that no action was to be taken on the matter discussed in executive session.

Mr. Connard Maddox, attorney for the applicant, requested that the Board continue their application until the next meeting. Motion was made by Mr. Ellyson to table the matter until the Board's June 21, 1988, meeting and carried as follows:

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

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IN RE:           PROVIDENCE FORGE SEWER STUDY

The Chairman explained that R. Stuart Royer & Associates had been selected by the County to perform an engineering feasibility study on the possibility of providing central sewer to the Providence Forge area. Mr. Ringley submitted a disclosure form stating that although he owned property in the Providence Forge area, he would be able to fairly and objectively act in the public interest on this study.

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FOR DISCLOSURE FORM SUBMITTED BY MR. RINGLEY, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR, AT PAGE 39.

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Mr. Herbert Braun and Mr. Tom Pulley, of R. Stuart Royer & Associates reviewed the findings of the study. After reviewing the alternatives for providing sewer in this area, they recommended the County use a land application system and gave a costs projection for construction and operation of such a system.

The Chairman asked why the report did not cover the age and problems encountered by the existing septic systems in the area. He felt this should have been included in the report as there were lots in the Providence Forge area, both residential and commercial, which will not be able to replace their current septic systems.

Mr. Boroughs stated that the report recommended the establishment of a sanitary district and asked for clarification. Mr. Braun explained that a sanitary district would be specially taxed and organized strictly for certain improvements in their area. He explained that a district could not be established without a majority vote of the citizens involved.

Following discussion, motion was made by Mr. Robinson to refer the sewer feasibility study to the Planning Commission for their review and recommendation and carried as follows:

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

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IN RE: TAX REFUND - CHARLOTTE HOLLEY

The Chairman explained that this was a continued item from the last meeting at which time it was deferred for further clarification. The Commissioner of Revenue explained that when Ms. Holley filled out her personal property list, she listed a 1984 Citation in error as the car was actually a Cavalier and he had picked up the Cavalier from the DMV list, therefore, taxing her for two cars.

Motion was made by Mr. Ringley to adopt resolution R-18-88 authorizing a refund in the amount of \$105.00 to Ms. Charlotte Holley and carried as follows:

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

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FOR RESOLUTION R-18-88 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR, AT PAGE 40.

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IN RE: APPOINTMENTS - CAPITAL AREA AGENCY ON AGING & SOCIAL SERVICES BOARD

The Board deferred action on the appointments to the Capital Area Agency on Aging and the Social Services Board until the next meeting.

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IN RE: COUNTY HOLIDAY SCHEDULE

The Chairman explained that at the last meeting the Board had reviewed the County's holiday schedule and it had been requested at that time to take a poll of the employees on whether to substitute Election Day for Easter Monday.

The County Administrator informed the Board that the poll had been taken and it was overwhelmingly the consensus of the employees to have Easter Monday off instead of Election Day.

Following a discussion in which Mr. Robinson expressed his desire to see the Election Day holiday observed, motion was made by Mr. Ringley to adopt the following holiday schedule for fiscal year 1988-89 for New Kent County:

New Year's Day            January 1st (January 2nd Observance)

Lee-Jackson-King Day   3rd Monday in January

Washington's Birthday   3rd Monday in February

Easter   Monday after Easter Sunday

Memorial Day   Last Monday in May

Independence Day        July 4th

Labor Day        1st Monday in September

Veteran's Day   November 11th

Thanksgiving (2)        4th Thursday & Friday in November

Christmas Eve   December 24th (December 23rd Observed)

Christmas Day   December 25th (December 26th Observed)

Motion carried as follows:

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

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IN RE:            MEETING SCHEDULE

The Chairman explained that the Board's next regular meeting has been scheduled for Monday, July 11, 1988. Also, he announced that a joint public hearing had been scheduled with the Planning Commission on Tuesday, June 21, 1988.

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IN RE:            CITIZENS' COMMENT PERIOD

Mr. John Crump expressed concerns about the proposed drag strip track at the I-64/Route 106 interchange. He stated that for anyone interested, there would be races held at the Richmond Dragway on the night of June 18, 1988.

Ms. Renita Scruggs stated that she was concerned that the traffic studies and other information would not be available prior to the public hearing on the conditional rezoning proposed by Don Beverley and John Dotson. She encouraged the Board to gather as many facts as possible prior to making a decision on this rezoning.

Ms. Ima Sowers endorsed Ms. Scruggs comments concerning having as much information as possible available for the June 21st public hearing.

Mr. Ed Hayes stated that he hoped the application for the down zoning will grow significantly prior to June 21st.

Mr. Robinson asked why the property had not been signed as required by the zoning ordinance. Mr. Hart stated that matter would be taken care of.

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There being no further business, motion was made by Mr. Boroughs to adjourn the meeting and carried as follows:

Richard S. Ellyson	Aye
E. David Ringley	Aye
Robert A. Boroughs	Aye
Richard S. Ellyson	Aye

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H. Garrett Hart, III  
County Administrator

Paul C. Robinson  
Chairman