

**BOARD OF SUPERVISORS  
COUNTY OF NEW KENT  
VIRGINIA**

**R-04-11**

At an emergency meeting of the New Kent County Board of Supervisors held in the Boardroom of the County Administration Building in New Kent, Virginia, on the 21st<sup>th</sup> day of January, 2011:

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

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Motion was made by Mr. Davis, which carried 4:0 to adopt the following resolution:

**RESOLUTION DISSOLVING  
WEIR CREEK EMERGENCY SERVICES, INC.**

**WHEREAS**, the New Kent County Board of Supervisors recognizes volunteer fire and rescue squads as an integral part of official safety programs in New Kent County; and

**WHEREAS**, the Volunteer Companies to include Weir Creek Emergency Services, Inc. were recognized by Ordinance O-02-07, dated April 23, 2007 after a duly advertised public hearing; and

**WHEREAS**, New Kent County Code Section §30-36 also establishes that the New Kent County Fire Rescue Department shall create regulations and directions and that all deputies, officers, staff and volunteers shall comply with those regulations and directions as a condition of employment with or volunteer service; and

**WHEREAS**, pursuant to New Kent County Code Section §30-37, volunteer fire companies shall only be formed, named and dissolved upon approval of the Board of Supervisors; and

**WHEREAS**, on or about September 21, 2010, after duly informing the Board of Supervisors, the Weir Creek Emergency Services, Inc. was provided written and verbal notice

from the New Kent Fire Rescue that the organization failed to meet the expectation of the county ordinance and established standards; and

**WHEREAS**, on or about January 21, 2011, the Board of Supervisors was provided a status update, considered the findings, conclusions and recommendations of the New Kent Fire Rescue Department; and

**WHEREAS**, the New Kent County Board of Supervisors has plenary authority pursuant to §27-10 of Virginia Code Ann. to dissolve a volunteer fire/EMS department;

**NOW, THEREFORE, BE IT RESOLVED** that the New Kent County Board of Supervisors does hereby dissolve the Weir Creek Emergency Services, Inc. and directs that it is no longer authorized to operate as a fire department and/or rescue squad in New Kent County; and

**BE IT FURTHER RESOLVED** that the New Kent County Board of Supervisors directs Weir Creek Emergency Services, Inc. to remove any and all personal equipment by February 1, 2011; and

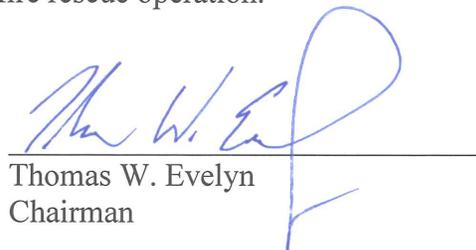
**BE IT FURTHER RESOLVED** that the New Kent County Board of Supervisors requests that the Weir Creek Emergency Services, Inc. provide an accounting of their finances within thirty (30) days; and

**BE IT FURTHER RESOLVED** that in view of the fact that the title of the property occupied by Weir Creek Emergency Services, Inc. vests in George A. Philbates Jr. and Rebecca C. Philbates (the "Philbates") and reverts to the Philbates when the land is no longer used as a fire department and/or rescue squad, the current leadership of Weir Creek Emergency Services, Inc., is directed to cooperate to effectuate the immediate transfer of all real property to the Philbates; and

**BE IT FURTHER RESOLVED** that the New Kent County Board of Supervisors directs the New Kent County Fire Rescue Chief to immediately assume all responsibilities for providing services in the affected area, and to effect a transition that will provide for the future participation of willing and able volunteers; and

**BE IT FURTHER RESOLVED** that the County Administrator, the County Attorney, and the Fire Rescue Chief are to review the current County Code and propose amendments to the ordinance and improvements to any other policies or procedures which are appropriate to the County's management and oversight of the current fire rescue operation.

  
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G. Cabell Lawton, IV  
County Administrator

  
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Thomas W. Evelyn  
Chairman