

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 12th DAY OF JULY IN THE YEAR TWO THOUSAND TEN OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

Chairman Sparks called the meeting to order.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Burrell gave the invocation and led the Pledge of Allegiance.

IN RE: ROLL CALL

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

All members were present.

IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Approval of Minutes
 - a. June 14, 2010 business meeting
2. Miscellaneous
 - a. Reclaimed Water Use Agreement with Colonial Downs
 - b. Employer Adoption Agreement with Virginia Retirement System to offer Group Long Term Care Insurance Program
 - c. Resolution R-29-10 in appreciation of E. Taylor Moore, Jr. and E. T. Moore Manufacturing, Inc. for donation of kiosks
 - d. Resolution R-30-10 in support of developing a broadband system plan for New Kent County
 - e. Road name additions (*Oakmont Villas, Phase V*)
 - i. Cartgate Lane
 - ii. Ginger Drive
 - iii. Pilmour Drive
 - iv. Heathery Drive
3. Refunds
 - a. \$600 to Johnson Marketing for cancelled cultural events fee
4. FY10 Appropriations
 - a. Funds received to date for Fire-Rescue Revenue Recovery for Fire-Rescue personnel, \$8,064.00
 - b. Funds donated to the New Kent Animal Shelter, \$185.00
 - c. Regional Surface Transportation Program funds for the Bicycle Signage project, \$25,000.00

- d. Funds received by Cooperative Extension from outside sources for sponsorship of programs, \$2,000.00
- e. Funds received from vending machine sales for employee Christmas parties, \$127.25
- f. Funds from Utility fund balance for planning of trees as part of an Easement Agreement for the wastewater treatment plant expansion project, \$13,000.00
- g. Correct June appropriation for insurance proceeds for Fire-Rescue and Sheriff vehicles, \$1,964.00
- h. Amend June appropriation for supplemental security from the Sheriff's Office for the May Strawberry Hill races, \$1,437.00
- i. Funds received for DMV stop fees in the Treasurer's Office, \$340.00
- j. Charge card fees collected in excess of budget for offsetting expenditures associated with charge card fees, \$239.00

Total Supplemental Appropriation:

\$(47,518.25)	Total
\$ 13,000.00	From Fund 98 – Utilities Fund Balance
\$ 34,518.25	Money In/Money Out

5. FY11 Appropriations

- a. Federal funds from the Department of Criminal Justice for the Byrne Justice Assistance Grant 10-L1160LO09 for law enforcement equipment for the Sheriff's Office, \$2,352.0
- b. Funds received from Davenport & Company, LLC for the FY11 New Kent University program, \$1,600.00
- c. Adjust the FY11 Adopted Budget for the Schools to reflect reduced student sports travel fees, \$13,000.00

Total Supplemental Appropriation:

\$(9,048.00)	Total
\$ 9,048.00	Money In/Money Out

6. FY11 CARRY FORWARD APPROPRIATIONS

- a. Donations received for the Sheriff's Honor Guard, \$1,087.98
- b. FY10 Capital funds for a vehicle for the Community Development Environmental Department, \$16,000.00
- c. FY10 Capital funds for voting equipment, \$7,593.96
- d. ISTEA grant funds for sidewalk and village improvements, \$199,500.00

Total Supplemental Appropriation:

\$(224,181.93)	Total
\$ 159,600.00	Money In/Money Out
\$ 1,087.98	From Fund 1 – General Fund Balance
\$ 63,493.96	From Fund 7 – Capital Fund Balance

7. FY10 Inter-Departmental Budget Transfers

- a. *CDBG Plum Point Grant*: \$759.00 from Prof. Management Services to Salary line items
- b. *General Registrar*: \$3,000 from Meeting Compensation to Voting Equipment

8. Treasurer's Report: Cash in Bank as of May 2010: \$48,356,077.77

Mr. Burrell moved to approve the Consent Agenda as presented and that it be made a part of the record. The members were polled:

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

The motion carried.

Mr. Burrell noted that included on the Consent Agenda was a resolution thanking County resident E. Taylor Moore for his donation of time and materials for the new information kiosks.

IN RE: CITIZENS COMMENT PERIOD

Chairman Sparks opened the Citizens Comment Period.

There being no one signed up to speak, the Citizens Comment Period was closed.

IN RE: PHOTO CONTEST

County Attorney Michele Gowdy announced and presented certificates to the finalists in the *Snapshot of New Kent* photo contest held in connection with National County Government Month. The winner was Craig Clark with an honorable mention to Suzanne Reamy.

IN RE: VIRGINIA JUVENILE COMMUNITY CRIME CONTROL ACT PROGRAM

Before the Board for consideration was a request for a transfer and carry forward of FY10 funds from the Court services budget to the Virginia Juvenile Community Crime Control Act (VJCCCA) Program. Court Services Director Tom Gooding and Program Coordinator Sherry Tate were in attendance.

Mr. Gooding advised that recent State funding cuts for the VJCCCA program caught them unaware and he apologized that the funding request had not been included in the normal budget process. He explained that they were requesting from participant localities that unexpended FY10 funds be transferred and carried forward to FY11 to help make up the shortfalls. He spoke about how this program saved its localities money by offering a less expensive alternative to detention. He indicated that if the 30 juveniles from New Kent that were monitored through the program last year had been placed in detention instead, the cost to the County would have been about \$92,000. He advised that the program offered a better alternative and provided an opportunity to see how these juveniles would perform in the community "with short strings".

Board members commended Mr. Gooding and Ms. Tate for their hard work.

Mr. Burrell moved to approve a transfer of \$13,750 of FY10 unspent Court Services Budget funds to the Virginia Juvenile Community Crime Control Act program and carrying these funds forward from FY10 to FY11 in the VJCCCA budget. The members were polled

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

The motion carried.

IN RE: NORTH TAXIWAY AT THE AIRPORT

Before the Board for consideration was a request for a transfer of funds from the General Fund contingency to the Airport budget to complete preliminary engineering on the north taxiway.

Airport Manager Bill Kelly explained that he was requesting \$8,000 to begin a preliminary study to develop a taxiway on the north side of the Airport, as ordered by the Court. He indicated that the study would determine the best way to move forward with the project and should take a couple of months. He clarified that this was just the beginning of the process.

Mr. Trout moved to transfer \$8,000 from General Fund contingency to the Airport Fund for the purpose of completing preliminary engineering on the north taxiway. The members were polled:

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

The motion carried.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Davis reported that the *Arts Alive* 2010 summer arts camp had 150 participants, with 67 of those being from New Kent.

Mr. Trout spoke about a recent article in the local newspaper regarding his neighbor, a New Kent High School graduate, having returned from a trip to China, and he also requested help in locating information on Frank's Tavern which was at one time located on Cook's Mill Road and had been visited by General George Washington and General Rochambeau on their way to the Battle of Yorktown.

Mr. Burrell spoke about the upcoming Virginia Derby as well as recent traffic fatalities and the importance of using seatbelts.

Mr. Evelyn welcomed Michele Gowdy to her first meeting as the full-time County Attorney and asked that she advise the Board by its next meeting as to her recommendations regarding his previous request to eliminate the Legal Document Review fee.

Mr. Sparks echoed the welcome to Ms. Gowdy. He also commented about the importance of wearing seatbelts, especially in light of the proposed increase in the speed limit on I-64 through New Kent. He spoke about the recent high temperatures and humidity and

reminded that a cooling station would be opened at Fire Station One when conditions warranted.

IN RE: STAFF REPORTS

County Administrator Cabell Lawton reported that the County had recently received an unsolicited proposal under the Public Private Education Act (PPEA), which allowed the private sector to submit proposals to the public sector. He advised that this was the first unsolicited PPEA proposal received by New Kent and involved renovations to the historic school buildings for just under \$3.4 million. He indicated that the proposal and the County's PPEA policy were under review, and staff would report back to the Board once those reviews were complete.

He reported that the possibility of imposing a burn ban had been discussed with the Fire Chief and it had been decided to wait to see how much rain was received in the upcoming week. Fire Chief Tommy Hicks explained that he had several meetings with the Virginia Department of Forestry and that the moisture content was being continually evaluated to determine if a burn ban should be instituted. He advised that decision should be made by the end of the week and confirmed that the majority of New Kent was in the "high risk" category.

Mr. Davis asked about the frequency of fires along the interstate. Chief Hicks advised that fires along I-64 and Route 60 were often caused by discarded cigarettes, or because of high grass that caught fire from hot catalytic converters on parked vehicles. He indicated that the reduced mowing schedule had contributed to that problem and was being addressed through the Transportation Safety Commission.

It was reported that water restrictions were not yet needed but may be required if there continued to be a lack of rain.

IN RE: DISTRICT APPOINTMENTS

Mr. Burrell moved to appoint Lavonne Allen as District Three's alternate representative to the Historic Commission to complete a four-year term ending on December 31, 2013.

Mr. Burrell moved to appoint Lorraine Dismond as a District Three representative to the Transportation Safety Commission to serve a four-year term ending December 31, 2013.

Mr. Trout moved to appoint Susan Burdette as a representative to the Affordable Housing Advisory Committee to complete a term ending December 30, 2011.

Mr. Trout moved to appoint Susan Brucker as District Four's representative to the Heritage Library – Board of Trustees to serve a four-year term beginning July 1, 2010 and ending June 30, 2014.

The members were polled:

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

The motion carried.

IN RE: NON-DISTRICT APPOINTMENTS

Mr. Davis moved to appoint Betty Wallace as New Kent's representative to the *Arts Alive* Board of Directors to serve a three-year term beginning July 2, 2010 and ending July 1, 2013.

The members were polled:

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

The motion carried.

IN RE: CLOSED SESSION

Mr. Davis moved to go into Closed Session to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia involving performance and assignment and accepted an amendment to his motion from Mr. Trout to add negotiation of a proposed contract; for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving actual or probable litigation; and accepted an amendment to his motion from Mr. Burrell for discussion relating to business and industrial development pursuant to Section 2.2-3711A.5 of the Code of Virginia involving prospective or expansion of business or industry. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	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:

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	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:

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

The motion carried.

IN RE: PARKING IN A DESIGNATED FIRE LANE

Before the Board for consideration was Ordinance O-05-10 amending the New Kent County Code, Chapter 30, Article V, Section 30-94, Parking in a Designated Fire Lane.

County Attorney Michele Gowdy explained that the County's current ordinance had different fines for this offense, depending on whether the person charged appeared in Court or not, and those inconsistencies were not acceptable to the judges. She indicated that the proposed amendment would make the fine the same for everyone.

The Chairman opened the Public Hearing.

There being no one signed up to speak, the Public Hearing was closed.

Mr. Davis moved to adopt Ordinance O-05-10 as presented. The members were polled:

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

The motion carried.

Mr. Davis cautioned that many traffic fines had increased on July 1, 2010 and warned everyone to be careful.

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 August 9, 2010, and the next work session at 3:00 p.m. on July 28, 2010, both in the Boardroom of the County Administration Building, New Kent, Virginia.

It was announced that plans were to have a live broadcast of the August 9 meeting on Cox Channel 48.

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	Aye
David M. Sparks	Aye

The motion carried.

The meeting was adjourned at 7:25 p.m.