

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 12TH DAY OF AUGUST 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

Chairman Davis called the meeting to order.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Tiller 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: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Approval of Minutes
 - a. June 26, 2013 Work Session
 - b. July 8, 2013 Business Meeting
2. Miscellaneous
 - a. First Amendment Contract Agreement with Dean C. Williams, M.D., as Operational Medical Director
 - b. Contract renewal with Equipment & Machinery Services of Virginia for generator maintenance
 - c. Lease Renewal with Bay Aging, Inc.
 - d. Comprehensive Agreement Amendment for the PPEA Historic School project
 - e. One-year extension of the Radio Communications of Virginia, Inc. contract
 - f. Contract renewal – Logan Systems, Inc.
3. Refunds
 - a. \$645.75 to Main Street Homes for canceled permit
4. FY13 Carry Forward Appropriations
 - a. Reduce Estimated Fund Balance Used Due to Revenues Being Collected for FY12 Carry Forwards, \$448,540.44
 - b. Local funds for the Terminal Building Roof – Airport, \$758.00

Total	\$758.00
From Airport 96 Fund Balance	\$(758.00)
5. FY13 Supplemental Appropriations
 - a. Funds Received From Insurance Proceeds – Sheriff, \$380.00
 - b. Public Education Donations – Fire & Rescue Management, \$1,000.00
 - c. Miscellaneous Recovered Costs – Sheriff, \$11,388.46

- d. Extension Program Sponsorship Revenue, \$79.00
- e. Donations for the Animal Shelter, \$301.00
- f. Local Emergency Management Performance Grant Funds – Fire. These Funds Were Not Spent or Encumbered by June 30th and Therefore Lapsed, \$1,322.00
- g. State Fire Programs Funds – Fire & Emergency Management, \$8,223.00
- h. Funds for the Bond Issuance Costs – Utilities, \$217,257.82

Total	\$237,307.28
Total In/Out	\$(20,049.46)
From Fund 198 Fund Balance	\$(217,257.82)

- 6. FY 14 Supplemental Appropriations
 - a. Program Income Received for FY14 from CDBG Plum Point Grant Participants, \$926.01
 - b. Funds Received From Insurance Proceeds Loss on 7-22-13 Unit 280 – Sheriff, \$229.80
 - c. Funds Received for Records Preservation – Clerk of the Circuit Court, \$5,622.00
 - d. Virginia Wireless Grant Funds – Sheriff E-911 Grant Number 50 for Call Processing Equipment, \$150,000.00
 - e. Commonwealth Funds Received for Postage Costs for J&DRDC, \$1,000.00
 - f. Farm Land Rent – 8 Acres on Pine Fork Road, \$200.00

Total	\$157,977.81
Total In/Out	\$(157,977.81)

- 7. FY 14 Interdepartmental Budget Transfers
 - a. *Planning Commission*: \$14.00 from Reserved for Contingency to Richmond Regional Planning District Commission
 - b. *Financial Services*: \$1,791.21 from Salaries & Wages to Worker's Comp
 - c. *Schools*: \$12,918 from Summer School Salary line items to Purchased Instructional Services Summer School

- 8. Treasurer's Report: Cash as of June, 2013: \$34,866,173.51

Mr. Tiller moved to approve the Consent Agenda as presented and that it be made a part of the record. 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: RESIDENCY ADMINISTRATOR REPORT

Mike Cade, Residency Administrator, Virginia Department of Transportation (VDOT) reported on road issues in New Kent. He reviewed maintenance activities from the past month as well as those planned for the next thirty days, along with a synopsis of the plans reviewed and permits issued.

Mr. Burrell commented about issues on Interstate 64, and commended VDOT for getting more work done with less people.

All of the Board members thanked Mr. Cade for taking care of issues pertaining to their individual districts.

IN RE: CITIZENS COMMENT PERIOD

Chairman Davis opened the Citizens Comment Period.

William G. Hodges of 6331 Pocahontas Trail, read from a prepared statement on behalf of the New Kent Historical Society. He complained that the Society had not been considered in the decisions to relocate the School Board offices to the Historic Courthouse and reminded that funds had been raised in the past with the intent of making the Historic Courthouse a public meeting place. He read the names of some of the people who had worked as part of the Historical Society and revealed that the Historical Society had been ready to offer up approximately 1,500 items for a proposed museum. He also spoke about the "temporary" nature of the relocations. Members who were present from the Historical Society stood to show their support of Mr. Hodges' comments.

Farron D. Cowles of 7540 Davis Pond Road, read from a prepared statement and, on behalf of the Historic Commission, withdrew a request dated July 31 to acquire the "white house" next to the 1909 Courthouse for the Commission's office and display space. She did ask that the Historic Commission offices be returned to the Historic Courthouse once the School Board found more permanent offices, that they be able to utilize the Historic Courtroom for meetings, that the Courtroom not be used for storage, and that some furniture and items be returned to the Courtroom in their former location.

Mr. Evelyn asked that a copy of the Commission's requests be forwarded to the School Board.

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

IN RE: OFFICE RELOCATIONS

The Board continued to discuss the issues that had arisen with office relocations.

Mr. Hodges asked what would happen after two years passed and Mr. Evelyn indicated that there would be a re-evaluation of available and appropriate space done at that time.

Mr. Davis asked Dr. Robert Richardson, Superintendent of Schools, to address those issues that had been raised regarding their relocation to the Historic Courthouse. Dr. Richardson assured the Board that nothing would be altered in the Historic Courtroom and that his staff was willing to handle the scheduling of the Courtroom by community and other groups that wanted to use it. County Attorney Michele Gowdy noted that scheduling had not been included in the Lease recently approved by the School Board but could be added along with some other minor modifications that needed to be made.

Camilla Tramuel, President of the Historical Society, asked if events like the ones held in the past could still be accommodated in the Historic Courthouse. Dr. Richardson stated that the School Board would try to be a cooperative community partner.

Mr. Hodges remarked that the Historical Society couldn't "take another slip of paper" in the Historic Jail where they were currently housed. Mr. Evelyn responded that was also the problem the County faced with office space for staff and pointed out that the Board had not

been aware that the Society wanted space in the Historic Courthouse when they began discussing office relocations.

Mr. Stiers asked the Society if they would be interested in locating at the Visitors Center and Ms. Tramuel explained that the Society would need a 2,000 square foot building to hold all the items they possessed and that they would prefer to stay in the Courthouse area.

Mr. Hathaway clarified that the Historic Commission was given notice on July 21 to vacate the Historic Courthouse by August 14 and that the Historical Society apparently had an agreement with the Historic Commission, and not the County, for display space in the Historic Courthouse, which may have led to the confusion on behalf of the Society.

Mr. Evelyn suggested a meeting between the Board and the Society to review the items the Society had in its possession and it was agreed to meet on August 21, 2013, at approximately 9:00 a.m. after a meeting with the Fire Chief at 8:30 a.m.

Mr. Burrell thanked all of the groups present for attending and giving their comments. He explained that his concerns were still about problems that might arise with the Justice Department and the State concerning the Voter Registration Office's move to the Health & Human Services Building.

Mr. Stiers moved to approve the Lease with the School Board in substance as approved by the School Board on August 5, 2013, to include protecting the integrity of the Courtroom and cooperating with groups to use the Courtroom. The members were polled:

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

The motion carried.

Charles Moss, Chairman of the New Kent Electoral Board, remarked that he wasn't concerned about the Historic Courthouse but with the mix of clientele in the Health and Human Services Building and the possibility that two of the tenants in that building could be considered private businesses, and therefore would make that office space for Voter Registration non-compliant with State Code. He maintained that their requests had not been accommodated and nor had their concerns been addressed regarding their impending move. He spoke about problems with visibility and accessibility for the elderly, as well as the denial of a request for a glass wall.

Mr. Hathaway clarified that the requests had not been denied and he had, in fact, given the General Registrar a sketch of the proposed wall on the previous Friday.

Mr. Stiers reminded that the State Board of Elections and Delegate Chris Peace had both visited the proposed space in the Health and Human Services Building and seemed pleased with the space.

IN RE: BRIDGING COMMUNITIES CAREER AND TECHNICAL CENTER

Dr. Richardson shared photographs of a recent presentation of a General Assembly resolution by Delegate Peace.

IN RE: PAWN SHOPS

Before the Board for consideration was Ordinance O-09-13 amending Chapter 14 of the New Kent County Code to add Article III to allow pawn shops.

Chief Deputy Joe McLaughlin reported that the County had been approached by a local businessman interested in opening a pawn shop and that he had worked with the County Attorney on researching and developing a proposed ordinance.

There was discussion about the provision to put a limit on the number of pawn shops allowed in the County and how many could be owned by one person.

It was clarified that the permit application and fee had to be submitted annually.

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

Mr. Burrell moved to adopt Ordinance O-09-13, as presented. 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: CENTRAL ABSENTEE VOTING DISTRICT

Before the Board for consideration was Ordinance O-12-13 amending Section 26-73 of the New Kent County Code to establish the Central Absentee Voting District in the Health and Human Services Building at 7911 Courthouse Way and discontinue it at 12003 New Kent Highway contemporaneously with the relocation of the Voter Registration Office.

Ms. Gowdy reported that the Electoral Board had voted unanimously to move the Central Absentee Precinct at its meeting on July 25, 2013.

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

Mr. Tiller moved to adopt Ordinance O-13-13. 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 motion carried.

IN RE: AGRICULTURAL AND FORESTAL DISTRICTS

Before the Board for consideration was Ordinance O-04-13 amending Chapter 66 of the New Kent County Code to add Article II in order to reflect the role of the Commissioner of Revenue.

Ms. Gowdy reported that this change was designed to show the Commissioner's role in the process and make it more transparent. There was discussion about how other localities handled AFDs.

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

Board members agreed that they wanted more information and direction from the Commissioner of the Revenue on this issue.

Mr. Burrell moved to defer this item for further discussion. 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: STATE RETIREMENT SYSTEM

Before the Board for consideration was Ordinance O-05-13 amending Chapter 2, Article III of the New Kent County Code to reflect newly enacted State Code changes.

Mr. Davis asked Ms. Gowdy if the County had an option in adopting this amendment and she indicated they did not.

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

Mr. Evelyn moved to adopt Ordinance O-05-13, as presented. 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: PRECIOUS METALS AND GEMS

Before the Board for consideration was Ordinance O-06-13 amending Chapter 14, Article II of the New Kent County Code to reflect newly enacted State requirements for recordkeeping in connection with the purchase of precious metals and gems.

Ms. Gowdy spoke about the changes this amendment covered such as requiring digital images of items and a photo identification of sellers. Chief Deputy McLaughlin indicated that the Sheriff's Office was already requiring this of the County's precious metals and gems dealers.

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

Mr. Burrell moved to adopt Ordinance O-06-13, an ordinance amending Chapter 14, Article II, Precious Metals and Gems, Division I, Section 14-34, Recordkeeping: copy furnished to local authorities, with changes that resulted from the 2013 General Assembly session. 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: ANIMALS

Before the Board for consideration was Ordinance O-08-13 amending Chapter 10 of the New Kent County Code to reflect amendments of State law, including those relating to dangerous and vicious dogs.

Ms. Gowdy advised that State Code had changed substantially since the County last amended this section of its Code in 2000, and that this amendment would bring the County in compliance with State Code.

Mr. Burrell noted that the proposed amendment entailed nearly three pages of deletion. Ms. Gowdy explained that the language being deleted was fully set forth in the section of the State Code that was referenced and being incorporated.

Chairman Davis opened the Public Hearing.

James Poole of 11332 Carriage Road indicated that his question had been answered concerning State Code covering some of the same matters as the language being deleted.

There was discussion amongst the Board members concerning the time limit to hold dangerous/vicious dogs compared to other animals picked up by Animal Pound staff.

There being no one else signed up to speak, the Public Hearing was closed.

Mr. Burrell moved to adopt Ordinance O-08-13, an ordinance amending, restating and readopting Chapter 10, Animals. 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 motion carried.

IN RE: CREDIT CARD FEES

Before the Board for consideration was Ordinance O-10-13 amending Chapter 66, Article I of the New Kent County Code to reflect amendments of State law.

Ms. Gowdy advised that this section of the County Code had not been amended since 2002 and was not compliant with State Code since it provided for a flat fee rather than a fee that was based on actual costs. She reported that the County incurred costs of approximately \$17,000 in unreimbursed credit card fees last year. She indicated that the Treasurer's Office had done an analysis and spoken with other localities about this issue and had advised that \$3.95 would be the new fee to be charged, based on the current average. She noted that every quarter the Treasurer's Office would need to re-evaluate to make sure they were not recovering more than the costs incurred and they would also advertise changes as necessary.

She clarified that this ordinance amendment would not set the fee, but would set forth the process whereby the Treasurer could only recover costs incurred. She confirmed that the ordinance must be amended to comply with State Code.

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

Mr. Tiller moved to adopt Ordinance O-10-13, as presented. 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: ELECTED OFFICIALS' REPORTS

Mr. Stiers commended Fire Chief Opett and his staff for the six-minute response time to a recent house fire in Oakmont Villas. He also gave an update on Woodhaven dam issues and a meeting with Dr. Richardson concerning security volunteers in schools.

Mr. Burrell gave a report from Richmond Region Tourism, advising that there had been a significant increase in tourism in the Region that included New Kent.

Mr. Davis asked about the upcoming motorcycle race at Colonial Downs. Mr. Hathaway reported that plans were in place and confirmed that noise monitoring would be set up that day.

IN RE: STAFF REPORTS

Mr. Hathaway announced that Congressman Eric Cantor would be visiting New Kent County on August 22 and wanted to meet with County officials. Mr. Davis indicated that the August 21 meeting with Fire-Rescue and the Historical Society could be continued to August 22 to accommodate that request.

IN RE: APPOINTMENTS

There were none.

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 September 9, 2013, in the Boardroom of the County Administration Building, and that there would be no August work session. He further confirmed that this meeting would be continued to August 21, 2013 at 8:30 a.m.

IN RE: CONTINUATION OF MEETING

Mr. Evelyn moved to continue the meeting until August 21, 2013 at 8:30 a.m. 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 recessed at 8:15 p.m.