

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 14TH DAY OF AUGUST IN THE YEAR TWO THOUSAND SIX OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: ROLL CALL

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| 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 and announced that the Public Hearing on the Horsley Treolo Holdings rezoning application had been deferred for sixty days at the request of the applicant, but that anyone wishing to speak would be given an opportunity to address the issue during Citizen Comment or later in the meeting.

Mr. Trout requested that an item be added to the end of the agenda dealing with approval of a grant application to the Department of Historic Resources.

IN RE: CONSENT AGENDA

County Administrator John Budesky presented the Consent Agenda as follows:

1. Approval of Minutes
 - a. Special meeting of July 6, 2006
 - b. Regular meeting of July 10, 2006
 - c. Work session of July 24, 2006
2. Miscellaneous
 - a. Approval of Change Order in the contract with R. Stuart Royer for the Courthouse area water supply wells in the sum of \$92,108.00
 - b. Adoption of Resolution R-28-06 approving the FY2007 Community Services Board performance contract
 - c. Adoption of Resolution R-29-06 authorizing expanded retirement benefits for qualifying full time salaried law enforcement and full time salaried firefighters
 - d. Approval of a \$100 Animal Control petty cash fund to be used at the Animal Shelter as a change fund
 - e. Approval of a \$1,000 Sheriff's Office petty cash fund to be used for day to day operations and reimbursements for incidental items
 - f. Approval of petty cash funds for the school cafeterias to start up operations for the 06-07 school year as follows: high school \$275; middle school \$200; elementary school \$100; primary school \$50
 - g. Approval of the request of the heirs of Andrew Q. Pitts, who died in September of 2005, to withdraw 22.78 acres of land identified as tax map parcel 38-43 from the York River Agricultural and Forestal District
 - h. Approval of the request of the heirs of William G. Rankin, who died in March 2004, to withdraw 266.21 acres of land identified as tax map parcel 37-65 from the York River Agricultural and Forestal District
 - i. Approval of Memo of Understanding with WCVE
 - j. Road name additions (Oakmont Villas in the Kentland PUD)
 - i. Flowering Crab Apple Circle

- l. Capital funds for Sheriff’s Annex and Dispatch Improvements project not completed in FY06, \$58,480.00
 - m. Capital funds for the school/county maintenance garage not completed in FY06, \$2,155,031.47
 - n. Capital funds for the emergency complex generators project including purchase order #26078 to Draper Aden Associates not completed in FY06, \$104,140.65
 - o. Capital funds for the VDOT Revenue Sharing project not completed in FY06, \$644,000.00
 - p. Capital funds for the Purchase of Development Rights project not completed in FY06, \$25,000.00
 - q. Capital funds from the real estate reserve not used in FY06, \$272,001.00
 - r. Clean County Committee funds not used in FY06, \$7,267.77
 - s. Capital funds for purchase order #26167 to URS for MIS-GIS Utilities Mapping Project not completed by Jun 30 2006, \$99,740.55
 - t. Utility funds for purchase order #26237 to Reams Document Imaging for the document imaging project not completed by Jun 30 2006, \$23,130.00
 - u. Utility funds for the DEQ Reports Project including purchase order #26068 to R. Stuart Royer not completed by Jun 30 2006, \$96,895.37
 - v. Utility funds for purchase order #26206 to R. Stuart Royer for the Utility Master Plan project not completed by Jun 30 2006, \$65,411.44
 - w. Utility funds for chlorination equipment upgrades including purchase order #26212 to Whitman Requardt & Assoc. not completed by Jun 30 2006, \$41,127.76
 - x. Utility funds for the Parham Landing Jail PS Grinder Project not completed by Jun 30 2006, \$21,250.00
 - y. Utility funds for the Chickahominy Forcemain Valve Installation not completed by Jun 30 2006, \$38,000.00
 - z. Utility funds for the Parham Landing Influent Mag Meter Bypass project not completed by Jun 30 2006, \$30,198.42
 - aa. Utility funds for the well-house fencing project not completed by Jun 30 2006, \$113,044.20
 - bb. Utility funds for purchase order #26226 to R. Stuart Royer for Courthouse area sewer system engineering services not completed by Jun 30 2006, \$430,757.31
 - cc. Utility funds for the Parham Forcemain Phase II project including purchase order #26168 to R. Stuart Royer not completed by Jun 30 2006, \$906,042.36
 - dd. Utility funds for the Parham Landing Wastewater Treatment plant expansion including purchase order #26169 to R. Stuart Royer not completed by Jun 30 2006, \$1,339,682.31
 - ee. Bottoms Bridge construction funds for the elevated tank not completed by Jun 30 2006, \$272,829.74
 - ff. Bottoms Bridge construction funds for the trunk forcemain I & II project including Purchase Order #26135 & 26136 to R. R. Snipes Construction not completed by Jun 30 2006, \$1,364,881.74
 - gg. Bottoms Bridge construction funds for purchase order #26138 to Godsey & Sons, purchase order #26137 to Anderson Construction, and purchase order #26139 to G. V. Layne Contracting for the Bottoms Bridge utility construction project not complete by Jun 30 2006, \$1,029,398.37
 - hh. Bottoms Bridge construction funds for the Chickahominy Wastewater Treatment Plant modifications including purchase order #26225 to J. Sanders Construction not completed by Jun 30 2006, \$178,864.35
 - ii. Bottoms Bridge construction funds for the wells/SCADA project including purchase order #26101 to Sydnor Hydro Inc. not completed by Jun 30 2006, \$1,120,979.72
- | | | |
|-----------------------------------|--------------------|--|
| Total Supplemental Appropriation: | \$ (11,227,497.82) | Total |
| | \$ 367,858.45 | Money-in/Money-out |
| | \$ 96,028.16 | From General Fund – fund bal |
| | \$ 3,683,850.35 | From Fund 7 – Capital fund bal |
| | \$ 7,267.77 | From Fund 15 – Litter Control fund bal |
| | \$ 3,105,539.17 | From Fund 98 – Utility fund bal |
| | \$ 3,966,953.92 | from Fund 198 – BB Const. fund bal |
7. Inter-Departmental Budget Transfers for FY06

- a. Sheriff's Office: \$4,230.00 from 3rd Dispatch Work Area to Part-time Salaries and Overtime
 - b. Sheriff's Office: \$200 from Part Time Wages to Full time salaries wages and overtime
 - c. Sheriff's office: \$420 from Medical Exam to Full time overtime
 - d. Public Utilities: \$104,242.00 from Financial Reserve for Debt Service payments
 - e. CDBG Plum Point Grant: \$2,054.00 from Merit Pay contingency to legal services
 - f. Utilities: \$31,467.88 from various line items to telecommunications, land acquisition and financial reserve
8. Inter-Departmental Budget Transfers for FY07
- a. Fire, Rescue & Emergency Management: \$7,658.00 from Grant Funding Contingency to VDH-OEMS Grant Defibrillators
9. Treasurer's Report: Cash in Bank as of June 2006: \$27,288,039.47

Mr. Burrell commented that the unit price on one of the AFD parcels seemed low and it was something that the County may want to look into.

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

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| 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: CITIZENS COMMENT PERIOD

Chairman Sparks opened the Citizens Comment Period.

Elmo Whitehurst asked about who was responsible for maintaining the dry hydrants in the County, commenting that vegetation had grown up around many of them. He also spoke about the free smoke detectors that had not yet been distributed.

Mr. Davis commented that the hydrants were installed by the Department of Forestry years ago and in the past were taken care of by the volunteer fire department in that district. It was agreed that the new Fire Chief would look into both issues raised by Mr. Whitehurst.

Becky Philbates announced that Philbates Auto Wrecking had been featured in a recent edition of *Richmond Magazine*.

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

IN RE: RESIDENCY ADMINISTRATOR'S REPORT

Richard Wood, Assistant Residency Administrator with the Sandston Residency of the Virginia Department of Transportation, reported on issues raised at previous meetings.

He reported that Route 607 had been graded; however, the presence of a bald eagle's nest in the vicinity had to date prevented them from clearing out the ditches.

He indicated that vegetation had been cleared around the street sign post on Route 613.

He related that they had repaired the radius and shoulders at the intersection of Routes 1208 and 60 that had deteriorated after recent water line work.

Regarding the glaring light at the Slatersville salt shed, he reported that the fixture had been replaced with one of a different design.

Mr. Wood indicated that vegetation had been cleared along Stage Road.

Regarding the railroad crossing at Colony Trail, he reported that they were continuing to monitor the railroad's work and were considering using something other than asphalt in the area.

He indicated that truck parking signs would be installed at Route 106 the next day.

He reported that during the past month, crews had mowed along the secondary roads, bladed several roads, and performed pothole patching as well as sign maintenance.

Regarding pending projects, he confirmed that the Stage Road project was still on schedule to be completed by November 2007, and that the Terminal Road projection was scheduled for final acceptance on August 15, 2006.

Regarding the Eltham Bridge replacement project, he reported that there were no planned maintenance activities that would severely impact the traveling public; however, they had learned that Kirby Street would be closed for water line installation and would remain closed until the bridge project was complete. He confirmed that the project remained on schedule.

Mr. Wood indicated that the plant mix program was complete, with the exception of some striping work that remained to be done.

Mr. Davis commented that Friday afternoon traffic backups had improved since the deactivation of one of the stoplights in West Point. He also praised the new Lord Delaware Bridge.

There was discussion regarding the gates that were installed at eastbound I-64 exits for use during an evacuation of the Tidewater area. Mr. Wood reported that all westbound exits would remain open. He related that the gates were locked in place and could only be opened with a key, and that in an event where the gates were activated, they also planned to have personnel from the State Police, VDOT and the National Guard at the top of the eastbound ramps to prevent vehicles from entering the interstate. He indicated that the recent "dry run" exercise had been a success and that personnel had been fully mobilized within one hour. Several Board members expressed their concern regarding emergency access to the interstate for fire & rescue. Mr. Wood indicated that they were working on those concerns with the respective fire and rescue departments.

Mr. Trout asked if four lanes would be sufficient to handle the evacuating traffic and whether that deficiency would have any impact on the likelihood of adding lanes to the interstate. Mr. Wood indicated that there would be other evacuation routes and he did not expect it would have any impact on widening the interstate.

Regarding the rumble strips on the interstate, Mr. Wood reported that they were aware that those had not been reinstalled and he would report back on that issue.

Mr. Trout expressed his pleasure with the Terminal Road project and indicated that he had asked both the Woodhaven Shores Board of Directors and the Airport Manager to timely report any problems or issues with the project.

He thanked Mr. Wood for the Residency's attention to the Colony Trail railroad crossing and reported the deterioration of the edges of the road just west of the area.

Mr. Trout suggested that VDOT delay the re-installation of some of the Washington Rochambeau signs until completion of a pending study through the Department of Historic Resources to accurately identify the route.

Mr. Burrell commented that a hurricane in this area would not have the same impact as it did in the Gulf region because there weren't as many low lying areas and not as many people would need to be evacuated. However, he stated that he did not know if the evacuation route would be sufficient in the event of a terrorist event in light of the many military installations in the Tidewater area.

Mr. Wood reported that the "Children at Play" signs requested for Route 607 had been ordered.

Mr. Hill reported receipt of some complaints of flooding during heavy rains on a portion of Route 613 between the railroad tracks and the Hanover County line and asked Mr. Wood to check on cleaning out the ditches in the area.

Mr. Sparks thanked Mr. Wood for the work done at Longview and Route 60 and indicated that he would be in contact with him on the status of some other prior requests.

IN RE: PRESENTATION

Mr. Burrell presented retired Fire Chief J. Lawrence Gallaher with a framed copy of Resolution R-26-05, reading it aloud for those in attendance.

Mr. Gallaher commented that he considered it a pleasure and privilege to serve New Kent County for 26 years.

IN RE: INTRODUCTION OF NEW STAFF

Circuit Court Clerk Karen Butler introduced Gloria Paige-Brown, Criminal Deputy Clerk.

Building Official Clarence Jackson introduced Tracee McLeod, Building Permits Technician, and Michael Eutsey, Building Inspector.

Planning Manager Rodney Hathaway introduced Jeremiah Christopher, Planner. He also announced the resignation of Amanda Crocker, Planner I, who was accepting a position as Planning Manager for the Town of Franklin.

Environmental Programs Manager Chris Landgraf introduced Adriane Marshall, Environmental Permits Technician.

County Administrator John Budesky introduced Tommy Hicks, Fire Chief, and Krista Jones, Executive Assistant.

General Services Director James Tacosa introduced Vicki Moran, Administrative Assistant.

The Board welcomed the new staff and wished them success.

IN RE: FUNDING REQUESTS

Before the Board for consideration was a request to approve budget transfers to pay for access to the communications tower in Quinton.

County Attorney Jeffrey Summers explained that staff had an agreement with A. C. Worley for access across his property to a communications tower in Quinton that provided service essential to the public safety radio system. He indicated that the agreement provided for payment beginning in April of 2005 when the equipment was installed on the tower, and could be terminated in 90 days at the request of either party.

Several Board members expressed their displeasure with the request and the agreement, but indicated that they would approve it with the understanding that staff would continue to search for an alternate site for the equipment.

Mr. Budesky clarified that the County would be paying \$955 per month through December 2005, and that Mr. Worley had agreed to a \$170 per month reduction for 2006 as a charitable donation.

Mr. Trout moved to approve budget transfers of an amount not to exceed \$14,325 from Merit Pay Contingency line item for FY06, and an amount not to exceed \$11,460 from General Fund Contingency for FY07, to the E-911 budget in order to pay H & W Investments for access to the communications tower, from April 2005 through June 2007. The members were polled:

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

The motion carried.

Before the Board for consideration was a request to approve a budget transfer to help fund a new deputy position approved by the Compensation Board.

Sheriff F. W. Howard, Jr. reported that despite confirmation from the Comp Board that a new deputy position would not be approved, he was advised at the end of July that a new road deputy position had been approved for New Kent. Although he did not budget for the position, he indicated that he could provide funding for the uniforms, equipment and vehicle, as well as part of the salary, but would need \$16,279 from the County to make up the difference in salary and benefits for a position that would be filled beginning October 1, 2006.

There was discussion regarding raises given by the Comp Board. Sheriff Howard explained that his deputies were covered under the County's pay plan, and that any raises given by the Comp Board would reduce the difference between the State and local funding.

Mr. Hill moved to approve a budget transfer of \$16,278 from General Fund contingency to cover the local funds needed for the new deputy position approved by the Compensation Board. The members were polled:

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| 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: VPSA SUBSIDY FINANCING FOR THE ELEMENTARY SCHOOL PROJECT

Before the Board for consideration was Resolution R-30-06 authorizing participation in Interest Rate Subsidy Financing through the Virginia Public School Authority School Financing Bond Series 006B to obtain permanent financing for the elementary school project.

Bond Counsel Dan Siegel reported that the County had obtained interest-only interim financing last year to start the Elementary School project while waiting to move up on the Literary Loan waiting list. He indicated that New Kent was currently number 12 on the list and was anticipated to be included in the bond sale that would be held in mid-October. He reported that the financing would be at a 4% fixed rate. He indicated that if the bonds sold in mid October, the closing would likely take place in early to mid November. He reminded that this financing had been included in the financial plans presented earlier by Financial Advisor Davenport & Company.

Mr. Hill moved to adopt Resolution R-30-06 as presented. The members were polled:

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

The motion carried.

IN RE: MURPHY REZONING REQUEST

Before the Board for Public Hearing was Ordinance O-11-06 relating to a request filed by Cory Murphy to rezone approximately .49 acres from R-2, General Residential to B-1, Business General, for the purpose of operating a real estate appraisal firm from an existing structure located on a parcel located at the northeast quadrant of the intersection of Route 612/Tunstall Road and Route 249/New Kent Highway.

Planning Manager Rodney Hathaway reported that the Comprehensive Plan's Future Land Use Map designated this property as "hamlet", with hamlets intended to be small scale office and retail centers, and that the proposed use appeared to be consistent with the B-1 zoning classification and property uses.

Regarding traffic impact, he reported that it was estimated that the proposed use would generate 19.92 trips daily, as opposed to the 10 daily trips generated by the current

residential use, and staff and VDOT had found that the current infrastructure would accommodate the increase.

Regarding ingress and egress, Mr. Hathaway reported that access to the property would be solely from Route 612, and that the driveway onto Route 249 was not part of the parcel nor was it owned by the applicant. In order to address staff concerns regarding buffering and screening to reduce the adverse impacts on the adjacent residences, he indicated that the applicant had proffered that all customer parking would be located on the west side of the dwelling, with employee parking in the rear. He reported that the applicant had also proffered a 10 foot vegetation preservation buffer along the rear of the property, and 10 foot landscape buffer along the eastern property line, and had proffered the prohibition of certain uses that would not be consistent with hamlet uses. Other proffers included lighting, screening and hours of operation. Mr. Hathaway confirmed that he was in possession of a signed copy of the proffers.

He reported that the Planning Commission had considered the application on July 17 and voted 9:0:0 to forward the request to the Board with a favorable recommendation. He indicated that staff found the request to be consistent with the Comprehensive Plan and was recommending approval.

Mr. Burrell suggested that it be clarified in the proffers that the buffers were to be 10 feet in width.

Mr. Hathaway explained some of the concerns discussed by the Planning Commission, which included hours of operation and screening of the refuse containers/dumpsters, and that changes were subsequently made to the proffers to address those concerns.

There was a discussion regarding the reasonableness of the customer hours of operation. The applicant was present and indicated that the proffered hours were acceptable to him as most of his real estate appraisal business was conducted on the telephone or over the internet and customers rarely visited the office.

Mr. Davis expressed his concern about the uses that might develop on the property if it were rezoned. Mr. Hathaway confirmed that proffers would run with the land and not the applicant, but conceded that there were several uses that would be permitted by-right, even though some of the by-right uses would be prohibited because of the size of the property. It was agreed to suspend discussion on the issue until later in the meeting to give staff and the applicant an opportunity to further review the proffered prohibited uses.

Planning staff, the County Attorney and the applicant withdrew from the meeting in order to further review the issue.

IN RE: HORSLEY TREOLO HOLDINGS REZONING REQUEST

Chairman Sparks again announced that the Public Hearing on the request filed by Horsley Treolo Holdings LLC to rezone approximately 7 acres from M-1, Light Industrial, to M-2, Heavy Industrial, for the purpose of expanding the existing Shell Gas Station on Route 106 to a truck stop facility, had been deferred for sixty days at the request of the applicant. He offered an opportunity to anyone who wished to speak on the subject. One gentleman indicated that he had attended in order to speak on the subject but would prefer to wait until the future public hearing.

IN RE: STUDY OF REVOLUTIONARY ACTIVITIES IN NEW KENT COUNTY

Before the Board for consideration was Resolution R-31-06 approving the submittal of a Cost Share Application and that New Kent act as lead role county and fiscal agent for the five counties of Caroline, Hanover, King & Queen, King William and New Kent, for the study of Revolutionary War activities.

Mr. Trout explained that the Department of Historic Resources (DHR) had agreed to work with the five localities on a demonstration project to identify Colonial roads and waterways used by American, British and French forces during the Yorktown Campaign of 1781 (celebrating its 225th anniversary). He reported that the DHR would pay \$5,000 of the total cost of the study (\$10,000) with each participating locality paying \$1,000 each. He indicated that New Kent's Historic Commission met last week and approved the request; however, the deadline for the application was September 1. He stated that Deb Downs, Historic Commission Chair, would work with David Zimmerman and Art Taylor to complete and file the application, and that there would be little required of staff or the County other than to fund the local share of \$1,000. He introduced Ms. Downs and Mr. Zimmerman to answer questions from the Board.

Mr. Davis inquired about the participation of the other localities. Mr. Zimmerman reported that Hanover was participating through the Hanover County Historic Commission; Caroline County through its Board of Supervisors; King & Queen County through its Historical Society; and that King William would not be considering the request until its Board meeting on September 10.

Mr. Zimmerman explained that the local share would not due until DHR had approved the application. He indicated that once the application was approved, DHR would contact New Kent and ask it to collect the payments from the other localities and then submit one check.

Mr. Trout advised that the Planning Department staff would remain involved in the process.

Mr. Davis asked if it would be better if the Historic Commission submitted the request. Mr. Zimmerman explained that at least one local government must be involved and the rest could be not-for-profit organizations.

Mr. Zimmerman confirmed that the other four counties were in favor of New Kent acting as the lead role county.

Mr. Trout explained that DHR would select the person to conduct the study.

Mr. Hill moved to adopt Resolution R-31-06 as presented. The members were polled:

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

The motion carried.

The Board members thanked Ms. Downs, Mr. Zimmerman and Mr. Taylor for their hard work and dedication.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Trout described the efforts of a group walking the Washington Rochambeau route from Rhode Island to Yorktown, who will be traveling through New Kent later in the month.

He congratulated Colonial Downs for its outstanding year and referenced a recent newspaper article featuring its success.

He announced details of an upcoming Chamber of Commerce meeting, as well as the dedication of the Information and Visitors Center, Fly In at the Airport, and festival at Rockahock Campgrounds.

Mr. Davis commented on the recent ribbon cutting of the Sentara Williamsburg Regional Medical Center, as well as the dedication of the Lord Delaware Bridge.

Mr. Burrell commented on the success of the County Fair and the state-of-the-art facilities at the new Sentara Williamsburg Regional Medical Center.

Mr. Hill announced that New Kent's Habitat for Humanity (HFH) was moving forward and expected to start construction of its first home around October 1. He indicated that a family had been selected and a piece of property obtained, and that they were getting close to their \$50,000 goal. He invited all to participate in a golf tournament to benefit HFH and described the many prizes that would be raffled.

Mr. Hill also announced the details of the upcoming dedication of "Paws Run" at the New Kent Animal Shelter.

Mr. Sparks commented that he enjoyed the Fair being back at the high school.

IN RE: MURPHY REZONING REQUEST (continued)

The Board reconvened its discussion regarding this rezoning request.

Mr. Hathaway reported that the applicant had volunteered to amend his proffers to add prohibited uses of massage parlors, adult businesses, tattoo parlors, convalescent homes, miniature golf and veterinary clinics, and had added language to the buffering and screening to clarify that both buffers would be 10 feet wide. He explained that staff and the applicant had reviewed the uses allowed in B-1 and had targeted those not consistent with the neighborhood.

The Chairman opened the Public Hearing.

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

Mr. Trout moved to adopt Ordinance O-11-06, with the changes to the proffers. The members were polled:

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| 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: STAFF REPORTS

County Administrator John Budesky expressed his thanks to the Board members and staff who supported the County Fair, as well as the Fair Association members. He also thanked the volunteer fire and rescue squads for opening up relief shelters during the recent heat wave, as well as Food Lion for the donation of bottled water.

Mr. Budesky announced that staff would be holding an internal drill on how to handle emergency events and review policies in order to make sure the County was prepared.

Regarding the upcoming groundbreaking for the Visitors' Center, he acknowledged the efforts of the Jamestown 2007 Committee, the Chamber of Commerce, the Economic Development Authority, and the New Kent Vineyards for helping to make the project a reality.

He announced details of a ribbon cutting ceremony at the Coldwell Bankers office and New Kent Center Commons.

Mr. Budesky explained about a problem with meeting attendance of some of the appointees to the Zoning Ordinance Rewrite Committee, and asked the Board members to review the attendance records and speak with non-active appointees about their attendance and determine their wishes to remain on the committee.

Mr. Budesky spoke about recent mailings to citizens by SPF and/or Schiminoe Meadows and explained that County staff was unaware of the mailings until it started receiving inquiries from the public and was somewhat unprepared to answer those inquiries. He urged anyone with questions to contact the County and staff would research and attempt to obtain and provide the correct information, as some of the information in the mailings was not accurate. He clarified that there was no landfill application currently pending in the County.

County Attorney Jeff Summers commented that SPF and/or Schiminoe Meadows may have believed that its information was correct, but that some of the information that would let the public compare and judge for themselves was not included. He also encouraged the public to contact the County so staff can provide clarification.

Regarding plans to deal with a pandemic, Mr. Budesky explained that New Kent was part of a work group of the Richmond Regional Planning District Commission and the area Health Department, as well as VACo, looking to identify regional assets and resources.

IN RE: DISTRICT APPOINTMENTS

Mr. Burrell moved to appoint Bryant Allen as District Three's representative to the Economic Development Authority to complete a four-year term ending December 31, 2007.

The members were polled:

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| 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: 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 Wednesday, September 6, 2006, in the Boardroom of the County Administration Building, New Kent, Virginia, and that there would be no August work session.

IN RE: CLOSED SESSION

Mr. Davis moved to go into Closed Session for discussions relating to investment of public funds pursuant to Section 2.2-3711A.6 of the Code of Virginia where competition or bargaining is involved and public disclosure initially would adversely affect the financial interests of the governing body, for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia about actual or probable litigation and public discussion would adversely affect the negotiating or litigating posture of the County, and to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia. The members were polled:

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

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| 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. Trout 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:

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| 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: ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 9:05 p.m.