

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 10th DAY OF SEPTEMBER IN THE YEAR TWO THOUSAND SEVEN OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 5:30 P.M.

IN RE: ROLL CALL

Mark E. Hill	Absent (arrived at 5:36 p.m.)
David M. Sparks	Present
James H. Burrell	Present
Stran L. Trout	Present
W. R. Davis, Jr.	Present

The Chairman called the meeting to order.

IN RE: CLOSED SESSION

Mr. Davis 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. The members were polled:

Mark E. Hill	Absent
David M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Stran L. Trout	Aye

The motion carried. The Board went into closed session. Mr. Hill arrived at 5:36 p.m.

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

David M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
Stran L. Trout	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 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:

James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
David M. Sparks	Aye
Stran L. Trout	Aye

The motion carried.

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. Regular meeting of August 13, 2007
 - b. Special meeting of August 17, 2007
2. Miscellaneous
 - a. Creation of the Building Development Department
 - b. Change order totaling \$38,474.06 to the Chickahominy pump station contract with M & W Construction in order to add sulfide attack protection
 - c. Award of contract for the radio read meters to HD Waterworks in the sum of \$116,238.
 - d. Resolution R-45-07 setting policy for plaques
 - e. Resolution R-46-07 support for "cool counties" initiative
 - f. Road Name Change: portion of State Route 106 between Interstate 64 and State Route 249 from Emmaus Church Road to Vineyards Parkway
 - g. Road Name Additions
 - i. Education Drive
 - ii. Stadium Drive
3. Refunds
 - a. \$895.00 to George A. & Janet T. Pinelli for a parent tract subdivision fee
 - b. \$185.63 to Robert Cottrell for administrative fee
4. Appropriations FY2006-2007
 - a. Revenue to the Cafeteria Fund that was in excess of the amount budgeted for FY07, \$30,288.58
 - b. Funds received from the EDA for the Eltham Battlefield project, \$1,301.25
 - c. Funds received from the EDA for the security system at the Visitors Center, \$4,393.00
 - d. Revenue forthcoming from the Farms of New Kent CDA for FY07 administrative expenditures, \$47,555.00
 - e. E-911 Wireless revenue in excess of budget for FY07, \$2,273.00
 - f. Funds received from the Commonwealth of Virginia for postage used by the Juvenile & Domestic Relations District Court for FY07, \$550.00

\$ (86,360.83) Total
\$ 86,360.83 Money-in/Money-out

5. Carry Forward Appropriations

- a. Telephone project not completed in FY07, \$54,864.04
- b. Utility funds for Farms of New Kent tank construction inspections not completed in FY07, \$51,026.59
- c. Utility funds for the Courthouse utility project not completed in FY07, \$3,174,713.43
- d. Utility funds for the Parham Landing well generator project not completed in FY07, \$239,363.41
- e. Utility funds for the chlorination equipment upgrades project not completed in FY07, \$29,960.34
- f. Bottoms Bridge construction funds for the wells/SCADA project not completed in FY07, \$787,651.49
- g. Capital funds for the Sheriff's Annex project not completed in FY07, \$3,034,244.37
- h. Utility funds for the VDOT site improvements not completed in FY07, \$161,644.36
- i. Fire, Rescue and Emergency Management funds for grants and projects not completed in FY07, \$238,517.30
- j. Funds designated to upgrade school and county facilities, \$4,472.00

\$ (7,776,277.33)	Total
\$ 3,088,928.41	From Fund 7 – Capital fund balance
\$ 3,656,708.13	From Fund 98 – Utility Fund fund balance
\$ 787,651.49	From fund 198 – BB Fund fund balance

6. Appropriations FY2007 – 2008

- a. Funds for DMV grant #CIOT-2-06 *Click It or Ticket* selective enforcement program for Jul 29 – Aug 5, 2007, \$2,000.00
- b. Funds for VML matching safety grant received for the Dept. of Fire and Emergency Management for a portable gas monitor and portable radio, \$1,000.00
- c. Funds received from New Kent Farms, LLC for the New Kent Airport fly-in scheduled for Sep 3, 2007, \$1,050.00
- d. Proceeds donated from the Eltham Bridge 5K Run to Fire Station #1, \$30.00
- e. Funds donated by Thrift Insurance Corporation to Fire Station #1, \$100.00
- f. Funds donated by T. Scott and Jessica Renick for the Sheriff's Honor Guard, \$50.00
- g. Funds donated by Gwendolyn and William Turner to the New Kent Animal Shelter, \$25.00
- h. Funds reimbursed by the EDA for the Visitors Center and various other projects, \$10,884.00
- i. Funds reimbursed by the EDA for the Leffler Agency's 15 second TV spot aired during the Virginia Derby on Jul 21, 2007, \$3,100.00
- j. Funds received for the Godspeed Festival, \$100.00
- k. Colonial Downs funds received for fire-rescue ambulance standby on Jul 2 – 29, 2007, \$16,300.00
- l. Colonial Downs funds received for fire-rescue ambulance standby on Jul 30 – Aug 5, 2007, \$4,075.00
- m. Colonial Downs funds received for Sheriff's personnel coverage for Jul 2007, \$15,293.00
- n. Colonial Downs funds received for Sheriff's personnel coverage for Aug 2007, \$6,710.00
- o. Revenue forthcoming from the Farms of New Kent CDA for FY08 administrative expenditures to date, \$2,550.00
- p. Proceeds donated from the Fellowship Church to Fire, Rescue and Emergency Management Dept., \$100.00

\$ (63,367.00)	Total
\$ 63,367.00	Money-in/Money-out

7. Inter-Departmental Budget Transfers 2006-2007

- a. *General Services*: \$20,259.00 from Salary line items to Overtime/Refuse Sites and County Recycling
- b. *General Services*: \$5,656.00 from Salary line items to Repairs & Maintenance Supplies and Gasoline

- c. *Fire-Rescue*: \$5,824.00 from payroll line items to Overtime, Part-time Salaries and Special Duty
 - d. *Sheriff's Office*: \$3,832.00 from 3rd Dispatch to Part-time salaries, 911, and Freq channels
8. Inter-Departmental Budget Transfers 2007-2008
- a. *Sheriff's Office*: \$4,601.12 from Gasoline, Vehicle Supplies and Uniforms to Salaries
 - b. *Social Services*: \$62.00 from Contingency to State & Local Hospitalization
 - c. *Building Development Department*: \$26,013.00 from General Fund Contingency to Building Development Department salary line items
9. Treasurer's Report: Cash in Bank as of July 2007: \$23,894,465.69

Mr. Burrell requested that Resolution R-46-07 regarding the Cool Counties initiative be removed from the Consent Agenda and considered separately by the Board. He also clarified that on page 11 of the minutes from August 13, he was speaking of corrugated and not regular cardboard.

Mr. Burrell moved to approve the Consent Agenda as presented, after removal of Resolution R-46-07 for separate consideration and that it be made a part of the record. The members were polled:

W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye

The motion carried.

IN RE: COOL COUNTIES

Mr. Burrell explained that the "Cool Counties" program was an initiative of the National Association of Counties (NACo), requesting counties to make environmentally safe choices in order to reduce their impact on global warming.

Mr. Trout added that the initiative included using alternative fuels and other measures that New Kent was already utilizing and that adoption of the resolution would memorialize New Kent's commitment.

Mr. Burrell moved to adopt Resolution R-46-07 supporting the "Cool Counties" initiative, as presented. The members were polled:

Mark E. Hill	Aye
David M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Stran L. Trout	Aye

The motion carried.

IN RE: CITIZENS COMMENT PERIOD #1

Chairman Trout opened the Citizens Comment Period.

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

IN RE: RESIDENT ADMINISTRATOR'S REPORT

Lezlie Ellis, Acting Resident Administrator with the Sandston Residency of the Virginia Department of Transportation, reported on issues raised at previous meetings.

She reported that work during the past month included storm and debris removal, grass mowing, litter pick up, shoulder repairs, repairs of washouts on graveled roads, brush cutting, pavement repairs, and vegetation control at various locations.

She advised that sight distance work on Route 106, sweeping of Route 33, and pothole repairs at Routes 249/627 should all be completed by the end of the week.

Ms. Ellis indicated that traffic signs had been installed at the access to and from the Jones & Hawk Restaurant onto Route 60, and as well on Route 621.

She reported that repairs and maintenance on the interstate overpass in Bottoms Bridge had been completed.

She advised that the dead tree removal project was continuing and would include removal by their contractor of many identified dead trees along Routes 155, 60, 606 and 647. She indicated that they also continued to respond to dead tree reports made by citizens.

Regarding the work on Route 613, she reported that all work had been completed except for seeding of the ditches which was planned within the next few weeks.

Ms. Ellis advised that they had not yet received the final Route 60 speed study report from their Central Office.

Regarding the Stage Road project, she indicated that the contractor was in the process of applying the final riding surface which should be completed by the end of the month.

She confirmed that CSX was still planning to repair the railroad crossing into Chickahominy Shores in October, and that the pothole in that area had been fixed.

Ms. Ellis advised that the cross-arms project along I-64 had been completed, and that all four lanes of the Eltham Bridge were expected to be open by the first of November.

She reported that they had replaced ten more wood traffic sign posts during the past month.

Regarding the problems with late comments from their office on projects in New Kent, she indicated that VDOT staff met with County staff during the prior week to discuss concerns with the current format and were working together to develop a report suitable to both parties that would better serve the process. She advised that comments had been recently submitted on several overdue projects and they were working with County staff on the remaining project that was late for comments. She emphasized that VDOT was committed

to working with the County and would be meeting once a month to review issues in a more timely fashion.

Regarding revenue sharing, she advised that she would be forwarding the most recent estimates for the three roads to be paved under the Rural Rustic Roads program and would provide information for a letter to be prepared by the County authorizing VDOT to move dollars across the three projects.

Regarding VDOT personnel changes, Ms. Ellis reported that Assistant Resident Administrator Richard Wood would be moving to the Central Office, and that Engineer Keith Rider had accepted a position with the Richmond District but would remain at the Sandston Residency until a replacement was found.

Mr. Davis expressed his frustration with the continuous turnover of VDOT personnel in the Sandston residency and described the resulting problems for the Board and staff.

He asked that Ms. Ellis communicate his request that "steep grade" signs be installed on the new Eltham Bridge to warn tractor trailer drivers entering West Point.

He inquired as to the status of the Homestead Road paving project. Ms. Ellis reported that the funding for the project had not yet been identified and that she and staff would be contacting him to discuss it in more detail. He expressed his displeasure that the project would not be completed in September or October as previously promised and asked Ms. Ellis to review the VDOT files to determine the history on this project. There was discussion regarding whether or not Homestead Road had been added to the Six Year Plan. Mr. Davis clarified that it was to be paved under Rural Rustic Roads and that the Board had been advised that funding was available and had been assured that the project would be completed. Ms. Ellis agreed to review the notes in their files and get back with Mr. Davis.

There was discussion regarding the need for a traffic light at the Courthouse Road/Kentland Trail intersection. Ms. Ellis advised that results of the last traffic study, performed in March of 2006, had not warranted a traffic light. Mr. Davis indicated that the 2006 study had not been performed during the racing season, and pointed out that there were more businesses and activity at that intersection since the last study. He confirmed that the cost of the traffic light was to be borne by the developer and not VDOT. Other Board members concurred that the intersection was dangerous and was the scene of many collisions and near-collisions. Ms. Ellis agreed to speak with their regional operations office about conducting a new study during the busy season.

Mr. Burrell advised that there were several dead trees on Stage Road near Route 33. He also asked about the opening of the remainder of the lanes of the new Eltham Bridge. Ms. Ellis advised that she had spoken with the project manager who indicated that they were going through the punch list items and that the remaining lanes should be open by the first of November.

Mr. Burrell also reported that he had received some complaints about tall grass on Route 618, north of the interstate.

Mr. Sparks reported that grass had overtaken the curbs on the I-64 ramps in Bottoms Bridge.

Mr. Hill asked about the status of Quaker Woods Road, which the Board had requested be accepted into the State system for maintenance. He advised that earlier the road had been

deemed ready for acceptance but he understood that there were some bonding issues. Ms. Ellis agreed to check into that and get back with Mr. Hill.

Mr. Trout asked about the status of the Rural Rustic Roads project under Revenue Sharing, recounting that at the last meeting the Board had authorized VDOT to distribute the funds among the projects as needed. Ms. Ellis indicated that her staff would be providing the language for an additional letter needed from the County, and that once the letter and a check for the County's share were received, the projects would move forward. She was unable to advise as to when the projects would be completed.

Mr. Trout thanked Ms. Ellis for VDOT's assistance in having the crossing into Chickahominy Shores repaired by the railroad. He asked about solutions for the flooding problem on South Waterside Drive. Ms. Ellis indicated that residency staff had recently met with one of VDOT's bridge engineers, but that no real alternatives were found other than those initially identified. Mr. Trout asked that he be advised as to any meetings held on this issue.

Ms. Ellis reported that they would be cleaning the outfall ditches in the Chickahominy Shores subdivision during the following week which should help some of the flooding problems until a new design could be established. She indicated that they were looking for funding for interior ditch design work and that she would obtain additional information from her staff for the Board.

Mr. Hill commented on the thoroughness of Ms. Ellis' report and asked that in the future she commit her report to writing and forward it to the Board prior to the meetings. He also asked that she reduce to writing the information just reported, to which Ms. Ellis agreed.

IN RE: GENERAL RE-ASSESSMENT UPDATE

Bill Coalson of Tri-County Appraisers reported to the Board on the re-assessment project.

He advised that the project remained on schedule and they had inspected 6,500 parcels. He indicated that his staff was working in Brickshire and in the Mount Pleasant and Egypt Road areas.

He indicated that he continued to monitor the real estate market and compare sales against the reassessment figures. He reported that the current assessment level-to-market value ratio was around 65%.

There was a discussion regarding the timing of appointments to the Board of Equalization. It was confirmed that those appointments were routinely made in January or February.

IN RE: INTRODUCTION OF NEW STAFF

Information Technologies Director Jonathan Stanger introduced Odell Langston, Technology Support Specialist III.

The Board welcomed Mr. Langston.

IN RE: HISTORIC COMMISSION

Under consideration by the Board was Resolution R-42-07 chartering the New Kent County Historic Commission.

County Attorney Jeff Summers recounted that the Historic Commission members had previously approached the Board regarding some difficulties reaching quorum at its meetings. He reviewed that the Board had discussed the granting of charters to all of the County's boards and commissions, and the summer legal interns had drafted those charters, using the same model. He noted that the Board's consideration of the proposed charter for the Historic Commission would "echo through the others".

He confirmed that the Historic Commission members had reviewed the proposed charter. He pointed out that the charter provided for one representative from each election district, and those district representatives were each permitted to nominate (for confirmation by the Board) an alternate (who shared their views) to serve in their absence. He noted that the charter also provided for two at-large appointees who would not have alternates as it was likely that such appointees would represent a group interest. He pointed out that the charter also set forth the powers and scope of duties of the Historic Commission.

Mr. Burrell commended Mr. Summers and his interns for a well-written document.

Mr. Trout introduced Historic Commission members in attendance, which included Debbie Downs, Jean Street and Jefferson Ellett, as well as staff liaison Kelli Le Duc from the Planning Department.

Mr. Burrell moved to adopt Resolution R-42-07 as presented. The members were polled:

David M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
Stran L. Trout	Aye

The motion carried.

The Board then proceeded to make appointments to the newly chartered Historic Commission.

Mr. Hill moved to appoint Debbie Downs as District One's representative to the New Kent County Historic Commission to serve a term ending December 31, 2008.

Mr. Sparks moved to appoint Jefferson F. Ellett as District Two's representative to the New Kent County Historic Commission to serve a term ending December 31, 2008.

Mr. Burrell moved to appoint Jean Street as District Three's representative to the New Kent County Historic Commission to serve a term ending December 31, 2009.

Mr. Trout moved to appoint Terri Lindsay as District Four's representative to the New Kent County Historic Commission to serve a term ending December 31, 2009.

Mr. Davis moved to appoint Farron Cowles as District Five's representative to the New Kent County Historic Commission to serve a term ending December 31, 2010.

Mr. Trout moved to appoint Joanne Howard as an at-large representative to the New Kent County Historic Commission to serve a term ending December 31, 2010.

Mr. Hill moved to appoint Martha Martin as an at-large representative to the New Kent County Historic Commission to serve a term ending December 31, 2010.

The members were polled:

James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
David M. Sparks	Aye
Stran L. Trout	Aye

The motion carried.

The specifics of the next meeting of the Historic Commission were announced, at which meeting it was expected that the newly-appointed district members would submit nominations for their alternates for consideration by the Board at a future meeting.

IN RE: CHANGE ORDERS TO PUBLIC UTILITIES CONTRACTS

Under consideration by the Board was a request to approve a change order to the contract for the Phase II forcemain project with Walter Via Enterprises in the sum of \$416,531.27 and to authorize the County Administrator to execute the change order documents.

Public Utilities Director Alan Harrison reviewed the four parts of the requested change order.

He advised that the first part totaling \$113,743 dealt with the cost for over-sizing the forcemain as part of the County's easement agreement with Mr. Eric Stoltz. He noted that this had been included as a set of alternate bid items but was not included in the contract award as the easement agreement with Mr. Stoltz had not yet been finalized. He indicated that this amount now needed to be added to the contract, but would be reimbursed to the County by Mr. Stoltz upon completion of the work.

He reported that the second part of the change order totaling \$23,100 was related to the water line bore under I-64 on Route 106 that was previously approved by the Board. He indicated that it had been discovered that the bore needed to be longer and deeper than was originally anticipated and this was the amount requested by Mr. Via for the additional work. He advised that the bore would need to be 20 feet deep, rather than the 7 – 8 feet that had been anticipated, because of a deep gulley in the interstate median.

He indicated that the third part of the change order in the amount of \$206,888.27 dealt with the County's request for an extension of the waterline from the bore to Route 106.

Mr. Harrison advised that the final part of the change order resulted from the easement agreement with Mr. Stoltz, wherein the County agreed to his request to retain the timber that would be cut from his easement, and placing that timber at a location of his choosing on his property. He reported that the contractor, who normally took the timber as part of his contract, had asked for \$72,800 to cover the value of the timber as well as the costs to transport the timber.

Mr. Harrison advised that the estimates and costs had been reviewed by himself and by R. Stuart Royer who found them to be reasonable.

There was significant discussion regarding the timber and transport costs. Mr. Harrison advised that the timber would need to be moved out through the construction entrances (approved by VDOT) and transported via interstate because of wetlands on the property, which increased the cost of transport. He reported that Mr. Stoltz had chosen a location on property that he owned on Hunt Club Road, off Mount Pleasant Road.

County Attorney Jeff Summers advised that no one had been aware of the wetlands issue at the time that the easement agreement was negotiated with Mr. Stoltz, and if the Board wanted something other than what was agreed to, then the County would have to go back and modify the easement agreement. He also noted that the County's commitment was to deliver the timber to the location that Mr. Stoltz selected and how the County did that was not a part of the agreement.

The Board members expressed their concern about the value of the timber as well as the transport costs, and suggested that staff consider alternate methods of satisfying the easement agreement with Mr. Stoltz.

Mr. Harrison reported that a delay in approval could affect the timeline for the project, as the contractor was actively working in the area and the timber had been cut, set aside and would soon need to be moved. He also commented that Mr. Via had set the value for the timber, which he assumed included a markup.

Mr. Budesky suggested that the Board approve the motion and give staff an opportunity to review the estimates and see if another company could be found to do the work at a lesser cost, or seek to find a less expensive transport option.

Mr. Davis moved to approve a change order to the contract for the Phase II forcemain project with Walter Via Enterprises in the sum of \$416,531.27 and authorized the County Administrator to execute the change order documents, noting that the \$72,800 price for the value of the timber and transporting the timber was a "not to exceed" amount and that staff was to look for a less expensive option. The members were polled:

W. R. Davis, Jr.	Aye
Mark E. Hill	Nay
David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye

The motion carried.

Both Mr. Sparks and Mr. Burrell emphasized that their votes approving the motion were "reluctant".

Under consideration by the Board was a request for approval of a change order to the contract for design of the Phase II forcemain project with R. Stuart Royer in the sum of \$53,116.40 and to authorize the County Administrator to sign the change order documents.

Mr. Harrison reported that as a part of the effort to provide utility services to Route 106 to spur economic development activity, the County had asked R. Stuart Royer to extend its design to bring the lines down to the Jasper Transmissions property and that Royer had requested the sum of \$53,116.40 for the additional design work.

Mr. Harrison noted that there was a chance that potential customers in the area would help pay for the system, but not for the design costs. It was confirmed that Royer had previously performed a service district study for the area but had not performed engineering work.

Mr. Sparks moved to approve a change order to the contract for design of the Phase II forcemain project with R. Stuart Royer in the sum of \$53,116.40 and authorize the County Administrator to sign the change order documents. The members were polled:

Mark E. Hill	Aye
David M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Stran L. Trout	Aye

The motion carried.

Mr. Burrell asked that Mr. Harrison provide an itemized accounting of the utility projects, in chronological order and including all change orders, so that the Board would have a complete listing of what the project costs were to date.

IN RE: DMV STOP FEE

Under consideration by the Board was Ordinance O-19-07 amending Appendix A to add an administrative fee for DMV Stops issued by the County Treasurer as a result of unpaid personal property taxes.

County Treasurer Herbert Jones, Jr. reported that he had received only positive citizen comment about this proposed administrative fee. He confirmed that this would not result in additional work by his staff and that the revenue from the fee would help off-set the cost of his delinquent collections staff which was currently funded in whole by the County.

He confirmed that before collection measures were taken, delinquent taxpayers received numerous notices and were offered opportunities to arrange for payment plans. He advised that prior to applying set-offs to State income tax refunds or placing DMV stops, the Treasurer's office notified the delinquent taxpayer in advance of the steps to be taken and that no one should claim that they were not aware of the situation.

The Chairman opened the Public Hearing,

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

Mr. Hill moved to adopt Ordinance O-19-07 as presented. The members were polled:

David M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
Stran L. Trout	Aye

The motion carried.

IN RE: HARRISON WITHDRAWAL FROM THE HARRISON AFD

Under consideration by the Board was Resolution R-43-07 regarding a request by Chapman Harrison to withdraw five acres (portion of Tax Map Parcel 22-31) from the Harrison AFD, which had been deferred from the August 13, 2007, meeting at the applicant's request.

Planning Manager Rodney Hathaway advised that the subject five acres was a portion of a parcel totaling 199 acres that was one of four parcels in the Harrison AFD which totaled 374 acres. He indicated that the applicant proposed to subdivide the parcel in order to clear a building site for a family member. He noted that removal from the AFD was the first step in the process to subdivide the property in order to create a building lot. He advised that the parcel was located within Land Bay II of the Farms of New Kent and there would be additional zoning steps involved and might involve amending the PUD.

He advised that both the AFD Advisory Committee and the Planning Commission had considered the application and forwarded favorable recommendations.

He confirmed that adoption of the proposed resolution would remove the five acres from the AFD but would have no effect on the PUD or rezoning.

The Chairman opened the Public Hearing.

Pete Johns, on behalf of the partners of New Kent Vineyards/Farms of New Kent, asked that this first step in the process be approved and that the property be removed from the AFD.

Julian Lipscomb indicated that Mr. Harrison wanted to remove the property from the AFD to create a building lot for a family member. He acknowledged that other steps would have to be taken but, no matter what, the property should be removed from the AFD and he asked for approval.

Chap Harrison, the applicant, indicated that these five acres were adjacent to a home occupied by his sister-in-law and was proposed as a site for a home for her daughter and husband, Mr. and Mrs. George Pinelli. He indicated that a survey had been completed and the property did perk, and he felt it would be a nice spot for a home and an asset to St. Peters Road. He requested the Board's approval.

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

Mr. Davis advised that he had no objections to removing the property from the AFD, commenting that it should have been removed when the PUD was approved.

There was discussion about whether a family subdivision would be permitted. Mr. Hathaway confirmed that there was a PUD restriction that allowed for only one residence on the property, and that issue would need to be resolved.

Mr. Johns confirmed that Farms of New Kent had no objection to Mr. Harrison's plans.

Mr. Hill moved to adopt Resolution R-43-07 as presented. The members were polled:

James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye

David M. Sparks	Aye
Stran L. Trout	Aye

The motion carried.

IN RE: CITIZENS COMMENT PERIOD #2.

Mr. Hill reported that he had mistakenly advised a citizen who wished to speak that he could arrive by 6:15 p.m.; however, the Citizens Comment Period closed before that time and Mr. Hill requested that he be allowed to address the Board.

There was no objection from the Board members.

Mike Saunders advised that he had not been permitted to dump trash at the refuse site that day because he brought it in his 12-foot trailer. He reported that he was not aware of the new restriction regarding trailers. He stated that he returned home, transferred his trash to his pickup truck and returned to the refuse site and was permitted to dump. Mr. Saunders indicated that he purchased the two-wheel trailer about a year and a half ago because it had a ramp and was convenient for hauling his trash. He advised that he was not a contractor and would like to be able to use his trailer to haul his trash to the refuse site.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Hill advised that he had received one other telephone call as well as comments from two fellow parishioners from his church complaining about the new restrictions at the refuse sites. He noted that one individual had purchased a 22-foot trailer with dual axels that was now prohibited. Mr. Hill commented that the Board's intentions had been to prohibit contractors from taking their construction wastes to the refuse sites and hadn't intended to harm the residents. He suggested that the length for trailers disposing of household waste be expanded to 12 feet.

Mr. Burrell commented upon the importance of training staff at the sites to be able to differentiate between household waste and construction debris, but that he would not be opposed to changing the ordinance to permit trailers up to 12 feet in length. He reported that he had received only one call about the new restrictions and he spoke about the cost to the County for hauling construction debris.

Mr. Sparks indicated that he had a constituent with an 18-foot trailer used primarily for transporting household trash and he suggested that citizens should be able to bring personal trash to the transfer station without regard to trailer size. He said that he felt that the County hadn't "done a very good job" on this issue and rather than have citizens be turned away with their trash, that he would like for the restrictions to be suspended until the Board could "come up with something better".

Mr. Trout suggested since there had seemed to be only a few complaints, that Mr. Tacosa officially report to the Board at the next work session regarding how the new restrictions were working and what kind of feedback he had received. He noted that the recently adopted ordinance had been an effort to "put teeth" into existing requirements and it was not intended to prohibit citizens from disposing of their personal household trash.

Mr. Sparks commented that many residents would not speak up and he again suggested that the restrictions be temporarily suspended until the work session.

Mr. Davis advised that for many citizens, trash disposal was the only “perceived” County service they received and that if they were being turned away, then the County was “not doing its job”. He acknowledged the County’s cost to haul trash was steadily increasing and that everyone needed to do a better job recycling, but he would agree that the restrictions should be suspended until a better plan could be developed.

Mr. Burrell suggested that Mr. Tacosa could instruct staff to allow household waste until the Board could revisit the issue, but continue the restrictions on those deemed to be contractors.

Mr. Summers suggested letting the “ordinance speak for itself” until the Board elected to amend it; however, the Board could instruct staff not to enforce the restrictions pertaining to trailer size, but continue to enforce the restrictions prohibiting commercial dumping of construction waste.

There was consensus to accept Mr. Summers’ suggestion.

Mr. Hill related that he had received a complaint from a resident regarding construction noise beyond daylight hours and on weekends at the Farms of New Kent. He indicated that he had requested staff to research the Planned Unit Development and noise ordinances and could not find where this issue was addressed.

Pete Johns, partner in the Farms of New Kent project advised that he had been working on the weekend and was aware of the construction work being performed. He reminded that it was their intention to get the project completed as quickly as possible and they had an obligation to the community and to the Community Development Authority to increase property values and enhance the tax rolls. In doing so, he acknowledged that they had hired crews that worked on weekends. He advised that the crew in question was working on the golf course, which was a quarter of a mile away from the residence. He agreed that the back-up beeping signal on large equipment was annoying but necessary and required by OSHA. He indicated that they wanted to be good neighbors and, as a show of good faith, were willing to restrict work hours on weekends but continue operation. He suggested that work on Sundays start no earlier than 10 a.m. and finish by 5 p.m., and on Saturdays start a little earlier and be finished by sunset. He advised that he would communicate these concessions to the complaining resident.

Mr. Johns did note that there were reports of teenagers being on the property over the weekend, which was reported to the Sheriff’s Office, and that they were in the process of installing gates to prohibit entrance by unauthorized persons.

Mr. Hill gave details of the upcoming Fall Clean Up sponsored by the Clean County Commission and challenged his fellow Board members to participate.

Mr. Burrell announced that he would be attending an upcoming meeting of the Richmond Metropolitan Convention and Visitors Board of Directors and would be glad to bring up any issues or concerns.

Mr. Davis announced the details of the upcoming County Fair and congratulated resident Alease Christian and her husband on the recent celebration of their 50th wedding anniversary. He also commented about the upcoming commemoration of September 11 events.

Mr. Trout announced additional details regarding the upcoming County Fair, and thanked the Virginia Horse Racing Association, Colonial Downs and Farm Bureau insurance for their sponsorship.

Mr. Hill provided details of the upcoming golf tournament and auction fundraiser for New Kent Habitat for Humanity.

IN RE: STAFF REPORTS

County Administrator John Budesky advised that 33 citizens had enrolled in New Kent University which began the week before, spoke about the merits of the program, and thanked staff for its hard work.

He advised that the Board members would be receiving information about a coalition among localities to study and explore the impact of illegal immigrants. The Board members expressed their consensus to consider a resolution joining that coalition at the next business meeting.

He confirmed that the Sheriff's Office was coordinating a September 11 remembrance ceremony on the Courthouse steps.

He advised the Board that a PPTRA overage of approximately \$31,000 would be applied to the coming year's personal property tax relief.

He reported that he had attended a meeting of a Virginia Peninsula homelessness coalition in which New Kent had been invited to participate and that he would be providing information at a future date regarding whether New Kent should belong to the Peninsula or Richmond/Petersburg area group. He also indicated that he had attended an address by Governor Kaine regarding the Governor's Pre-K initiative to provide early education for at-risk four-year olds, and that he would be providing information to the Board on the initiative.

Mr. Budesky announced details of the upcoming State of the County event as well as the grand opening schedule for the Visitors and Commerce Center. He indicated that there was an annual cost of \$26,000 for each interstate sign promoting the facility and that staff was working with the State regarding the possibility of having the signs donated.

IN RE: DISTRICT APPOINTMENTS

There were none.

IN RE: NON-DISTRICT APPOINTMENTS

There were none.

IN RE: MEETING SCHEDULE

The Chairman announced that the next meeting of the Board of Supervisors would be held at 6:00 p.m. on Thursday, October 11, 2007, and the next work session at 4:00 p.m. on Monday, September 24, 2007, both in the Boardroom of the County Administration Building, New Kent, Virginia.

IN RE: ADJOURNMENT

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

W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye

The motion carried.

The meeting was adjourned at 8:12 p.m.