

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 30th DAY OF JUNE IN THE YEAR TWO THOUSAND TEN OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 3:00 P.M.

IN RE: CALL TO ORDER

Chairman Sparks called the meeting to order.

IN RE: ROLL CALL

Thomas W. Evelyn	Absent
David M. Sparks	Present
James H. Burrell	Present
Stran L. Trout	Present
W. R. Davis, Jr.	Present

All members were present, except Mr. Evelyn who was reported to be on vacation.

IN RE: SMALL AREA PLAN DEVELOPMENT

Director of Community Development George Homewood introduced Frank Cox, President of Cox & Co. and summarized the Virginia Department of Transportation (VDOT) Urban Development Area (UDA) grant applied for in October 2009. Mr. Homewood explained that the Tier II grant would enable the County to develop two Small Area Plans – one for Providence Forge and the other for Bottoms Bridge – and from the work done as part of the planning process, designate at least one UDA within the County for further analysis and implementation.

Mr. Cox provided background information on his company, advising that Cox & Co. was one of four consulting firms selected as part of the project. He congratulated New Kent for being one of only 24 communities selected for funding the Small Area Plans. He reviewed the steps of the study and indicated that the project would show that there was an economic benefit to planning out for 20 years, as well as providing an opportunity to plan “the way it should be done in the 21st Century”. He reported that he was aiming for adoption in the summer of 2011.

Mr. Davis asked about the source of the funding and Mr. Homewood explained that the funds were both Federal and State.

Mr. Sparks asked if another UDA would be adopted next year and Mr. Homewood said that the County would have an opportunity to decide how much emphasis would be put on each area.

Discussion continued about the lack of public sewer in Providence Forge.

Mr. Sparks asked that Mr. Homewood keep the Board abreast of the progress of the project.

IN RE: VISITABILITY

Mr. Homewood briefly spoke about “visitability”, the idea of planning ahead for all stages of a person’s life, those who come to visit, and those temporarily disabled, and to allow people the opportunity to gracefully and securely age in place. He stated that most community

structures accommodated these needs but many private residences did not. He added that there was an opportunity through the Comprehensive Plan process to establish a few basic policies to add accessibility for all, such as zero-step entrances, bathroom or half bath on the entry level, interior doors with at least 32 inches of clearance, and features such as accessible electrical controls and lever-style door handles. Mr. Homewood stressed the fact that these policies were not to make a building ADA-compliant but accessible, and when addressed before the fact, the cost was virtually immaterial.

Mr. Sparks asked if the goal was to get these policies in the Comprehensive Plan and then mandate them down the road. Mr. Homewood stated that he wasn't sure the County could mandate it under the Code of Virginia.

Mr. Trout asked about the receptiveness of the development community to the policies. Mr. Homewood replied that many were already doing these things on their own.

The Board thanked Mr. Homewood for his time.

IN RE: FINANCIAL SERVICES REQUESTS

Before the Board was a request to approve the following financial items:

1. FY09/10 Supplemental Appropriations:
 - a. Funds received to date for Fire-Rescue revenue recovery for Fire-Rescue personnel, \$4,991.00
 - b. Funds donated to the New Kent Animal Shelter, \$289.50
 - c. Funds donated for various items, \$290.48
 - d. Federal funds for a Fire-Rescue grant to enhance the current Emergency Operations Center (EOC), \$15,714.00
 - e. Insurance proceeds for Fire-Rescue and Sheriff vehicle accidents in May 2010, \$1,306.00
 - f. Funds for supplemental security from the Sheriff's Office and Fire-Rescue for May and June, \$53,265.00
 - g. Funds for surplus Fire-Rescue items sold on GovDeals, \$811.64
 - h. Parks & Recreation program revenue received in excess of budget, \$6,000.00
 - i. Funds received from DMV Stop Fees in the Treasurer's Office, \$560.00
 - j. Charge card fees collected in excess of budget for offsetting expenditures associated with charge card fees, \$255.00
 - k. Program income received to date for FY10 from CDBG Plum Point grant participants, \$710.04

\$(84,192.66)	Total
\$ 84,192.66	Money In/Money Out

2. FY10 Carry Forward Appropriations
 - a. FY09 funds from Utility fund balance for the Courthouse Utility project, \$8,905.00

\$(8,905.00)	Total
\$ 8,905.00	Money In/Money Out

3. FY09/10 Inter-Departmental Budget Transfers
 - a. *Information Technologies*: \$3,847 from various budgets for new folder/sealer

- b. *Board of Supervisors*: \$4,000 from Financial Services line items to cover advertising

Mr. Burrell moved to approve the Supplemental Appropriations, Carry Forward Appropriations, and Interdepartmental Budget Transfers as presented. The members were polled:

Thomas W. Evelyn	Absent
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye

The motion carried.

Before the Board for consideration was Resolution R-27-10, declaring the County's intention to reimburse itself from the proceeds of one or more tax-exempt financings for expenditures made in connection with capital improvement project.

County Administrator G. Cabell Lawton, IV discussed the reimbursement resolution and its purpose to permit the County to reimburse the County's general fund with monies from a later tax-exempt financing.

Mr. Trout moved to adopt Resolution R-27-10 as presented. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Absent
David M. Sparks	Aye

The motion carried.

IN RE: SOCIAL SERVICES POSITION

Before the Board for consideration was a request for local funding to retain a Human Services Assistant III (Screener) position for FY11.

Director of Social Services Michelle Cowling briefed the Board on the history of the position, for which American Recovery and Reinvestment Act funding ended on June 30, 2010.

Mr. Davis questioned the timeline for filling the position and Ms. Cowling said that she would have to advertise and fill the position within 50 days.

Mr. Trout asked about the new Health & Human Services building and if Ms. Cowling felt that the new location had resulted in more clients. Ms. Cowling replied that she did attribute a higher case load to the new location, as well as a struggling economy and Social Services staff that was very accommodating.

Mr. Burrell moved to transfer \$8,223 in local-only funds from the General Fund Contingency to the Social Services budget and to appropriate \$30,254 in State revenue to the Social Services budget for the Human Services Assistant III (Screener) position for FY11. The members were polled:

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Absent
James H. Burrell	Aye
David M. Sparks	Aye

The motion carried.

IN RE: 2010 BOARD OF EQUALIZATION

Board of Equalization Chairman Michael Lane addressed the Board saying he felt compelled to appear and expand on the success of the 2010 Board of Equalization (BOE) process. He attributed much of the success to the Commissioner of the Revenue's staff, advising that about 75% of factual errors were corrected by staff prior to the BOE's being seated. He reported that of the 296 appeals received, the BOE reduced only three with a total reduction value of \$82,500. Mr. Lane said that it had been helpful to have the Commissioner's staff present to defend their findings.

Mr. Lane also commended BOE Secretary Gwen Ellyson and attributed much of the success of the 2010 BOE to her organization skills and knowledge of the County and process. His recommendation to the Board of Supervisors for 2012 was to continue to support the components which made 2010 successful.

The Board thanked the BOE and all staff present for their hard work.

IN RE: CONSTRUCTION UPDATE ON PUBLIC UTILITIES PROJECTS

Director of Public Utilities Larry Dame gave a PowerPoint presentation updating the progress of the expansion work at the Parham Landing Wastewater Treatment Plant as well as the Reclaimed Waterline project. He added that the expansion work remained on track for completion by the end of the year. He explained that the upgrades at Parham Landing were designed to meet the new Chesapeake Bay Regulations for Nutrient Removal, and with the increased capacity, the Chickahominy plant, which could not meet the nutrient removal regulations, would be closed.

He reported that he had recently made the first submittal for reimbursement under the Water Quality Improvement grant of approximately \$1.6 million for the upgrades at Parham Landing and that total reimbursement for the project would be around \$2.8 million. He said there would be no need for additional borrowing for the project. He also reported that the County had received \$3.9 million in American Recovery and Reinvestment Act funds to pay for the work to the reclaimed waterline project.

IN RE: PARKING IN A DESIGNATED FIRE LANE

Legal Intern Christopher Robbins briefed the Board on the need to amend the ordinance regarding parking in a designated fire lane. He explained that the current ordinance assessed different fine amounts, depending on whether a defendant appeared in Court or prepaid, and General District Court Judge Jeffrey Shaw had been assessing the same fine to everyone. He indicated that the proposed amendment would make the penalties for the ordinance uniform whether a person chose to appear in court or pre-pay. It was noted that the change in the ordinance was scheduled for public hearing in July.

The Board took a short break and then resumed the meeting.

IN RE: REVENUE RECOVERY UPDATE

Fire Chief Tommy Hicks reported that since the contract with Diversified Ambulance Billing (DAB) was terminated and Fire-Rescue had been managing this process internally, the total number of claims accepted and processed was at 100% and Fire-Rescue had received 100% funding from ambulance transports as a result of accident responses. Chief Hicks dubbed the decision to manage internally "the best choice for the department and County".

Chief Hicks briefly addressed some current challenges with revenue recovery, including new Federal "Red Flag" laws. He reported that Fire-Rescue has just finished their yearly audit.

Mr. Burrell asked about the savings since March. Chief Hicks said that the County had saved approximately \$26,000 they would have paid to DAB and although reimbursements were up, it would take another year to fully realize the actual savings.

IN RE: COURTHOUSE TOWER REPLACEMENT PROJECT

Chief Hicks summarized issues with the current radio tower attached to the Administration Building and told Supervisors that staff was currently working with Clear Signal Towers, LLC, Inc. on securing public space for a new self-supporting tower as well as upgrading existing emergency communications equipment at the new site. He indicated that the project would include radio for schools, Fire-Rescue and the Sheriff's Office, and that the new tower would be shorter than the current one and would have two lights instead of three.

It was reported that there is \$35,000 in the FY11 budget for radio system upgrades.

County Attorney Michele Gowdy clarified that this project would not require a public hearing since it was a replacement tower.

Chief Hicks reminded the Board that New Kent County radio infrastructure upgrades had been added to the Comprehensive Plan as an addendum.

Chief Hicks also gave an update on Lanexa Fire Station 4 fundraising and progress.

IN RE: MEETING SCHEDULE

The Chairman announced that the next meeting of the Board of Supervisors would be held at 6:00 p.m. on July 12, 2010, in the Boardroom of the County Administration Building, New Kent, Virginia.

IN RE: CLOSED SESSION

Mr. Davis moved to go into Closed Session for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia about actual or probable litigation and public discussion would adversely affect the negotiating or litigating posture of the County and regarding specific legal matters that require advice. The members were polled:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Absent
James H. Burrell	Aye

Stran L. Trout	Aye
David M. Sparks	Aye

The motion carried. The Board went into closed session.

Mr. Davis moved to return to open session. The members were polled:

Thomas W. Evelyn	Absent
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye

The motion carried.

Mr. Davis made the following certification:

Whereas, the New Kent County Board of Supervisors has convened in a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed session was conducted in conformity with Virginia law;

Now there be it resolved that the Board hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open session requirements by Virginia law were discussed in closed session to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board.

The Chairman inquired whether there was any member who believed that there was a departure from the motion. Hearing none, the members were polled on the certification:

The motion carried.

IN RE: ADJOURNMENT

Mr. Burrell moved to adjourn the meeting. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Absent
David M. Sparks	Aye

The motion carried.

The meeting was adjourned at 5:10 p.m.