

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 13th DAY OF APRIL IN THE YEAR TWO THOUSAND NINE 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 Davis 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

County Administrator John Budesky presented the Consent Agenda as follows:

1. Approval of Minutes
 - a. February 13, 2009 semi-annual meeting with senior staff
 - b. February 18, 2009 work session & town hall meeting
 - c. March 9, 2009 regular business meeting
 - d. March 10, 2009 special meeting with eastern county businesses
 - e. March 16, 2009 special meeting with the School Board and Economic Development Authority
2. Miscellaneous
 - a. Approval of awards for the purchase of a backhoe and tractor for the Department of Public Utilities to Old Dominion Tractor & Equipment
 - b. Resolution R-11-09 in honor of Brenda "Sam" Snyder, deceased
 - c. Resolution R-12-09 declaring May 3 – 9, 2009 as National County Government Week
 - d. Allocation Agreement for Historic Middle School
3. Refunds
 - a. \$193.40 to Helen K. Davis for withdrawn permit
 - b. \$55.96 to James Stephens Plumbing for withdrawn permit
 - c. \$65,556.63 to Colonial Downs for miscalculated pari-mutuel taxes
 - d. \$6,840.87 to Patriot's Landing Realty, Inc. for erroneous assessment
 - e. \$1,483.46 to Bluegreen Golf Clubs, Inc. for erroneous assessment
 - f. \$1,828.04 to Alliance One Realty, LLC for erroneous assessment
 - g. \$4,098.99 to Terry Peterson Residential Thirty One LLC for erroneous assessment
 - h. \$1,312.65 to Robert & Carolyn Burns for incorrect assessment

4. Appropriations
 - a. Funds for Fire-Rescue revenue recovery to cover bank fees, \$3,394.00
 - b. Funds received to date for Fire-Rescue revenue recovery for Fire-Rescue personnel, \$54,399.00
 - c. Funds donated to the New Kent Animal Shelter, \$398.00
 - d. Funds donated to the New Kent Sheriff's Honor Guard, \$150.00
 - e. Funds for security at a February high school basketball game, \$97.00
 - f. Program income received to date for FY09 from CDBG Plum Point grant, \$326.33
 - g. Funds received for Fire-Rescue auctioned equipment, \$2,028.00
 - h. Funds received for insurance claims, \$13,756.00
 - i. Funds received for restitution for February 10, 2008 fire incident, \$498.00
 - j. Funds received for sale of forfeited assets, \$2,080.00
 - k. Funds received by Extension for sponsorship of programs from outside sources, \$259.00
 - l. Funds received for legal document review, \$1,500.00
 - m. Funds received from various builders for reimbursement of 2006 Code books purchased by the Building Development Office, \$257.00
 - n. Funds awarded from the National Fish and Wildlife Foundations for a grant to support implementation of urban conservation practices in the Chickahominy River watershed, \$80,000.00
 - o. Charge card fees collected in excess of budget for offsetting expenditures associated with charge card fees, \$820.00
 - p. Funds received for dividends and interest for the Human Services building project, \$325.30

Total Supplemental Appropriation:	\$ (160,287.63)	Total
	\$ 160,287.63	Money-in/Money-out

5. Inter-Departmental Budget Transfers
 - a. *Parks & Recreation*: \$900 from Community Rentals P/T Wages to Overtime Wages
 - b. *Cooperative Extension*: \$2,492 from Fringes to Part time Salary & Wages
 - c. *Fire-Rescue*: \$1,308 from Grant Contingency to RSAF Grants
 - d. *Clerk of the Board*: \$586 from Videotaping to Computer Replacement
 - e. *Training*: \$5,054 from Training Contingency to Clerk of the Board, County Attorney, Financial Services, Registrar, Circuit Court Judge, Commonwealth's Attorney, Sheriff, Building Development, E911, Fire-Rescue, Animal Control, Refuse, Planning, CSA, Social Services, Water, and Sewer

6. Treasurer's Report: Cash in Bank as of February 2009: \$36,367,792.81

Mr. Burrell moved to approve the Consent Agenda and that it be made a part of the record. The members were polled:

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

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

Chairman Davis opened the Citizens Comment Period.

Kevin Eddowes spoke about the Pilot Travel Center and trucks not stopping as they entered Route 106. He indicated that a stop sign at the intersection had been knocked down and never replaced and it was causing a safety hazard for motorists, including himself as he was recently in a near collision. He asked for the Board's assistance to see that the sign was replaced and enforced. He also commented that the slash marks at the interstate ramps at exits 211 and 214 were impossible to obey in a larger vehicle and he asked that they either be removed or that a right-turn lane be established. He reported that tickets were being issued for violations in those areas.

Corey Blunt spoke on behalf of the school custodians whose jobs were being outsourced in the FY10 school budget. He commented that the residents were "outraged" at the actions of the School Board and suggested that there were other positions with less impact on the students that could be cut instead, mentioning assistant superintendents and assistant principals. He asked that the Board not give the schools any more money until they learned how to treat people and how to properly budget. He spoke about parents pulling their children out of the school system because of the elimination of School Resource Officers, and he hoped that the Board could do something to help, because no one at the School Board was listening.

Bruce Shackelford, head custodian at the high school, spoke about his service of over 19 years and how the School Board should be ashamed of itself for how they had treated the custodians. He described how hard the custodial staff had worked over the summer to move the schools into their new settings and how they had received a standing ovation at a School Board meeting, and then had their positions eliminated without warning, discussion, or options. He stated that they were taking away his livelihood and benefits, without regard to how hard he had worked to give the students a clean building.

Johnna Pardue, a teacher at the high school, spoke in support of Mr. Shackelford and his work at the high school, and how none of the diseases that had appeared in other school settings had been a problem for New Kent. She predicted that it was not likely that the custodial contractor would keep the schools as clean as Mr. Shackelford and his staff had, and she suggested that there were other ways of getting extra revenue, such as charging for bus services.

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

The Chairman explained that responses were not generally given to comments made during Citizens Comment Period, but that the Board did take those comments under advisement. He indicated that the Board had been wrestling with the budget for the last three months and was still working on it. He reminded that the proposed budget was available for review in the County offices and on the County's website.

Mr. Sparks thanked everyone for their comments.

Mr. Evelyn noted that Mr. Shackelford had been at the high school when he attended and had always taken pride in his work.

Mr. Burrell stated that he knew several of the custodians and were aware of how dedicated they were and how they were always available to work on short notice. He explained that he could not second guess what the School Board was doing but assured that he sympathized with the custodians and wished them the best. He reminded that the County funded the schools but had no control over how the School Board spent those funds.

Mr. Trout reported that the Board had decided to fund the School Resource Officers and not require refunding from the Schools, which would save those positions from being eliminated. He thanked the speakers for their comments and expressed his appreciation to the school custodial staff for the jobs they performed.

IN RE: RESIDENCY ADMINISTRATOR'S REPORT

Torrence Robinson, Residency Administrator with the Sandston Residency of the Virginia Department of Transportation, reported on issues regarding roads in New Kent County.

He indicated that maintenance activities during the past month included litter patrol, dead animal removal, pothole repairs, tree removals, grading of graveled roads, and beaver dam control.

He advised that VDOT staff investigated Mr. Burrell's complaint regarding leaning trees along Route 623 and were starting to remove those trees that needed immediate attention.

He reported that the developer of Deerlake had agreed to complete the necessary paving in that subdivision, and he would provide more information regarding a timetable.

He indicated that a 45 mph speed limit sign had been installed on Route 609, near the intersection with Route 249.

He advised that crews had not been able to locate any undermined trees along Route 665 but would continue to monitor the area.

Mr. Trout asked about South Waterside Drive and reported that he had provided information and photographs of flooding at a recent meeting on rural roads hosted by the Richmond Regional Planning District Commission, as well as to the Transportation Safety Commission.

Mr. Trout indicated that he was familiar with the hash marks at the interstate exit ramps at Exits 211 and 214, adding that it was impossible not to go across them, and he also understood that tickets were being issued for violations.

Mr. Robinson advised that VDOT staff had looked at the situation extensively, and one issue that might not be apparent was a concern with sight distance if traffic were moved to the right or if a right-turn lane were to be installed, because of the bridge abutments. He added that there was also concern about the pavement on the shoulder, which was designed to be a shoulder and not to carry the load of a true through lane. He indicated that he would continue to look at the situation and get more detailed information to see what could be done.

Mr. Burrell reported that at a recent meeting of the Transportation Safety Commission he shared his concerns about an issue at Bottoms Bridge and dual speed limits.

Mr. Sparks reported a large pothole in the exit lane from eastbound I-64 towards Bottoms Bridge towards Route 60.

Mr. Sparks also noted that when Mr. Robinson had previously reported that a recent speed study did not support lowering the speed limit on Route 249 in front of the Food Lion shopping center, he had mentioned some other options that might address the problems in the area. Mr. Robinson explained that those options included changing the lane markings to make the travel lanes appear narrower. He reported that change typically slowed traffic down and was the first step they would be taking in that area.

Mr. Evelyn asked about a pending change in the speed limit along Route 106. Mr. Robinson confirmed that the Commonwealth Transportation Board had approved an increase in the speed limit along the stretch between I-64 to Route 249, from 35 mph to 45 mph and he expected the new speed limits signs to be up by the end of the week. Mr. Evelyn reported that it was his information that the Virginia State Police had issued 22 tickets in an hour and a half in that area.

Mr. Evelyn also reported a large pot hole on Crumps Mill Road.

Mr. Davis reported potholes on Polish Town Road and Tabernacle Road. He also asked about the possibility of providing better lane markings on Route 155 between I-64 and the entrance to Colonial Downs, to make it clearer for through traffic.

Mr. Davis asked about a new deck for the Toe Ink Bridge to be paid for by federal stimulus funding. Mr. Robinson confirmed the project but did not know the timetable for the work.

Mr. Davis asked for Mr. Robinson's assistance in having James City County improve its signage at the Stonehouse industrial park. He explained that tractor trailers were missing their turns and ending up in New Kent with no appropriate place to turn around. He noted there were two one-lane bridges with 12 ton limits in New Kent which he feared would be seriously compromised by these trucks if something wasn't done.

Mr. Sparks reminded Mr. Robinson that VDOT had agreed to do another traffic study at the intersection of Route 155 at Colonial Downs during racing season. Mr. Davis advised that if it was determined that a traffic light was needed, then the cost was to be borne by the developer.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Trout announced the details of some upcoming yard sales, a bike festival, and a County surplus auction, as well as the awards program for the essay contest for April as Alcohol, Drugs, Tobacco, and HIV/AIDS Awareness Month at Ebenezer Baptist Church.

Mr. Evelyn announced that he would be hosting an upcoming District One constituent's meeting at Quinton Community Center to talk about the budget or any other issues.

IN RE: STAFF REPORTS

Mr. Budesky reported that he had communicated the Board's decision regarding the School Resource Officers to the school staff and, while they would have liked to have seen some additional funding, they understood. He also reported that the Sheriff's Office was pleased with the decision.

He expressed thanks to staff from the Sheriff's Office and New Kent Fire-Rescue for services rendered in connection with the recent Strawberry Hills Races.

He noted that the Health Department, Social Services, Court Services, Fire Administration, Quin Rivers and Bay Transit were preparing to move into the new Health and Human Services Building in the upcoming week, and a dedication of the building was being planned for May.

He reminded that the public hearing on the budget would be held at 7 p.m. on April 29, a town hall on the budget at 6 p.m. on May 5, and that the Board would consider adoption of the FY10 budget at its regular meeting on May 11.

IN RE: DISTRICT APPOINTMENTS

Mr. Trout moved to appoint Robbin Schureman as District Four's representative to the Affordable Housing Advisory Committee to serve a term ending June 30, 2011.

The members were polled:

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

The motion carried.

IN RE: NON-DISTRICT APPOINTMENTS

Mr. Evelyn moved to appoint Rev. Milton Hathaway as the at-large representative to the Affordable Housing Advisory Committee to serve a term ending June 30, 2011.

Mr. Evelyn moved to appoint Eric Randolph as an at-large representative to the Agricultural and Forestal District Advisory Committee to serve a term ending December 31, 2012.

Mr. Burrell moved to appoint Alex Baine as a member of the Board of Building Code Appeals/Board of Fire Prevention Code appeals to serve a term ending December 31, 2012.

The members were polled:

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

The motion carried.

IN RE: MEETING SCHEDULE

The Chairman announced that the Board of Supervisors would hold its next regular business meeting at 6:00 p.m. on May 11, 2009, and its next work session at 3:00 p.m. on April 29, 2009, both in the Boardroom of the County Administration Building, New Kent, Virginia.

IN RE: ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 6:35 p.m.