

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 13th DAY OF DECEMBER 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. October 27, 2010 work session
 - b. November 10, 2010 regular meeting
 - c. November 12, 2010 special meeting
 - d. November 17, 2010 work session
2. Miscellaneous
 - a. Resolution R-62-10 adopting the 2011 Legislative Agenda, Guidelines for Evaluation of Proposed Legislation Not on Agenda, and appointing a Legislative Liaison.
 - b. Award of the Elevated Water Storage Tank Maintenance contract to the lowest bidder, Caldwell Tanks, Inc.
 - c. Abstracts of Votes from the November 3, 2010 election for recordation in the Minute Book
 - d. Resolution R-58-10 initiating the zoning reclassification of approximately 2.75 acres in the Black Creek Magisterial District
 - e. Resolution R-60-10 requesting the Virginia Department of Transportation to accept the roads in Section 1 of The Oaks Subdivision into the state secondary system
 - f. Resolution R-61-10 requesting the Virginia Department of Transportation to accept Old Quarter Lane Extension in the Wood Minor Subdivision into the state secondary system
 - g. Resolution R-63-10 requesting VDOT to erect "Children at Play" signs along Stage Road
 - h. Resolution R-64-10 setting the Board's January 2011 business meeting

3. Refunds
 - a. \$649.00 to Virginia LLC for building permits under the Business Incentive Program
 - b. \$305.00 to Mt. Zion Baptist Church for withdrawn application for boundary line adjustment
 - c. \$1,145.90 to Carps Corner LLC for adjusted land value

4. FY11 Supplemental Appropriations
 - a. Funds for supplemental security from the Sheriff's Office and Fire-Rescue for October, \$22,194.75
 - b. Funds donated to the New Kent Animal Shelter, \$3,382.00
 - c. Funds received from vending machine sales for employee Christmas parties, \$197.60
 - d. Funds received for gifts and donations, \$97.50
 - e. Funds received for insurance proceeds for Sheriff's vehicle settlement of total loss, Sheriff loss on 11/12/10 (deer hit), replacement of stolen bike route signs, and damaged fire hose loss on 8/22/10, \$27,796.17
 - f. School HQ regional consortium funds, \$8,075.00
 - g. Additional Social Services funds, \$16,994.00
 - h. Program income received to date for FY11 from CDBG Plum Point grant participants, \$671.54
 - i. Correct amount for the carry forward of federal grant funds for Fire-Rescue to be completed in FY11, \$34.59
 - j. Insurance proceeds received for a lightning strike at the UT maintenance office, \$12,180.91
 - k. Adjust the FY11 School Title I appropriations for federal grants to actual, \$34,335.47
 - l. Adjust the FY11 School Title I ARRA appropriations for federal grants to actual, \$103,137.04
 - m. Adjust the FY11 School Title III appropriations for federal grants to actual, \$1,400.00
 - n. Adjust the FY11 School Title IV appropriations for federal grants to actual, \$4,225.78
 - o. Adjust the FY11 School SPED appropriations for federal grants to actual, \$160.00
 - p. Adjust the FY11 School SPED ARRA appropriations for federal grants to actual, \$3,448.13
 - q. Adjust the FY11 School Title VI-B appropriations for federal grants to actual, \$40,384.03
 - r. Adjust the FY11 School Title VI-B ARRA appropriations for federal grants to actual, \$78,847.54
 - s. Adjust the FY11 School Title II appropriations for federal grants to actual, \$14,787.10
 - t. Adjust the FY11 School Title II Part D appropriations for federal grants to actual, \$4,360.63
 - u. Adjust the FY11 School Vec Ed Appropriations for federal grants to actual, \$1,363.88

Total Supplemental Appropriation:	
\$(72,494.52)	Total
\$ 72,019.52	Money In/Money Out
\$ 475.00	From General Fund fund balance

5. FY11 Carry Forward Appropriations
 - a. Unexpended local Clean County/Litter Control donations, \$434.09

Total Supplemental Appropriation:
\$(434.09) Total
\$ 434.09 From Fund 15 – Clean Co./Litter Control

6. Inter-Departmental Budget Transfers
 - a. *Community Development*: \$173.59 from Professional Services to Comm. Dev. Vehicle
 - b. *Fire Rescue*: \$49,475.14 from Revenue Recovery Contingency, Overtime and Part-time Salaries to Full Time Salaries and Overtime-SAFER
 - c. *Fire Rescue*: \$2,292 from Revenue Recovery Contingency to Computer Supplies and Furniture/fixtures
 - d. *Fire Rescue*: \$5 from Revenue Recovery Contingency to UASI CERNE grant
 - e. *Schools*: \$220,078.51 from Prior Year Lottery/Construction to Architect and Construction fees for the NKES Renovation Project
 - f. *Schools*: \$2,116.28 from NKMS textbook funds RegEd to NKMS VocEd textbook funds

7. Treasurer's Report:
 - a. Cash as of October 2010: \$30,761,761.63

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: CITIZENS COMMENT PERIOD, PART I

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

IN RE: COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FY10

Anne B. Wall, Member, Robinson Farmer Cox Associates, presented the Comprehensive Annual Financial Report (CAFR) resulting from the recent audit for Fiscal Year 2010 that ended on June 30, 2010. She advised that New Kent received "unqualified" or clean opinions in all areas and that the County would again be applying to the Government Financial Officers Association for its Award of Excellence in reporting. She reported excellent cooperation from the staff and that the Financial Services staff had greatly assisted in the audit. She noted that there were some recommendations that had been discussed with management and were being addressed. She indicated that the report would be available on the County's website.

Board members congratulated Financial Services Director Mary Altemus and staff for their hard work and successful audit.

IN RE: LANEXA FIRE STATION FOUR

Before the Board for consideration was a request for funds to complete the construction of a building to house a fire engine.

Fire Chief Tommy Hicks updated the Board on the progress of the project and some fundraising activities, and Jack Chalmers, Director of the Lanexa Fire Station 4 Auxiliary, provided information on what work had been paid for and some estimates on items to complete the project. He indicated that the grassy area in front of the bays would have been dug out and replaced with some heavy stone and gravel to prevent the heavy equipment from becoming stuck in the mud and he advised that he had received an estimate of \$18,000 for that work just prior to the meeting and had not had time to try to negotiate those prices. Other items identified as needed for completion were overhead doors and installation \$4,100; engineering inspections of concrete and steel \$1,400; electrical work \$2,500; landscaping \$2,000; and concrete aprons/bollards \$3,500.

Board members reviewed the various items remaining to be done and there was consensus that the estimate for the driveway and turn-around work was too high, and that the landscape work could be done later. Mr. Chalmers seemed confident that he could get the driveway work done for a price lower than the estimate.

Chief Hicks confirmed that the building would be owned by the County once it was completed, and that once the doors were up and the building was heated, a fire truck would be stationed there.

Following further discussion, Mr. Davis moved to appropriate from the County Capital Fund Balance the sum of \$11,500 to cover the cost of overhead doors and installation, engineering inspections concrete & steel, electrical work, and concrete apron and bollards, and to appropriate an additional amount not to exceed \$10,000 for the driveway and turnaround-grading and gravel, upon authorization by the Board Chairman and County Administrator, after further negotiation of prices by the Fire Chief and Auxiliary. 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: ELECTED OFFICIALS' REPORTS

Mr. Davis reported on the recent Christmas parade in Providence Forge, and reminded citizens to have their fire extinguishers checked.

Mr. Trout also talked about the parade, and encouraged citizens to be aware of the stress that the holidays could produce. He announced that New Kent had recently received recognition as a bicycle friendly community from the Virginia Bicycle Federation.

Mr. Burrell spoke about the danger with fires and dried out Christmas trees, and also spoke about his hope that New Kent would become the top recycling community in the area.

Mr. Evelyn also spoke about the parade and thanked those who had been a part of it, and conveyed holiday greetings to the residents.

Mr. Sparks echoed the comments of his fellow Board members.

IN RE: STAFF REPORTS

County Administrator Cabell Lawton thanked Commissioner of Revenue Laura Ecimovic and staff in her office and the Treasurer's Office for coordinating the employee holiday party held earlier in the day, and thanked the Board members for their attendance.

He also announced that interviews were underway for the vacant Assistant Director of Financial Services position.

IN RE: CITIZENS COMMENT PERIOD, PART 2

Chairman Sparks permitted a second Citizens Comment Period to accommodate some late-arriving residents.

Tom Richard spoke on behalf of the New Kent Youth Baseball Association in support of installing lights and permanent restroom facilities on the ball fields behind the historic school. He reported that the Association had put a lot of its own money into the fields and was working with Parks and Recreation; however, without lights, there was a shortage of fields for the youth baseball and softball teams for both games and practices. He provided estimates of between \$79,600 for four light poles on both fields, and \$63,760 for poles on just one field. An estimate for two light poles at both fields was \$43,500 and for one field \$33,180.

Wayne Samuels spoke on behalf of the Youth Football Association on the same subject. He indicated that they paid to bring in a portable light tower for use during games in October and November, at a cost of \$900 per month, which provided just half of the light that was needed. He spoke about safety issues, as well as the need to have permanent restrooms instead of the portable toilets that were being used. He predicted that youth players were likely to migrate to neighboring communities with better facilities if improvements were not made.

There being no one else desiring to speak, the second Citizens Comment Period was closed.

IN RE: BUSINESS DEVELOPMENT INCENTIVE PROGRAM

Before the Board for consideration was Ordinance O-11-10 approving the extension of certain incentives that were a part of the County's Business Development Incentive Program, including amendments to Appendix A – Fee Schedule, in the New Kent County Code.

Economic Development Director Rodney Hathaway reviewed that the Board had first adopted its Business Incentive Program in March 2009, and that the County had received a lot of positive feedback, with various new businesses coming to New Kent that had taken advantage of the program. He indicated that the Economic Development Authority had

adopted a resolution in September recommending that the incentive program be extended through June 30, 2011, and that adoption of the proposed ordinance would accomplish that, as well as continue some other facets of the program, including expedited plan reviews and the business liaison program. He confirmed that this was the second extension of the program.

There was discussion regarding whether the program should be extended through December 31, 2011, but there was little support for that.

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

Mr. Burrell moved to adopt Ordinance O-11-10 amending Appendix A – Fee Schedule, of the New Kent County Code to approve the extension of certain incentives that were part of the County’s Business Development Incentive Program. 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: EXPIRATION DATES FOR CONDITIONAL USE PERMITS

Before the Board for consideration was Ordinance O-10-10 approving an amendment to Section 98-742 of the Zoning Ordinance of New Kent County to require that an expiration date be established in each conditional use permit (CUP) issued by the Board of Supervisors.

Community Development Director George Homewood explained that the proposed ordinance would amend the current section of the Zoning Ordinance that provided that all CUPs expired one year after issuance. He indicated that given the current economic climate, it was difficult to obtain financing and bring a business into operation within that time. He indicated that the proposed ordinance would require that the Board establish expiration dates for each application, on a case by case basis. He reported that the Planning Commission had some concerns that variable deadlines would result in not having a “level playing field”, but he pointed out that the basis for a CUP was an opportunity for a specific applicant to make a specific request to do something specific on a specific parcel, with the Board tailoring specific conditions under which that use could be approved. He explained that the CUP process was a way of approving what was otherwise an illegal activity and that eliminating the process would be the only way to “level the playing field”. He indicated that it was a good process that allowed the Board to make individual case decisions based on the specific facts on each application. He reported that the Planning Commission had forwarded the proposal with a favorable recommendation by a vote of 6:2:1 and that staff likewise recommended approval.

The Board discussed some CUP applications that had been approved in the past with expiration dates that were not one year. County Attorney Michele Gowdy advised that the current ordinance provided a one-year expiration and that any other time period was technically not allowable; however, the County needed to honor the ones that had been

approved with different expiration dates. It was confirmed that CUPs run with the land and not with the applicant.

There was discussion about how this issue was handled in other localities.

The Chairman opened the Public Hearing.

Randy Caldwell, operator of Rockahock Campground, commented that it appeared that there were two time frames that applied to CUPs – one which applied to the time within which a use was brought into full operation, and the other being the time that the use was permitted to be in operation. He advised that if this proposed ordinance only pertained to the former time limit, then he understood why that needed to be changed; however, if it pertained to the latter time frame, then he had serious concerns. He spoke about how his campground was operating on a CUP that had been issued during the 1960s and modified “along the way”, and how he would be very concerned should the permit be pulled after all of the investment that he had made, and he asked that the Board be sure to have clarification before it voted.

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

Mr. Homewood clarified that there were two time frames, a “front end” and “back end”, and that the proposal under consideration only dealt with the “front end”. He indicated that only one CUP in the County had a “back end” expiration date and that was the Pilot truck stop. He confirmed that CUPs ran with the land and not with the applicant. He assured Mr. Caldwell that the proposal would not in any way affect his CUP. Mr. Trout asked about the effect on any permitted uses that Mr. Caldwell had not yet started. Mr. Homewood advised that Mr. Caldwell had some utility issues to deal with and decisions he had to make, but that there was nothing from a planning perspective that would prevent him from moving forward with his master plan.

Mr. Sparks asked what would happen if an applicant was not able to be in operation by the end of the designated time frame. Mr. Homewood advised that the least expensive option would be to request an amendment prior to the expiration date, which would still need to go through the public hearing process but would be less expensive. If the expiration date passed without a request for amendment, then a new application would be necessary and the cost would be greater for the applicant. It was noted that any extension could be negotiated by the Board and there would be recommendations by both staff and the Planning Commission.

Mr. Evelyn commented that he felt that it would “open a can of worms”, especially with applications that were similar in nature. It was explained that even though similar businesses might apply for CUPs, their expiration dates might differ based on factors that included location, road issues, and availability of infrastructure.

Some of the Board members indicated that they felt that the proposal made sense and could prevent some potential problems.

Mr. Sparks asked if it would increase the burden on staff and the Planning Commission, or if it would result in litigation. Mr. Homewood advised that there should not any increased amount of work for staff. Ms. Gowdy advised that there should not be any problems as long as the Board’s decisions were not arbitrary but were reasonable and based upon information provided, with vetting by both staff and the Planning Commission.

Mr. Hathaway agreed that the current one-year time frame was difficult for businesses to meet, as financing was often taking a year or longer.

Mr. Trout moved to adopt ordinance O-10-10 to amend Section 98-742 of the Zoning Ordinance. The members were polled:

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

The motion carried.

IN RE: PROCUREMENT ORDINANCE

Before the Board for consideration was Ordinance O-12-10 creating *Chapter 48, Procurement*, in the New Kent County Code to establish and promulgate a procurement manual in accordance with and implementing the Virginia Public Procurement Act.

Assistant County Administrator Bill Whitley explained that the County had not updated its procurement procedures for some time, and the proposal under consideration would bring the County's policy into conformance with the State Code and would provide guidelines for staff and consistency, as well as open up opportunities for local businesses to work with the County.

He indicated that purchases of \$2,000 or less would be made through the purchase card process; purchases over \$2,000 up to \$20,000 would require three documented telephone quotes; purchases over \$20,000 but less than \$50,000 would require four written bids to be reviewed and approved by the County Administrator; and purchases over \$50,000 would be governed by the State Code and require a competitive bidding process. He noted that professional services, as defined by the Code of Virginia, would not require competitive negotiation if less than \$30,000. He indicated that the manual also had a section clarifying when sole source purchasing could be used, and he advised that the amount that could be authorized by the County Administrator had been reduced from \$50,000 to \$20,000, as Mr. Lawton had felt that the \$50,000 was too much for him to authorize and he felt more comfortable with the Board authorizing any sole source procurement above that amount.

Mr. Whitley advised that there would be some training involved but he felt that once staff became familiar with the process and forms, it would make it easier for everyone. He asked that the ordinance become effective on January 1, 2011.

There was discussion regarding whether all prices should be in writing, rather than allowing telephone quotes. Ms. Gowdy explained that the Virginia Code called for telephone quotes and that anything stricter was acceptable, but she did not think that the language should be changed.

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-10-10 creating Chapter 48, Procurement Ordinance and to establish the New Kent County Procurement Manual to implement Chapter 48. 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: MAIN REFUSE SITE

Board members advised that they had received complaints about the Route 618/Olivet Church Road main refuse site being closed on Sundays and how it was causing hardships for some of the residents.

There was discussion and consensus that the site should remain open seven days a week. Mr. Lawton advised that there may be a need for a budget transfer of up to \$3,500 to cover the costs of the amended schedule for the remainder of the fiscal year.

Mr. Davis moved to restore operation of the Rt. 618 main refuse site to seven days a week and, if needed, to appropriate from the General Fund contingency the sum of \$3,500 to cover associated costs for the rest of the fiscal year. 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.

There was also discussion regarding the possibility of establishing a location at the main refuse site where residents could put reusable items that others might want, which could reduced what was sent to the landfill. Mr. Lawton advised that he had asked General Services to look into this possibility. It was suggested that it would be a good Eagle Scout project.

IN RE: DISTRICT APPOINTMENTS, PART I

Mr. Evelyn moved to appoint W. O. Isgett, Sr. as District One's representative to the Economic Development Authority to serve a four-year term beginning January 1, 2011, and ending December 31, 2014.

Mr. Evelyn moved to appoint George Tate as District One's representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2011 and ending December 31, 2011.

Mr. Evelyn moved to appoint John Bragg as District One's representative to the Wetlands Board / Chesapeake Bay Preservation Board / Dunes & Beaches Board to serve a five-year term beginning January 1, 2011 and ending December 31, 2015.

Mr. Sparks moved to appoint Mike Salmon as District Two's representative to the Parks and Recreation Advisory Commission to serve a four-year term beginning January 1, 2011 and ending December 31, 2014.

Mr. Sparks moved to appoint Claude Baldwin as District Two's representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2011 and ending December 31, 2011.

Mr. Sparks moved to nominate Robert F. Kay, Sr. for Circuit Court appointment as District Two's representative to the Board of Zoning Appeals to serve a five-year term beginning January 1, 2011 and ending December 31, 2015.

Mr. Burrell moved to appoint Charles Moss as District Three's representative to the Agricultural and Forestal District Advisory Committee to serve a four-year term beginning January 1, 2011 and ending December 31, 2014.

Mr. Burrell moved to appoint James Moody as District Three's representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2011 and ending December 31, 2011.

Mr. Trout moved to appoint Jack Chalmers as a District Four representative to the Planning Commission to serve a four-year term beginning January 1, 2011 and ending December 31, 2014.

Mr. Trout moved to appoint Ronald Lang as District Four's representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2011 and ending December 31, 2011.

It was noted that New Kent's Board of Road Viewers had rarely met and Board members asked about the necessity of having a Board of Road Viewers. Mr. Homewood explained that the Board of Road Viewers existed as a part of the secondary system improvement program required by State law; however, the legislative bodies in many localities had appointed themselves to serve in that capacity.

Mr. Davis moved to appoint Jimmy Dean as District Five's representative to the Clean County Committee to serve a four-year term beginning January 1, 2011 and ending December 31, 2014.

Mr. Davis moved to appoint Farron Cowles as District Five's representative to the Historic Commission to serve a four-year term beginning January 1, 2011 and ending December 31, 2014.

Mr. Davis moved to appoint Craig Pierce as District Five's representative to the Parks and Recreation Advisory Commission to serve a four-year term beginning January 1, 2011 and ending December 31, 2014.

Mr. Davis moved to appoint Howard Gammon as a District Five representative to the Planning Commission to serve a four-year term beginning January 1, 2011 and ending December 31, 2014.

Mr. Davis moved to appoint Marty Sparks as District Five's representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2011 and ending December 31, 2011.

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 motions carried.

IN RE: NON-DISTRICT APPOINTMENTS

Mr. Trout moved to appoint William Whitley as the Board's designee to the Community Policy Management Team to serve a one-year term beginning January 1, 2011 and ending December 31, 2011.

Mr. Trout moved to appoint Martha Martin as an at-large representative to the Historic Commission to serve a four-year term beginning January 1, 2011 and ending December 31, 2014.

Mr. Trout moved to appoint Rodney Hathaway as New Kent's alternate representative to the Capital Region Policy Board to serve a one-year term beginning January 1, 2011 and ending December 31, 2011.

Mr. Trout moved to appoint Becky Ringley as New Kent's representative to Senior Connections – The Capital Area Agency on Aging Board of Directors to complete a four-year term ending June 14, 2014.

Mr. Evelyn moved to appoint Alan Files as a representative to the Farms of New Kent Community Development Authority Board to serve a four-year term beginning January 1, 2011 and ending December 31, 2014.

Mr. Burrell moved to appoint James Tacosa as New Kent's alternate representative to the Central Virginia Waste Management Authority Board of Directors to serve a four-year term beginning January 1, 2011 and ending December 31, 2014.

Mr. Burrell moved to appoint Barbara Moss as a New Kent representative to the Chickahominy District Health Advisory Board to serve a two-year term beginning January 1, 2011 and ending December 31, 2012.

Mr. Burrell moved to appoint Charles Moss as a New Kent representative to the Colonial Community Criminal Justice Board to serve a four-year term beginning January 1, 2011 and ending December 31, 2014.

Mr. Davis moved to appoint Jeannie Gilman as an at-large member of the Clean County Committee to complete a four-year term ending December 31, 2012.

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 motions carried.

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 January 10, 2011, in the Boardroom of the County Administration Building, New Kent, Virginia, and that there would be no December work session.

IN RE: DISTRICT APPOINTMENTS, PART II

Mr. Burrell moved to appoint Joyce Williams as a District Three representative to the Planning Commission to serve a four-year term beginning January 1, 2011 and ending December 31, 2014.

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

Chairman Sparks advised that the Board did not anticipate making any decisions after the 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 involving performance of an employee and personnel, and for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving 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. Evelyn 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. 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:

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: HISTORIC SCHOOL PROJECT

The Board members continued debate on how to move forward on the historic school project. There was consensus to schedule a meeting with General Services Director Jim Tacosa after the first of the year.

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 9:32 p.m.