

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 17TH DAY OF NOVEMBER 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

Vice Chairman Evelyn called the meeting to order and announced that Chairman Sparks would be arriving late.

IN RE: ROLL CALL

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| Thomas W. Evelyn | Present |
| David M. Sparks | Absent (arrived at 3:24 p.m.) |
| James H. Burrell | Present |
| Stran L. Trout | Present |
| W. R. Davis, Jr. | Present |

All members were present upon Mr. Sparks' arrival.

IN RE: COUNTY PROCUREMENT MANUAL

Assistant County Administrator Bill Whitley reviewed the draft of a new procurement manual. He advised that local governments were required to follow the State's program for large purchases but were given discretion to write their own procedures for purchases under \$50,000. He noted that the purpose of the new manual was to provide guidelines for all department heads and constitutional officers to follow, as well as provide consistency and a good paper trail. He pointed out that the new policy would require that purchases of \$2,000 or less be made through the purchase card procedure; purchases over \$2,000 but less than \$20,000 would require three documented telephone quotes; and purchases over \$20,000 but less than \$50,000 would require a minimum of four written bids as well as approval by the County Administrator. He noted that New Kent's current policy required that purchases over \$20,000 go through a formal bidding policy, and although this would be a significant change, it would provide local businesses a better chance to compete for County contracts. He indicated that included in the manual were sections providing for sole source purchasing and emergency procurements, as well as purchasing through State contracts, and forms for all types of purchasing.

There was discussion regarding sole source purchases. Mr. Whitley reviewed that any sole source purchase under \$50,000 would need to be approved by the County Administrator, and anything above \$50,000 would require approval by the Board of Supervisors.

There was discussion regarding difficulty in obtaining written bids for some purchases. County Attorney Michele Gowdy indicated that the procedure would require documentation as to why the minimum number could not be obtained.

Mr. Whitley predicted that there would be some "grumbling" from staff at first but that once trained, it would be an easier process for everyone.

The Board was advised that a public hearing would be required to add the procurement policy to the New Kent County Code, and there were no objections to scheduling the public hearing for the December 13 business meeting.

IN RE: BOARD POLICY FOR COMMENDATION RESOLUTIONS AND CERTIFICATES

Mr. Trout reviewed his request that the Board set a policy involving resolutions or certificates relating to commendations or recognitions. He spoke about how some would be presented at Board meetings and others at separate places outside of Board meetings. He suggested that any such resolution should be of a non-controversial nature and require sponsorship of a Board member and approval from the Chairman prior to being placed on a consent agenda.

It was suggested that such a policy be added to the Board's bylaws for consideration as part of its annual reorganization process.

IN RE: COUNTY POLICY FOR WAIVING FEES FOR NON-PROFIT OR CHARITABLE CONSTRUCTION

Mr. Trout reviewed his recommendation that a policy be created regarding the waiving of fees for non-profit or charitable construction. He explained that he had been approached by Housing Partnerships, who was anticipating doing some work in New Kent and would be asking that fees be waived. It was noted that fees were waived for the houses built by Habitat for Humanity. He suggested that such policy should authorize the County Administrator to waive fees on a case-by-case basis, and in the event he did not feel comfortable with a request, he could bring it to the Board of Supervisors.

Mr. Lawton advised that he would draft a policy for the Board's consideration.

IN RE: COUNTY FACILITY RENTAL FEES

Board members relayed concerns from some of the local non-profit organizations about fees being charged for the use of County School facilities. Staff advised that in light of the School Board's contract with a custodial contractor, there had been some fee issues and the Parks and Recreation staff was working on a new proposal for consideration.

Mr. Lawton advised that he would meet with the parties involved and report back to the Board.

Mr. Sparks arrived 3:24 p.m. and apologized for being late.

IN RE: HISTORIC SCHOOL

Mr. Trout suggested that the Board needed to meet with representatives of the Heritage Public Library and the School Board to settle issues on space allocation and uses in the Historic School buildings. There was discussion about what had and had not been decided and about the perception of a lack of communication. Ms. Gowdy advised that a Memorandum of Agreement that included the Library could be prepared to complement the existing Space Allocation Agreement with the School Board. Mr. Trout explained that the Board needed to decide what to do with the buildings before it made any decision on whether to proceed with the PPEA process.

Following discussion, the Board agreed to hold a special meeting on November 30, 2010 at 6 p.m. in the Boardroom, and ask that representatives from the School Board and Heritage Library attend.

IN RE: DRAFT 2011 LEGISLATIVE AGENDA

Community Development Director George Homewood reviewed New Kent's draft 2011 Legislative Agenda which included streamlining the Agricultural and Forestal District (AFD) process; equalizing the cost of installation for regulated utilities regardless whether installed overhead or underground; allowing developers to competitively contract for installation of utilities; declaring "space" and all other forms of synthetic cannabinoids to be illegal; studying the impacts of expanding the options for gaming as a revenue source for transportation and resource protection infrastructure; and studying the feasibility, costs and benefits of adding components of Leadership in Energy and Environmental Design (LEED) and "universal design" to the Uniform Statewide Building Code.

Mr. Trout spoke about establishing guidelines for taking positions on unanticipated bills that might arise during the General Assembly session.

Mr. Homewood distributed copies of the legislative agendas from the Virginia Association of Counties (VACo) and the Richmond Regional Planning District Commission (RRPDC). He also provided information from the Governor's Commission on Government Reform and Restructuring and explained that many of the things recommended by the Commission would be considered by the General Assembly and the Board might want to take a position on some of those recommendations.

It was suggested that the Board members review the information and communicate with staff on any issues they might have, and that the proposed 2011 Legislative Agenda would be on the December 13, 2010 Consent Agenda for consideration.

IN RE: REZONING ERROR

Mr. Homewood reviewed an issue that had come to light regarding a parcel of property whose zoning had been mistakenly changed during the countywide rezoning process. He explained that the zoning classification for tax map parcel 20-15D (a sliver of land between Brockwell's Septic & Service Inc. and the Brockwell home) had been changed from *A-1, Agriculture* to *Economic Opportunity*, when it had been the intention to change the zoning of the business property, tax map parcel 20-15C.

Mr. Homewood indicated that tax map parcel 20-15D held most of the garage that was associated with the home, and should remain zoned *A-1, Agriculture*. He reviewed two options for reversing the mistake, the first one being rezoning the strip to *A-1*, and the second would be to rezone the strip at the same time that the business property was rezoned as *Economic Opportunity*. Mr. Sparks reported that the Brockwells preferred that the zoning revert to the way it was prior to the countywide rezoning.

Ms. Gowdy cautioned that this reversal could result in some similar requests.

It was explained that the matter would have to go through the Planning Commission process and there was consensus to include a sponsoring resolution on the December 13, 2010 Consent Agenda.

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 involving potential or actual litigation and specific legal matters that require advice and to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia involving performance of an employee. The Chairman advised that the Board may take some action after the Closed Session.

The members were polled:

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| 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 Board went into closed session.

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

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

The motion carried.

Mr. Burrell 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:

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| 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: STOLZ UTILITY EASEMENT

Mr. Davis moved to adopt Resolution R-59-10 approving the Stolz Utility Agreement, Deed of Easement, and Appropriation of Funds.

Mr. Evelyn stated that he felt that the County had been unfairly treated in this negotiation and he would have preferred condemnation. Mr. Burrell agreed, indicating that his vote to approve would be "reluctant".

The members were polled:

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

The motion carried.

IN RE: MEETING SCHEDULE

The Chairman announced that the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, December 13, 2010, in the Boardroom of the County Admin Building; that there would be no December work session; and that the Board had scheduled a special meeting on November 30, 2010, at 6 p.m. in the Boardroom.

IN RE: ADJOURNMENT

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

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| 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 4:30 p.m.