

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 9th DAY OF JANUARY IN THE YEAR TWO THOUSAND SIX OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: ROLL CALL

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

The Chairman called the meeting to order.

IN RE: SCHOOL TRANSPORTATION SAFETY

Chairman Davis read aloud a letter from the School Board reporting on the death the previous week of a child who had disembarked from a school activity bus and the formation of a task force to review the incident and determine if any policies or procedures should be changed.

IN RE: REORGANIZATION

County Administrator John Budesky opened the floor for nominations for Chairman of the Board. Mr. Burrell nominated David M. Sparks as Chairman of the Board of Supervisors for a term of one year. There were no other nominations and Mr. Davis moved that the nominations be closed. The members were polled:

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

The members were polled on the election of David M. Sparks as Chairman:

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

The motion carried. The meeting was turned over to Chairman Sparks who opened nominations for Vice Chair. Mr. Hill nominated Stran L. Trout as Vice-Chairman of the Board of Supervisors for the term of one year. There were no other nominations and Mr. Burrell moved to close the nominations. The members were polled:

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

The motion carried. The members were polled on the election of Stran L. Trout as Vice-Chairman:

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

The motion carried.

Chairman Sparks presented outgoing Chairman Davis with a plaque in appreciation of his service.

Mr. Budesky presented proposed Resolution R-01-06 setting the 2006 meeting schedule for the Board of Supervisors. Mr. Trout noted that the proposed Resolution reflected a change he had requested regarding the March work session. Mr. Budesky asked that the Board consider holding the March work session on Wednesday, March 29, because of a conflict with his schedule.

Mr. Davis moved to adopt Resolution R-01-06 with the following changes: the March work session would be held on Wednesday, March 29. The members were polled:

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

The motion carried.

The Board reviewed the Bylaws. There was a discussion about whether Board members should participate in votes taken on the County commissions, boards and committees upon which they serve as Board liaisons. There was consensus that the bylaws of the particular board, commission or committee should govern that issue.

Mr. Trout moved to re-adopt the Bylaws as presented. The members were polled:

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

The motion carried.

IN RE: CONSENT AGENDA

County Administrator John Budesky presented the Consent Agenda as follows, noting that the five contracts that were included in the Board members' meeting books had been replaced with a form contract that would be entered into with each of the five planning consultants:

1. Approval of Minutes
 - a. Special session of December 10, 2005
 - b. Special session of December 12, 2005
 - c. Regular meeting of December 12, 2005
 - d. Joint meeting on December 19, 2005
2. Miscellaneous
 - a. Resolution R-02-06 accepting utility easement on tax map parcel 29-2C
 - b. Resolution R-03-06 authorizing the transfer of Use Permit CUP-01-00 from Luck Stone to Basic, Inc.
 - c. Authorization to enter into contracts with Fitzgerald & Halliday, Rickmond & Bury, Wessex Group, Kimley-Horne and Archaeological & Cultural Services, Inc., for on-call planning services
 - d. Approval to hire Jeffrey Summers as County Attorney effective January 17, 2006
 - e. Road Name Addition: *Samantha Ann Drive*
3. Refunds
 - a. \$76.31 to Master Mechanical, LLC for mechanical permit fee
 - b. \$20.35 to D&T Services for overcharge on plumbing permit fee
3. Appropriations FY2005-2006
 - a. Funds received for Colonial Downs law enforcement services performed for live and simulcast harness racing in October 2005, \$8,045.00
 - b. Funds received from the New Kent County Fair Association toward development of Quinton Community Park, \$1,000.00
 - c. Funds received from the high school for security at the November 11, 2005 football game, \$81.00
 - d. Insurance proceeds received as a result of a Sheriff's vehicle accident on November 19, 2005, \$5,168.00
 - e. Insurance proceeds received as a result of a Sheriff's vehicle accident on November 20, 2005, \$2,700.00
 - f. Funds received from the Library of Virginia on December 12, 2005 for records preservation, \$9,901.00
 - g. Insurance proceeds received as a result of a Sheriff's vehicle accident on November 10, 2005, \$2,652.00

Total Supplemental Appropriation:	\$ (29,547.00)	Total
	\$ 29,547.00	Money-in/Money-out
4. Inter-Departmental Budget Transfers
 - a. \$3,000 from Theme Park tickets (71500-6015) to ADP Equipment (71100-8007)
 - b. \$26,240 from Bottoms Bridge Water and Sewer line items to the Utilities Fund and Chickahominy Wastewater Treatment Plant for the Utilities Master Plan
 - c. \$7,323 from Trunk Force Main – permits/testing to Trunk Force Main – engineering and Chickahominy Wastewater Treatment Plant modifications - engineering
5. Treasurer's Report: Cash in Bank as of November 2005, \$17,796,982.04

Mr. Hill moved to approve the Consent Agenda as presented and to make it a part of the record, with the exception of 2.c. which was replaced with the contract distributed to the Board members to be entered into with the five identified planning review consultants. The members were polled:

James H. Burrell

Aye

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

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

Chairman Sparks opened the Citizens Comment Period.

Stan White expressed his gratitude for the responses from the School Board and Board of Supervisors to the recent death of a student who was struck after disembarking from a school bus. He offered his services to any effort to increase community awareness and vigilance when approaching school buses. He described the awareness campaign being mounted by the Middle School SADD and by the School Board in honor of the deceased student, which he hoped would help prevent future tragedies.

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

IN RE: RESIDENT ENGINEER'S REPORT

John Crews, Resident Administrator with the Sandston Residency of the Virginia Department of Transportation, reported on previous requests from Board members as follows:

- Work on the railroad crossing into The Colonies
- Work on the railroad crossing where Waterside turns into Riverside
- The district responsible for maintenance of the part of Tabernacle Road located in James City County had been notified about the problems there

He reported that maintenance work during the month included pothole and shoulder repairs, and the blading of 14 non-paved roads. He indicated that a pedestrian sign had been installed on Route 249 in the Courthouse area, commenting that they had determined that a crosswalk sign would not be appropriate in that area because it might promote a false sense of safety.

Regarding the Eltham Bridge, he reported that the contractor would be closing one of the eastbound lanes of Route 33 for repairs during the upcoming week.

He reported that preliminary work had begun on the Stage Road/Route 632 project.

He indicated that he had received a citizen request to lower the speed limit on Route 249, from Bottoms Bridge to Route 612, from 55 mph to 45 mph. He advised that this would require a written or verbal request from the Board.

There was discussion regarding the speed limit along Route 249, and debate among the Board members as to whether a decrease should be requested for all or just the western part of Route 249. It was noted by Mr. Sparks that the Sheriff had advised that he felt the speed limit along Route 249 should be decreased between Route 106 and Bottoms Bridge.

Mr. Crews indicated that once the Board agreed, a written request should be made by the County Administrator for the speed change and the reason for it. He represented that, in the interim, he would alert their traffic department to prepare to start the process. He

emphasized that the study would have to justify any change in the speed limit and there were certain criteria that would need to be met. Mr. Hill requested that the results of the study also be furnished to the School Board.

Mr. Crews reported that a pothole on Longview Road had been repaired and that paving on Old Roxbury Road would soon begin.

Mr. Trout commented that he understood that bids were due on the Terminal Road project on January 25 and that a notice to proceed was expected to be issued March 25. He expressed his appreciation for the efforts on that project. He asked Mr. Crews to look at areas of deteriorating pavement over some storm drains in The Colonies and pointed out that if the main roads became impassable, the residents would not have a way in or out of the subdivision.

Mr. Burrell asked about the possibility of installing "school bus stop ahead" signs on Route 249 west of Route 618.

Mr. Davis asked about the culvert project on Cooks Mill Road.

Mr. Davis reported that the Sheriff had questioned when the newer portion of Kentland Trail would be accepted into the State system. Apparently the newer portion of the road does not yet have speed limit signs posted and they have had some complaints about speeders.

There was discussion regarding VDOT's approval of New Kent's subdivision ordinance. Community Development Director George Homewood agreed to meet with Mr. Crews to work on that and report to the Board at the next meeting.

Mr. Hill reported a pothole at the end of Quinton Road, and that a traffic sign had been knocked down and thrown in the woods. He also reported that potholes have returned on Cosby Mill Road.

Mr. Hill asked that the State work with the School Board to look at the "school bus stop ahead" signs along Route 249 to make sure that they are properly placed and that stops are properly marked.

IN RE: INTRODUCTION OF NEW EMPLOYEES

The Board welcomed Carol Lien who was recently promoted to the position of Public Health Supervisor with the New Kent/Charles City County Health Department. She congratulated Mr. Sparks and Mr. Trout on their elections and indicated that "her door would always be open".

IN RE: AUDIT REPORT

John Montoro of Cherry Beckaert & Holland presented the FY04/05 audit results to the Board. He indicated that he was glad to report that again this year they have issued a non-qualified opinion which meant that the County report was prepared in accordance with generally accepted accounting standards; that the balances, transactions and journal have been reviewed by them; and that the County has complied with all of the laws and regulations under which it must operate. He congratulated the County for receiving the Government Finance Officers Association's Certificate of Achievement for Excellence in

Financial Reporting, and indicated that he anticipated that the County would be successful with its current application.

He indicated that they looked at document and internal controls and tested those controls as part of the audit.

He confirmed that they were independent of the County throughout the period and did not provide any consulting services other than providing the audit. He reported one minor change that was made regarding the adoption of a policy of regular investments. He indicated that there were some adjusting entries but nothing out of the ordinary.

Mr. Sparks asked how much time was spent on the audit. Mr. Montoro estimated that they spent 500 – 600 hours, and thanked Ms. Altemus and her staff for their efforts and assistance.

IN RE: REVENUE SHARING

John Crews, Resident Administrator with the Sandston Residency of the Virginia Department of Transportation, addressed the Board regarding the County's reservation of funds under the Rural Addition program. He indicated that the County asked for and received a reservation of funds in 2002/2003 of \$200,000 and in 2003/2004 an amount of \$444,677, for a total available reserve of \$644,677 (after matching funds, total of \$1,289,354). He indicated that the County had paid only \$677 towards the program and his Department needed a letter from the County, certifying whether or not it was going to use this money.

It was explained that the Rural Addition program was different from the Rural Rustic Roads program. In the Rural Rustic Roads program, four State unpaved roads were targeted for surfacing under Revenue Sharing in the County's Secondary Roads Six Year Plan. However, the estimates to complete those projects increased substantially from previous estimates and the County could choose to either eliminate one or more of the projects, or pay the difference of \$167,256.82 to complete all four.

He advised that Rural Addition funds could only be used to bring private roads up to State standards so that they could be accepted into the State system. Mr. Crews indicated that there may be some concerns with VDOT's approval of the County's subdivision ordinance, but he would work with Mr. Homewood on that.

Mr. Burrell indicated that he felt the Board needed more time to review this issue before making a decision.

Mr. Davis commented that the County should use taxpayer money to pave roads that are already in the system. He commented that Route 624 should be dropped from the project list because no one lives on it. Mr. Crews reported that the Board would not be able to substitute other roads in this program without a public hearing.

Mr. Crews indicated that he would like to bring to a work session the policy manager from VDOT who could better explain the Rural Addition program.

IN RE: INCREASE IN IRRIGATION METER INSTALLATION FEES

Before the Board was a request from Public Utilities Director Alan Harrison for an increase in the fees charged for installation of irrigation meters.

Mr. Harrison explained that he had included in the Capital Improvement Plan a request for funds to convert all existing meters from touch-read to radio-read. The new meters cost about \$110 more than the currently used meters and he requested permission from the Board to move forward to increase by \$150 the fees charged for irrigation meter installation.

Mr. Harrison explained that the radio-read meters would allow all meters to be read by one staff member in 2 days, as opposed to the 5+ days it takes for two staff members to read the touch-read meters. There would be no charge to existing customers for the meter upgrades – just for new irrigation meter customers. He emphasized that the charges were basically to cover the cost and not to make a profit, and it would be easier to do the conversion while the customer base was relatively small. He indicated that the radio-read meters were already in the specifications for new developments.

There was a general discussion regarding radio-read meters and the cost savings that might result, and consensus among the Board to proceed to advertise the fee increase for Public Hearing at the February meeting.

IN RE: ELECTED OFFICIALS REPORT

Mr. Trout announced that Mr. Homewood would be speaking at an upcoming Chamber of Commerce meeting regarding the proposed revisions of the Zoning Ordinance.

He reminded that there was upcoming a special election for Ryan McDougale's position in the House of Delegates, which included New Kent County.

Mr. Trout remarked that the Board had hired a new County Attorney, Jeffrey Summers, who would be starting work on January 17, and commented on how much he had enjoyed working with Phyllis Katz over the years.

Mr. Burrell reported that he would be attending upcoming meetings of the Central Virginia Waste Management Authority and the Richmond Metropolitan Convention & Visitors Bureau, and would make reports on those at a future meeting.

Mr. Burrell commented on the recommendations that localities develop a plan to handle a potential bird flu pandemic, and not depend on the Federal government.

Mr. Burrell indicated that the public transit system in New Kent was being under-used and was still in need of drivers. He announced that the service operated from 6 a.m. until 6 p.m. Monday through Friday, was not dependent on income or ability to pay, but was not a taxi service. The vans were also available for rent on weekends.

Mr. Davis commented that the Board had done a lot of work and met often during the past year, and he wanted the Board to continue to "work hard and get things done" in the upcoming year under the new chair and vice chair.

Mr. Hill stated that he was excited about the new safety committee being established by the School Board and asked that they do it "as expeditiously and as cost effectively as possible". He commented on the tragic loss of FiFi Shanaa.

Mr. Burrell reported that the accident would most likely be addressed at the upcoming meeting of the Transportation Safety Commission, and that he would make a report to the Board at its next meeting.

Mr. Hill announced an upcoming meeting of Habitat for Humanity at the Quinton Community Center and invited all interested parties to attend and participate.

Mr. Sparks stated that he agreed with many of the comments made by his fellow Board members. He expressed his pleasure in working with Phyllis Katz during the past few years. He also promoted participation in the public transportation program. He commented that he hoped the Board would continue to work hard, and emphasized the importance of a safe environment for the County's students.

Mr. Sparks announced that the Board would hold a Retreat on the last Saturday of January, and asked the County Administrator to arrange for a time and location.

Mr. Hill announced upcoming Town Hall Meetings hosted by himself, and District One Planning Commissioners Patty Townsend and Thomas Evelyn, to review the proposed zoning ordinance revisions. He indicated that these meetings were open to all County residents and staff would be present to help answer questions.

IN RE: STAFF REPORTS

County Administrator John Budesky congratulated the Finance Department for the successful audit and thanked them for their hard work.

He asked the Board for consideration of two items that had been included in their recent Friday packet.

Public Utilities Director Alan Harrison requested the Board to award a contract for \$357,250 to J. Sanders Construction for improvements at the Chickahominy Wastewater Treatment Plant which were necessary in order to comply with the Consent Order with DEQ. He explained that the bid initially came in over budget, but by working with Royer and the contractor, they were able to remove some things that were overpriced or didn't need to be done right away, and the resulting bid of \$357,250 was more in line with the estimate and within the Bottoms Bridge project budget.

Mr. Davis moved to award the contract for improvements to the Chickahominy Wastewater Treatment Plant in the sum of \$357,250 to J. Sanders Construction Company. The members were polled:

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

The motion carried.

Community Development Director George Homewood requested the Board to award the sidewalk improvements contract to J. Sanders Construction Company in the sum of \$188,000. He explained that J. Sanders Construction was the only complete bidder. Last

fall the bids came back substantially over budget and Sanders' bid was about half of what was previously received. Staff proposed that the County accept the Base Bid and Alternative B, which included street lights and some landscaping as well as sidewalk in front of the primary school along Route 249. He indicated that this project would be 100% funded with VDOT funds as the County's match had already been covered, and that the project was within budget.

Mr. Burrell moved to award the contract for the New Kent County Courthouse Sidewalk Improvements, Phase III, accepting the Base Bid and Alternative B for a total of \$188,000, to J. Sanders Construction Co. The members were polled:

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

The motion carried.

Mr. Burrell inquired about the need for the large boulders located on the property near the post office. Mr. Homewood reported that the boulders are required to slow down the velocity of storm water, and that they needed to be large in size.

IN RE: DISTRICT APPOINTMENTS

Mr. Burrell moved to appoint Eugene Williams as District Three's representative to the Airport Advisory Commission to serve a term ending December 31, 2008.

Mr. Trout moved to appoint David Smith as District Four's representative to the Planning Commission to serve a term ending December 31, 2008.

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, 2006 and ending December 31, 2009.

The members were polled on the motions for district appointments:

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

The motion carried.

IN RE: NON-DISTRICT APPOINTMENTS

Mr. Burrell moved to appoint Robin McLaughlin as a New Kent representative to the Colonial Community Criminal Justice Board to serve a three-year term beginning January 1, 2006 and ending December 31, 2008.

Mr. Burrell moved to appoint Lester Wingrove as a New Kent representative to the Colonial Community Criminal Justice Board to serve a three-year term beginning January 1, 2006 and ending December 31, 2008.

Mr. Davis moved to appoint Donald Seeterlin as a representative on the Board of Building Code Appeals/Board of Fire Prevention Code Appeals to serve a term beginning January 1, 2006 and ending December 31, 2007.

The members were polled on the motions for non-district appointments:

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

The motion carried.

The Board members agreed to work to find someone to fill the vacancy on the Mental Health and Retardation Board by the next meeting.

There was discussion regarding the Board of Supervisor representative appointments on the various boards and commissions and it was agreed that all appointments should be for one year terms.

Mr. Trout moved to appoint W. R. Davis, Jr. as the Board's representative to the AFD Advisory Board; D. M. Sparks as the Board's representative to the Airport Advisory Commission; Mark E. Hill as the Board's representative to the Parks & Rec Advisory Commission; Stran L. Trout as the Board's representative to the Planning Commission; W. R. Davis, Jr. as the Board's representative to the Social Services Advisory Board; James H. Burrell as the Board's representative to the Transportation Safety Commission; James H. Burrell as the Director of Emergency Management; and Stran L. Trout as the Board's representative to the Historic Commission.

The members were polled:

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

The motion carried.

IN RE: MEETING SCHEDULE

Chairman Sparks announced that the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, February 13, 2006, in the Boardroom of the County Administration Building. The next regularly scheduled work session would be January 23, 2006, at 6:00 p.m. in the Boardroom of the County Admin Building. There would be joint public hearings on the proposed revisions to the Zoning Ordinance at 7 p.m.

on January 17, January 23, January 30, February 13, February 21 and February 27. The Board would meet for a Retreat on January 28, 2006, at a place and time to be determined.

IN RE: CLOSED SESSION

Mr. Hill moved to go into Closed Session to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia involving promotion of a County employee, and for discussions relating to real property pursuant to Section 2.2-3711A.3 of the Code of Virginia involving acquisition of real property for public purpose. The members were polled:

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

The motion carried. The Board went into closed session.

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

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

The motion carried.

Mr. Burrell made the following certification:

Whereas, the New Kent County Board of Supervisors has convened 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.

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

The motion carried.

IN RE: OTHER BUSINESS

Mr. Davis moved to designate Information Technologies as a County department, assign Jonathan Stanger as its Director, and appropriate the amount of \$2,900 from merit pay contingency to pay for a family health insurance policy. The members were polled:

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

The motion carried.

Mr. Hill indicated that he had had some conversation with the Sheriff regarding the possibility of the County's charging for ambulance service when DUIs are involved and that the Sheriff had agreed to work with Mr. Budesky on providing information to the Board for its consideration.

Mr. Hill also commented upon the conditions at New Kent's animal shelter and whether New Kent's fees were sufficient and comparable to surrounding localities. He suggested that it would help if the current part-time employee could be made full time. He stated that the recent State audit did not have good results. Mr. Budesky reported that New Kent's animal shelter had consistently failed the State audit. He indicated that the "run" being installed would alleviate one of the problems, but would only make a "dent" in what needed to be done.

Mr. Trout announced that the General Assembly would be starting soon and that there were Bills pending that would increase the fees that could be charged for courthouse security and improvements.

IN RE: ADJOURNMENT

There being no further business, Mr. Trout moved to adjourn the meeting. The members were polled:

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

The motion carried.

The meeting was adjourned at 9:15 p.m.
