

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 13th DAY OF SEPTEMBER 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. July 28, 2010 work session
 - b. August 8, 2010 business meeting
2. Miscellaneous
 - a. Resolution R-48-10 proclaiming October 3 – 9, 2010 as National 4-H Week in New Kent County
 - b. Resolution R-49-10 requesting reconsideration of restrictions on recreational herring fishing
 - c. Resolution R-50-10 to support bicycling in New Kent County
 - d. VACo 2010 Annual Meeting Voting Credentials Form
 - e. Road name additions:
 - i. Mill Isle Way
3. FY10 Supplemental Appropriations
 - a. Funds for Court-ordered fire suppression recovery for Fire-Rescue for FY10, \$8,250
 - b. Funds received to date for Fire-Rescue revenue recovery for Fire-Rescue personnel and funds expected for services through June 30, 2010, \$92,238
 - c. Funds received in excess of budget for purchase of Airport fuel/oil to cover Airport fuel/oil expenditures in excess of budget, \$8,908
 - d. County capital funds to School capital for the Re-roof Existing High School Project to be transferred to the High School to Middle School Conversion/Construction, \$198,820

- e. Capital funds for the Human Services Building and utility connection fees at the Sheriff's Annex, \$83,743

Total Supplemental Appropriation:
\$(391,959.00) Total
\$ 183,153.00 From Fund 98 – Utilities Fund Balance
\$ 208,806.00 Money In/Money Out

- 4. FY10 Supplemental Appropriations
 - a. School capital funds for the School Bus Garage, \$1,494.00

Total Supplemental Appropriation:
\$ (1,494.00) Total
\$ 1,494.00 From Fund 3 – School Capital Fund balance

- 5. FY11 Appropriations
 - a. Funds for supplemental security from the Sheriff's Office and Fire-Rescue for July and August, \$28,844.00
 - b. Funds donated to the New Kent Animal Shelter, \$1,810.00
 - c. Funds received from vending machine sales for employee Christmas parties, \$219.54
 - d. Funds received for reimbursement of an AED purchased for Corinth Baptist Church, \$1,552.00
 - e. Funds received for reimbursement for a prisoner extradition trip in July, \$908.00
 - f. Funds received for gifts and donations, \$2,597.50
 - g. Funds received for insurance proceeds for a Sheriff's vehicle involved in an accident in July, \$461.00

Total Supplemental Appropriation:
\$(36,392.04) Total
\$ 36,392.04 Money In/Money Out

- 6. FY11 CARRY FORWARD APPROPRIATIONS
 - a. School Capital funds for the high school to middle school conversion to be transferred to Elementary School Renovations for connection of the utility system, \$254,581.30
 - b. Various FY10 Capital funds to FY11 for unfinished Parks & Recreation projects to be completed in FY11, \$760,253.57
 - c. FY10 grants, General funds and Capital funds for various Fire-Rescue projects to be completed in FY11, \$164,891.30
 - d. Correct August carry-forward for Airport Fund. Funds will be in Airport fund to Carry forward instead of from the Capital/General fund, \$46,828.00
 - e. Computer funds for three E-911 computers, \$6,600
 - f. FY10 unspent Human Resources funds to purchase employee identification software/equipment and promotional items in FY11, \$10,804.00
 - g. E-911 grant received from the Virginia Wireless E-911 Services Board, \$124,373.25
 - h. FY10 funds to FY11 for close out of the DMV Smart, Safe & Sober grant for the Sheriff's Office, \$3,899.31

- i. Additional funds received in previous years for Extension programs sponsored by outside sources, \$34.63

Total Supplemental Appropriation:

\$(1,325,437.36)	Total
\$ 512,880.27	Money In/Money Out
\$ 33,402.29	From Fund 1 – General Fund Balance
\$ 299,470.07	From Fund 7 – Capital Fund Balance
\$ 254,581.30	From Fund 3 – School Capital Fund Balance
\$ 171,675.43	From Fund 20 – Meals Tax Fund Balance
\$ 46,828.00	From Fund 97 – Airport Fund Balance
\$ 6,600.00	From Fund 800 – Computer Fund Balance

- 7. FY10 Inter-Departmental Budget Transfers
 - a. *Sheriff*: \$55,395 from Workers Comp and Gasoline to Purchase of Jail Space
 - b. *Fire-Rescue*: \$48,993 from Group Life Insurance, VRS, Hosp/Medical Plans, Printing/Binding, Contingency, Electric Service, Heating Service, Janitorial Supplies and Repair/Maint. to Special Duty, FICA/Medicare and Part Time Salaries
 - c. *Fire-Rescue*: \$1,270 from State Forest Fire to Vehicle Fuel
 - d. *Fire-Rescue*: \$9 from Volunteer Insurance to Communications
 - e. *Personnel Shortfalls*: \$4,855 among salary line items for Airport and Utilities
 - f. *Personnel Shortfalls*: \$24,717 among salary lines for Commissioner of Revenue, Circuit Court, Sheriff, Building Inspections, E-911, Refuse, Parks & Rec, and Economic Development
 - g. *Travel (Subsistence & Lodging)*: \$455 from Community Development to County Attorney
 - h. *General Services*: \$35,143 from Contracted Refuse Collection to Overtime, County Recycling, Telecommunications Cellular, Dues & Memberships, Office Supplies and Rt. 612 Projects
 - i. *Circuit Court Judge*: \$694 from Compensation of Jurors/Witnesses to Mileage, Office Supplies and Books & Subscriptions
 - j. *Community Development*: \$18,065 from Reserved for Contingency to Street Signs – repair & replacement
 - k. *Unemployment Compensation*: \$8,234 from Reserved for Contingency and Social Services
 - l. *Public Utilities*: \$5,000 from Water & Sewer fund balance to DEQ-Water Supply Planning Grant
 - m. *General District Court*: \$7,784 from Postage and Reserved for Contingency to Furniture & Fixtures, Appointed Attorneys Fees, Maintenance Service Contracts, Lease/Rental Equipment, Office Supplies and Books & Subscriptions
 - n. *Sheriff*: \$1,130 from Mobile Data to Trash Removal
 - o. *Sheriff*: \$2 from Mobile Data Airtime to Animal Control
 - p. *Fire Rescue*: \$35,035 from Reserved for Contingency to Vehicle Repairs & Maintenance, Workers Compensation, and Communication Lines
 - q. *Community Development*: \$159 from Planning Commission Salary to Books & Subscriptions
 - r. *E-911*: \$100 from Group Life to Salaries & Wages
 - s. *Chickahominy Wastewater Treatment Plant*: \$27,750 from Contract Services and Repairs & Maintenance to Overtime, Water/Sewer Testing,

- Discharge Permits, Subscriptions & Dues, Insurance Damage/Recoveries, and Machinery & Equipment
- t. *Utilities Administration*: \$7,866 from Gasoline to Overtime, Part-time Salaries, Technical Support, Printing & Binding, Heating, Telecommunications, Telecommunications Equipment, Telecommunication Maintenance, Dues & Subscriptions, Travel, and Advertising
 - u. *Utility Fund*: \$5,286 from Repairs & Maintenance Supplies to On-call Pay, Contract services, Advertising, Postage, Telecommunications Equipment, Travel – Mileage, Subscriptions & Dues, Insurance Damages, Xerox Copies, Office Supplies, Vehicle & Powered Equipment, and Generator Maintenance
 - v. *Parham Landing Sewer*: \$2,750 from Repairs & Maintenance to Overtime, DEQ Reports, Water/Sewer Testing, Telecommunications and Dues & Association Memberships
8. FY11 Inter-Departmental Budget Transfers
- a. *Schools*: \$99,400 from School Contingency to Textbook Replacement line items
 - b. *Schools*: \$35,225.01 from Prior Year Lottery/Construction to Renovations/Improvements
9. Treasurer's Report: Cash in Bank as of July 2010: \$38,920,404.82

Mr. Evelyn pointed out that included in the Consent Agenda was a resolution requesting reconsideration of restrictions on recreational herring fishing, and he thanked Assistant County Administrator Bill Whitley for his help in drafting the resolution.

Mr. Burrell noted that also in the Consent Agenda was a resolution in support of bicycling and he spoke about the upcoming dedication of the County's new bicycle routes and encouraged interested riders to participate.

Mr. Trout 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.

IN RE: JAMESTOWN 4-H CAMP

Cynthia Rowles, Extension Agent, 4-H Youth Development, and Unit Coordinator for New Kent and Charles City County, thanked the Board for adoption of a resolution in the Consent Agenda recognizing 4-H Week in New Kent, and she noted that the purpose of the resolution had been to encourage citizens to become more involved in the 4-H program. She then reviewed a slide presentation of the 2010 Jamestown 4-H Camp, which promotes citizenship, leadership, and life skills for youth campers. She thanked the Board for its continuing support of the program.

Board members spoke about the Jamestown 4-H Camp and how they were happy that New Kent was able to participate.

IN RE: CITIZENS COMMENT PERIOD

Chairman Sparks opened the Citizens Comment Period.

Sylvia Hathaway had signed up to speak but asked to defer her comments until later on in the agenda when the Board would be accepting input on uses for the Historic School.

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

IN RE: MOORE/NATIONAL CELL TOWER APPLICATION

The Board had been scheduled to receive an update on the Moore/National cell tower application, which had been denied at a previous meeting. County Attorney Michele Gowdy reported that National Communication Towers had advised that it did not want any follow-up and would be forwarding correspondence to that effect. The Chairman indicated that the Board would wait for that correspondence and, if necessary, take the item up at a later date.

IN RE: HISTORIC SCHOOL, PART 1

Mr. Lawton reviewed that in response to the Board's request, solicitation of community input for ideas on uses for the Historic School had been advertised and input would be accepted at this meeting and in the future, as well as in writing, by fax or by email, and that all comments would be compiled for the Board's review at its September work session.

The Chairman opened the opportunity for community input.

Sylvia Hathaway of 9001 Crumps Mill Road spoke about using the cafeteria space to provide a central location for the feeding programs currently being sponsored by various churches as well as the Brown Bag program. She indicated that the space at the Cumberland Community Center currently being used by the Brown Bag program was insufficient and ill-suited for their needs, and there was urgency because they would need freezer storage space for 350 turkeys expected to be received in November. She advised that the Central Virginia Food Bank was also in favor of having one central county location in order to ease their food safety concerns. She explained how having one location would better serve their patrons and would provide much-needed storage space to allow for more nutritious offerings. She asked that the Board make a decision one way or another and she indicated that there were volunteers available to staff it.

Mr. Davis advised that he and County staff had been working on the issue. Mr. Lawton reported that Central Virginia Food Bank had declined a request to manage the site, and he was working with Quin Rivers Agency who managed similar programs in other areas and he hoped to soon have an organizing document for the Board's review. He indicated that staff had been unable to proceed with cleaning and testing the equipment because the School Board had discontinued electrical power to the site. He reported that once that had been done and the upfront costs had been determined, he planned to schedule a follow-up meeting with the churches, with the hopes of having something in place by November. Mr. Burrell advised that would be good since storage of the frozen turkeys was a pressing need.

Phillip Felts of 10001 New Kent Highway also spoke in favor of using the Historic School cafeteria as a central location for the food distribution programs. He described problems with using the Cumberland Community Center, which included lack of freezer and storage space, steps and a graveled parking lot that were difficult to navigate by both the elderly customers and volunteers, and reminded that he had previously met with both the School Board and the Board of Supervisors to try to obtain permission to use this facility for this purpose. He acknowledged that a ramp would need to be built but stated that he would "take care of that" and, if they were given the building, he and the organizations involved could "turn this thing around". He reported an estimated 1,200 people were being served every month and they "could do better" if they had more storage.

Catherine Gardy, Annabelle Brae, Mikaela Lobosco and Abagayle Mathis of Brownie Troop 177, along with their Troop Leader Marcia Gardy, were present and spoke in support of using the cafeteria space in the Historic School as a central location for the feeding programs. Ms. Gardy indicated that Brownie Troop 177 had adopted the Brown Bag program as its community services program, and that the Brownies had conducted a food drive at school, donated the proceeds from its nut sale, and had volunteered their time during the summer.

Linda Myers, a Brown Bag volunteer, also spoke in favor of using the cafeteria space for the food distribution programs. She spoke about how the cafeteria space would make it easier on the mostly older volunteers, as well as provide better access to the patrons. She invited Board members to visit the Brown Bag operation on delivery day to see what the volunteers and patrons had to go through in their current space. She encouraged the Board to help to "make our county a shining example" by providing space in the Historic School cafeteria where there was already plenty of equipment, which was suited to few other uses.

Mr. Sparks expressed his appreciation to those who spoke and to the volunteers who worked with the feeding programs and acknowledged that things could be made better for them.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Davis spoke about the continuing lack of rain and encouraged everyone to use caution and common sense when burning, and also when parking their cars in high dry grass. He asked about a burn ban and Fire Chief Tommy Hicks advised that they were continuing to monitor conditions to determine if a burn ban was warranted.

Mr. Trout announced details of upcoming events, including the County Fair and dedication of the County bicycle routes, and referred residents to his website for further information. He also spoke about a recent Dominion Virginia Power community services project at the Historic School. He noted that there were several items that needed Board action and asked the County Attorney to be prepared to talk about them at the next work session. Ms. Gowdy advised that she had a list of ordinances needing revisions and would be reviewing them with the Board.

Mr. Burrell also spoke about the Dominion Virginia Power project and thanked both Parks & Recreation Manager Kim Turner and Extension Agent Patty Townsend for their help in coordinating the event, as well as the Dominion Virginia Power employees who participated.

Mr. Evelyn reminded that school was back in session and encouraged drivers to be careful of the school buses. He also spoke about a recent fundraising car wash event to benefit the Humane Society, and thanked everyone involved for their efforts.

Mr. Sparks spoke about the upcoming Homearama to be held in Patriot's Landing.

IN RE: STAFF REPORTS

Mr. Lawton reminded about the upcoming community information and input-gathering sessions regarding the Comprehensive Plan update. Dates, times and locations were announced.

IN RE: DISTRICT APPOINTMENTS

There were none.

IN RE: NON-DISTRICT APPOINTMENTS

There were none. The Chairman noted that the Board needed to work to try to fill the vacancies.

The Board took a break until 7 p.m. when the meeting resumed.

IN RE: WATER SUPPLY PLAN

Assistant Public Utilities Director Mike Lang and Liz Sheessele of URS Corp were present to review the draft Water Supply Plan (WSP) for New Kent County.

Mr. Lang advised that the WSP, mandated by the State to determine sources of both potable and non-potable water, represented a significant investment of time and money over the past two years, and that staff was looking forward to comments from both the Board and the public so that the WSP could be finalized at the Board's next meeting and filed with the State before the November 2 deadline. He then introduced Ms. Sheessele, the author of the plan, to review its specifics with the Board.

Ms. Sheessele reviewed the objectives of the WSP, which were to guarantee a reliable, cost-effective, and sustainable potable water supply for the public; preserve water resources for other constructive uses; and to promote alternative processes for obtaining potable water. She indicated that Local and Regional Water Supply Planning Regulation 9VAC 25-780 required all counties, cities, and towns to develop a water supply plan or participate in a regional effort, and that based upon New Kent's population, its WSP was due by November 2, 2010.

She advised that components addressed in the WSP included existing water sources and uses; projected water demands through 2059; water management actions; identification of deficit/surplus and alternative analysis; and supporting maps. She explained that they looked at past water use to come up with existing conditions and considered all options for future solutions. She reviewed that New Kent was located in the Eastern Virginia Groundwater Management Area and relied solely on groundwater for its potable supply, with all withdrawals over a certain volume or for a particular use having to be approved by the Department of Environmental Quality (DEQ). She noted that the 2007 data for existing conditions reflected that 47% of the population (around 8,000) was served by community water systems and 53% by individual wells, with the majority of water consumption being residential in nature. She reported that there were 21 community systems, with 13 being County operated and 8 privately operated, with everyone else being on individual wells.

She explained that in developing the projections, they had used County population figures provided by Department of Community Development (DCD); the Comprehensive Plan's Future Land Use map and service area boundaries; and unit water demands and non-residential development ratios from the previous draft Master Water and Sewer Plan. She added that the DCD used dampened-down builder projections, which were very close to the actual development statistics in 2008 and 2009.

She indicated that the study reflected that by the end of 2059, the County's demand would be 6.71 million gallons per day (MGD), or 1.945 billion gallons per year (BGY), assuming a 20.6% demand reduction due to conservation activities, and that using an estimate of 1.432 BGY available from existing and planned sources, the anticipated 2060 deficit was 1.5 MGD.

Ms. Sheessele advised that in analyzing alternatives, they had looked at reservoirs, stream intakes, purchase agreements with other localities, environmental feasibility, acceptability, and available capacity, and had identified two options that were the most viable. The first was to purchase water from the City of Richmond and the second was to install a stream intake off of the Pamunkey River with reverse osmosis treatment. She added that the study had concluded that a reservoir would not be needed because the yield from the stream would be enough; however, there would be a problem of what to do with the residual brine. She pointed out that the analysis did not include the costs of these options, and warned that both options would be more expensive than using groundwater, and would likely require borrowing because the number of connections would not support a funding level. She added that a major water system expansion to connect the larger systems would be an additional expense.

She summarized that New Kent would have to develop a source capable of delivering 1.5 MGD of potable water by 2060, noting that some of the community water systems would likely exceed permitted withdrawals by 2020, and it was unknown whether additional allocations would be granted. She urged the County not to wait to "get something going" as it would no longer be able to depend solely on groundwater for potable water. She emphasized that the County was not required to develop any option identified in the WSP but was committed to continue looking for additional options.

There was discussion regarding when control of groundwater withdrawals came under the jurisdiction of DEQ. Mr. Davis commented that by 2060 it was likely that another agency would be in control and that the "game would change" again. Ms. Sheessele explained that this was the County's first WSP and once it was deemed to be compliant with regulations, it would be reviewed in five years and if there had been significant changes, it would require revisions, but otherwise would thereafter be reviewed every ten years. She indicated that although the State Water Control Board had not yet stated who would be doing the reviews, it was anticipated that they would be conducted by DEQ.

Mr. Burrell commented that if water was not available, then growth could not occur, and the population projections would not be accurate. He noted that taxpayers would not be willing to subsidize development, and he felt that infill was preferable since the infrastructure was already in place.

Mr. Lang advised that New Kent was between an area of need (the Peninsula) and an area of surplus (Richmond), which might be of some benefit.

Mr. Trout spoke about the problems that Woodhaven Water Company was having with renewing its groundwater withdrawal permit and how he felt it would best if the system were turned over to the County and a utility tax district developed to pay for debt service

and other costs that would be incurred. Mr. Sparks noted that there was a private system in Five Lakes as well that would also need to be addressed.

The Chairman opened the Public Hearing for comments on the Water Supply Plan.

Bill O'Keefe of 5450 Brickshire Drive spoke about the problems with using projections and predictions and how using the DWP to shape County policy could lead to unjustified water restrictions. He indicated that he understood that the County had no choice but to submit a WSP but he felt it was wrong to use it as a basis for decisions. He suggested that in the future the County consider participating in a regional rather than local plan.

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

Mr. Trout talked about a water study being conducted by the Richmond Regional Planning District Commission not directly related to the issue, but he agreed that a regional water supply plan made more sense.

When asked what would happen if the County did not submit the WSP, Mr. Lang advised that the County would be deemed to be non-compliant and would receive a notice of violation. He emphasized that there was nothing in the WSP that bound the County. It was reported that the cost of the study was \$150,000, which included some work that was related to some of the other utility plans.

Public Utilities Director Larry Dame reported that he had been appointed to the State's new Water Supply Plan Advisory Committee, made up of 26 members from communities, businesses, and professional organizations, and that he would share all of these concerns with that group.

When asked if climatologists' predictions of a decade of drought had been a factor in the study, Ms. Sheessele responded that the study did not take into account any drought speculation, but was based on withdrawal allocations and the average use for connections for the current types of neighborhoods. She pointed out that it did use projected savings from water conservation, voluntary or mandatory.

Chairman Sparks suggested that the Board members study the WSP and get their comments to the County Administrator so that they could be complied.

IN RE: CLOSED SESSION

Mr. Trout moved to go into Closed Session to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia, for discussion relating to real property pursuant to Section 2.2-3711A.3 of the Code of Virginia, and for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving actual or probable litigation. 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. Trout 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: SUBCOMMITTEE

The Chairman requested that Mr. Evelyn, Mr. Davis, and the County Administrator put together a subcommittee and report back to the Board regarding planning and review of environmental, subdivision, and zoning ordinances.

IN RE: HISTORIC SCHOOL, PART 2

There was additional discussion regarding the Historic School, including receiving additional input from the School Board and Library, the current PPEA, use of the cafeteria, and setting a special meeting to discuss the project. It was agreed to review the issue again at the next work session and set a special meeting devoted to the project.

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 Tuesday, October 12, 2010, and the next work session at 3:00 p.m. on September 29, 2010, both in the Boardroom of the County Administration Building, New Kent, Virginia.

IN RE: ADJOURNMENT

Mr. Davis moved to adjourn the meeting. 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.

The meeting was adjourned at 8:45 p.m.