

A REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD ON THE TWELFTH DAY OF SEPTEMBER 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.

IN RE: APPROVAL OF MINUTES

Motion was made by Mr. Boroughs to approve the minutes as amended and carried as follows:

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

IN RE: ELECTED OFFICIALS REPORTS

Mr. Ellyson stated that after reviewing the proposed Route 606 project, he recommended no change in the Six Year Plan.

Mr. Ringley explained that Mr. Phillip Anns had submitted his resignation from the New Kent Industrial Development Authority (IDA) due to his increased career responsibilities. Motion was made by Mr. Ringley to appoint Mr. Richard Hylton as District Two's representative on the New Kent Industrial Development Authority to fulfill the unexpired term of Phillip Anns. Motion carried as follows:

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

Mr. Boroughs stated that at the last IDA meeting it was mentioned that a County Newsletter had not been circulated in quite sometime. Mr. Hart stated that his office was presently in the process of preparing a newsletter.

IN RE: TREASURER'S REPORT

Following review of the July Treasurer's Report, motion was made by Mr. Ellyson to approve the Treasurer's Report and to authorize the Treasurer to continue to invest County funds in the highest yielding legal investment. Motion carried as follows:

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

IN RE: FINANCE REPORT

Motion was made by Mr. Ringley to approve the expenditures for the month of August, 1988 totaling \$254,730.15 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

IN RE: STAFF REPORT - CABLE TELEVISION UPDATE

County Attorney, Patrick J. Morgan, gave an update on the progress of cable television installation in the County. He explained that there had been a delay in receiving permits from Virginia Power, however, it appeared that the problems in that area had been resolved. He stated that the head-in system should be completed by mid-October.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Tom Hawthorne, Resident Engineer of the Virginia Department of Transportation, reported that the Park and Ride Commuter Lot located at Bottoms Bridge on U.S. Route 60 would be open for use by the end of the following week. Mr. Robinson inquired about the capacity of the parking lot. Mr. Hawthorne explained that the lot would hold about 35 vehicles. Mr. Ringley asked if the lot would be open at all hours. Mr. Hawthorne stated that the lot would be lighted and open at all times.

Mr. Hawthorne asked if the Board would be interested in a Round Table Discussion similar to the one held in the Spring of 1987 to discuss transportation issues. The Board stated they would be interested.

Mr. Hawthorne explained that the State was implementing an "Adopt a Highway Program" to encourage citizen participation in litter control. He explained that organizations could "adopt" a minimum two miles of roadway and that section of road would be signed to signify that the organization maintains that portion of road. It was the consensus of the Board to send notification to all civic organization leaders on the availability of this program and also to circulate information about the program through the County Newsletter.

Mr. Robinson asked if VDOT could sign or better mark the new traffic pattern at the intersection of Routes 605 and 249. Mr. Hawthorne stated that they were looking into pavement markings which would make the new traffic pattern more visible.

IN RE: PUBLIC HEARING - HIGH SCHOOL BOND SALE

The Chairman opened a properly advertised public hearing on the issuance of \$2,000,000 in general obligation bonds through the Virginia Public School Authority (VPSA).

The County Administrator explained that State Law requires a public hearing to be held on all revenue or general obligation bond issues.

Mr. Edmund Shaw asked for clarification as to whether these were revenue or general obligation bonds.

Mr. Hart stated that they were issuing general obligation bonds. Mr. Shaw asked if the bonds could be redeemed prior to the twenty year time period. Mr. Robinson stated that the bonds must be held until 1998.

Mr. Hayes asked if these funds could be used for anything else. Mr. Hart stated that the proceeds from the sale must be used for construction of the new high school.

Mr. Ellyson asked if the gym in the new school would be air conditioned. Mr. Robinson stated that the gym would not be air conditioned as the cost was prohibitive. Mr. G. G. Crump, Jr., Chairman of the

School Board, explained that it would cost approximately \$200,000 to air condition the gym and the School Board felt that at this time this money could be used in a more beneficial manner.

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

IN RE: PUBLIC HEARING - CHAPTER 8 AMENDMENT

The Chairman explained that the Board had advertised to hold a public hearing on an amendment to Chapter 8 as it relates to the application and collection of fees for well and septic tank permits. He stated that in keeping with a policy adopted by the Board at their August 1, 1988 meeting, the County was no longer responsible for handling applications for septic and well permits and the State Health Department would now be handling all applications. He explained that the amendment would implement the Board's policy.

Mr. Edmund Shaw asked what would be the County's share of the fees collected by the State. Mr. Hart answered that the County would receive one-third.

There being no further comment, motion was made by Mr. Boroughs to close the public hearing on the amendment to Chapter 8 and carried as follows:

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

IN RE: PUBLIC HEARING - CHAPTER 7 AMENDMENTS

The Chairman opened a public hearing on an amendment to Chapter 7 of the New Kent County Code as it deals with collection of solid waste. He explained that since the County now uses a private contractor for collection of solid waste certain amendments needed to be made.

Mr. Claude Baldwin stated that he had noticed the dumpsters had been removed from two sites on Route 249 and that the site at Toe Ink was not as well kept as it had been in the past. The Chairman explained that the dumpsters had been removed from Route 249 due to the difference in the collection equipment being used by the private contractor. Mr. Hart explained that the complaint concerning the dumpster site had already been registered with his office and he was working with the contractor to improve these conditions.

Mr. Floyd Jefferson stated that there were at least three other counties using the dumpster site at Toe Ink. Mr. Edmund Shaw asked if the County had considered a recycling program. Mr. Robinson stated that the Board had not discussed the implementing of such a program to date, however, the Richmond Regional PDC was looking into the feasibility of such programs in rural areas.

There being no further discussion, 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

IN RE: EXTENSION OF MOUNTCASTLE AFD - JEROME MARTIN - AFD-2-87

The Board reviewed proposed ordinance O-6-88 which would extend the Mountcastle AFD to include 323.55 acres owned by Jerome R. Martin. Mr. Bates, Director of Planning, reported that the Agricultural and Forestal District Advisory Committee had met on April 28, 1988 and recommended approval of the application as submitted. He further stated that the Planning Commission had voted unanimously on August 16, 1988 to recommend approval of the application.

Mr. Ringley asked how many acres were presently in agricultural and forestal districts in the County. Mr. Bates stated that 20,973 acres were presently in districts.

Mr. Ellyson requested staff to, in the future, include tax abatement amounts with the staff reports.

There being no further discussion, motion was made by Mr. Ringley to adopt Ordinance O-6-88 as presented and carried as follows:

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

FOR ORDINANCE O-6-88 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGES 63-64.

IN RE: SPRINGFIELD/NATTS AFD - WILFORD - AFD-3-87

The Board reviewed proposed ordinance O-7-88 which would create the Springfield/Natts AFD located on Route 628 consisting of 680.49 acres owned by Joseph I. Wilford.

Mr. Bates stated that the Agricultural and Forestal District Advisory Committee had met on April 28, 1988 and voted unanimously to recommend approval of the application as submitted. Also, on August 16, 1988, the Planning Commission had unanimously voted to recommend approval of the application. Mr. Robinson stated that according to his calculations approval of the district would result in approximately \$2,093 in tax abatement.

Motion was made by Mr. Ringley to adopt Ordinance O-7-88 as presented and carried as follows:

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

FOR ORDINANCE O-7-88 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGES 65-66.

IN RE: AFD-1-88 CARDINE AFD - O-8-88

Mr. Robinson stated that he would abstain from voting on this application due to his having an interest in a business entity which represents an entity which is the subject of the transaction which may benefit or suffer from action of this Board.

FOR MR. ROBINSON'S DISCLOSURE STATEMENT, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 67.

The Board reviewed proposed ordinance O-8-88 which would establish the Cardine AFD consisting of 286.23 acres on Assessor's Parcels 33-26, 33-26A and 33-26B.

Mr. Bates stated that the Agricultural and Forestal District Advisory Committee had met on April 28, 1988 and unanimously voted to recommend approval of the application as submitted. He also stated that the Planning Commission had unanimously voted to recommend approval of the district.

Mr. Charles Yeatts, Commissioner of the Revenue, stated that it was his understanding that the minimum acreage requirement on a forested parcel was twenty acres and he did not believe the 13.73 parcel was eligible. Following discussion, motion was made by Mr. Ellyson to defer action on proposed ordinance O-8-88 until the next meeting and carried as follows:

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

IN RE: REZONING CASE C-3-88 - WILLIE DANIEL

The Chairman explained that an application had been submitted by Willie Daniel to rezone a portion of parcel 19 ((2)) 1-5 containing 31.9 acres adjacent to U.S. Route 60 from A-1, agriculture, to B-2, business, limited, and a second parcel containing 46.6 acres from A-1, agriculture, to M-2, heavy, industrial. He stated that a public hearing was held on the rezoning application on August 16, 1988 and the Planning Commission had recommended approval of Parcel 1 containing 31.9 acres being some 600 feet deep and 2,350 feet long and fronting on Route 60 from A-1, to B-2. However, the Planning Commission had deferred a recommendation on Parcel 2 until results of a soil survey were received.

Mr. Ringley stated that it was brought out at the Planning Commission meeting that a B-2 zoning would allow the location of a pharmacy and he read a letter from Thomas Hoover, Commonwealth's Attorney, which stated that there would be no conflict of interest for him to vote on this issue.

Mr. Ellyson expressed concern about the environmental impact on the blue heron population located in the area. Mr. Robinson stated that in reviewing the letter from the State, it explained that the blue heron hatchery was located 1/3 mile east of the proposed rezoning site. He explained that according to his calculations the location of the habitat would be separated approximately 140 acres away from the site and the Five Lakes Subdivision would be a much greater impact as it was located across from the habitat.

Following discussion, motion was made by Mr. Ringley to accept the recommendation of the Planning Commission on rezoning case C-3-88 and rezone 31.9 acres being 600 feet deep and 2,350 feet long

fronting on U.S. Route 60 from A-1, agriculture, to B-2, business limited, and to take no action on rezoning the remainder of the parcel until a recommendation from the Planning Commission has been received. Motion carried as follows:

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

IN RE: VIRGINIA PUBLIC SCHOOL AUTHORITY BOND SALE

The Chairman explained that a public hearing had been held on the issuance of general obligation bonds in the amount of \$2,000,000 to complete construction of the new high school. He reviewed proposed resolution R-30-88 which would authorize the issuance of the general obligation school bonds, Series 1988, to be sold to the Virginia Public School Authority and setting forth the form and details thereof. Motion was made by Mr. Boroughs to adopt resolution R-30-88 as presented and carried as follows:

Richard S. Ellyson	Aye
Paul C. Robinson	Aye
Robert A. Boroughs	Aye
Paul C. Robinson	Aye

FOR RESOLUTION R-30-88 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGES 68-76.

IN RE: CHAPTER 8 AMENDMENT - SEPTIC TANK PERMITS

The Chairman explained that a public hearing had been held earlier in the meeting on an amendment to Chapter 8 of the New Kent County Code as it relates to the issuance of septic tank and well permits. He stated that proposed ordinance O-9-88 would delete all reference to fees collected by the County for well and septic tank permits as they were now being collected by the local health department. Motion was made by Mr. Boroughs to adopt ordinance O-9-88 as presented and carried as follows:

Richard S. Ellyson	Aye
Paul C. Robinson	Aye
Robert A. Boroughs	Aye
Paul C. Robinson	Aye

FOR ORDINANCE O-9-88 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 77.

IN RE: CHAPTER 7 AMENDMENT - SOLID WASTE COLLECTION

The Chairman explained that a public hearing had been held earlier in the meeting on proposed ordinance O-10-88 which would amend Chapter 7 of the New Kent County Code as it relates to the County's collection sites.

Following discussion of the ordinance, it was decided to change the proposed ordinance by deleting "or panel truck" from Section 7-12 subsection J and adding a sentence to that subsection which reads, "No

stumps and land clearing debris will be accepted at the main refuse collection site or at any collection container site".

Motion was made by Mr. Boroughs to adopt ordinance O-10-88 as amended. Following discussion, motion was made by Mr. Robinson to amend Mr. Boroughs' motion by changing Section 7-12 subsection I by adding a sentence to read, "Such items except for motor vehicles will be accepted at the main collection site". Mr. Robinson's amendment to Mr. Boroughs' motion carried as follows:

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

Mr. Boroughs' motion to adopt ordinance O-10-88 as amended carried as follows:

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

FOR ORDINANCE O-10-88 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR, AT PAGES 78-79.

IN RE: TAX RATES AND FEE SCHEDULE REPORT

The Chairman explained that at the July Board meeting, the Board instructed staff to prepare a report on taxation alternatives available and the fee schedules currently used by the County. He stated that there were two reports prepared by the County Administrator on each subject and they had been included in the Board's agenda packet.

The County Administrator stated that the information available was inexhaustive and that discussion on these topics could be extensive. Therefore, he recommended that the Board refer the study of taxation and licensing alternatives to a committee composed of the Board's Finance Committee, the Treasurer, Commissioner of Revenue and the County Administrator. He further recommended that the study of the County's fee schedule be referred to a committee comprised of the Board's Public Works Committee, the Director of Public Safety, the Director of Planning, and the County Administrator.

The Chairman stated that since he served on both the Finance Committee and the Public Works Committee, it was his desire to have Mr. Ringley serve in his place on the committee suggested to study the fee schedule.

Following discussion, motion was made by Mr. Boroughs to accept the recommendation of the County Administrator and form two committees consisting of the Board's Finance Committee, the Treasurer, Commissioner of Revenue and the County Administrator to review taxes and licenses, and a committee consisting of Mr. Ringley, Mr. Boroughs, the Director of Public Safety, the Director of Planning and the County Administrator to review the fee schedule for building and planning fees. Motion carried as follows:

Richard E. Ellyson	Aye
E. David Ringley	Aye

Robert A. Boroughs Aye
Paul C. Robinson Aye

IN RE: 1988 DROUGHT DISASTER

Mr. Clifton Davis, Farm Extension Agent, was present to give the Board a report on the summer drought. He explained that the drought had caused a 65% or more decrease in corn yields, 30% or more decrease in soybean yields and production of vegetables was severely reduced.

The Chairman reviewed proposed resolution R-31-88 which would declare a state of emergency in New Kent County and petition the Governor of Virginia to determine that the County of New Kent is a disaster area so that area farmers may obtain relief through the appropriate federal programs. Motion was made by Mr. Boroughs to adopt resolution R-31-88 as presented and carried as follows:

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

FOR RESOLUTION R-31-88 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 80.

IN RE: GYPSY MOTH EDUCATIONAL PROGRAM – APPROPRIATION

Mr. Clifton Davis, Farm Extension Agent, explained that the gypsy moth infestation was spreading to this part of Virginia and that the residents of New Kent County needed to be educated as to what to expect and how to handle the situation. He requested a \$100.00 appropriation from the Board to fund an educational program on the gypsy moth with the understanding that the state would refund \$50.00 back to the County. Ms. Debbie Gregory of the Department of Agriculture and Consumer Affairs stated that the gypsy moth infestation was not only an environmental problem but a public nuisance.

Motion was made by Mr. Ringley to appropriate \$100.00 to the gypsy moth educational program with the stipulation that \$50.00 be refunded to the County by the State. Motion carried as follows:

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

IN RE: CLIFTON W. DAVIS COMMENDED

The Chairman explained that Clifton W. Davis, New Kent County's Farm Extension Agent, had been recognized nationally by the National Association of County Agricultural Agents and received the Distinguished Service Award. He further stated that a proposed resolution (R-32-88) had been prepared which commended Mr. Davis for this national recognition.

Following discussion, motion was made by Mr. Boroughs to adopt resolution R-32-88 as presented and carried as follows:

Richard E. Ellyson Aye

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

FOR RESOLUTION R-32-88 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 81.

IN RE: SOCIAL SERVICES DEPARTMENT APPROPRIATION REQUEST

Social Services Director, Marianne Powell, addressed the Board concerning an \$11,990 shortfall in the Social Services FY 1988-89 budget due to a cut in state funding. She reviewed the Social Service Programs available through her department and the agency imposed reductions resulting from the state allocation.

Ms. Maggie Yancey, Chairperson of the Board of Social Services, explained that it was their Board's policy to not give raises to their employees if it means a reduction in services. Therefore, they had opted to give no cost of living increase to the Social Services' employees.

Mr. Ringley, the Board of Supervisors' representative on the Board of Social Services, explained that they reviewed all bills from the Social Services Department prior to payment and that there was no flagrant spending by that department.

The Chairman asked for a recommendation from the County Administrator since he had been working closely with the Social Services Department on their budget. County Administrator, Garrett Hart, stated that it was his recommendation that the Board of Social Services grant the employee's raises in accordance with Commissioner Jackson's directive and that any additional County funding be delayed until the State completes their review of the Social Services' budget.

Motion was made by Mr. Ellyson to take the matter of the Social Services Department's request for additional funding under consideration. Motion carried as follows:

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

IN RE: LITTER CONTROL GRANT AUTHORIZED

The Chairman explained that the County of New Kent was eligible for a litter control grant in the amount of \$3,000 from the Department of Conservation and Historic Resources and proposed resolution R-33-88 authorized the County Staff to apply for the grant. Motion was made by Mr. Boroughs to adopt resolution R-33-88 as presented and carried as follows:

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

FOR RESOLUTION R-33-88 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 82.

IN RE: BUILDING PERMIT AND SEPTIC TANK FEES REFUNDED

The Chairman reviewed proposed resolution R-34-88 which would authorize the County Treasurer to refund \$332 to Mr. Charles H. Hale for a building permit fee. Mr. Hale withdrew his application prior to any construction or inspections being made. The resolution would also authorize \$50.00 each to Jere M. Harris and Susan M. Wright for septic tank fees paid to the County.

Motion was made by Mr. Ringley to adopt resolution R-34-88 as presented and carried as follows:

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

FOR RESOLUTION R-34-88 AS ADOPTED, SEE BOARD OF SUPERVISORS ORDER BOOK, APPENDIX BOOK FOUR AT PAGE 83.

IN RE: MEETING SCHEDULE

The Chairman announced that the next regular meeting of the Board of Supervisors would be held on October 10, 1988 and a joint public hearing with the Planning Commission would be held on October 18, 1988. The Chairman informed the Board Members that a day meeting would probably be necessary during the week of October 11th for the VPSA bond sale.

The Finance Committee set a meeting on Tuesday, September 27, 1988, at 6:30 p.m. to review the County's year end budget and the Social Services Budget request.

IN RE: CITIZENS COMMENT PERIOD

Mr. George Philbates submitted a petition to the Board regarding changing the name of Route 678 from Slatersville Road to Clark Road. Mr. Ellyson stated that the Board had yet to set up a policy for changing road names and requested that a street naming ordinance be ready for the Board's review at the next meeting.

Mr. Ringley asked about the status of Blue Cross/Blue Shield Health Insurance for County employees. Mr. Hart explained that he was negotiating with Blue Cross/Blue Shield to keep their group coverage plan with the County.

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

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

H. Garrett Hart, III
County Administrator

Paul C. Robinson
Chairman