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NEW KENT COUNTY BOARD OF SUPERVISORS

January 13, 2014, 6:00 p.m.

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

A C T I O N **A G E N D A**

CALL TO ORDER (at 6 p.m.)

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

ROLL CALL

ANNUAL REORGANIZATION OF THE BOARD: The Board's first meeting of the year is designated as the annual reorganization meeting.

A. Election of officers – the Board will elect a Chairman and Vice-Chairman to serve for 2015

Actions: **Mr. Evelyn was elected 2014 Chair and Mr. Tiller as 2014 Vice Chair.** Votes were 4:0:1 (with both Mr. Evelyn and Mr. Tiller abstaining from the votes taken on their respective elections).

B. Regular meeting schedule for 2014 – to be established by Resolution R-01-14

Action: **The Board adopted Resolution R-01-14 setting its 2014 meeting schedule, as presented.** Vote was 5:0.

C. Review of Bylaws – the Board will review proposed changes to its Bylaws; adoption will take place a future meeting at least 30 days away.

Action: **The Board voted to approve changes to its bylaws and adopt them, as amended, at a future meeting at least 30 days away.** Vote was 5:0.

CONSENT AGENDA

Action: **Mr. Stiers 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*

ADDED ITEM: presentation of framed resolution congratulating Treasurer Norma Holmes on the event of her 40th service anniversary

PRESENTATIONS/INTRODUCTIONS:

- *Dana Shrad, Executive Director of the Virginia Chiefs of Police Association: presentation of the National Law Enforcement Challenge and Virginia Law Enforcement Challenge awards, as well as Saved by the Belt and Bag awards*

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- Sheriff F. W. Howard, Jr. – introduction of new staff to include Amanda Barnett, Howard Cook, Elizabeth McIntyre, Eric Quarles & Cole Thomas

CITIZENS' COMMENT PERIOD (3 minutes/person)

ITEM 1 Presentation of the FY13 Comprehensive Annual Financial Report –
Anne B. Wall, Robinson-Farmer-Cox

ITEM 2 Consideration of request to approve contract for hangar roof replacement at the New Kent Airport – *Airport Manager Bill Kelly*

Action: Mr. Davis moved to approve a contract with R. F. Howerton, Inc. and an appropriation in the amount of \$94,578 for installation of a new metal roof system on the storm-damaged West T-Hangars at the New Kent Airport. 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 PUBLIC HEARING – consideration of Resolution R-03-14 approving Conditional Use Permit application CUP-04-13 to allow Colonial Downs to hold a one-day motorcycle race event in 2014 – *Planning Manager Kelli Le Duc*

Action: Mr. Burrell moved to adopt Resolution R-03-14 as presented. Vote was 1:4 (Ayes: Burrell; Nays: Davis, Tiller, Stiers & Evelyn), motion failed.

Action: Mr. Davis moved to adopt Resolution R-03-14, changing condition 4 to read "The racing of motorcycles shall only run during daylight hours; not to begin prior to 9:00 a.m. and not to end later than 7:00 p.m." Vote was 4:1 (Ayes: Tiller, Burrell, Davis & Evelyn; Nays: Stiers), motion carried.

ITEM 4 PUBLIC HEARING – consideration of Ordinance O-02-14 amending Chapter 99 of the New Kent County Code to allow conditional uses that do not appear in the Land Use Table and to amend the performance standards for truck stops – *Planning Manager Kelli Le Duc*

Action: Mr. Davis moved to adopt Ordinance O-02-14 as presented. Vote was 5:0, motion carried.

ITEM 5 PUBLIC HEARING – consideration of Ordinance O-01-14 amending, restating and readopting Article VII, Weapons of Chapter 46 of the New Kent County Code to reflect changes in the State Code – *County Attorney Michelle Gowdy*

Action: Mr. Davis moved to adopt Ordinance O-01-14 as presented. Vote was 5:0, motion carried.

ELECTED OFFICIALS' REPORTS

STAFF REPORTS

Action: Mr. Davis moved to not submit the stormwater packet to DEQ by January 15, 2014, since the Board had not seen it. Vote was 5:0, motion carried.

APPOINTMENTS

2014 Board of Equalization Nominations:

Mr. Tiller nominated Michael Lane for Circuit Court appointment as a member of the Board of Equalization to serve a term ending December 31, 2014.

Mr. Stiers nominated William Chandler for Circuit Court appointment as a member of the Board of Equalization to serve a term ending December 31, 2014.

Mr. Davis nominated E. Baird Jones for Circuit Court appointment as a member of the Board of Equalization to serve a term ending December 31, 2014.

Mr. Burrell nominated Edward Pollard for Circuit Court appointment as a member of the Board of Equalization to serve a term ending December 31, 2014.

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Mr. Evelyn nominated William Wallace for Circuit Court appointment as a member of the Board of Equalization to serve a term ending December 31, 2014.

Vote was 5:0, motion carried.

District Appointments:

Mr. Evelyn moved to appoint George Tate as District One's representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2014 and ending December 31, 2014.

Mr. Tiller moved to appoint Charles Martin as District Two's representative to the Airport Advisory Board to serve a four-year term beginning January 1, 2014 and ending December 31, 2017.

Mr. Tiller moved to appoint Lawrence Haislip as District Two's representative to the Economic Development Authority to serve a four-year term beginning January 1, 2014 and ending December 31, 2017.

Mr. Burrell moved to appoint J. Sidney Burrell as a District Three representative to the Transportation Safety Commission to serve a four-year term beginning January 1, 2014 and ending December 31, 2017.

Mr. Stiers moved to appoint Kenneth Hislop to replace Tommy Garthwright as a District Four representative to the Transportation Safety Commission to complete a term ending December 31, 2015.

Mr. Stiers moved to appoint Stran Trout as District Four's representative to the Historic Commission to serve a four-year term beginning January 1, 2014 and ending December 31, 2017.

Mr. Stiers moved to appoint James Wallace as District Four's representative to the Purchase of Development Rights Committee to serve a three-year term beginning January 1, 2014 and ending December 31, 2016.

Mr. Stiers moved to appoint Bobby Weagley as District Four's representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2014 and ending December 31, 2014.

Mr. Stiers moved to appoint Jean Street as District Four's representative to the Wetlands Board to serve a five-year term beginning January 1, 2014 and ending December 31, 2018.

Mr. Davis moved to appoint Charles Davis as District Five's representative to the Economic Development Authority to serve a four-year term beginning January 1, 2014 and ending December 31, 2017.

Mr. Davis moved to appoint George Slemp as a District Five representative to the Transportation Safety Commission to serve a four-year term beginning January 1, 2014 and ending December 31, 2017.

Vote was 5:0, motion carried.

Non-District Appointments:

Mr. Evelyn moved to appoint Larry Gallaher as a member of the Board of Building Code appeals/Board of Fire Code Appeals to serve a four-year term beginning January 1, 2014 and ending December 31, 2017.

Vote was 5:0, motion carried.

Board Member/Staff Appointments:

Mr. Davis moved that all 2014 appointments remain the same as those in 2013, with the deferral of the Planning Commission representative to the Richmond Regional Planning District Commission until a recommendation was received from the Planning Commission.

Note: those appointments included one-year terms for Mr. Davis on the Agricultural and Forestal District Advisory Committee and Social Services Advisory Board; one-year terms for Mr. Tiller on the Planning Commission and Smart Beginnings; a one-year term for Mr. Burrell on the Historic Commission and a three-year term on the Richmond Metro Tourism Board of Directors; one-year terms for Mr. Stiers on the Airport Advisory Commission and Transportation Safety Commission; one-year terms for Mr. Evelyn on the Parks and Recreation Advisory Commission and Capital Region Policy Board; a one-year term for Rodney Hathaway as an alternate on the Capital Region Policy Board; and a one-year term for Kelli Le Duc on the Sustainable Transportation Initiative of Richmond Advisory Board.

Vote was 5:0, motion carried.

Emergency Management Appointments:

Mr. Davis moved to appoint Thomas Evelyn as the Director of Emergency Management pursuant to Code of Virginia Section 44-146-19 and as the Director of Emergency Services pursuant to County Code Chapter 30-161.

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Vote was 5:0, motion carried.

Mr. Evelyn moved to appoint Fire Chief Rick Opett as the Coordinator of Emergency Management pursuant to Code of Virginia Section 44-146-19 and as Coordinator of Emergency Services pursuant to County Code Chapter 30-162.

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 February 10, 2014, and the next work session at 9:00 a.m. on January 29, 2014, both in the Boardroom of the County Admin Building (*subject to Board adoption of the proposed 2014 Meeting Schedule*). The Board will also hold a meeting with senior staff on January 23, 2014, at 9 a.m. at the New Kent Forestry and Conference Center in Providence Forge.

CLOSED SESSION:

Action: **Mr. Stiers 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 by the Board regarding specific legal matters requiring the provision of legal advice by such counsel involving the 618 transfer site and FOIA.** Vote was 5:0, motion carried.

Action: **Mr. Burrell moved to return to Open Session.** Vote was 5:0, motion carried.

Action: **Mr. Davis made the certification of Closed Session.** Vote was 5:0, motion carried.

ADJOURNMENT

Action: **Mr. Davis moved to adjourn the meeting.** Vote was 5:0, motion carried.

Meeting was adjourned at 8:53 p.m.

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. November 22, 2013 Budget Retreat minutes
 - b. December 9, 2013 Business Meeting minutes
 - c. December 11, 2013 Special Meeting minutes

- 2. Miscellaneous**
 - a. MOU with Eastern Virginia Mountain Bike Association
 - b. Parks and Recreation's Independent Contracted Instructor Agreement packet
 - c. Contract for Fuel Card Program
 - d. Special Project Service Agreement for Yard Waste Processing Services
 - e. Resolution R-04-14 finding staff competent to review the PPEA proposal

- 3. Refunds**
 - a. \$2,689.40 to Raymond F & Laverne Shaffer for Veteran exemption
 - b. \$3,295.17 to Peter A. & Cheryl R. Evans for Veteran exemption
 - c. \$2,709.80 to James & Patricia Niles for Veteran exemption
 - d. \$416.07 to Ryan Homes for canceled permit
 - e. \$590.63 to Ryan Homes for canceled permit

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- f. \$49.50 to Hill Electric, Inc. for canceled permit

4. Supplemental Appropriations

- a. Program income received for FY14 from CDBG Plum Point grant participants, \$781.96
- b. Public education donations to Fire-Rescue, \$1,057.50
- c. P&R youth supplies to support holiday/winter gifts for participants of Before and After School, \$100.00
- d. Miscellaneous recovered costs – Sheriff \$4,246.82
- e. Donations to the Animal Shelter, \$976.11
- f. Extension program sponsorship revenue, \$1,040.00
- g. Insurance recovery funds for the Sheriff's Office, \$1,183.10
- h. P&R sponsorship facility improvement revenue, New Kent Youth Association football, \$595.00
- i. Federal asset forfeiture funds – Sheriff, \$17,251.00
- j. Virginia Power grant funds, \$20,500.00
- k. Funds received from the Bulletproof Vest Partnership grant for funds expended in FY13 and FY14, \$2,720.00
- l. Marengo Management PPEA fee, \$5,000.00
- m. FY14 Litter Control funds, \$7,357.23

\$ 62,808.72	Total
\$ (61,454.49)	Total In/Out
\$ (1,354.23)	From Fund 15 fund balance

5. Interdepartmental Budget Transfers

- a. *Historic School Campus Renovation:* \$71,009.70 from P&R Historic School Gym Upgrade to Historic School Campus renovation
- b. *Historic School Campus Renovation:* \$434,031.74 from Historic School Rehab/Stabilization and \$147,531.33 from Hist Sch Renovations – Reg Tec to Historic School Campus renovation
- c. *School Board Office:* \$70,377 from School Buses to Motor Vehicles-Schools
- d. *School Board Office:* \$235 from Travel GWES-Reg Ed Elem to Travel GWES Media Services Elem
- e. *School Board Office:* \$21,261.82 between various line items
- f. *Voter Registration:* \$320 from Part-time Wages to Officers of Election (Recount)

- 6. Treasurer's Report:** Cash as of November, 2013: \$32,701,725.49

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