

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 10<sup>th</sup> DAY OF SEPTEMBER IN THE YEAR TWO THOUSAND TWELVE IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

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IN RE: CALL TO ORDER

Chairman Burrell called the meeting to order.

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IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

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IN RE: ROLL CALL

Thomas W. Evelyn	Present
C. Thomas Tiller, Jr.	Present
James H. Burrell	Present
Ron Stiers	Present
W. R. Davis, Jr.	Present

All members were present.

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IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Approval of Minutes
  - a. July 25, 2012 work session
  - b. August 13, 2012 business meeting
2. Miscellaneous
  - a. Resolution R-42-12 proclaiming October 7 – 13, 2012 as National 4-H Week in New Kent County
  - b. Resolution R-43-12 proclaiming September as Workforce Development Month
  - c. Resolution R-44-12 approving the FY2013 and FY2014 Community Services Board performance contract
  - d. Resolution R-45-12 congratulating L. William "Bill" Kelly III for his award as a Virginia Aviation Person of the Year
  - e. Change of Financial Services job title from Accounting Manager to Procurement/Grant Specialist *[removed prior to adoption]*
  - f. New street name: Diascund View Trail
  - g. Contract with Shaw Construction for upgrades to Kentland Trail sewer pump station #8 (aka Dairy Queen PS)
3. Refunds
  - a. \$49.50 to Avis Electric for cancelled permit
4. FY12 Supplemental Appropriations
  - a. Law enforcement services provided at Colonial Downs for June 2012, \$262.45

- b. Funds received from vending machine sales for employees Christmas parties, \$454.15
- c. Funds to the Treasurer's budget for FY12 charge card fees, \$5,748.49
- d. Technology Trust funds to the Circuit Court Clerk's budget for FY12, \$10,883.93
- e. VA Information Technologies for FY12 educational grant, grant ID#128, \$1,135.00
- f. Funds for the General District Court appointed attorneys' fees, \$4,683.00
- g. Funds for the State Forest Fire Services, \$1.00
- h. Funds for the June 2012 storms, \$29.00
- i. Funds for unemployment compensation, \$11,293.00
- j. Funds for Social Services disaster relief – Irene, \$6,002.00
- k. Funds for Utilities disaster relief – Irene, \$969.00
- l. Funds for Asset Forfeiture – Sheriff expenditures, \$3,321.35
- m. Funds for a stage set modular unit for the high school, \$6,230.00

\$ 51,012.37	Total
\$(18,484.02)	Total In/Out
\$(16,006.00)	From General Fund (1) fund balance
\$ (6,002.00)	From S.S. Fund (2) fund balance
\$ (6,230.00)	From Sch. Cap Fund (3) fund balance
\$ (969.00)	From Utilities Fund (98) fund balance
\$ (3,321.35)	From Sheriff Asset For. fund balance

- 5. FY13 Carry Forward Appropriations
  - a. Airport fund projects not completed in FY12, \$462,121.73
  - b. Utility fund projects not completed in FY12, \$910,831.03
  - c. Various County capital projects not completed in FY12, \$5,417,359.49
  - d. PPEA funds, \$4,100.42
  - e. Funds for MIS computer operations, \$16,495.37
  - f. Funds from the Chesapeake Bay implementation grant, \$1,325.00
  - g. State Fire Program grant funds, \$11,628.53
  - h. Clean County Committee/Litter Fund grant funds, \$2.05
  - i. Extension program sponsorship revenue, \$3,233.41
  - j. Funds receive from vending machine sales for employee Christmas parties, \$1,225.37
  - k. Donations for Honor Guard, \$1,374.79
  - l. Donations from the Jenna Grace Animal Fund, \$248.31
  - m. Donations for veterinary services – Sheriff, \$14,217.29
  - n. UT funds for lab supplies PO, \$2,147.00
  - o. Funds from the Food Service fund, \$22,338.22

\$ 6,868,948.01	Total
\$ (221,346.37)	Total In/Out
\$ (52,623.12)	From General Fund (1) fund balance
\$(5,417,359.49)	From Co. Capital Fund (7) fund balance
\$ (2.05)	From Clean Co. Fund (15) fund balance
\$ (242,300.73)	From Airport Fund (97) fund balance
\$ (912,978.03)	From Utilities Fund (98) fund balance
\$ (22,338.22)	From Cafeteria Fund (209) fund balance

- 6. FY13 Supplemental Appropriations
  - a. Animal Shelter donations, \$812.00

- b. Program Income received for FY13 from CDBG Plum Point grant participants, \$738.43
- c. Funds received from insurance proceeds, \$82.45
- d. Funds received for gifts and donations, \$932.50

\$ 2,565.38 Total  
\$(2,565.38) Total In/Out

- 7. FY12 Interdepartmental Budget Transfers
  - a. *General Services*: \$54,435.41 between projects to consolidate funds for CIP projects
  - b. *Parks & Recreation*: \$247,320.43 between Meals Tax and Park Development to consolidate funds for CIP projects
  - c. *Circuit Court*: \$397.39 from Comp Jurors & Witnesses to salary line items
  - d. *Sheriff*: \$18,096 from various line items to Jail Bill
  - e. *Sheriff*: \$4,650 from various line items to Gasoline
  - f. *Sheriff*: \$5,293 from various line items to Jail Bill
  - g. *Sheriff*: \$4,644.00 from various line items to Jail Bill
  - h. *Sheriff*: \$24,440 from various line items to Jail Bill
  - i. *Sheriff*: \$5,998 from various line items to Jail Bill
  - j. *Sheriff*: \$7,324 from various line items to Jail Bill
  - k. *Sheriff*: \$6,477.32 between various line items to cover shortfalls
  - l. *Sheriff*: \$872 from various line items to FICA
  - m. *Sheriff's Court*: \$2,227 from Various line items to cover shortfalls
  - n. *Sheriff's Court*: \$26,801.12 from various line items to cover shortfalls
  - o. *Fire Rescue*: \$696.13 from various line items to cover shortfalls
  - p. *Fire Rescue*: \$154,539.94 from various line items to cover shortfalls
  - q. *Fire Rescue*: \$80,973.00 from various line items to cover shortfalls
- 8. FY13 Interdepartmental Budget Transfers
  - a. *Fire Rescue*: \$45,000 from Radio Towers to Tower Site upgrades
- 9. Treasurer's Report: Cash as of July 2012: \$30,197,246.33

Mr. Evelyn requested that Item 2.e. be removed from the Consent Agenda as he felt there should be more Board discussion before the procurement specialist position was approved.

Mr. Davis moved to approve the Consent Agenda as presented, with the removal of item 2.e., and that it be made a part of the record. The members were polled:

Thomas W. Evelyn	Present
C. Thomas Tiller, Jr.	Present
James H. Burrell	Present
Ron Stiers	Present
W. R. Davis, Jr.	Present

The motion carried.

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IN RE: RICHMOND SYMPHONY

Mr. David L. Fisk, Executive Director of the Richmond Symphony, briefed the Board on services that were available and those that were already being provided to New Kent by his organization. He was accompanied by Jana Martin, music specialist at George Watkins

Elementary School, as well as by Mark Flynn, a member of the Board of Directors and Virginia Municipal League's Director of Legal Services.

It was reported that currently New Kent County Schools participated in the Ready Set Play program, whose focus was to develop music and discipline in young children by teaching foundational skills in playing orchestral instruments to students who would not otherwise have access to personal music instruction by professional teachers and musicians. Ms. Martin explained that fifteen New Kent elementary-aged students participated in the program two afternoons each week, now in Year Three, and were learning to play the cello and trumpet. She indicated that New Kent was not able to participate in other programs, but that the Richmond Symphony had underwritten the cost for all third-grade students in the prior school year to attend a concert in Richmond and, through the Musical Ambassadors Program (MAP), had given performances at both elementary schools.

Mr. Fisk spoke about how studies had shown that learning how to read and develop music helped with creative thinking and other kinds of learning as well. He reported that the Ready Set Play program did not cost New Kent anything as it was funded by a third party; however, that funding was due to end in two more years and he wanted to "sow the seed" for local funding for 2015. He explained how his organization partnered with other localities to help showcase certain assets to enhance visitor traffic, and how he would like the Board to permit him to continue the conversation with County Administration to identify some opportunities in New Kent.

There was additional discussion regarding the Ready Set Play program. Ms. Martin explained that there was an application process in some of the other localities, but in New Kent only fifteen families had shown up at the informational meeting.

There was consensus for Mr. Fisk to continue to work with Acting County Administrator Rodney Hathaway.

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IN RE: RESIDENCY ADMINISTRATOR REPORT

Mike Cade, Residency Administrator, Virginia Department of Transportation (VDOT), reported on road issues in New Kent.

He reviewed maintenance activities in the last 30 days that included pothole repairs, paving, cleaning gutters and curbs, median mowing, litter pick up, asphalt paving, removal of brush and low hanging limbs, and cleaning/replacing drainage structures. He reviewed the activities planned for the next month, which included continuing pothole repairs, tree trimming on secondary routes, litter pick up and dead animal removal, shoulder repairs, washout repairs and pipe replacements. He reported that the Rte. 33 bridges over I-64 at the West Point exit were being painted and that the "loops" still needed to go back into the intersection at Rtes. 33/30/249 so that the traffic signal would be governed by traffic flow and not timers.

Regarding requests from the Transportation Safety Commission, he indicated that the installation of rumble strips at Exit 214 was under review; making Rte. 629 from Rte. 760 to Rte. 155 one-way was under review, noting that there were some homes and entrances to businesses on that road that might be affected; refreshing the rumble strips at the traffic signal at Rtes. 33/30/249 was under review; and that skip lines on Rte. 249 to Rte. 60 East had been planned and would be repositioned to accommodate the left turn lane. He also advised that the speed study for Rte. 33 had been completed and did not include a recommendation for changing the 45 mph speed limit.

He reported on the plans reviewed and permits issued during the past month, which included the new Shell gas station near the Rte. 33 interstate interchange, and he confirmed that the drainage work had been completed along St. Peters Road from one end to the other.

Mr. Davis asked about the intersection of Rte. 33 and Farmers Drive. Mr. Cade advised that Traffic Engineering was reviewing that intersection and he would be checking on existing sign placements. There was discussion regarding the possibility of rumble strips at that location.

Mr. Davis asked about the status of the Rte. 600 bridge into James City County that had been closed for a year. Mr. Cade advised that letters had been sent to the developer from both James City County and the area VDOT office regarding the developer's requirements as the permit-holder for the storm water management system for the development, to repair the dam. There was discussion regarding VDOT's input and authority over storm water management features, both pre- and post-approval.

Mr. Stiers advised that the Brickshire Homeowners Association (HOA) had received a bid to pave that development's back entrance onto Mt. Pleasant Road. Mr. Cade pointed out that was an emergency exit only and was supposed to be locked. He reviewed that Mt. Pleasant Road had been paved under the Rural Rustic Road program and as a result there were certain restrictions and limits on the use of that road. He explained that extensive improvements to Mt. Pleasant would be required in order for it to be able to handle that additional traffic. Mr. Davis confirmed that entrance had been approved as an emergency entrance for fire trucks (who had keys) and was to "go away" once Kentland Trail was completed. There was discussion regarding who had authority to enforce the restrictions on the use of that entrance and who had made the determination to leave the gate unlocked.

County Attorney Michele Gowdy reported that she had received an inquiry from the HOA as well and had given them the permit applications so that they could go through the process, even though it would have to be denied. She suggested that the County could send the HOA a letter, reminding them that the gate was to be used for emergencies only.

Mr. Stiers asked why the HOA couldn't pave the entrance if it owned it. There was again discussion regarding the restrictions imposed by the rural rustic road program.

Mr. Evelyn reported a timing problem with the traffic signal at Rtes. 60 and 106, and thanked Mr. Cade for the work done on St. Peters Road, about which he had received only one complaint.

Mr. Burrell spoke about the continuing problem with dead trees and asked Mr. Cade to maintain removal efforts. He thanked Mr. Cade for his consistently prompt responses to County requests.

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IN RE:           CITIZENS COMMENT PERIOD

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

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IN RE: ELECTED OFFICIALS' REPORTS

Mr. Evelyn advised that he had visited the new Bridging Communities Regional Technical Center and met some of the professors, and he spoke about the various programs available and how exciting it was that students had this opportunity. He reported that the Center had full enrollment and was the first new center of its kind to open in Virginia in more than 20 years, and that the Governor might attend the grand opening ceremony scheduled in October. Mr. Burrell added his thanks to the Boards of Supervisors and School Boards in the participating localities, as well as those in New Kent who worked hard to have the facility ready for opening day.

Mr. Tiller spoke about some upcoming VDOT regional meetings and indicated that he would be attending the meeting to be held in Richmond and would be happy to communicate any transportation concerns that were brought to his attention.

Mr. Stiers advised that he had spent a day the prior week "riding the roads" in New Kent and had also participated as an interview panel member for the fire chief position. He indicated that Quinton Volunteer Rescue would hold its annual Thanksgiving Feast at George Watkins Elementary School in 2012.

Mr. Davis reminded everyone about an upcoming bluegrass festival at Rockahock Campground.

Mr. Burrell announced that a new hauling contract through Central Virginia Waste Management Authority would result in savings of around \$100,000 for New Kent. He also spoke about hurricane preparedness and read a portion of a presidential proclamation designating September as Emergency Preparedness Month.

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IN RE: STAFF REPORTS

Mr. Hathaway reminded everyone about the upcoming emergency preparedness town hall being hosted by Delegate Chris Peace, as well as the annual September 11 commemoration hosted by the New Kent Sheriff's Office.

Ms. Gowdy reported receipt of an inquiry from Newport News Waterworks regarding their wish to introduce a new species of fish, grass carp, into the Diascund Reservoir. She indicated that a recent change to the State Code required that anyone introducing a new species into the waters of the Commonwealth had to obtain authorization from the affected local government and she had asked them to put their request and any proffered conditions in writing for the Board's consideration. Some of the Board members expressed their concerns and Ms. Gowdy asked that any decision be delayed until after a written request had been received and reviewed.

She also advised that the County had been asked to lease some empty classroom space near the Parks & Recreation gymnasium on the Historic School campus to the Head Start program; however, Head Start had not yet commented on the proposed lease. She indicated that Head Start wanted to start using the space before the Board's work session on September 26, but she hesitated asking the Board to approve the lease when she had not yet received their comments. Board members suggested that they had some concerns that should be discussed in Closed Session before any approval was voted upon.

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IN RE: DISTRICT APPOINTMENTS

Mr. Burrell moved to appoint James Moody, Sr. as District Three's representative to the Board of Road Viewers to serve a term ending December 31, 2012. The members were polled:

C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye

The motion carried.

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IN RE: NON-DISTRICT APPOINTMENTS

There were none, but Mr. Burrell indicated he might have a motion at the next work session regarding the vacancy on the Colonial Community Criminal Justice Board.

The Board recessed its meeting until 7:00 p.m.

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IN RE: COST RECOVERY FEE CHANGES

Before the Board for consideration was Ordinance O-10-12 amending Appendix A – Fee Schedule to increase cost recovery fees.

Acting County Administrator Rodney Hathaway explained that during its February work session, the Board had agreed to increase these fees in the FY13 budget but the fee increases were overlooked when the budget process began. He indicated that the proposed fees were more reflective of the County's cost and would bring New Kent's fees in line with those in its neighboring jurisdictions.

Mr. Davis referred to a comment from a resident regarding the proposed large increase in the "evaluation without transport fee", from \$75 to \$250. He indicated that he recalled the reason for this increase but did not think that it would be covered under insurance. Mr. Stiers advised that he had received similar comments regarding that increase, and the Board members agreed to suspend further discussion until after the public hearing. Chairman Burrell read aloud the proposed fee changes for the benefit of those in the audience.

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

There was additional discussion among the Board members regarding the "evaluation without transport" fee, and suggestions were made to increase the fee to either \$100 or \$150.

Mr. Davis moved to adopt Ordinance O-10-12, changing the fee for evaluation without transport to \$100.00 instead of \$250.00. The members were polled:

Ron Stiers	Aye
W. R. Davis, Jr.	Aye

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye

The motion carried.

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IN RE: PARENT TRACT STATUS INVOLVING REMNANT PARCELS

Before the Board for consideration was Ordinance O-12-12 amending Section 90-2 of the New Kent County Code to allow parcels to retain parent tract status after a parcel remnant that resulted from an acquisition for a public right-of-way or public utility easement, was consolidated into an adjacent parcel.

Mr. Hathaway reviewed the definition of a "remnant parcel" as "land that has been divided by a right-of way or utility easement acquired by either the Commonwealth of Virginia, County of New Kent, or a private utility company regulated by the State Corporation Commission". He explained that parent-tract minor subdivisions were only permitted on parcels that were of record on November 20, 1985 in their exact current form, and allowed for the creation of up to four lots of at least two acres each. He confirmed that none of that changed with this amendment.

There was discussion regarding how many parcels in New Kent that would be affected by this proposed amendment. Mr. Hathaway indicated that most acquisitions were done in line with existing property lines and he did not think that there would be too many. Mr. Evelyn explained that this amendment arose from an issue in his district where a church had been trying to find ways to enlarge its parking lot and he felt that this change would "work for them".

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

Mr. Evelyn moved to adopt Ordinance O-12-12 to amend the Parent Tract Minor Subdivision requirements in Section 90-2 of the New Kent County subdivision ordinance. The members were polled:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
James H. Burrell	Aye

The motion carried.

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IN RE: RENOVATIONS OF PORTIONS OF THE HISTORIC SCHOOL CAMPUS

Before the Board for public hearing was the proposed renovation of the South Building and Courtyard area of the Historic School campus under the Public Private Education Act (PPEA).

Mr. Hathaway reviewed that the County had received an unsolicited PPEA proposal from Marengo Management Corporation for renovation of the South Building on the Historic School campus for office space, with a goal of putting the School Board offices there. He added that the proposal also included work on the courtyard between the South Building and the Historic School building. He advised that the Board was being asked to authorize

staff to move forward with negotiation and development of a comprehensive agreement between the County and Marengo Management Corporation.

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

Mr. Tiller moved to authorize staff to proceed with the drafting of a proposed comprehensive agreement with Marengo Management. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
James H. Burrell	Aye

The motion carried.

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IN RE: CLOSED SESSION

Mr. Evelyn moved to go into Closed Session pursuant to Section 2.2-3711A.1 of the Code of Virginia for discussions regarding assignment involving persons in the Finance Department and Administration, and 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. The members were polled:

C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye

The motion carried. Chairman Burrell announced that the Board would likely take action after the Closed Session. The Board went into Closed Session.

Mr. Tiller moved to return to Open Session. The members were polled:

Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye

The motion carried.

Mr. Tiller 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
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
James H. Burrell	Aye

The motion carried.

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IN RE: FORMER COUNTY ADMINISTRATOR

Mr. Evelyn moved to authorize the Chairman to execute the Agreement presented to the Board in Closed Session. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
James H. Burrell	Aye

The motion carried.

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IN RE: HEAD START

Mr. Evelyn moved to authorize the County Administrator to execute a Lease Agreement with Head Start at such time as their licensing agent had inspected and approved the site. The members were polled:

C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye

The motion carried.

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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 9, 2012, and the next work session at 8:30 a.m. on

September 26, 2012, both in the Boardroom of the County Administration Building, New Kent, Virginia.

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IN RE:           ADJOURNMENT

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

Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye

The motion carried.

The meeting was adjourned at 8:17 p.m.