

A REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD ON THE ELEVENTH DAY OF JULY IN THE YEAR OF OUR LORD NINETEEN HUNDRED EIGHTY-EIGHT IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING, NEW KENT, VIRGINIA. 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. Ringley to approve the minutes as corrected 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: ELECTED OFFICIAL'S REPORTS

Mr. Ellyson requested that the Virginia Department of Transportation (VDOT) check on whether or not they can cut back the banks at the driveway of Elizabeth Johnson on Route 638. Mr. Hawthorne, Resident Engineer, stated that they would check on the matter.

Mr. Ringley stated that on June 30, 1988, he had attended the first meeting of the Local Health Board. He explained that the purpose of the Board was to formulate a comprehensive plan to implement health services on a local basis. He explained that the County had the lowest birth mortality rate of this health district, however, the County did have the highest suicide rate.

Mr. Boroughs thanked VDOT, the Sheriff's Department and Public Safety for their assistance with recent road problems reported in his district.

Mr. Robinson stated that he, the County Administrator and the Public Safety Director had attended a meeting with Chesapeake Corporation recently where Chesapeake gave a hazardous chemical release in compliance with the SARA Title III regulations.

Mr. Ellyson announced that a New Kent Transportation Safety Commission meeting would be held on Wednesday, July 13, 1988 at 7:30 p.m. in the County Office Building.

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IN RE: EXECUTIVE SESSION - PERSONNEL MATTER IN SHERIFF'S DEPARTMENT

Motion was made by Mr. Ellyson to go into executive session with Sheriff Howard to discuss a personnel matter pursuant to Section 2.1-344(a)(1) 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 regular session 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 taken in executive session concerning the personnel matter.

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IN RE:            ADDITIONAL DEPUTY'S POSITION APPROVED

Sheriff Howard made a report to the Board concerning the Compensation Board turning down his request for an additional road deputy's position. He requested the Board consider funding this position locally while he appealed the decision of the Compensation Board.

Mr. Robinson asked if this additional position would give full all night coverage to the Sheriff's Department. Sheriff Howard stated that it would. Mr. Robinson also asked if the State Police have someone on duty at night. Sheriff Howard stated that they did, however, they covered New Kent and Charles City Counties.

Following discussion, motion was made by Mr. Ellyson to amend the Sheriff's 1988-89 Budget in the amount of \$28,000 for the purpose of adding another road deputy's position to cover the midnight shift in New Kent County. 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:            ELECTED OFFICIAL'S REPORTS CONTINUED

Commissioner of Revenue, Charles Yeatts, reported that there would be a 16% gain in personal property revenues during the 1988-89 fiscal year.

The Chairman recognized the attendance of G. G. Crump, Jr., who was recently elected Chairman of the New Kent School Board.

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IN RE:            FINANCE REPORTS

The Chairman announced that he and the County Administrator had reviewed the expenditures and that they were available to all Board members. Motion was made by Mr. Boroughs to approve the expenditures for the month of June, 1988, totaling \$352,288.19 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

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IN RE:            TREASURER'S REPORT

The Board reviewed the Treasurer's Report dated June 27, 1988, and Mr. Robinson asked if the funds under capital projects, refuse trucks, would revert back to the general fund. The County Administrator stated that these funds were budgeted to be included in the 1988-89 Budget.

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

Patrick J. Morgan, County Attorney, distributed copies of the New Kent County Code to the Supervisors. Mr. Robinson thanked Mr. Morgan for preparing the codes.

Mr. Morgan gave the Board a brief report on the progress being made on delinquent taxes. He reported that in 1986-87 approximately \$306,633 was collected in delinquent real estate taxes and \$98,600 during 1987-88. He explained that the Treasurer's Office had been very instrumental in the collection process. Mr. Morgan announced that First Commonwealth Cable had negotiated a lease for the placement of their head-in system and clearing of the site would begin on July 15, 1988.

Mr. J. Lawrence Gallaher, Director of Public Safety, reported that the transition from the County-owned refuse collection system to that of BFI Corporation had gone much smoother than expected. Mr. Ellyson inquired about the site on Route 611. Mr. Gallaher stated that he was aware of the problems and BFI was working on placing more dumpsters at the site.

Mr. Ringley asked about the lids on the dumpsters at the Toe Ink site. Mr. Gallaher stated that BFI was removing the lids and would probably weld the side doors shut.

Mr. Ellyson thanked staff for Mr. Dail's report on code enforcement and requested that the Board might receive such a report on a quarterly basis.

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IN RE:           RESIDENT ENGINEER'S REPORT

Tom Hawthorne, Resident Engineer, reported that the willingness to hold a public hearing on the Route 606 project would be issued in about 30 days. Also, he explained that the Route 640, Wright's Corner, project would be advertised in October along with the Route 627 project. He reported that the Route 605 project at the new high school would be completed by September 1st.

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IN RE:           PRINT SHOP DEFINITION

Mr. Ellyson made a request that a print shop definition be submitted to the Planning Commission for their review as soon as possible. He stated that when the amendment including print shop in the B-1 district was added recently to the Zoning Ordinance, staff was instructed to develop a definition.

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IN RE:           APPOINTMENT - CAPITAL AREA AGENCY ON AGING BOARD

Following discussion, motion was made by Mr. Robinson to appoint Ms. Mary Thomas Carswell to serve on the Capital Area Agency on Aging Board for a three year term from July 1, 1988, and ending June 30, 1991. Motion carried as follows:

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

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IN RE:                    WATER AGREEMENT - GREENWOOD ESTATES SUBDIVISION

Mr. Robinson disclosed that he had a personal interest in a business entity which represents an entity which will benefit or suffer by the action before the Board and he would abstain from participation in this issue.

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FOR MR. ROBINSON'S DISCLOSURE FORM, SEE BOARD OF SUPERVISORS, ORDER BOOK, APPENDIX FOUR AT PAGE 39.

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Mr. Ellyson asked if the Chairman could sign the document since he had disclosed on the matter. Mr. Morgan, County Attorney, stated that it would be best if the Vice Chairman were authorized to execute the document.

Mr. Ringley asked if there was enough water to supply both Kenwood Farms and Greenwood Estates. Mr. Hart stated that studies showed more than enough water supply.

Mr. Ellyson stated that he had received complaints from Kenwood Farms about their low water pressure already and asked how this would affect them. Mr. Hart stated that this should be beneficial to Kenwood Farms as one of the requirements was for Greenwood Estates to increase the water pressure.

Mr. Morgan recommended that the agreement be amended to make it an amendment to the 1974 Kenwood Farm's deed and water agreement.

Following discussion, motion was made by Mr. Ellyson to authorize the Vice Chairman of the New Kent Board of Supervisors to enter into a water agreement between the County, Greenwood Estate and Kenwood Farms Subdivisions with the change of language as suggested by the County Attorney. Motion carried as follows:

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

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IN RE:                    STREET NAMING SYSTEM

Mr. Frederick L. Bates, Director of Planning, gave an update of the progress of the Enhanced 911 system. He stated that the next step was for the Board of Supervisors to name all the public roads in the County and that progress is halted on the project until this step is taken. The Board received copies of the proposed street names and the minutes of the public hearing held on the street naming proposal. Mr. Hart explained that the Board had fulfilled its legal obligations as far as hearings and advertising were concerned.

Following a discussion, motion was made by Mr. Ringley to schedule a work session on the proposed street names and carried as follows:

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

It was the consensus of the Board to schedule the work session during the meeting schedule at the end of the meeting.

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IN RE:           MUTUAL AID AGREEMENT

The Chairman explained that this was a continued item from the June meeting at which time it was requested that input be received from the Sheriff's Department, Fire Departments and Rescue Squad prior to making a decision on the agreement.

Mr. Gallaher explained that he had contacted the Fire Departments, Rescue Squad and Sheriff concerning the agreement and they had no problems with the Board entering into a mutual aid agreement with other jurisdictions. Following a discussion, motion was made by Mr. Ellyson to authorize the Chairman of the New Kent Board of Supervisors to execute the Regional Emergency Resource Mutual Aid Agreement on behalf of the County 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 MUTUAL AID AGREEMENT AS APPROVED BY THE BOARD, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR, AT PAGES 41-46.

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IN RE:           NEW KENT COUNTY FLAG ADOPTED

Mrs. Diane Blanton representing the Lions Club Auxiliary made a presentation to the Board concerning their proposal to develop a flag for the County of New Kent. She explained that the Auxiliary had become involved with this project for three reasons, (1) the County had no flag, (2) the State Board of Education had a requirement to teach students about the flag of their County, and (3) they felt that the County needed a symbolic representation of its heritage. She explained that they had raised approximately \$400 to pay for the flag and that this would be done at no cost to the County.

Mr. Robinson felt that this was an excellent idea and a commendable project but stated he would like the Historic Commission to examine the proposed flag before a final decision was made. Mr. Bates, Director of Planning, stated that the Historic Commission was aware of the project.

Mr. Ellyson stated he would like to have more time to discuss it with his constituents prior to making a final decision. He stated that the County had not had a flag for 350 years and did not understand the rush now.

Following discussion, motion was made by Mr. Ringley to accept the proposal of the New Kent Lions Auxiliary and designate the official New Kent County Flag as a white flag with the seal of the County including a white background in the center surrounded by a blue circle and carried as follows:

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

A discussion ensued as to whether the County seal was a registered trademark and could be reproduced without the consent of the Board of Supervisors. The Board instructed staff to look into the matter and report at the next meeting.

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IN RE:                WARE CREEK RESERVOIR PROJECT

Mr. Bates explained that the Board had received a request from the Richmond Regional Planning District Commission for the Board's endorsement of their resolutions requesting the Virginia Water Control Board to expeditiously move to grant Section 401 certification for James City County's Water Creek Reservoir Project and their conclusions and policies on surface water use. Mr. Bates stated that New Kent County may use up to 30% of the Ware Creek Reservoir's water supply over the next 20 years and recommended support of the project.

Motion was made by Mr. Boroughs to adopt Resolution R-22-88 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-22-88 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR, PAGE 47.

Mr. Robinson then explained that the Richmond Regional PDC had approved the Conclusion and Policies on Surface Water Use on June 9, 1988, which addresses the need to formulate a regional policy statement relating to future water needs and requested endorsement from participating jurisdictions. Following discussion, motion was made by Mr. Boroughs to adopt resolution R-23-88 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-23-88 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR, PAGE 48.

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IN RE:                COMPREHENSIVE PLAN UPDATE GRANT

\*Mr. Bates explained that staff with the assistance of the Richmond Regional PDC had prepared an application to the Coastal Resources Management Program for a grant to undertake the revision of the New Kent County Comprehensive Plan. He explained that the full grant amount would be for \$36,000 and would require an in-kind service contribution from the County of \$2,000 of staff and clerical work. Also, he stated the County would be required to provide funds in the amount of \$5,300 spread over the next two budget years.

Following review of proposed resolution R-24-88 which authorized the County Administrator to file the appropriate grant application, and other necessary and proper documents to request consideration for a Coastal Resource Management Program Grant to revise the New Kent County Comprehensive Plan, motion was made by Mr. Ellyson to adopt resolution R-24-88 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-24-88 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR, PAGE 49.

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IN RE: DISCUSSION OF VARIOUS TAX AND PERMIT FEE REVENUES

The Chairman explained that during the budget process in the Spring, the Board discussed reviewing the tax and fee schedules and examining alternatives. He suggested that the Board instruct staff to prepare a report on taxes and fees and what alternatives were available.

Motion was made by Mr. Boroughs to instruct the staff to make a report on current taxes and fee schedules and alternatives on real estate, personal property, business licenses, airplanes, machinery and tools, agricultural and forestal districts, the elderly deferral program and fees for all county permits at the September Board meeting. 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: U.S. GEOLOGICAL SURVEY'S GROUNDWATER STUDY

The County Administrator gave the Board an update on the USGS Groundwater Study for which a preliminary draft had been received sometime ago. Mr. Hart reported that after contacting the USGS Office in Richmond, he was informed that a final report would be ready in the fall and a representative from USGS would make a presentation to the Board.

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IN RE: COUNTY-WIDE SOIL SURVEY

The County Administrator reported that the County-wide Soil Survey had been completed in 1985, however, a final report had not been received. He explained that the report was being held at the U.S. Printing Office at this time, however, he had been informed that it would be printed in the fall. The Chairman asked that staff stay on top of this matter and keep the Board updated on the progress of the document.

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IN RE: UNCLAIMED PROPERTY APPROPRIATION

Ms. Betty B. Christian, County Treasurer, explained to the Board that the Division of Unclaimed Property had audited the Treasurer's Office back to 1980 and found over \$7,000 of unclaimed property. She explained that with the help of the School Board, County Administrator and Social Services offices the

amount had been reduced to \$3,400.49. She further explained that this amount included checks which had never been cashed by vendors or employees.

Motion was made by Mr. Ellyson to appropriate the required funds in the amount of \$3,400.49 to the Division of Unclaimed Property 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:           SCHOOL CONSTRUCTION FUND

The County Administrator explained that the School Board was reverting \$40,000 back to the General Fund because they had received more state revenues than anticipated during fiscal year 1987-88. He stated that the School Board had requested that \$14,650 be appropriated to the School Construction Fund for the placement of conduit underground for sewer, water and electrical to the future site of a concession building.

Mr. Boroughs supported the appropriation as it would be futile to put in parking lots, curbing and lawns and then tear them up later to place the lines.

Mr. Ellyson stated that there was no definite plans for a concession building to be built.

Mr. Ringley stated that he would like to see the County's recreation program expand in some way and we have to look to the future.

Motion was made by Mr. Boroughs to appropriate \$14,650 from the general fund balance to the school construction fund 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:           ROUTE 1002 REFUSE SITE

The Chairman explained that he had been trying for sometime to find an alternate site to the Turner's Neck dumpster site in Lanexa. He explained that the owners of the property at Turner's Neck wanted the dumpsters removed and that finally he thought they had found a site on which everyone agreed which was located on Route 1002 in Lanexa. Following discussion, motion was made by Mr. Boroughs to appropriate \$5,200 to locate a dumpster site in Lanexa 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:           CITIZENS COMMENT PERIOD

Mr. William Scruggs asked that the Board take quality into consideration and not just price when purchasing road signs. He also asked the County Administrator if any additional information had been received concerning the Beverley/Dotson conditional zoning application. Mr. Hart stated no additional information had been received. He also asked about the recent article in the paper concerning Fox Run Associates approval of a site for their proposal in Dinwiddie County. Mr. Robinson stated that the Board would not comment on a newspaper article.

Mr. Ed Hayes asked about how long it would take to receive approval of the grant to prepare the Comprehensive Plan. Mr. Bates stated that it would take about six months. Mr. Hayes stated that he hoped work on the Plan would begin prior to that time. Mr. Hayes stated that he felt that the revenue shortfall would not be as great as the Board anticipated.

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IN RE:                    RESOLUTIONS OF APPRECIATION - EVELYN AND GREGORY

The Chairman reviewed proposed resolution R-25-88 which expressed the Board's gratitude and appreciation to Mr. Aubrey Evelyn who served 22 years on the New Kent School Board with 12 of those years being as Chairman. Motion was made by Mr. Ringley to adopt resolution R-25-88 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-25-88 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR, AT PAGE 50.

The Chairman then reviewed proposed resolution R-26-88 which commended Susan S. Gregory for her two terms on the Social Services Board. Motion was made by Mr. Robinson to adopt resolution R-26-88 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-26-88 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR, AT PAGE 51.

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IN RE:                    MEETING SCHEDULE

The Chairman announced that the Board's next regular meeting would be held on Monday, August 8, 1988, with the next joint meeting with the Planning Commission being held on August 16, 1988. The Board scheduled a work session on the street naming project on Monday, August 1, 1988 at 7:30 p.m.

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IN RE:                    EXECUTIVE SESSION

Motion was made by Mr. Ringley to go into executive session to discuss a personnel matter pursuant to Section 2.1-344(a)(1) 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 regular session 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 had been taken on the matter discussed in executive session.

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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
Paul C. Robinson	Aye

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H. Garrett Hart, III  
County Administrator

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Paul C. Robinson  
Chairman