

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 17th DAY OF JULY IN THE YEAR TWO THOUSAND EIGHT OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 5:00 P.M.

IN RE: ROLL CALL

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

The Chairman called the meeting to order. It was confirmed that the media had been notified that the Board would be changing its agenda and holding its Closed Session at 5 p.m. instead of at the end of the meeting.

IN RE: CLOSED SESSION

Mr. Trout moved to go into Closed Session for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving actual or probable litigation. Mr. Davis added a motion to go into Closed Session to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia, if there was enough time. The members were polled:

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

The motion carried. Mr. Davis announced that he would not be participating in the first part of the Closed Session because of a possible conflict of interest.

The Board went into closed session, with Mr. Davis joining them midway through.

Mr. Sparks moved to return to open session. The members were polled:

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

The motion carried. Mr. Sparks 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:

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

The motion carried. There was an indication that the Board might continue with its Closed Session at the end of the meeting.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: CONSENT AGENDA

County Administrator John Budesky presented the Consent Agenda as follows:

1. Approval of Minutes
 - a. Work session of May 27, 2008
 - b. Special meeting of May 28, 2008
 - c. Regular business meeting of June 9, 2008
 - d. Work session of June 24, 2008
2. Miscellaneous
 - a. Resolution R-14-08 in recognition of Richard E. Williams, Sr., deceased
 - b. Road Name Additions
 - i. Mystic Oak Trail
3. Refunds
 - a. \$120.00 to Joseph and Anna Burton for boundary line adjustment fee
 - b. \$11,334.42 to Virginia Biodiesel Refinery, LLC for erroneous assessment resulting from taxpayer error in reporting
 - c. \$355.00 to James & Regina Talley for withdrawn subdivision fee
 - d. \$865.00 to James Rowe for commercial land disturbance fee
4. FY07/08 Appropriations
 - a. Funds donated to the New Kent Animal Shelter, \$318.00
 - b. Funds for Fire-Rescue coverage at Colonial Downs Jun 2 – 29, \$20,625.00
 - c. Funds for Sheriff coverage at Colonial Downs in May and Jun 08, \$11,173.00
 - d. Funds for insurance proceeds for Feb 4 damage to the Visitors Center lawn, \$100.00
 - e. Funds for extra security detail performed by the Sheriff's Office Jun 6 – 28, \$4,329.00
 - f. Matching grant funds received from Quinton Volunteer Fire & EMS, Inc. for a State Forestry grant, \$2,970.00
 - g. Charge card fees collected in excess of budget for offsetting expenditures associated with charge card fees, \$362.00

Total Supplemental Appropriation:

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| \$ (40,457.00) | Total |
| \$ 40,457.00 | Money-in/Money-out |

5. FY08/09 Appropriations

- a. Funds for the *Hook a Kid on Golf* grant in Parks & Recreation for its Aug 11 golf clinic, \$1,250.00
- b. Funds for Attorney Review Fees for Deerlake C Homeowners' Association, \$700.00

Total Supplemental Appropriation:

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| \$ (1,950.00) | Total |
| \$ 1,950.00 | Money-in/Money-out |

6. FY09 Carry Forward Appropriations

- a. Veterinarian Services from donations to the Animal Shelter not used in previous fiscal years, \$3,601.85
- b. Donations received for the Sheriff's Honor Guard, \$458.98
- c. Title Insurance in the Legal Services budget not used in FY08, \$1,200.00
- d. Litigation expenditures in the Legal Services budget for pending settlement that may occur in FY09, \$112,000.00
- e. Scholarship Program and Sponsorship Facility Improvements fund for Parks & Recreation not used in FY08, \$4,999.00
- f. Board of Equalization wages for meetings held in FY09, \$2,153.00
- g. Parks & Recreation capital projects not completed in FY08, \$509,927.51
- h. Capital funds for the E-Board Packages/Boardroom Tech Upgrades project not completed in FY08, \$27,856.21
- i. Capital funds for Sheriff-Mobile Data/In-Car Mapping not completed in FY08, \$114,064.29

Total Supplemental Appropriation:

| | |
|-----------------|------------------------------------|
| \$ (776,260.84) | Total |
| \$ 111,831.91 | Money-in/Money-out |
| \$ 124,412.83 | From Fund 1 – General Fund Balance |
| \$ 540,016.10 | From Fund 7 – Capital Fund Balance |

7. FY08 Inter-Departmental Budget Transfers

- a. *Advertising*: \$75 from Parks & Rec to Human Resources
- b. *Vehicle Supplies*: \$1,000 from MS SRO to Sheriff's Office
- c. *Advertising*: \$47 from Commissioner of Revenue to Human Resources
- d. *Economic Development*: \$10,500 from Furniture & Fixtures to Visitors Center Upgrades
- e. *Sheriff's Office/Sheriff's Courts*: \$28,000 from Jails to Gasoline line items
- f. *Quality Initiative Grant*: \$5,577 from Social Services to Parks & Rec

8. FY09 Inter-Departmental Budget Transfers

- a. *Vehicle Insurance*: \$100 from Sheriff's Court to Sheriff's Office
- b. *Payroll*: \$48,220.00 from Zoning to Environmental
- c. *Clerk of the Board*: \$3,000 from Reserve for Contingency to Advertising

9. Treasurer's Report: Cash in Bank as of May, 2008: \$27,323,840.10

Chairman Burrell inquired if Mr. Evelyn, as sponsor of the resolution in recognition of Richard Williams, Sr., deceased, wanted it pulled from the Consent Agenda for a separate vote. Mr. Evelyn advised that he did not.

Mr. Burrell noted that he was absent from the June 24 work session and that his vote approving the items on the Consent Agenda would not include the minutes from that meeting.

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

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

The motion carried.

IN RE: PRESENTATION TO CAROL WITHERSPOON

Mr. Trout presented to Carol Witherspoon a copy of Resolution R-10-08 which had been previously adopted by the Board recognizing Ms. Witherspoon for her community service and her recent election as the 80th International LaSertoma President. Ms. Witherspoon thanked the Board for their recognition.

IN RE: CITIZENS COMMENT PERIOD

Chairman Burrell opened the Citizens Comment Period.

George Philbates, Jr. distributed a newspaper article regarding the consideration by the Waynesboro School Board of a four-day week. He suggested that option should be considered by New Kent's schools as a way to save on fuel and operating costs and to extend the lifespan of the buses. Regarding the issue of performance standards for temporary uses, he commented that he felt that there was "too much red tape".

David Adams, a businessman from Providence Forge, expressed his support for Bill's Hot Dogs, calling it a "unique place" that should be allowed to remain in operation and suggesting that the County should encourage small businesses and not "put up any roadblocks".

Susan Brucker, representative from District 4 to the Heritage Public Library Board of Trustees, reported that the Library had never been busier, and that since their recent move, both attendance and circulation had significantly increased. She reported that 81 new patrons had joined between July 1 and July 18 and commented that the community seemed "ecstatic" with the new location. Ms. Brucker announced that the Library was hosting "Front Porch Events", inviting any County agency to use the space in front of the Library during regular Library hours. She reported that New Kent Animal Shelter was taking advantage of that opportunity on the first Saturday of each month and had been able to find homes for several pets at each event. She expressed her hope that other agencies would participate as well. She thanked all of the residents and County employees who had helped with their move, as well as those who had given financial support, with special recognition of Dr. and Mrs. F. W. Howard, Sr. for their generosity.

Paynie Tyler of Charles City County spoke on behalf of Bill's Hot Dogs. She described how many of her customers patronized the hot dog stand and how that vendor provided food for an annual re-enactment in which her husband was involved at Fort Pocahontas. She advised that she, a long-time member of the Charles City Planning Commission, was a believer in democracy and free enterprise. She commented that Bill Jennings had contributed to the community and the Board should support his business.

Following up on the comments of his wife, Harrison Tyler spoke about how Bill's Hot Dogs had fed the participants in his annual re-enactment, did a good job, and he hoped the Board would support the business. He confirmed that he was the grandson of President John Tyler, who was born in 1790 and married Leticia Christian of New Kent County, and recounted some of the personal details of his ancestry.

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

IN RE: RESIDENCY ADMINISTRATOR'S REPORT

Torrence Robinson, Residency Administrator with the Sandston Residency of the Virginia Department of Transportation, reported on issues pertaining to roads in the County.

He reported that work performed during the month included pavement repair, pipe cleaning, sight distance work, brush cutting, grading, and tree trimming.

He noted that Route 604 was open for traffic.

Regarding the Rural Rustic Roads projects, he advised that work was nearly complete on Route 647/Old Telegraph Road; that they were waiting for some work to be completed by a logging company before the work on Route 602 could be completed; that work on Homestead Road should start within the next week; and that Mt. Pleasant would be last.

Mr. Robinson reported that the problem with drainage on St. Peters Lane was under review; that the stop sign had been re-installed at Routes 600 and 601; and that they were reviewing what actions would be taken at Plum Point.

Mr. Evelyn thanked Mr. Robinson for the paving work that had been done on roads in District One, including Old Church, Dispatch and Cosby Mill.

Mr. Sparks expressed his thanks for the paving work on Dispatch Road, and asked about the status of ditch work needed on Route 60 westbound, noting that ditch cleaning had helped but that water was still a problem after heavy rains. Mr. Robinson advised that they were still in discussions with the contractor on how to resolve the problem and he would keep Mr. Sparks informed.

Mr. Trout expressed his pleasure that the Rural Rustic Road projects had been started.

Mr. Davis advised that he had been working with Mr. Robinson and Mike Cade to address some of the concerns in District 5.

Regarding Terminal Road, Mr. Burrell advised that he had received a telephone call about raising the speed limit. Mr. Trout asked about the speed study, confirming that he had received some comments from residents to the effect that the speed limit should be increased from the posted 25 mph limit since the road improvements had been completed. Mr. Robinson agreed to check on that and report back.

Mr. Burrell spoke about how dead trees continued to be a concern, especially along Route 249 and asked that VDOT take another look at that problem. He also thanked him for promptly addressing requests made regarding County roads.

Noting that the Board had recently received estimates on some potential road improvement projects, Mr. Trout asked about the status of the Revenue Sharing Program. Mr. Budesky

reminded that, at its last meeting, the Board had decided not to apply for revenue sharing for the current year.

IN RE: INTRODUCTION OF NEW STAFF

Sheriff Howard introduced part-time dispatcher Ashley Brown who previously worked for the Sheriff's Office and recently returned to fill a vacancy. Ms. Brown was welcomed by the Board members.

IN RE: ELECTED OFFICIALS' REPORTS

Commissioner of the Revenue Laura Ecimovic read a message from Treasurer Herbert Jones, Jr., who was unable to appear in person because of another commitment:

"In light of the current economic situation and recent failures of large banks across the country, I have been in communication with Citizens & Farmers Bank regarding our deposits (as of June 30, 2008, the County had \$17,139,126.57 on deposit at C&F). The Commonwealth of Virginia requires that banks that hold public funds adhere to the requirements of the Virginia Security for Public Deposits Act (Code of Virginia, Chapter 44, section 2.2-4400 thru 2.2-4411). This requires participating banks to collateralize assets in a separate account/fund. The Code specifies that at least 50% of the public funds held in deposit must be collateralized in a separate pledged account. C&F informed me today that they do now and always have collateralized 50% as required by the Code. If C&F should fail (and I don't think that will happen) the balance of our deposits are covered under the act by the other participating banks in the Commonwealth. In other words, our money is safe at C&F; and if C&F fails we are still covered, unless there is a catastrophic failure of the entire banking system in the Commonwealth."

Ms. Ecimovic explained that it was her understanding from Mr. Jones that the amount on deposit at C&F Bank was different from the amount shown on the Cash Report in the Consent Agenda because the Cash Report included investments. She also indicated that the pledged account referred to in Mr. Jones' statement was at SunTrust Bank.

Mr. Davis commented that he understood Mr. Jones' comments to mean that all of the County's funds were protected. Ms. Ecimovic advised that was her understanding as well.

Mr. Trout announced details on the upcoming Virginia Derby and Music of America Festival at Rockahock Campgrounds.

Mr. Burrell advised that as a member of the Board of Directors for the Richmond Metropolitan Convention and Visitors Bureau, he wanted to report that despite high gasoline prices, the Richmond area was faring well with convention business and tourism. He noted that a recent race at Virginia International Speedway had been well-attended, with visitors from all 50 states and more than 12 countries. He advised that hotels were doing well and 2,000 new rooms would soon be available. He commented that although New Kent was a small part of the region, it would receive benefits from tourism and convention business in Richmond.

IN RE: DISTRICT APPOINTMENTS

Mr. Sparks moved to appoint Lena Sweeten as District Two's representative to the Clean County Commission to complete a four-year term ending December 31, 2011.

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

The motion carried.

IN RE: NON-DISTRICT APPOINTMENTS

Mr. Burrell appointed Linda Myers as New Kent's representative to the Charles City, New Kent, Henrico Mental Health & Retardation Board to complete a term ending December 31, 2008.

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

The motion carried.

There was discussion regarding the remaining vacancies and staff was asked to post the openings on the government cable channel. Mr. Trout expressed his interest in filling the vacancy on the James River Development Corporation Board and indicated that he was awaiting information as to the current ratio of elected officials to non-elected members before he made a decision.

IN RE: STAFF REPORTS

There were none.

IN RE: "COOL COUNTIES"

Delegate Chris Peace presented Chairman Burrell with a copy of a General Assembly resolution sponsored by himself and Senator Thomas Norment, commending New Kent for its participation in the "Cool Counties" initiative. He spoke about New Kent's commitment and the steps it was taking to mitigate its environmental impact and how he hoped that New Kent's leadership and efforts would inspire the other jurisdictions in his district to follow suit. He advised that he was not aware of any State funding to assist in these efforts and suggested that the County contact its Congressman to determine the availability of federal funding.

Mr. Burrell shared information on some of his lobbying efforts on environmental issues in the past year.

IN RE: DR. FARRAR HOWARD

Delegate Chris Peace presented Dr. Farrar Howard with a copy of a General Assembly resolution recognizing him as "one of New Kent's finest" for his outstanding service to the State and community, his good stewardship, and contributions toward sustainable forestry. Dr. Howard thanked his wife and family for their help and support. Mr. Burrell reminded that Dr. Howard was also a veteran of World War II.

Mr. Trout thanked Delegate Peace for several items that he had introduced in the General Assembly and other work he had performed on New Kent's behalf.

The Board recessed until 7:00 p.m. when the meeting was resumed.

IN RE: PERFORMANCE STANDARDS FOR TRANSPORTATION, UTILITIES &
TEMPORARY USES AND FACILITIES

Before the Board for consideration was Ordinance O-05-08(R2) amending the Zoning Ordinance to establish performance standards for transportation, utilities, and temporary uses and facilities.

Planning Manager Rodney Hathaway reported that the amendments would set minimum standards for such things as parking, noise, traffic and operations. He recounted that when the issue was heard at the Board's April meeting, several concerns had been raised and that the proposal under consideration contained revisions that addressed those concerns.

He noted that the administrative permit fee had been eliminated for non-profit and civic organizations. He also represented that carnivals, circuses and fairs would be required to provide a sketch plan with only enough detail so that staff could determine how the event would be operated; however, if deemed necessary by the zoning administrator, a scaled or dimensional drawing could be required.

In response to concerns raised about mobile food units, he reported that two classifications were proposed: the first a true mobile unit that moved daily and the second a unit that could be mobile but operated in a fixed location for extended periods of time. He indicated that a unit under the latter classification would not have to move daily but if the health department required that it operate in conjunction with a commissary, the commissary had to be located within 150 feet of the unit. He pointed out that pole barns and other similar structures would be permitted as long as they had been inspected and deemed safe by the building official.

The Chairman opened the Public Hearing.

Warren Cosby stated that he was relieved that it sounded like Bill's Hot Dogs would be permitted to continue to operate. He attempted to speak about the reassessment but was reminded to remain on topic. He stated that "it was a shame that the County tried to run businesses out", commenting that the County "needed all of the money it could get" and he couldn't understand why it was so "unfriendly to businesses". He suggested that the County circumvented the laws for its own purposes (citing the setback problem with the concession stand at the new high school athletic field) and he felt that it should do the same for businesses. He complained about the County's hiring new employees and buying new vehicles "on the backs of the taxpayers" and suggested that it needed to start cutting expenses.

Sheila Brooks spoke in support of Bill's Hot Dogs and the quality of his food and service, and urged the Board to "leave him alone".

Brenda Armstead spoke in support of Bill's Hot Dogs and how he looked out for his customers, and requested that he be allowed to continue to operate.

David Adams referred to his earlier comments, reiterating that New Kent needed unique businesses like Bill's Hot Dogs.

John Reed commented that the owner of Bill's Hot Dogs was "living the American dream" and spoke about the cleanliness of the business. He also relayed supportive comments received from his son who was serving in the military and stationed in Baghdad.

David Horsley, owner of the property on which Bill's Hot Dogs operates, called the business "a great asset to the County" and said he felt it was a shame not to help small businesses who could bring the kind of recognition that the County was looking for.

Lloyd Christian commented that New Kent seemed "anti-business" to some and not to others. He urged the Board to let Bill's Hot Dogs continue to operate and not to spend any more money and time than had already spent on the issue.

Bill Jennings, operator of Bill's Hot Dogs, reviewed his various licenses and permits, noting that he remitted his meals tax and paid his rent early, had telephone and electric service to his unit, had never had a complaint, and had collected around 360 signatures on a petition supporting his business. He spoke about how his picnic tables were often used by grateful and respectful travelers when his business was closed and about his many out-of-town customers.

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

Mr. Trout asked that the issues in the proposed ordinance be separated into two parts, with the Board's voting on the amendments contained in the first 13 pages upon which there had been no comment, and then discussing the remaining part of the ordinance that dealt with stationary self-contained food units.

Mr. Evelyn commented that the Board had discussed the proposal several times and he moved to adopt Ordinance O-05-08(R2) as presented.

Mr. Trout objected, stating that he had made a request. Mr. Sparks asked if Mr. Trout's request had been a motion and indicated that he would not be in favor of splitting the sections of the ordinance for consideration.

Mr. Davis clarified that the Board and staff had worked hard to find a way to allow Bill's Hot Dogs to continue to operate, that no one was trying to "run him out of business", and he felt that with the proposed revisions, the business would "fit" the zoning ordinance.

Mr. Burrell commented that he agreed with Mr. Davis, and that no one wanted Bill's Hot Dogs to be in violation but the County had to be careful not to set a precedent.

Mr. Summers advised that he had consulted *Robert's Rules of Order* and if Mr. Trout's request was a motion, then it needed to be voted upon. Chairman Burrell asked Mr. Trout if he wanted his request to be a motion. Mr. Trout advised that he could make it a motion, or the Chairman could respond to the request administratively.

The Board members were polled on Mr. Trout's motion to divide the ordinance into two parts, the first being pages one through Section 98-876(d)(1), and separate consideration of Section 98-876(d)(2):

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

The motion failed.

Mr. Trout commented that his concern was not with Bill's Hot Dogs but with the language that would make stationary food operations a standard for the entire County and make it difficult and unfair for restaurants that had to compete for business but operate at a higher standard at a higher cost. He stated that he did not want to vote against the whole ordinance, but wanted to continue to consider the last part which he felt needed more work.

Mr. Sparks reminded that it had been sent back to staff two or three times to incorporate things that the Board members had asked for and that he was prepared to vote on Mr. Evelyn's motion.

The Board was polled on Mr. Evelyn's motion to adopt Ordinance O-05-08(R-2) as presented:

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

The motion carried.

IN RE: LAND EXCHANGE TO FACILITATE THE INSTALLATION OF MULTI-USE COURTS
AT QUINTON COMMUNITY PARK

Before the Board for consideration was Resolution R-15-08 approving a land exchange between New Kent Land & Development Company, Peter & Christine Sweet, and New Kent County, in order to allow the County to construct a multi-use court at Quinton Community Park.

Mr. Budesky advised that the proposed land exchange would facilitate the construction of a multi-use court at Quinton Park at a location along the walking trail closer to the parking lot, and away from the initial proposed location nearer to the homes in the subdivision.

He advised that a basketball court was originally requested by the Parks and Recreation Advisory Commission (PRAC) and was budgeted for, but in response to some concerns that had been raised, staff researched and presented the concept of a multi-use court that could be converted into either a volley ball or tennis court, rather than have a footprint that would limit the court to basketball. He indicated that the PRAC had accepted and was supporting that proposal as a compromise.

Mr. Budesky reported that the proposed land exchange was contingent upon a court being installed on the alternative site. He indicated that if the court were to be installed at the original site, it would take some of the open space used for youth soccer.

He acknowledged that there continued to be concerns and opposition from residents of the Quinton Park subdivision, who had submitted a petition; however, it was the intention of the PRAC to move forward with installation of the court.

He advised that the options open to the Board were to approve the land exchange and move forward with the installation of the court in the alternate location; choose not to have the land exchange and to install the court in the original location; or not to have the court at all.

Mr. Evelyn asked if the bids for the multi-use court were within budget. Staff reported that they were.

Mr. Budesky advised that installation in the alternate location would require a ten-foot fence and landscaping as part of the agreement on the land transfer.

There was discussion regarding the size of the proposed court, reasons for the landscaping, and the need/demand for courts.

The Chairman opened the Public Hearing.

Clyde Miller spoke on behalf of the residents of the Quinton Park subdivision, referencing the petition presented in opposition to the proposed basketball court, as well as the information submitted regarding problems with basketball courts in some of the surrounding localities because of "nefarious behavior" including shootings, stabbings and drinking. He predicted that the court would bring problems to their neighborhood unless the Sheriff's Office could maintain constant surveillance after hours, adding that the court could be easily used after dark with illumination provided by headlights from cars in the parking lot.

Mr. Burrell reminded that one of the reasons that the Quinton Park subdivision was approved was because it included the proffer of a park. He maintained that New Kent could not be compared to other localities and he stated that, of all of the sports in the world, basketball was one of the fastest growing sports in recent decades. He recounted remarks made by a speaker who addressed the Colonial Community Criminal Justice Board about the importance of having plenty of activities for youth in order to keep them occupied. He stated that he respected what Mr. Miller was saying but did not think that a basketball court would result in the problems the neighbors were anticipating.

Mr. Miller asked if a gate could be installed at the park that could be locked at dark, advising that he had picked up beer cans from the parking lot and used condoms from the playground.

Mr. Burrell asked that staff arrange with the Sheriff's Office to patrol the park after closing hours.

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

Mr. Burrell recognized the presence of members of the PRAC and invited PRAC Chair Charles Moss to address the Board.

Mr. Moss advised that there was an ongoing concern about the need to provide recreation for all citizens of the County and that any public park should include many types of recreation. He stated that giving people constructive things to do "built good communities and allowed people to interact with each other". He maintained that he did not anticipate

problems with a basketball court and he felt the County should move ahead and complete the park as planned. He admitted that there could be negative aspects to any sport or activity but he felt that if it were handled correctly, there should not be any problem.

Mr. Evelyn asked about the votes taken by the PRAC. Mr. Moss advised that the matter had been considered on more than one occasion and that the votes had always been unanimous. He added that he felt that the original location was "ideal" and he was surprised to learn about the alternate location. He admitted that he did not know if the alternate location would involve additional expense but if it did, he didn't think it was necessary and the funds would be better spent somewhere else.

Mr. Davis asked about increased costs with the alternate location. Mr. Budesky advised that the fence and landscaping would add about \$10,000 to the cost of the project and were part of the agreement with the landowner for the land exchange.

Board members reviewed a copy of the plat and staff members pointed out the locations under consideration.

Mr. Budesky advised that the logic behind the alternate location and land swap was that it would not involve using space on the youth soccer fields and would exchange land located behind a swale that was of no use to the County for a piece of land on the other side of the park that was closer to the parking lot. He indicated that the landowner had requested the fence and landscape to help preserve the value of an adjacent parcel currently on the market.

Landowner Peter Sweet agreed that the alternate location was a much better place for the basketball court and he was willing to sacrifice a portion of his property in order to help preserve the sight line and aesthetics of the neighborhood. He said that he requested the fence to help discourage children from the nearby trailer park from cutting a path across his property to the park.

It was noted that the piece of land being traded to Mr. Sweet was slightly larger than the piece being traded to the County.

Parks & Recreation Manager Kim Turner assured the Board and the community that staff had identified the risks and benefits of having a basketball court at the park and they would continue to work with the Sheriff's Office as well as consult with other localities on how to best address safety and security concerns.

Mr. Sparks asked what could be done to address what was currently happening at the park after dark. Ms. Turner advised that the Sheriff's deputies were patrolling the park as their workload would allow. She admitted that there would likely be an increase in activity when the court was first installed.

Mr. Sparks expressed his frustration that the court was being touted as being a multi-use court when in actuality it was a basketball court. Staff clarified that the court would be built for basketball and would not be converted on a regular basis for other uses, but could be converted if it was decided that basketball was no longer appropriate for the park.

It was pointed out that tennis courts at the schools were not being used on a regular basis and that there were no volley ball courts currently anywhere in the County.

Mr. Davis agreed that the only reason the Quinton Park subdivision had been approved was because it included the park. He indicated that he did not want to jeopardize public safety and suggested that the County ask the neighbors to help police activities at the park or secure it after dark. He commented that "nothing was ever as bad or good as people say it's going to be", adding that he felt the alternate location was a better site for the court.

Mr. Evelyn talked about the neighborhood places where he played basketball when he was in high school and said it was better to be on a court than on the street. He commented that New Kent, where most parents kept track of their children, was not the inner city.

Mr. Trout moved to adopt Resolution R-15-08 as presented.

Mr. Sparks clarified that he would not support the proposal because of the opposition by his constituents, but admitted that he felt that "things would be fine, although there would be a few problems".

The members were polled on Mr. Trout's motion to approve the resolution:

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

The motion carried.

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 August 11, 2008, in the Boardroom of the County Administration Building, New Kent, Virginia, and that there would be no July work session.

IN RE: ADJOURNMENT

There was consensus that the Board would not return to its closed session, as suggested earlier in the meeting.

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

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

The motion carried.

The meeting was adjourned at 8:10 p.m.