

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 13th DAY OF JANUARY IN THE YEAR TWO THOUSAND FOURTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

2013 Chairman W. R. Davis, Jr. 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: ANNUAL REORGANIZATION – ELECTION OF OFFICERS FOR 2014

The Board's first meeting of the year is designated as the annual reorganization meeting.

Nominations were opened for the office of 2014 Chairman.

Mr. Tiller nominated Mr. Evelyn for Chairman of the Board of Supervisors for a term of one year. There were no other nominations.

Mr. Burrell moved to close nominations for Chairman of the Board of Supervisors. There being no discussion, the members were polled:

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

The motion carried.

Mr. Tiller moved to elect Mr. Evelyn as Chairman of the Board of Supervisors for a term of one year. There was no discussion and the members were polled:

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

The motion carried.

Mr. Evelyn assumed the chair and presented Mr. Davis with an appreciation plaque, thanking him for his service as the 2013 Chairman.

Nominations were opened for the office of Vice Chairman.

Mr. Burrell nominated Mr. Tiller for Vice Chairman of the Board of Supervisors for a term of one year. There were no other nominations.

Mr. Davis moved to close nominations for Vice Chairman of the Board of Supervisors. There was no discussion and the members were polled:

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

The motion carried.

Mr. Burrell moved to elect Mr. Tiller as Vice Chairman of the Board of Supervisors for a term of one year. There was no discussion and the members were polled:

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

The motion carried.

IN RE: ANNUAL REORGANIZATION – 2014 MEETING SCHEDULE

Before the Board for consideration was Resolution R-01-14 setting the Board's 2014 Meeting Schedule.

Mr. Burrell moved to change the time of the work sessions to 8:45 a.m. from 9:00 a.m. but, after discussion, rescinded his motion.

Mr. Davis moved to adopt Resolution R-01-14 setting the 2014 Meeting Schedule, as presented. The members were polled:

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

The motion carried.

IN RE: ANNUAL REORGANIZATION – BYLAWS

Before the Board for consideration were its Bylaws, with some proposed changes that incorporated a policy adopted previously by the Board regarding intent to photograph or tape any portion of a meeting.

It was clarified that if there were no changes, then the Board could adopt the Bylaws at this meeting.

Mr. Tiller moved that the Bylaws be amended as presented and that a vote on adoption be taken at a future meeting that was no less than 30 days from the present date. The members were polled:

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

The motion carried.

IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

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
 - 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

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

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

The motion carried.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION – RESIDENCY
ADMINISTRATOR'S REPORT

Mike Cade, Residency Administrator with the Virginia Department of Transportation (VDOT), congratulated Mr. Evelyn and Mr. Tiller on their elections, and then reported on maintenance activities and construction projects on New Kent roads from the past month as well as those planned for the next thirty days. He advised that the Route 618 bridge work should be completed by March 2014, and that repairs along Kentland Trail should be completed within thirty days. He indicated that there would be a detour in February to perform pipe repair work along Cosby Mill Road.

Mr. Stiers thanked New Kent VDOT Superintendent Chad Baker for promptly tending to some issues in his district. He asked about clearing out some of the culverts on Route 60 along the railroad tracks to improve drainage. Mr. Cade advised that some of the smaller pipes in that area were likely clogged with gravel from recent track crossing work and he would contact CSX.

Mr. Cade was also asked about drainage problems in Bottoms Bridge where some of the shoulders were higher than the roadway. He advised that he would look at performing some shoulder work in that area to address that issue.

Mr. Burrell reported some dead trees that were a safety hazard to motorists.

Mr. Davis commended VDOT forces for their work in removing trees several weeks earlier after a high wind event. He inquired about changes in the traffic signal at the intersection of Farmers Drive and Eltham Road. Mr. Cade advised that he expected changes within two weeks, which would include adding additional time to the red signal in all directions, and additional time to the yellow signal for traffic on Eltham Road.

Mr. Evelyn asked about litter pickup along Route 249 and Mr. Davis asked for the same service along Farmers Drive. Sheriff Howard explained that there was a problem in finding inmates who qualified for participation but he expected the program to resume when the weather improved.

IN RE: NORMA HOLMES

Mr. Burrell presented Treasurer Norma Holmes with a framed copy of Resolution R-24-13 recognizing her 40 years of service to New Kent County. Mrs. Holmes received a standing ovation and Board members added their congratulations.

IN RE: 2013 TRAFFIC SAFETY AWARDS

Dana Shrad, Executive Director of the Virginia Chiefs of Police Association, presented "Saved by the Belt and Bag" awards to New Kent resident Amanda McCauley and her daughters, Lyndsey and Shelby. Ms. Shrad explained that this award program had been in existence for more than 20 years and was designed to recognize citizens who escaped injuries in motor vehicle collisions because they were obeying the traffic laws and were wearing their seatbelts. She indicated that Ms. McCauley and her daughters were all properly restrained when they were involved in an unavoidable accident along New Kent Highway and sustained no injuries.

Ms. Shrad then presented Law Enforcement Challenge awards to Sheriff F. W. Howard, Jr., Chief Deputy Joe McLaughlin, Jr., and Sgt. Lee Bailey, announcing that the New Kent Sheriff's Office had won first place in both the State and national competitions. She explained that New Kent competed against those agencies of similar size, and had won based upon its policies and training, enforcement, and child safety seat programs. She spoke about the high seatbelt compliance rate for both high school student drivers and County residents as a whole, as well as the decrease in speed-related and alcohol-related crashes. She commended both the Sheriff and the Sheriff's Office for their long-time leadership in traffic safety and for being a model for other communities across the nation.

Board members congratulated the Sheriff and his office for having received the awards.

Sheriff Howard remarked that these accomplishments were a collaborative effort of his entire office, under the leadership of Sgt. Bailey. He spoke about how much it meant to him for Ms. Shrad to take time out of her busy schedule to make the presentations.

Sheriff Howard then introduced new staff, which included Amanda Barnett, Howard Cook, Elizabeth McIntyre, Eric Quarles, and Cole Thomas.

IN RE: GEORGE PHILBATES, JR., DECEASED

Mr. Davis pointed out that a chair in the audience had been decorated with a ribbon in honor of George Philbates, Jr., who died on December 22, 2013. He spoke about how before his illness, Mr. Philbates had attended most Board meetings and sat in that seat, had donated property for a County fire station, and had served on County boards and commissions. He remarked how often Mr. Philbates offered public comment on issues and how he wanted more citizens to be as involved.

IN RE: CITIZENS COMMENT PERIOD

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

IN RE: COMPREHENSIVE ANNUAL FINANCIAL REPORT

Anne B. Wall, Member, Robinson Farmer Cox Associates, presented the Comprehensive Annual Financial Report (CAFR) resulting from the recent audit of Fiscal Year 2013. She explained that local governments were required to undergo an audit each year, and that New Kent's report reflected "unqualified" or clean opinions in all three areas. The first opinion was that New Kent's financial statements were material correct and presented within generally accepted accounting standards; the second was compliance with internal controls; and the third was compliance with standards required in connection with federal program dollars received. She reviewed various portions of the Report, which she confirmed had been submitted to the Auditor of Public Affairs before the November deadline and posted on the County's website.

She reported that the Financial Services Department had greatly assisted in the preparation of the Report and that they had received excellent cooperation from all staff, including but not limited to the Treasurer's Office, School Board, Commissioner of Revenue, and Social Services. She noted that there had been a few suggested adjusting entries which had been posted.

She spoke about new reporting requirements (GASB68) for FY15 that related to pensions, which could lead to negative asset reporting.

IN RE: AIRPORT HANGAR ROOF REPLACEMENT CONTRACT

Before the Board for consideration was a request to approve a contract for replacement of the hangar roof at the New Kent County Airport.

Airport Manager Bill Kelly explained that the hangars had sustained roof damage during Hurricane Irene and that the County's insurance policy would only pay to repair the "bits and pieces" that had been torn off. He reported that after learning of available Federal Emergency Management Agency (FEMA) funding, he had applied for and been approved for funding to supplement the insurance proceeds to pay to replace the roof and bring it up to Code, thereby reducing the likelihood of repeat damage.

He indicated that the project had been advertised for competitive bids and his request was for the Board to approve a contract to start the work, which he estimated would be completed by mid-March.

He advised that the insurance proceeds were \$29,165 and that FEMA would pay for the balance of the project with no match from the County. He did confirm that the damage to the roof was negatively impacting hangar rental revenues for the 16 bays affected, and that the monthly rental for hangars ranged from \$135 to \$145.

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. The members were polled:

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

The motion carried.

The meeting was suspended until 7 p.m. when it was resumed to conduct public hearings.

IN RE: COLONIAL DOWNS 2014 MOTORCYCLE EVENT

Before the Board for consideration was Resolution R-03-14 approving a 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 provided an overview of the application which sought to add an additional use by authorizing a one-day motorcycle event in 2014 on a "date to be determined" but had been tentatively identified as August 23. She reviewed that the property was subject to a 1993 conditional use permit (CUP) as a "horse racing facility" and a subsequent CUP from 2002 that allowed various ancillary uses, as well as a CUP in 2013 to permit a single motorcycle race event in 2013. She explained that the County Code required all changes to uses be approved in the same manner as the original application, to include review and public hearing by the Planning Commission as well as the Board, and confirmed that the subject CUP had been reviewed in the same manner as the original PUD application and the other CUPS.

She reported that the application had been reviewed by all County-reviewing agencies and that most of them provided no comments, with the Sheriff's Office commenting that they had no issues with the 2013 event and would again provide coverage for traffic and safety as needed.

She indicated that staff had reviewed the application as well and found that the eight proposed conditions in Resolution R-03-14 would assist in addressing, protecting and promoting the health, safety and general welfare of New Kent County citizens. She noted that the Planning Commission had considered the application at its December 2013 meeting, at which there had been no comments by the public, and had voted 9:0:1 to forward the application to the Board of Supervisors with a recommendation for approval.

Ian Stewart, President of Colonial Downs, advised that they had applied for the CUP to hold the 2014 Virginia Mega Mile as part of the American Motorcyclist Association (AMA) racing circuit to be held on Saturday, August 23 with a tentative rain date on Sunday, August 24. He advised that the AMA was the "premier professional motorcycle racing organization in North America" and that Colonial Downs had the largest flat track oval in the country. He

explained that the event would take place during daylight hours with racing from 5 p.m. to 8 p.m., and confirmed that it would be the same event with the same motorcycles as 2013. He reported that attendance for the 2013 event was over 3,500 and included "families and people of all ages". He called the event "first class in every way" and talked about how the event attracted many out-of-town visitors to New Kent and provided an opportunity to showcase the County as well as bring direct tax revenue and revenue to area businesses.

He reviewed that the sound study conducted at the 2013 event showed noise levels of between 45 and 75 decibels - well below the 95-decibel limit in the 2013 CUP. He explained that they planned to start the 2014 event four hours later in order to help increase attendance. He spoke about how most of the noise complaints were when the motorcycles started up at 10 a.m. and he felt there would be less noise complaints with a later start, and would be similar to the noise generated at the 2013 event since it was the same kind of motorcycles. He pointed out that there were no complaints about fireworks that started at 9:45 p.m. and were much louder than the motorcycle race, and that the July 4 and Derby Day events generated more traffic than that associated with the motorcycle race event.

Chairman Evelyn opened the Public Hearing.

Kate West remarked that she lived "within spitting distance" of Colonial Downs and had attended and supported the 2013 event and was still in favor of it; however, as a parent of young children, she did not like the change in time and would like for it to be over earlier than 8 p.m. She did comment that the loudest noise was when the race ended and the many motorcycles of those in attendance were started up at the same time.

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

Mr. Stewart was asked if an earlier ending time would be a problem. He explained that he felt that it would reduce the potential for a larger attendance and be less of a financial success. He advised that he respected Ms. West's comments but pointed out that she was the only person to show up for public comment. He again brought up that the fireworks were "louder and later" than the motorcycle race.

County Attorney Michele Gowdy advised that if the time was changed, the application would not have to go back to the Planning Commission.

Mr. Stiers advised that he had received several calls from residents in Oakmont, who were not opposed to the race but were not in favor of it ending at a later time, and they were expecting him to represent them at this hearing.

Mr. Evelyn advised that it was his information from Providence Force businesses that they had enjoyed an increase in their business on the day of the 2013 race and noted that many who objected to the 2013 race had not voiced any objection to this one; however, he suggested that the end time of the race be moved one hour earlier.

Mr. Stewart advised that he was not "here to be an obstructionist", appreciated the faith that the Board had showed in them in 2013, and could "live with one hour", but again stated that he felt the later ending time would make the event more successful.

Mr. Davis commented that he had always supported Colonial Downs but had to "look out for the neighbors" and he would support a 7 p.m. ending time.

Mr. Stiers advised that he would prefer that the event end at 6 p.m.

Mr. Burrell commented about how he could hear the fireworks at his home and appreciated that the later time would draw a larger crowd. He spoke about how tourism was beneficial and was profitable for local businesses.

Mr. Tiller asked if there would be another sound study. Mr. Stewart advised that in light of the results of the 2013 sound study, there would not be one in 2014; however, the same conditions would exist with regard to conducting sound tests on the muffler of each motorcycle prior to the race.

Mr. Burrell moved to adopt Resolution R-03-14 as presented. The members were polled:

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

The motion failed.

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." The members were polled:

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

The motion carried.

IN RE: ZONING ORDINANCE AMENDMENTS

Before the Board for consideration was Ordinance O-02-14 amending Chapter 99 of the New Kent County Code to allow conditional uses that did not appear in the Land Use Table and to amend the performance standards for truck stops.

County Attorney Michelle Gowdy explained that the first change would add language to allow uses not listed on the table of land uses with a conditional use permit, noting that similar language had been inadvertently omitted in a past amendment.

The second change was to remove the language that prohibited a truck from remaining at a truck stop for more than four hours. She explained how this presented both safety and enforcement issues.

Another change involved correcting the process to appeal decisions of the zoning administrator from the Planning Commission to the Board of Zoning Appeals.

The final change would delete the requirement for the County to hire an independent entity to review traffic studies, since VDOT performed that for New Kent.

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

Mr. Davis asked if the language that prevented double-sided fueling at vehicle stations might inhibit potential new business. Mr. Hathaway explained that there were different traffic patterns for vehicle stations and truck stops because of the heavier use, but that the Board could limit that type of fueling to certain areas. Ms. Gowdy advised that if that language was omitted, it would have to be returned to the Planning Commission. There was agreement that staff would look at that provision to see if it should be changed and bring it back to the Board.

Mr. Davis moved to adopt Ordinance O-02-14 as presented. The members were polled:

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

The motion carried.

IN RE: WEAPONS ORDINANCE AMENDMENTS

Before the Board for consideration was Ordinance O-01-14 amending Article VII, Weapons of Chapter 46 of the New Kent County Code to reflect changes in the State Code.

Ms. Gowdy explained that it had come to her attention that this section of the County Code was not compliant with State Code and the proposed amendments had come out of a meeting with the Sheriff's Office staff, the Commonwealth's Attorney, a Board member and herself. She reviewed the changes which included minor language changes and deleting language that was no longer permitted under State Code.

There was discussion regarding recent incidents where homes had been struck by gunfire from nearby hunters. Ms. Gowdy explained that in 1997, the General Assembly had directed that the Department of Game and Inland Fisheries (DGIF) develop model ordinances. She advised that none of the eight model ordinances developed affected residential subdivisions. She reminded that Virginia was a Dillon Rule state and as such, localities had to have specific authorization from the General Assembly to enact anything different. She added that a governing body could restrict hunting in a certain area if it formally found that it was so heavily populated so as to make it dangerous; however, agriculturally-zoned property of five acres or more were excluded. She pointed out that any changes in County ordinance needed to be provided to DGIF prior to May 1 in order to for it to apply to the 2014 hunting season.

Chairman Evelyn opened the Public Hearing.

Dave Wentling provided some regulations from the Pennsylvania Game Commission, with which he was formerly active, and spoke about the importance of creating a "safety zone". He had other suggestions to improve hunting safety and offered to meet with County officials to help develop some guidelines.

James Poole advised that he "applauded" the County Attorney for simplifying County Code and recognizing the large number of concealed weapon permit holders. He was concerned

that federal authorities were included as one of the entities able to enforce this ordinance and suggested that enforcement should only be permitted by the Sheriff's Office, Conservation Officers, and the Virginia State Police who were assisting with permission of the Sheriff, since there were no federal properties in New Kent. Mr. Davis indicated that federal game wardens and the Marine Resources Commission had the authority to enforce laws anywhere there were migratory birds.

Tyrone Johnson (who Mr. Burrell pointed out was a Vietnam combat veteran awarded the bronze star) spoke about how his house was recently struck by guns fired by hunters on an adjacent five-acre parcel. He recommended that the Board take several steps before the next hunting season, which included to stop hunting on Sertoma Drive and Cooks Mill Road, to change the zoning of Sertoma Drive from *Agricultural* to *Residential*, to change the County Code to prohibit hunting within 100 yards of an occupied structure without permission, and to not allow hunting on parcels five acres or less with homes nearby. He indicated that DGIF had advised him that the incident in question was not criminal negligence and he inquired as to who made that determination.

Sandra Jefferson advised that she was upset at what had happened to the Johnson family and was afraid to let her grandchild play outside and was concerned with the safety of herself and her neighbors.

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

Mr. Davis commented about how he hunted in several different counties and about the increase in pistol shooting. He indicated that no law that the Board adopted could stop illegal or unethical hunters and he felt that in the Johnson case, four hunters on five acres was a "recipe for disaster". He indicated that zoning changes wouldn't help, but he felt that the State needed to give the localities more authority. He advised that there was nothing that the Board could do about it at this meeting, but he hoped that they could find a solution to this increasing problem. Ms. Gowdy advised that she had not been able to find any authority to establish "safety zones".

Mr. Burrell commented that according to the County Attorney, the Board did not have the power to enact an ordinance that could be enforced.

Mr. Evelyn commented about the reckless behavior of the hunters involved in the Johnson case, and wondered why they hadn't been charged. Ms. Gowdy advised that the Commonwealth's Attorney made decisions about criminal charges and she did not know if the DGIF had consulted with him or not about this case.

Mr. Johnson advised that the game warden had indicated that no criminal negligence was involved; however, the owner of the property told him that he had given permission for only two people to hunt on his property, and spoke about how he felt the landowner should have some responsibility.

Mr. Johnson was advised that he should hire attorney and consider filing a civil suit, but that the Board would look at the issue further, and he was thanked for his comments.

Mr. Davis commented that since what was before the Board for consideration involved cleaning up language and had nothing to do with what was brought up by the speakers, he moved to adopt Ordinance O-01-14 as presented. The members were polled:

Ron Stiers

Aye

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

The motion carried.

IN RE: ELECTED OFFICIALS' REPORTS

There were none.

IN RE: STAFF REPORTS

There were none.

IN RE: STORMWATER ORDINANCE CHANGES

Ms. Gowdy advised that localities had until Wednesday, January 15 to submit proposed stormwater ordinance changes and a final plan to the Department of Environmental Quality (DEQ) and that staff was prepared to submit its proposed changes, but wanted to make sure that the Board didn't have any issues. She advised that the proposed changes were not binding, and that the County still had to have a public hearing and have the ordinance changes in place by July 2014. She confirmed that there were bills in both the House and Senate that would delay compliance for a year, but they had not yet been enacted and it was DEQ's position that the January 15 deadline was still in place. She indicated that she had received no response to her inquiry as to what the ramifications would be if the deadline was not met.

Mr. Davis remarked that New Kent should "stay the course".

Mr. Stiers asked how DEQ could enforce the deadline knowing that there were bills before the General Assembly.

Mr. Evelyn reported that he had spoken with the sponsor of one of the bills at a recent conference and was advised that there "wasn't a lot of hope" that it would pass, and that funding could be "cut off" if the deadline was ignored.

Mr. Stiers advised that he had contacted Delegate Chris Peace who had indicated that he would co-sponsor one of the existing bills and submit one of his own, and he did not think "they will throw all of us in jail".

Ms. Gowdy advised that it was her recommendation that the Board follow the Code and make the submission. She confirmed that the latest version of changes were with the Planning Commission and had not been reviewed by the Board.

Mr. Davis commented that it was premature and the Board should not circumvent the Planning Commission. He added that he did not think the submission should be made at this time.

Mr. Stiers agreed, stating he was not in favor of submitting "something we haven't seen".

Mr. Davis moved to not submit the stormwater packet to DEQ by January 15, 2014, since the Board had not seen it. The members were polled:

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

The motion carried.

IN RE: 2014 BOARD OF EQUALIZATION NOMINATIONS

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

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

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

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

The members were polled:

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

The motions carried.

IN RE: 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 Slemph 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.

The members were polled:

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

The motions carried.

IN RE: 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.

The members were polled:

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

The motion carried.

IN RE: REGIONAL BOARD CITIZEN APPOINTMENTS

There were none.

IN RE: BOARD MEMBER AND 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. 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.

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 motions carried.

IN RE: 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. The members were polled:

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

The 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. The members were polled:

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

The motion carried.

IN RE: CLOSED SESSION

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. The members were polled:

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

The motion carried.

The Chairman announced that he did not anticipate the Board's taking any action after Closed Session. The Board went into Closed Session.

Mr. Burrell moved to return to Open Session. The members were polled:

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

The motion carried.

Mr. Davis 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 members were polled on the certification:

C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye

Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: ADJOURNMENT

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

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

The motion carried. The meeting was adjourned at 8:53 p.m.