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NEW KENT COUNTY BOARD OF SUPERVISORS
Tuesday, October 9, 2012, 6:00 p.m.
Boardroom, County Administration Building
12007 Courthouse Circle, New Kent, VA 23124

A C T I O N
A G E N D A

CALL TO ORDER (at 6:00 p.m.)

INVOCATION and PLEDGE OF ALLEGIANCE (led by Mr. Tiller)

ROLL CALL (all present)

CONSENT AGENDA

Action: Mr. Tiller moved to approve the Consent Agenda as presented and that it be made a part of the record. Vote was 5:0, motion carried.

PRESENTATIONS

- *Jamestown 4-H Camp & 2012 Farm Tour by Cynthia Rowles, Cooperative Extension Unit Coordinator*
- *New Kent Parks & Recreation by Kim Turner, Director*

RESIDENCY ADMINISTRATOR'S REPORT – *Mike Cade, Residency Administrator, Va. Dept. of Transportation*

CITIZENS' COMMENT PERIOD (3 minutes/person)

ITEM 1 Approval of the minutes from the September 10, 2012 special joint meeting with the School Board

Action: Mr. Evelyn moved to approve the minutes from the September 10, 2012 special joint meeting with the School Board, as presented. Vote was 4:0:1 (Mr. Burrell abstaining), motion carried.

ITEM 2 Update on VRA Refunding – *Financial Advisor Ted Cole, Davenport & Company*

Action: Mr. Evelyn moved to adopt Resolution R-48-12 providing for the refunding of all or a portion of the County's remaining water and sewer revenue bond, Series 2004. Vote was 5:0, motion carried.

Public Hearings to be held at 7:00 p.m. or as soon thereafter as possible. Speakers are limited to three minutes each, should come to the podium and state their name and address

ITEM 3 **PUBLIC HEARING** – Consideration of Ordinance O-11-12 adopting the Comprehensive Plan – *Planning Manager Kelli Le Duc*

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Action: Mr. Evelyn moved to remove #4 under Objective D on page 70 (p182). Vote was 4:1 (Ayes: Davis, Evelyn, Tiller & Stiers, Nays: Burrell), motion carried.

Action: Mr. Evelyn moved to remove #11 under Objective A on page 71 (p183). Vote was 3:2 (Ayes: Evelyn, Stiers & Davis; Nays: Tiller & Burrell), motion carried.

Action: Mr. Evelyn moved to change Objective G on page 72 (p184) to read "Consider the environmental impacts of development in the review and approval process in a manner that promotes environmentally sustainable development." and deleting the remainder of the sentence. Vote was 5:0, motion carried.

Action: Mr. Davis moved to change #2 under Objective G on page 72 (p184) to read "Continue to use the threshold of land clearing as set by the State Chesapeake Bay requirements to trigger the requirement for a land disturbance activity permit." Vote was 5:0, motion carried.

Action: Mr. Evelyn moved to remove #2 under Objective H on page 73 (p185). Vote was 2:3 (Ayes: Evelyn & Stiers; Nays: Davis, Tiller & Burrell), motion failed.

Action: Mr. Davis moved to adopt Ordinance O-11-12, as amended with the changes that have been incorporated tonight. Vote was 5:0, motion carried.

ITEM 4 PUBLIC HEARING – Consideration of Ordinance O-13-12 amending Chapter 46 of the New Kent County Code to add Section 46-145 entitled "Reimbursement for Expenses Incurred from Methamphetamine Lab Cleanup/Site Restoration" – *Captain Chris Hamlet, New Kent Sheriff's Office*

Action: Mr. Tiller moved to adopt Ordinance O-13-12, an Ordinance amending, Restating and Readopting Chapter 46, Article V, Hazardous Materials to add a Code Section 46-156 entitled "Reimbursement for Expenses Incurred from Methamphetamine Lab Cleanup/Site Restoration". Vote was 5:0, motion carried.

ITEM 5 PUBLIC HEARING – Consideration of Ordinance O-14-12 amending Chapter 14 of the New Kent County Code to comply with recent changes in the State Code to require dealers of precious metals and gems to retain purchases for a minimum of fifteen days instead of ten. – *Captain Chris Hamlet, New Kent Sheriff's Office*

Action: Mr. Tiller moved to adopt Ordinance O-14-12, an Ordinance amending, Restating and Readopting Chapter 14, Article II, Precious Metals and Gems, Division 1, Section 14-37, Dealer to retain purchases, with changes that resulted from the 2012 Virginia General Assembly Session. Vote was 5:0, motion carried.

ELECTED OFFICIALS' REPORTS

STAFF REPORTS

Action: Mr. Davis moved to accept a Local Emergency Management Performance grant from the Virginia Department of Emergency Management. Vote was 4:1 (Ayes: Evelyn, Tiller, Davis & Burrell; Nays: Stiers), motion carried.

APPOINTMENTS

Action: Mr. Evelyn moved to appoint Christine Bridge as an at-large member of the Clean County Commission to complete a four-year term ending December 31, 2012. Vote was 5:0, motion carried.

CLOSED SESSION

Action: Mr. Tiller moved to go into Closed Session pursuant to Section 2.2-3711A. 7 of the Code of Virginia for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body and consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel, and pursuant to Section 2.2-3711A.29 of the Code of Virginia for discussion of the award of a public contract involving the expenditure of public funds and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Board. Vote was 5:0, motion carried.

Action: Mr. Davis moved to return to Open Session. Vote was 5:0, motion carried.

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Action: **Mr. Davis made the certification of Closed Session.** Vote was 5:0, motion carried.

ADDED ITEM

Action: **Mr. Davis moved to adopt Resolution R-49-12 in support of the Commonwealth of Virginia Constitutional Amendment on Eminent Domain.** Vote was 5:0, motion carried.

MEETING SCHEDULE: The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on Wednesday, November 14, 2012, and the next work session at 8:30 a.m. on October 31, 2012, both in the Boardroom of the County Administration Building.

ADJOURNMENT

Action: **Mr. Tiller moved to adjourn.** Vote was 5:0, motion carried.

The meeting adjourned at 9:00 p.m.

CONSENT AGENDA

(Matters included hereunder may be the subject of one motion to approve provided no Board member requests an item to be separated.)

1. **Approval of Minutes**
 - a. Special Meeting of September 10, 2012
 - b. Business Meeting of September 10, 2012

2. **Miscellaneous**
 - a. Award and approval of contract with Chesterfield Insurers for volunteer fire coverage
 - b. Resolution R-46-12 in appreciation of Dr. Satoshi Ito
 - c. Resolution R-47-12 appointing a 2013 Legislative Liaison

3. **Refunds**
 - a. \$5,252.59 to Virginia Concessions LLC for error in meals tax reporting

4. **FY13 Supplemental Appropriations**
 - a. Animal Shelter donations, \$416.00
 - b. Program income received for FY13 from CDBG Plum Point grant participants, \$977.36
 - c. Funds received from insurance proceeds, \$2,263.17
 - d. Funds received for gifts and donations, \$100.00
 - e. Miscellaneous recovered costs, \$11,740.94
 - f. Funds donated by Davenport for New Kent University, \$1,400.00
 - g. Funds contributed by the New Kent Youth Association to cover half of the cost of the fence improvement project, \$2,237.50
 - h. Additional FY13 funds to the General District Court for replacement of chairs, \$1,915.00

| | |
|---------------|--------------------------------|
| \$ 21,049.97 | Total |
| \$(19,134.97) | Total In/Out |
| \$ (1,915.00) | From General Fund fund balance |

5. **FY13 Carry Forward Appropriations**
 - a. Virginia power funds for the Fire Department, \$36,000.00

| | |
|--------------|-------|
| \$ 36,000.00 | Total |
|--------------|-------|

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\$(36,000.00)

From General Fund (1) fund balance

6. **FY13 Interdepartmental Budget Transfers**
 - a. *Schools:* \$3,328.46 from Appropriations of Funds from Prior Years to Furniture
7. **Treasurer's Report:** Cash as of August 2012: \$28,630,995.19

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