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NEW KENT COUNTY BOARD OF SUPERVISORS

April 8, 2013, 6:00 p.m.

Boardroom, County Administration Building
12007 Courthouse Circle, New Kent, VA 23124

ACTION **AGENDA**

CALL TO ORDER (at 6 p.m.)

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

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.

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

CITIZENS' COMMENT PERIOD (3 minutes/person)

ITEM 1 Approval of minutes from the March 15, 2013 special meeting

Action: Mr. Evelyn moved to approve the minutes from the March 15, 2013 special meeting, as presented. Vote was 4:0:1 (with Mr. Burrell abstaining), motion carried.

ITEM 2 Vote on Ordinance O-01-13 amending Section 98-902 of the New Kent County Code regarding new parking areas, deferred from March 11, 2013 – County Administrator Rodney Hathaway

Action: Mr. Evelyn moved to adopt Ordinance O-01-13, as presented. Vote was 4:1 (Ayes: Burrell, Stiers, Evelyn & Davis; Nays: Tiller), motion carried.

CLOSED SESSION #1

Action: Mr. Burrell 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 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 Treasurer's Office. Vote was 5:0, motion carried.

Action: Mr. Burrell moved to come out of Closed Session. Vote was 5:0, motion carried.

Action: Mr. Burrell made the Certification of Closed Session. 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 **JOINT PUBLIC HEARING** with Virginia Department of Transportation – Consideration of Resolution R-09-13, approving the Secondary Six Year Plan (FY2014 – 2019) and Secondary System Construction

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Budget for FY2014 – *Mike Cade, Residency Administrator, Va. Dept. of Transportation*

Action: Mr. Evelyn moved to approve Resolution R-09-13 approving the Secondary Six-Year Road Plan for FY2014 – 2019 and the FY14 Construction Priority List of #1 Stage Road, #2 Dispatch Road, and #3 Henpeck Road, and moving the funding for Henpeck Road of approximately \$18,000 to the Dispatch Road project. Vote was 4:1 (Ayes: Burrell, Stiers, Evelyn & Davis; Nays: Tiller), motion carried.

ITEM 4 PUBLIC HEARING – Consideration of Resolution R-10-13 approving a Conditional Use Permit application filed by Colonial Downs to hold one motorcycle race in 2013 – *Planning Manager Kelli Le Duc*

CLOSED SESSION #2

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 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 Colonial Downs. Vote was 5:0, motion carried.

Action: Mr. Burrell moved to come out of Closed Session. Vote was 5:0, motion carried.

Action: Mr. Tiller made the Certification of Closed Session. Vote was 5:0, motion carried.

Action: Mr. Evelyn moved to adopt Resolution R-10-13 adding the following condition: To conduct the noise level monitoring required by Condition 5, Colonial Holdings, Inc. will employ a third party contractor/company to monitor and record the sound levels and duration of sounds during the motorcycle racing event. This third party will be approved by the County Administrator or his designee. Within sixty days after the race, Colonial Holdings, Inc. shall provide a report prepared by such contractor/company to the County depicting the sound levels and the duration of the sound levels for each reach. Vote was 4:1 (Ayes: Burrell, Stiers, Evelyn, Tiller; Nays: Davis), motion carried.

ITEM 5 Presentation of FY14 Draft Budget – *County Administrator Rodney Hathaway*

ELECTED OFFICIALS' REPORTS

STAFF REPORTS

APPOINTMENTS

Action: Mr. Davis nominated David R. Paul for Circuit Court appointment as District Five's representative to the Board of Zoning Appeals to serve a five-year term beginning January 1, 2013 and ending December 31, 2017. 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 May 13, 2013, and the next work session at 9:00 a.m. on April 24, 2013, both in the Boardroom of the County Administration Building, New Kent, Virginia.

ADJOURNMENT

Action: Mr. Burrell moved to continue the meeting until April 16, 2013, at 8:30 a.m. for a budget work session. Vote was 5:0, motion carried.

Meeting was recessed at 9:44 p.m.

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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. February 27, 2013 work session
 - b. March 11, 2013 business meeting

- 2. Miscellaneous**
 - a. One-year renewal of the contract with Dominion Chemical Company for the purchase of sodium hypochlorite and other chemicals as needed
 - b. One-year renewal of the contract with Arrowhead Environmental Services for industrial services
 - c. One-year renewal of the contract with Coyne Chemical for the purchase of sodium polyphosphate and other chemicals as needed
 - d. One-year renewal of the contract with Suffolk Sales & Service Corporation for the purchase of BioCarb DN and other chemicals as needed
 - e. One-year renewal of the contract with Univar for the purchase of aluminum sulfate and Micro C Glycerin, and other chemicals as needed
 - f. Agreement for Service between Colonial Downs, L.P., and the New Kent Fire-Rescue Department
 - g. Elevator Maintenance Agreement Addendum with KONE, Inc. (formerly Virginia Elevator Co., Inc.)
 - h. Contract with Caldwell Tanks for Eltham tank painting in the sum of \$247,394.
 - i. Contract with GeoComm for replacement mapping system for e911 in the sum of \$131,328.25 (100% grant funded)

- 3. Refunds**
 - a. \$2,920.71 to Melvin Belcher for Veterans exemption

- 4. FY13 Carry Forward Appropriations**
 - a. School FY12 End of Year balance, \$15,000.00

\$ 15,000.00	Total
\$(15,000.00)	From Gen Fund fund balance

- 5. FY13 Supplemental Appropriations**
 - a. Program income received for FY13 from CDBG Plum Point grant, \$1,127.36
 - b. Funds received from insurance proceeds – Sheriff, \$2,067.00
 - c. Miscellaneous recovered costs – Sheriff, \$4,166.22
 - d. Donations for the Animal Shelter, \$180.00
 - e. Funds received by Extension from outside sources for sponsorship of programs, \$200.00
 - f. Funds collected for a concealed weapons class, \$945.00
 - g. Public education donation funds – Fire/Rescue, \$650.00
 - h. Additional special needs adoption funds, \$4,000.00
 - i. Funds received from insurance proceeds – Water/Sewer, \$680.60

\$ 14,016.18	Total
\$(14,016.18)	Total In/Out

- 6. Interdepartmental Budget Transfers**
 - a. *Commissioner of Revenue:* \$2,500.00 from Computer Supplies and Tech Support to Part-Time Wages

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- b. *Victim-Witness*: \$3,948 from Clerk of the Board and among salary and operation line items
 - c. *Fire Rescue*: \$55,634.68 from CIP funding to salary line items
 - d. *Fire Rescue*: \$61,216.45 from Special Duty Colonial Downs to salary line items
 - e. *Schools*: \$3,395 from Appropriation of Funds from Prior years to Schools Misc Improv/Equip
7. **Treasurer's Report:** Cash as of February 2013: \$40,419,187.92

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