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NEW KENT COUNTY BOARD OF SUPERVISORS

Tuesday, October 14, 2014, 6:00 p.m.

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

ACTION
AGENDA

CALL TO ORDER *(at 6 p.m.)*

INVOCATION *(given by Mr. Tiller)* and **PLEDGE OF ALLEGIANCE** *(led by Boy Scouts)*

ROLL CALL *(all present)*

CONSENT AGENDA

Action: Mr. Tiller moved to approve the Consent Agenda and that it be made a part of the record. Vote was 5:0, motion carried.

RESIDENCY ADMINISTRATOR'S REPORT – Chad Baker, Maintenance Superintendent, Va. Dept. of Transportation

CITIZENS' COMMENT PERIOD *(3 minutes/person)*

CLOSED SESSION:

Action: Mr. Tiller moved to go into Closed Session pursuant to Section 2.2-3711A.1 of the Code of Virginia for discussion about prospective candidates for employment involving the Department of Social Services. Vote was 5:0, motion carried.

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

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

Public Hearings to be held at 7:00 p.m. or as soon thereafter as possible. Speakers are limited to three minutes each, should come to the podium and state their name and address

ITEM 1 PUBLIC HEARING – consideration of Ordinance O-12-14 amending Section 65-5 of the New Kent County Code to increase the amount of refunds that the Treasurer can approve and issue for erroneous assessments without Board approval – County Treasurer Norma Holmes

Action: Mr. Burrell moved to adopt Ordinance O-12-14 as presented. Vote was 5:0, motion carried.

ITEM 2 PUBLIC HEARING – consideration of Resolution R-35-14 approving Conditional Use Permit Application CUP-01-14 filed by Pilot Travel Centers LLC to continue operation of a Travel Center at 6721 Emmaus Church Road, identified as Tax Map Parcel 31-72 – Planning Manager Kelli Le Duc

Action: Mr. Davis moved to defer a vote on Resolution R-35-14 to the October 29, 2014 work session. Vote was 4:1 (Ayes: Burrell, Davis, Tiller & Evelyn; Nays: Stiers), motion carried.

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- ITEM 3 PUBLIC HEARING** – consideration of Resolution R-18-14 approving application AFD-001-14 filed by Christopher Hockaday to add approximately 16 acres, Tax Map Parcel 42-12N to the Big Swamp Agricultural and Forestal District – *Environmental Planning Manager Matt Venable*
Action: Mr. Burrell moved to approve Resolution R-18-14 AFD 001-14 filed by Christopher Hockaday to add 16 acres to the Big Swamp AFD. Vote was 5:0, motion carried.
- ITEM 4 PUBLIC HEARING** – consideration of Resolution R-19-14 approving application AFD-002-14 filed by Fort Lee Baptist Church to add approximately 114 acres, Tax Map Parcel 34-34 to the Diascund Creek Agricultural and Forestal District – *Environmental Planning Manager Matt Venable*
Action: Mr. Davis moved to approve Resolution R-19-14 AFD 002-14 filed by Fort Lee Baptist Church to add 115 acres to the Diascund Creek AFD. Vote was 5:0, motion carried.
- ITEM 5 PUBLIC HEARING** – consideration of Resolution R-20-14 approving application AFD-003-14 filed by Criss Cross Properties to add approximately 111 acres, Tax Map Parcel 24-35A, to the Holts Creek Agricultural and Forestal District – *Environmental Planning Manager Matt Venable*
Action: Mr. Tiller moved to approve Resolution R-20-14 AFD 003-14 filed by Criss Cross Properties to add 111 acres to the Holts Creek AFD. Vote was 4:0:1 (with Mr. Davis abstaining), motion carried.
- ITEM 6 PUBLIC HEARING** – consideration of Resolution R-21-14 approving application AFD-004-14 filed by Criss Cross Properties to add four parcels, Tax Map Parcels 22-66A, 22-66, 23-41 and 23-36, totaling approximately 636 acres to the Pelham Swamp Agricultural and Forestal District – *Environmental Planning Manager Matt Venable*
Action: Mr. Tiller moved to approve Resolution R-21-14 AFD 004-14 filed by Criss Cross Properties to add 639 acres to the Pelham Swamp AFD. Vote was 5:0, motion carried.
- ITEM 7 PUBLIC HEARING** – consideration of Resolution R-22-14 approving application AFD-005-14 filed by Shuttlewood Farms to add two parcels. Tax Map Parcels 12-27 and 23-7, totaling approximately 711 acres to the Pelham Swamp Agricultural and Forestal District – *Environmental Planning Manager Matt Venable*
Action: Mr. Tiller moved to approve Resolution R-22-14 AFD 005-14 filed by Shuttlewood Farms to add 711 acres to the Pamunkey River AFD. Vote was 5:0, motion carried.
- ITEM 8 PUBLIC HEARING** – consideration of Resolution R-23-14 approving application AFD-006-14 filed by E. T. & Kristine Moore to add two parcels, Tax Map Parcels 3-23B and 3-23, totaling approximately 21 acres to the Putney Creek Agricultural and Forestal District – *Environmental Planning Manager Matt Venable*
Action: Mr. Tiller moved to deny approval of Resolution R-23-14 AFD 006-14 filed by E. T. and Christine Moore to add 21 acres to the Putney Creek AFD. Vote was 5:0, motion carried.
- ITEM 9 PUBLIC HEARING** – consideration of Resolution R-24-14 approving application AFD-007-14 filed by E. T. & Kristine Moore to add three parcels, Tax Map Parcels 10-33, 11-9 and 11-6, totaling approximately

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53 acres to the Pamunkey River Agricultural and Forestal District–
Environmental Planning Manager Matt Venable

Action: Mr. Burrell moved to approve Resolution R-24-14 AFD 007-14 filed by E. T. and Kristine Moore to add 42 acres from tax map parcels 10-33 and 11-9 and excluding parcel 11-6, to the Pamunkey River AFD. Vote was 5:0, motion carried.

ITEM 10 PUBLIC HEARING – consideration of Resolution R-25-14 approving application AFD-008-14 filed by Shuttlewood Farms to add two parcels, Tax Map Parcels 12-13 and 12-14, totaling approximately 123 acres to the Pamunkey River Agricultural and Forestal District– *Environmental Planning Manager Matt Venable*

Action: Mr. Davis moved to approve Resolution R-25-14 AFD 008-14 filed by Shuttlewood Farms to add 123 acres to the Pamunkey River AFD. Vote was 5:0, motion carried.

ITEM 11 PUBLIC HEARING – consideration of Resolution R-26-14 approving application AFD-009-14 filed by Sharon K. Randolph to add Tax Map Parcel 10-32E of approximately 86 acres to the Pamunkey River Agricultural and Forestal District – *Environmental Planning Manager Matt Venable*

Action: Mr. Burrell moved to approve Resolution R-26-14 AFD 009-14 filed by Sharon K. Randolph to add 86 acres to the Pamunkey River AFD. Vote was 5:0, motion carried.

ITEM 12 PUBLIC HEARING – consideration of Resolution R-27-14 approving application AFD-010-14 filed by Thomas and Emily Evelyn to add two parcels, Tax Map Parcels 11-11E and 12-3F, totaling approximately 46 acres to the Pamunkey River Agricultural and Forestal District – *Environmental Planning Manager Matt Venable*

Action: Mr. Burrell moved to approve Resolution R-27-14 AFD 010-14 filed by Thomas and Emily Evelyn to add 46 acres to the Pamunkey River AFD. Vote was 4:0:1 (with Mr. Evelyn abstaining), motion carried.

ITEM 13 PUBLIC HEARING – consideration of Resolution R-28-14 approving application AFD-011-14 filed by Thomas W. Evelyn to add Tax Map Parcel 11-12B of approximately 29 acres to the Pamunkey River Agricultural and Forestal District – *Environmental Planning Manager Matt Venable*

Action: Mr. Stiers moved to approve Resolution R-28-14 AFD 011-14 filed by Thomas Evelyn to add 30 acres to the Pamunkey River AFD. Vote was 4:0:1 (with Mr. Evelyn abstaining), motion carried.

ITEM 14 PUBLIC HEARING – consideration of Resolution R-29-14 approving application AFD-012-14 filed by Kristine K. Moore to add Tax Map Parcel 10-27 of approximately 187 acres to the Pamunkey River Agricultural and Forestal District – *Environmental Planning Manager Matt Venable*

Action: Mr. Davis moved to approve Resolution R-29-14 AFD 012-14 filed by Kristine K. Moore to add 187 acres to the Pamunkey River AFD. Vote was 5:0, motion carried.

ITEM 15 PUBLIC HEARING – consideration of Resolution R-30-14 approving application AFD-013-14 filed by E. T. Moore, Jr. and E. T. Moore Co. to add four parcels, Tax Map Parcels 10-29D, 10-32, 10-35, and 3-28A, totaling approximately 113 acres to the Pamunkey River Agricultural and Forestal District – *Environmental Planning Manager Matt Venable*

Action: Mr. Tiller moved to approve Resolution R-30-14 AFD 013-14 filed by E. T. Moore Jr. and E. T. Moore Co. to add 93 acres from tax map parcels 10-29D and 3-28A to the Pamunkey River AFD and excluding parcels 10-35 and 10-32. Vote was 5:0, motion carried.

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ITEM 16 PUBLIC HEARING – consideration of Resolution R-31-14 approving application AFD-014-14 filed by Lisi Sarah Moore to add Tax Map Parcel 3-23A of approximately 15 acres to the Putney Creek Agricultural and Forestal District – *Environmental Planning Manager Matt Venable*

Action: Mr. Burrell moved to deny the approval of Resolution R-31-14 AFD 014-14 filed by Lisi Sarah Moore to add 15 acres to the Putney Creek AFD. Vote was 5:0, motion carried.

ITEM 17 PUBLIC HEARING – consideration of Resolution R-32-14 approving application AFD-015-14 to re-create the Pamunkey River Agricultural and Forestal District for a period of ten years – *Environmental Planning Manager Matt Venable*

Action: Mr. Davis moved to approve Resolution R-32-14(R1) AFD 015-14 to re-create the Pamunkey River Agricultural and Forestal District for ten (10) years, with the exclusion of parcels 10-38 and 11-11A. Vote was 4:0:1 (with Mr. Evelyn abstaining), motion carried.

ITEM 18 PUBLIC HEARING – consideration of Resolution R-33-14 approving application AFD-016-14 to re-create the Big Swamp Agricultural and Forestal District for a period of ten years – *Environmental Planning Manager Matt Venable*

Action: Mr. Tiller moved to approve Resolution R-33-14 AFD 016-14 to re-create the Big Swamp Agricultural and Forestal District for ten (10) years. Vote was 5:0, motion carried.

ELECTED OFFICIALS’ REPORTS

STAFF REPORTS

APPOINTMENTS

(There were none.)

MEETING SCHEDULE: The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on Wednesday, November 12, 2014, and the next work session at 9:00 a.m. on October 29, 2014, both in the Boardroom of the County Admin Building.

ADJOURNMENT

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

Meeting was adjourned at 9:03 p.m.

CONSENT AGENDA

(Matters included hereunder may be the subject of one motion to approve provided no Board member requests an item to be separated.)

1. **Approval of Minutes**
 - a. September 8, 2014 business meeting
 - b. September 10, 2014 special meeting
 - c. September 24, 2014 work session
2. **Miscellaneous**
 - a. Change order request for renovation of Boardroom dais

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- b. Renewal of contract with World View Solutions
- c. Agreement to utilize the cooperative procurement contract between Emerge Systems, Inc. and Spotsylvania County for electrical and SCADA services
- d. Proxy Statement for the 2014 VACo conference annual business meeting
- e. Change order to contract for Sludge Holding Tank Modifications project
- f. Resolution R-39-14 approving participation in The Interlocal Purchasing System (TIPS)
- g. Resolution R-40-14 appointing New Kent County's 2015 legislative liaison
- h. Memorandum of Understanding with the Virginia Cooperative Extension
- i. Purchase of new network storage unit from EMC Corporation through a College of William & Mary cooperative contract

3. FY15 Carry Forward Appropriations

- a. Airport Fund projects not completed in FY14, \$165,269.21
- b. Sheriff's Federal Asset Forfeiture transfer funds, \$125,842.23
- c. Commonwealth's Attorney Federal Asset forfeiture transfer funds, \$5,413.43
- d. School CIP appropriations, \$533,693.69
- e. Federal Bulletproof Vest Partnership grant funds, \$2,709.31
- f. FY14 School end-of-year balance, \$138,297.93
- g. VML Insurance proceeds for Fire-Rescue air compressor @ Bravo Station #1 – repairs not started as of September 30, 2014, \$4,920.00

\$ 976,145.80 Total
\$ (152,194.11) Total In/Out
\$ (4,920.00) From General Fund (1) fund balance
\$ (671,991.62) From Co. Capital Fund (7) fund balance
\$ (15,784.41) From Airport Fund (97) fund balance
\$ (125,842.23) From Sheriff's Asset Forfeiture (210) fund balance
\$ (5,413.43) From Comm. Atty. Asset Forfeiture (220) fund balance

4. FY15 Supplemental Appropriations

- a. Program income received for FY15 from CDBG Plum Point grant participants (September 2014), \$688.00
- b. Donations for the Animal Shelter, \$715.00
- c. Recovered miscellaneous revenue – Sheriff's Office reimbursement from Emmaus Baptist Church (\$96.50), New Kent Winery (\$1,388.77), Patricia Grubbs (\$210.0), Colonial Downs motorcycle race (\$2,119.02), Sarah Waligura for security detail during William Hodges funeral/visitation (\$405.28) and RWEC Traffic Signal (\$264.67), \$4,484.24
- d. Gifts and donations for Fire-Rescue, \$37.83
- e. Sponsorship revenue to Parks & Recreation – New Kent Blast, \$300.00
- f. Virginia Department of Fire Program funds, \$49,813.00
- g. Virginia Department of Fire Program burn building grant, \$480,000.00

\$ 536,038.07 Total
\$ (536,038.07) Total In/Out

5. Interdepartmental Budget Transfers

- a. *General Services/Sheriff's Office:* \$25,000 from Animal Shelter Study/Construction to Animal Shelter repairs
- b. *School Board Office:* \$297,000 between various CIP items
- c. *School Board Office:* \$31,861.09 transfer of CIP year-end carry over to 2015 for one-time use

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6. **Treasurer's Report:** Cash as of August 2014: \$26,271,063.81

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