

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 14th DAY OF JANUARY IN THE YEAR TWO THOUSAND THIRTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

2012 Chairman James Burrell 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
C. Thomas Tiller, Jr.	Present
James H. Burrell	Present
Ron Stiers	Present
W. R. Davis, Jr.	Present

All members were present.

IN RE: ANNUAL REORGANIZATION – ELECTION OF OFFICERS FOR 2013

The Board's first meeting of the year is designated as the annual reorganization meeting.

Nominations were opened for the office of 2013 Chairman.

Mr. Evelyn nominated W. R. Davis, Jr. for Chairman of the Board of Supervisors for a term of one year. There were no other nominations.

Mr. Burrell moved to close nominations for Chairman of the Board of Supervisors. There being no discussion, the members were polled:

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

The motion carried.

Mr. Evelyn moved to elect W. R. Davis, Jr. as Chairman of the Board of Supervisors for a term of one year. There was no discussion and the members were polled:

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

The motion carried.

County Administrator Rodney Hathaway congratulated Mr. Davis on his election and thanked Mr. Burrell for his service as 2012 Board Chairman.

Mr. Davis accepted the gavel and presented Mr. Burrell with an appreciation plaque, describing Mr. Burrell as being the epitome of the Board's focus on protecting New Kent's best interests. Mr. Burrell thanked the Board for the opportunity to serve as its 2012 Chairman.

Nominations were opened for the office of Vice Chairman.

Mr. Burrell nominated Thomas W. Evelyn for Vice Chairman of the Board of Supervisors for a term of one year. There were no other nominations.

Mr. Tiller moved to close nominations for Vice Chairman of the Board of Supervisors. There was no discussion and the members were polled:

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

The motion carried.

Mr. Burrell moved to elect Thomas W. Evelyn as Vice Chairman of the Board of Supervisors for a term of one year. There was no discussion and the members were polled:

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

The motion carried.

Mr. Davis and Mr. Evelyn were congratulated on their respective elections.

IN RE: ANNUAL REORGANIZATION – 2013 MEETING SCHEDULE

Before the Board for consideration was Resolution R-01-13 setting the Board's 2013 Meeting Schedule.

Mr. Stiers suggested moving the start time for work sessions from 8:30 a.m. until 9:00 a.m. to provide more preparation time for staff on those mornings. Mr. Evelyn indicated that he had a conflict with the date proposed for the January work session and asked that it be moved from January 30 to either January 28 or January 31.

There being no objections noted to either request, Mr. Burrell moved to adopt Resolution R-01-13 setting the 2013 Meeting Schedule, changing the date of the January work session to January 28 and changing the start time for work sessions to 9:00 a.m. The members were polled:

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

The motion carried.

IN RE: ANNUAL REORGANIZATION – BYLAWS

Before the Board for consideration were its Bylaws, with no proposed changes.

It was clarified that if there were no changes, then the Board could adopt the Bylaws at this meeting. There was discussion regarding a change to the format for public hearings and whether an applicant's final comments should come during or after the public hearing, and it was agreed that the current language gave the Chairman the discretion to make that determination.

Mr. Evelyn moved to adopt the Bylaws as presented, with no changes. The members were polled:

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

The motion carried.

IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Approval of Minutes
 - a. Work Session of November 28, 2012
 - b. Special Meeting of December 10, 2012
 - c. Business Meeting of December 10, 2012

2. Miscellaneous
 - a. Change Order in the amount of \$27,600 to the contract with Draper Aden Assoc., Inc. for additional survey and design work for the Route 249 water line upgrade
 - b. Employment Agreement with the County Administrator
 - c. Execution of documents providing for funding from forfeited assets to the Virginia Criminal Justice Foundation

3. FY13 Supplemental Appropriations
 - a. To un-appropriate FY13 State Fire Program funds; funds were appropriated in September and November 2012, \$11,628.53

\$(11,628.53)	Total
\$ 11,628.53	From Gen Fund fund balance

4. FY13 Supplemental Appropriations
 - a. Program income received from FY13 from CDBG Plum Point grant, \$428.43
 - b. Funds received from insurance proceeds, \$6,893.13

- c. Miscellaneous recovered costs, \$5,498.20
- d. Donations for the Animal Shelter, \$1,088.00
- e. Funds received by Extension from outside sources for sponsorship of programs, \$915.00
- f. Funds received for gifts and donations, \$1,200.00
- g. Funds to be received from The Supreme Court of Virginia for postage for Juvenile & Domestic Relations District Court, \$1,000.00

\$ 17,022.76 Total
\$(17,022.76) Total In/Out

- 5. FY13 Carry Forward Appropriations
 - a. Donations for the IT Department, \$35,656.00
 - b. VDEM Communications Assessment Grant and State Fire Program funds, \$22,076.20

\$ 57,732.20 Total
\$(48,761.20) From Gen Fund fund balance
\$(8,971.00) From Capital 800 fund balance

- 6. Interdepartmental Budget Transfers
 - a. *School Board*: \$65.00 from Matls & Supplies NKHS-Voc Ed Sec to Travel NKHS-Reg Ed Secondary
 - b. *Commissioner of Revenue*: \$9,400 from Reserved for Contingency to Other Operating Supplies

- 7. Treasurer's Report: Cash as of November 2012: \$36,235,011.96

Mr. Burrell pointed out that the commencement date on the County Administrator's employment agreement should read January 16 rather than January 15.

Mr. Tiller moved to approve the Consent Agenda, with the noted correction to the commencement date on the County Administrator's employment agreement, and that it be made a part of the record. The members were polled:

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

The motion carried.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) – RESIDENCY ADMINISTRATOR'S REPORT

David Christoph from VDOT reported on road issues in New Kent on behalf of Mike Cade, Residency Administrator.

He reviewed maintenance activities during the past month that included asphalt patching, pipe clean-outs, routine sign maintenance, maintenance on non-hard surface roads, inmate crew litter pickup, shoulder improvements, and completion of mowing on all primary and secondary roads. He reported that all permits had been received and work had begun on the South Waterside Drive project at Fanny's Creek.

He advised that maintenance during the next month would include pothole repairs, monitoring of non-hard surfaced roads, shoulder repairs/improvements, sign maintenance, tree removals, and litter pickup.

He and Chad Baker, the New Kent Area Superintendent, described the work involved in the South Waterside Drive project and advised that the work would result in the roadway being elevated by four feet.

Mr. Evelyn asked about a standing water problem/safety issue on Cosby Mill Road, near Ranch Acres. It was explained that problem resulted from some beaver activity as well as deterioration of some of the pipes and they hoped to replace all of the pipes and would report back on the timetable for that work.

Mr. Evelyn also asked about a meeting with citizens from Kenwood Farms.

Mr. Stiers reported a litter problem along Airport Road, and also complained about the lack of mowing along Kentland Trail. It was confirmed that area was to be maintained by Colonial Downs, who would be contacted about the complaint.

Mr. Tiller reported some pavement problems along Route 60 eastbound at the Henrico County line.

Mr. Davis asked about snow removal on Interstate 64 through New Kent. Mr. Christoph advised that ICA would take care of removing snow from the interstate and VDOT would be responsible for the secondary roads in the County.

IN RE: CITIZENS COMMENT PERIOD

Chairman Davis opened the Citizens Comment Period.

All of the speakers addressed a recent cultural events application filed by Colonial Downs that included a motorcycle race. Those speaking against the approval of that event were Providence Forge residents Donna Friend, Linda Callahan, Larry Haviland, Jan Haviland, Connie Bryan, Joe Bryan, William O'Brien, Leo Vozel, Norm Thomsen, Don Fowler, Scott Page, Paulette LaRocca, John LaRocca, Ron Trepanier, Kathy Bomwell, Bill O'Keefe, and Robert Gargiulo. Their comments covered concerns that included noise, detrimental impacts to adjacent neighborhoods, failure to hold testing prior to the event, violation of County's ordinances, decline in home values, incompatibility with adjacent golf courses, and air quality. Many spoke about a similar request made ten years earlier that had been denied and all asked the Board to deny this request.

Mr. Stiers explained that he had been approached by Colonial Downs some months earlier about the request and had encouraged Colonial Downs to meet with its neighbors to review the proposal. He indicated that he understood that such a meeting was planned in the coming weeks.

Chairman Davis described that meeting as "a good first step" and asked that the Board been kept informed on the issue.

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

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Evelyn recognized two Boy Scouts in attendance at the meeting – Benjamin Ward and Tristan O'Connell.

Mr. Tiller spoke about a recent house fire in Five Lakes and recognized residents Tommy Sisk and Lana Klein who assisted their neighbor in getting out of her house.

Mr. Stiers recognized a passing motorist, Sidney Atkins, who reported the fire and also assisted the resident in leaving her home. He commended the Fire Department for being on the scene within five minutes and recognized both volunteer and paid Fire staff present.

Mr. Burrell echoed Mr. Stiers' comments, speaking about how volunteer and paid staff worked together. He also thanked those who spoke during the Citizen Comment Period, remarking that government worked best when people got involved.

IN RE: STAFF REPORTS

Mr. Hathaway spoke about a freight rail line proposal from the Purina plant in King William County through New Kent County, and advised that the Board had been asked to adopt a resolution supporting a study by the Virginia Department of Rail and Transportation regarding the project's feasibility. He reported that there had been no new rail line constructed in Virginia for over 100 years and some believed that rail expansion would help relieve highway traffic congestion. He explained that based on the results of such a study, the Board would then be in a better position to make an informed decision as to whether it would support the project.

Chairman Davis tabled the matter until there was more information.

IN RE: DISTRICT APPOINTMENTS

Mr. Tiller 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, 2013 and ending December 31, 2013.

Mr. Tiller moved to appoint Pete Sweet as a District Two representative to the Transportation Safety Commission to serve a four-year term beginning January 1, 2013, and ending December 31, 2016.

Mr. Tiller moved to appoint Lyle Gleason as District Two's representative to the Wetlands Board to serve a five-year term beginning January 1, 2013, and ending December 31, 2017.

Mr. Stiers moved to appoint William Jeffries as District Four's representative to the Airport Advisory Commission to serve a four-year term beginning January 1, 2013, and ending December 31, 2016.

Mr. Davis moved to appoint Edward Pollard as a District Five representative to the Planning Commission to serve a four-year term beginning January 1, 2013 and ending December 31, 2016.

The members were polled:

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

The motions carried.

IN RE: NON-DISTRICT APPOINTMENTS

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 four-year term beginning January 1, 2013 and ending December 31, 2016.

Mr. Burrell moved to appoint Jeannie Gilman as an at-large member of the Clean County Committee to serve a four-year term beginning January 1, 2013 and ending December 31, 2016.

Mr. Burrell moved to appoint Paul Robinson as an at-large representative of the Economic Development Authority to serve a four-year term beginning January 1, 2013 and ending December 31, 2016.

Mr. Davis moved to appoint Pat Bell as an at-large representative of the Economic Development Authority to serve a four-year term beginning January 1, 2013 and ending December 31, 2016.

The members were polled:

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

The motions carried.

IN RE: REGIONAL BOARD CITIZEN APPOINTMENTS

Mr. Davis moved to appoint Lynne Szewczyk as New Kent's representative to the Henrico Area Mental Health & Developmental Services Board to complete a three-year term ending December 31, 2014.

The members were polled:

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

The motion carried.

IN RE: BOARD MEMBER AND STAFF APPOINTMENTS

Mr. Evelyn moved to appoint W. R. Davis, Jr. as the Board representative to the Agricultural and Forestal District Advisory Committee to serve a one-year term ending December 31, 2013.

Mr. Evelyn moved to appoint Ron Stiers as the Board representative to the Airport Advisory Commission to serve a one-year term ending December 31, 2013.

Mr. Evelyn moved to appoint James H. Burrell as the Board representative to the Historic Commission to serve a one-year term ending December 31, 2013.

Mr. Burrell moved to appoint Thomas W. Evelyn as the Board representative to the Parks and Recreation Advisory Commission to serve a one-year term ending December 31, 2013.

Mr. Evelyn moved to appoint C. Thomas Tiller, Jr. as the Board representative to the Planning Commission to serve a one-year term ending December 31, 2013.

Mr. Evelyn moved to appoint W. R. Davis, Jr. as the Board representative to the Social Services Advisory Board to serve a one-year term ending December 31, 2013.

Mr. Evelyn moved to appoint Ron Stiers as the Board representative to the Transportation Safety Commission to serve a one-year term ending December 31, 2013.

The members were polled:

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

The motions carried.

IN RE: REGIONAL BOARD APPOINTMENTS

Mr. Davis moved to appoint Thomas W. Evelyn as New Kent's Board representative to the Capital Region Policy Board to serve a one-year term ending December 31, 2013.

Mr. Burrell moved to appoint Rodney A. Hathaway as New Kent's alternate representative to the Capital Region Policy Board (Capital Area Training Consortium) to serve a one-year term ending December 31, 2013.

Mr. Burrell moved to appoint Thomas W. Evelyn as New Kent's Board representative to the Chickahominy District Health Advisory Board to serve a one-year term ending December 31, 2013.

Mr. Davis moved to appoint C. Thomas Tiller, Jr. as New Kent's representative to the Smart Beginnings Leadership Council to serve a one-year term ending December 31, 2013.

Mr. Evelyn moved to appoint Kelli Le Duc as New Kent's representative to the Sustainable Transportation Initiative of Richmond Advisory Board to serve a one-year term ending December 31, 2013.

The members were polled:

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

The motions carried.

IN RE: EMERGENCY MANAGEMENT APPOINTMENTS

Mr. Burrell moved to appoint W. R. Davis, Jr. as the Director of Emergency Management pursuant to Code of Virginia Section 44-146.19 and as Director of Emergency Services pursuant to County Code Chapter 30-161.

The members were polled:

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

The motions carried.

IN RE: CLOSED SESSION

Mr. Burrell moved to go into Closed Session pursuant to Section 2.2-3711A.3 of the Code of Virginia for discussion or consideration of the acquisition of real property for a public purpose or the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; 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 involving the legality of an ordinance; 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. The members were polled:

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

The motion carried.

The Board went into Closed Session.

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

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	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 members were polled on the certification:

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

The motion carried.

IN RE: CULTURAL EVENTS AND PROGRAMS

Mr. Evelyn moved to delegate the authority listed in Section 6-64 of the County Code to the Zoning Administrator. The members were polled:

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

The motion carried.

IN RE: ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 8:25 p.m.