

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 8th DAY OF SEPTEMBER 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

Chairman Evelyn called the meeting to order and commended staff for recent improvements to the dais.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Milton Hathaway 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: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Approval of Minutes
 - a. August 11, 2014 business meeting minutes
2. Miscellaneous
 - a. Memorandum of Understanding between the Department of Social Services and Senior Connections
 - b. Lease Agreement with Head Start
 - c. First Addendum to the Special Project Service Agreement with Central Virginia Waste Authority for household hazardous waste collection, transportation and processing
 - d. First Addendum to the Special Project Service Agreement with Central Virginia Waste Authority for used oil, oil filters and anti-freeze collection, transportation and processing services
 - e. New private road names:
 - i. Vintner's Reserve Lane
 - ii. Vineyard Loop
 - iii. Petit Street
3. Refunds
 - a. \$473.82 to Ryan Homes for canceled permit #19375-2014
 - b. \$374.03 to Nichols Incorporated for canceled permit #19490-2014
 - c. \$625.00 to The Oaks Development LLC for Chesapeake Bay application fee
4. FY14 Supplemental Appropriations
 - a. Insurance recovery funds for Public Utilities for a lightning strike on 6/20/14, \$12,516.80
 - b. Insurance recovery funds for the Fire Department for repairs to 2002 Spartan fire truck, date of loss 2/17/14, \$2,520.08

- c. Additional funds for unemployment compensation, \$89.00
- d. Funds received from vending machine sales, \$504.69
- e. Additional funds for General District Court appointed attorney fees, \$2,161.00

\$ 17,791.57	Total
\$ (5,185.77)	Total In/Out – General Fund
\$ (12,516.80)	Total In/Out – Utility Fund
\$ (89.00)	From General Fund fund balance

5. Carry Forward Appropriations

- a. Utility Fund projects not completed in 2014, \$2,381,778.48
- b. Various County capital projects not completed in 2014, \$3,167,035.81
- c. Various County computer replacement fund projects not completed in 2014, \$46,848.60
- d. Funds for New Kent Fire-Rescue operations, \$29,146.96
- e. Public Education Donations – Fire & Emergency Management \$3,936.80
- f. State Fire Program grant funds, \$40,512.40
- g. Virginia Power funds – Fire & Emergency Management, \$26,477.38
- h. Four for Life grant funds – Fire & Emergency Management, \$34,072.28
- i. VEDEM Local Emergency Management Performance grant – Fire, \$2,386.00
- j. Extension Program sponsorship revenue, \$7,750.61
- k. Funds from vending machine sales, \$2,786.60
- l. Honor Guard grant supplies – Sheriff, \$1,096.26
- m. Auxiliary fund donation – Sheriff, \$173.39
- n. Selective Enforcement occupant grant – Sheriff, \$1,054.97
- o. Selective Enforcement – alcohol grant – Sheriff, \$7,343.22
- p. Selective Enforcement speed grant, Sheriff, \$2,806.98
- q. Funds for GIS equipment for scanner/plotter replacement, \$17,950.00
- r. Miscellaneous donations for Parks & Recreation, \$85.00
- s. Scholarship funds for Parks & Recreation, \$8,984.49
- t. State funds received for Animal Friendly and spay/neuter, \$36,412.17
- u. Legal Professional Services funds – County Attorney, \$4,500.46
- v. Travel funds for the Board of Supervisors, \$2,424.96
- w. Supreme Court Funding for the Circuit Court for a case imaging system, \$12,200.00

\$ 5,837,763.82	Total
\$ (2,386.00)	Total In/Out – General Fund
\$ (10,515.70)	Total In/Out – Grant Fund
\$ (229,199.23)	From General Operating (1) fund balance
\$ (3,167,035.81)	From Co. Capital Fund (7) fund balance
\$ (2,381,778.48)	From Utilities Fund (6) fund balance
\$ (46,848.60)	From Computer Fund (800) fund balance

6. FY15 Supplemental Appropriations

- a. Program income received for FY15 from CDBG Plum Point grant participants (August 2014), \$469.00
- b. Extension Program sponsorship revenue Bayer \$6,000 and Carole's Garden, \$7.00, \$6,007.00
- c. Donations for Animal Shelter, \$261.55
- d. Recovered miscellaneous revenue – Sheriff's Office reimbursement for Celerity Cycling Event "Tour of Hampton Roads" \$3,490.36, Graffiti Run \$401.76 and Colonial Downs Rodeo \$694.75, \$4,702.60
- e. Gifts and donations Fire-Rescue, \$75.66
- f. Gifts & donations, Parks & Recreation, \$170.00
- g. Sponsorship revenue for Parks & Recreation, \$140.00
- h. Insurance recovery funds for Utility Department for lightning strike on 7/16/14, \$2,405.83

- i. Additional FY15 State funds for Social Services Foster parent Respite Care, \$420.00

\$ 14,651.64	Total
\$ (14,651.64)	Total In/Out – General Fund

- 7. Interdepartmental Budget Transfers
 - a. *General Services*: \$31,059.10 from Renov Old C'House/NK History Center to New Courthouse HVAC
 - b. *Parks & Recreation*: \$18,169.90 from Extension Building-Restroom Renovation, P&R Development, Recreation Master & Const Plans to Park Development
 - c. *Clerk of the Board*: \$27,943.00 from Reserved for Contingency to various salary line items
 - d. *General Registrar*: \$11,374.36 between various line items to cover overspent budget overages
 - e. *Circuit Court*: \$446 from Compensation of Jurors & Witnesses to salary line items
 - f. *Airport*: \$9,513 between various line items to cover overspent budget overages
 - g. *Buildings & Grounds*: \$7,827.00 from Electric Service to Salary line items
 - h. *Building Inspection*: \$1,718 from Books and Subscriptions to Salary line items
 - i. *Clerk of Circuit Court*: \$17 between line items to cover overspent budget overage
 - j. *Commonwealth Attorney*: \$397 between various line items to cover overspent budget overages
 - k. *Fire Rescue*: \$3 between line items to cover overspent budget overage
 - l. *Fire Rescue*: \$1,405.00 from Workers Compensation to Communication Lines
 - m. *Community Development*: \$544 between line items to cover overspent personnel line items
 - n. *County Attorney*: \$261 from Legal Professional Services to Salary line items
 - o. *Public Utilities*: \$34 from Overtime to On-Call Pay
 - p. *E911 System*: \$2,376 from Salaries & Wages to Part-Time Salaries
 - q. *Economic Development*: \$4,583 between line items to cover overspent personnel line items
 - r. *Environmental Division*: \$18 between line items to cover overspent personnel line items
 - s. *Financial Services*: \$974 between line items to cover overspent personnel line items
 - t. *Fire & Emergency Management*: \$27,715 between various line items to cover overspent personnel line items
 - u. *Human Resources*: \$134 between line items to cover overspent personnel line items
 - v. *Parham Landing Sewer*: \$3,157 between line items to cover overspent personnel line items
 - w. *Public Utilities*: \$687.78 between line items to cover overspent personnel line items
 - x. *Parks & Recreation*: \$1,933 between line items to cover overspent personnel line items
 - y. *Planning Division*: \$170 between line items to cover overspent personnel line items
 - z. *Refuse Collection*: \$741 between line items to cover overspent personnel line item
 - aa. *Sheriff's Courts*: \$10,377 between line items to cover overspent personnel line items
 - bb. *Sheriff*: \$10,137.00 between line items to cover overspent personnel line items
 - cc. *Treasurer*: \$4,577 between line items to cover overspent personnel line items
 - dd. *Public Utilities*: \$1,484 between line items to cover overspent personnel line items
 - ee. *Public Utilities*: \$300 between line items to cover overspent personnel line item
 - ff. *Victim Witness Assistance*: \$40 between line items to cover overspent personnel line items
- 8. Treasurer's Report: Cash as of July, 2014: \$28,046,045.19

Mr. Tiller moved to approve the Consent Agenda as presented and that it be made a part of the record. 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: RESIDENCY ADMINISTRATOR REPORT

Bruce McNabb, Residency Administrator with the Virginia Department of Transportation (VDOT), along with Larry Bradsher of the New Kent office, 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.

Mr. McNabb explained that all work under the concrete patching contract had been completed, but that VDOT forces were working on some other places that had not been included in the contract. He indicated that the contract for the roundabout at the intersection of Routes 249 and 612 had been advertised, and they expected construction to start in late winter or early spring.

Mr. Davis complained about bicyclists not obeying the "rules of the road" and asked about signs in Providence Forge along the recently-completed shoulder improvement project. Mr. Stiers also had some comments regarding the recent project and noted that the street sign for Minitree Hill Road needed to be re-aligned.

Mr. Davis remarked about the lack of mowing on some of the roads in the County. Mr. Bradsher indicated that the last round of mowing would be starting soon and they would be sure to address the roads mentioned by Mr. Davis. It was confirmed that trash pickup would take place before mowing was started.

Mr. Burrell reported some drainage problems along Taylor Manning Lane.

Mr. Tiller asked about a missing "No U-turn" sign for trucks in Bottoms Bridge. Mr. Bradsher advised that it had been determined that sign was no longer warranted but agreed to bring it up again.

Mr. Tiller asked about having the park and ride lot in Bottoms Bridge striped, and reported some drainage issues on Red Bank Road.

Mr. Evelyn asked for an update on the Cosby Mill Road project. It was reported that VDOT was still waiting on Verizon to move one of its cables which would add 60 days to the project. Mr. Bradsher advised that the bridge was "holding up" and was still structurally sound for one-lane traffic, and it was his understanding that school buses were using a detour in light of the four-ton limit.

IN RE: CITIZENS COMMENT PERIOD

Chairman Evelyn opened the Citizens Comment Period.

Reverend Milton Hathaway spoke on behalf of the New Kent Clergy Association, advising that they were partnering with Social Services and other County agencies. He explained that the Association would be attending Board meetings and reaching out to help in any way that they could.

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

IN RE: APPROVAL OF THE MINUTES

Before the Board for consideration was a request for approval of the minutes from the July 30, 2014 work session. This set of minutes was not included in the Consent Agenda because Mr. Davis had been absent.

Mr. Stiers moved to approve the minutes from the July 30, 2014 meeting. The members were polled:

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

The motion carried.

IN RE: LEASE WITH WORLEY PROPERTIES LLC

Before the Board for consideration was a request to approve a lease with Worley Properties for the use of a communications tower located at 2540 New Kent Highway.

County Administrator Rodney Hathaway explained that this was a lease for access to the cell tower located at 2540 New Kent Highway in Bottoms Bridge, and was a renewal of a 2006 agreement. He noted that the lease payment was proposed to increase from \$955 a month to \$1,910 a month, despite attempts to negotiate a lower lease amount. He advised that staff had looked at alternatives rather than using space on that tower, and all were more expensive and would provide less coverage.

County Attorney Michelle Gowdy advised that there were some terms in the proposed lease that she had some concerns about and asked that the Board leave her some room to negotiate with Mr. Worley.

It was noted that the proposed lease was for five years and did not provide the County with the right to terminate the contract. There was discussion regarding the need for a shorter lease period in light of the radio project under consideration.

Fire Chief Rick Opett advised that County staff had visited the tower only twice during the past year. He explained that visits would be needed in the event of a power outage or in the event something fell from the tower.

Mr. Davis moved to authorize staff to negotiate changes to the lease, to include a lease period of one year, but later withdrew his motion.

Board members discussed the possibility of making the September payment on the lease and continuing to negotiate the terms. One of the Board members asked about eminent domain and Ms. Gowdy advised that research was currently being done on that issue.

Mr. Tiller moved that staff negotiate a shorter term for the contract and make the September payment as a non-binding payment. 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

Mr. Davis expressed his dissatisfaction with staff from the Virginia Marine Resources Commission at a recent meeting regarding herring fishing.

Mr. Stiers agreed, remarking that State agencies didn't seem to know what each other were doing.

Mr. Burrell advised that he had attended a recent meeting of the Metropolitan Planning Organization and spoke about how that agency would be using a rating system to determine the priority of projects. He also reminded citizens about the upcoming County Fair.

Mr. Evelyn spoke about a recent drowning in New Kent and commended staff from the New Kent Sheriff's Office and Fire-Rescue for their response during the search and recovery. He also advised that he had attended the first class of the 2014 New Kent University and thanked staff for their hard work on that project.

IN RE: STAFF REPORTS

Mr. Hathaway reported that New Kent had received notice that it had received a grant for a park and ride lot on Poindexter Road.

IN RE: DISTRICT APPOINTMENTS

Mr. Evelyn moved to appoint Laura Rose as a District One representative to the Planning Commission to complete a term beginning September 15, 2014 and ending December 31, 2014. 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: MEETING SCHEDULE

The Chairman announced that the next meeting of the Board of Supervisors would be held at 6:00 p.m. on Tuesday, October 14, 2014, and the next work session at 9:00 a.m. on September 24, 2014, both in the Boardroom of the County Administration Building. It was explained that this meeting would be continued until September 10, 2015 at 9:30 a.m. in order to receive an update on the Radio System project.

IN RE: CLOSED SESSION

Mr. Tiller 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 regarding the Airport and a request for a zoning determination, and pursuant to Section 2.2-3711A.1 of the Code of Virginia for discussion about prospective candidates for employment involving the Deputy Clerk. Mr. Davis moved to add discussions regarding performance of a County employee. 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. The Chairman advised that it was not anticipated that the Board would take any action after the closed session. The Board went into closed session.

Mr. Burrell moved to return to open session. 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.

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:

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: CONTINUATION

Mr. Davis moved to continue the meeting until September 10, 2014, at 9:30 a.m. in the Boardroom. 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. The meeting was suspended at 7:25 p.m.