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NEW KENT COUNTY BOARD OF SUPERVISORS

December 12, 2016, 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 and PLEDGE OF ALLEGIANCE (led by Mr. Tiller)

ROLL CALL (All members were present.)

CONSENT AGENDA

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

SMALL BUSINESS CLOSE UP

RESIDENCY ADMINISTRATOR'S REPORT – *Virginia Department of Transportation*
Maintenance Operations Manager
Bruce Puffenbarger

CITIZENS' COMMENT PERIOD (3 minutes/person)

ITEM 1 **Recognition of Sheriff J.J. "Joe" McLaughlin, Jr. and Commonwealth's Attorney C. Linwood Gregory** – *Victim/Witness Program Director Karen Mortensen*

ITEM 2 **Presentation of Comprehensive Annual Financial Report (CAFR)**
– *CPA/Member of Robinson, Farmer, Cox Associates Anne B. Wall*

ITEM 3 **Department of Homeland Security Assistance to Firefighters Grant Approval** – *Fire Chief Rick Opett*

Action: **Mr. Tiller moved to allow the Fire Chief to apply for the 2017 DHS Assistance to Firefighters Grant for SCBAs (Self-Contained Breathing Apparatus) and an Air Compressor fill station.** 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 4 **PUBLIC HEARING – Application OA-02-16 (Ordinance O-14-16)**
– **Proposed Changes to Article II, Chapter 98, Section 98-62 of the New Kent County Code** – *Community Development Director Matthew J. Smolnik*

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Action: Mr. Tiller moved to adopt Ordinance O-14-16 with all references to distilleries removed, in order to address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County and the health, safety, and general welfare of the citizens in the County. Vote was 5:0, motion carried

ITEM 5 PUBLIC HEARING – Application OA-03-16 (Ordinance O-15-16) – Proposed Changes to Article II, Chapter 91, Section 91-27 and Article VII, Chapter 91, Section 91-127 of the New Kent County Code – Community Development Director Matthew J. Smolnik

Action: Ms. Paige moved to adopt Ordinance O-15-16 as presented, in order to address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County and the health, safety, and general welfare of the citizens in the County. Vote was 3:2 (Ayes – Tiller, Paige & Evelyn; Nays – Davis and Stiers), motion carried

ITEM 6 PUBLIC HEARING – Application OA-04-16 (Ordinance O-16-16) – Proposed Changes to Article VII, Chapter 91, Section 91-126 of the New Kent County Code – Community Development Director Matthew J. Smolnik

Action: Ms. Paige moved to adopt Ordinance O-16-16, in order to address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County and the health, safety, and general welfare of the citizens in the County. Vote was 5:0, motion carried

ITEM 7 PUBLIC HEARING – Application AFD-019-16 (Ordinance O-12-16) – Withdrawal of Land from Wahrani Swamp AFD – Community Development Director Matthew J. Smolnik

Action: Mr. Davis moved to adopt Ordinance O-12-16, the withdrawal of land from tax map parcel 37-50 from the Wahrani Swamp Agricultural and Forestal District as per Application AFD-019-16. Vote was 5:0, motion carried

ITEM 8 PUBLIC HEARING – Application AFD-020-16 (Ordinance O-13-16) – Withdrawal of Land from York River AFD – Community Development Director Matthew J. Smolnik

Action: Mr. Evelyn moved to adopt Ordinance O-13-16, the withdrawal of land from tax map parcel 37-57 from the York River Agricultural and Forestal District as per Application AFD-020-16. Vote was 5:0, motion carried

ELECTED OFFICIALS' REPORTS

STAFF REPORTS

OTHER BUSINESS

Action: Mr. Tiller moved to request that the Planning Commission study the appropriate zoning classification for wineries, breweries and distilleries. Vote was 5:0, motion carried

Action: Mr. Davis moved to allow Hefty, Wiley & Gore PC (County Attorney) to serve as general counsel to the Richmond Regional Planning District Commission, of which New Kent County is a member, while also serving as New Kent County Attorney, with the understanding that if any legal conflicts arise between the County and the Planning District Commission, Hefty, Wiley & Gore PC will either represent the County or not represent either party. Vote was 5:0, motion carried

APPOINTMENTS

District Appointments

Actions:

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Mr. Tiller moved to appoint Jefferson Ellett as District Two representative to the Historic Commission to serve a four-year term beginning January 1, 2017 and ending December 31, 2020.

Mr. Tiller moved to appoint Douglas Raynor as District Two alternate representative to the Historic Commission to serve a four-year term beginning January 1, 2017 and ending December 31, 2020.

Mr. Tiller moved to appoint Katherine Butler as a District Two representative to the Planning Commission to serve a four-year term beginning January 1, 2017 and ending December 31, 2020.

Mr. Tiller moved to appoint Claude Baldwin as a District Two representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2017 and ending December 31, 2017.

Ms. Paige moved to appoint *James Moody, Sr.* as a District Three representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2017 and ending December 31, 2017.

Mr. Stiers moved to appoint John Phelps as District Four representative to the Airport Advisory Commission to serve a four-year term beginning January 1, 2017 and ending December 31, 2020.

Mr. Stiers moved to appoint William O'Keefe as District Four representative to the Economic Development Authority to serve a four-year term beginning January 1, 2017 and ending December 31, 2020.

Mr. Stiers moved to appoint Bobby Weagley as a District Four representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2017 and ending December 31, 2017.

Mr. Davis moved to appoint Ronald Lang as a District Five representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2017 and ending December 31, 2017.

Vote was 5:0, motions carried

Non-District Appointments

Actions:

Mr. Davis moved to appoint Eric Randolph as an at large member of the Agricultural and Forestal District Advisory Committee to serve a four-year term beginning January 1, 2017 and ending December 31, 2020.

Ms. Paige moved to appoint Earlyne Leary as an at large member of the Clean County Committee to serve a four-year term beginning January 1, 2017 and ending December 31, 2020.

Mr. Stiers moved to appoint Paul Robinson as an at large member of the Economic Development Authority to serve a four-year term beginning January 1, 2017 and ending December 31, 2020.

Vote was 5:0, motions carried

MEETING SCHEDULE: The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on Monday, January 9, 2017, in the Boardroom of the County Administration Building. The Board of Supervisors will also meet for a joint meeting with the New Kent County Economic Development Authority at 8:30 a.m. on Thursday, December 15, 2016 at the Colonial Kitchen and Market located at 11861 New Kent Highway, New Kent, Virginia. There will be no December work session.

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ADJOURNMENT/CONTINUATION

Action: Mr. Davis moved to continue the meeting until 8:30 a.m., Thursday, December 15, 2016 at the Colonial Kitchen and Market located at 11861 New Kent Highway. Vote was 5:0, motion carried.

Meeting was dismissed at 8:38 p.m.

CONSENT AGENDA

- 1. Approval of Minutes**
 - a. November 16, 2016 Business Meeting minutes

- 2. Miscellaneous**
 - a. Approval of Well and Pump Maintenance Services Contracts and Authorization of the County Administrator to sign same - Toano Well & Pump Service, Inc., and Subsurface Technologies-Atlantic, LLC.
 - b. Adopt Resolution R-53-16 for the Acceptance of Perkins Place into the State System for Maintenance.
 - c. Approval of November 8, 2016 Election Abstracts of Votes
 - d. Adoption of 2017 Legislative Agenda
 - e. Adopt Resolution R-54-16 setting the January 2017 meeting date for January 9, 2017.
 - f. Adopt Resolution R-55-16 recognizing Woodhaven Shores for ten years of participation in the Firewise Communities/USA recognition program.

- 3. Refunds**
 - a. Due to Ryan Homes – Contractor Canceled Permit BP# 20932-2016, \$300.57.
 - b. Due to Ryan Homes – Contractor Canceled Permit BP# 20412-2016, \$690.38.

- 4. FY17 Supplemental Appropriations**
 - a. Program Income received for FY17 from CDBG Plum Point Grant Participants, \$515.67.
 - b. Extension Program Sponsorship Revenue for Special Projects, \$996.00.
 - c. Gifts & Donations to New Kent Fire & Rescue: K.M. Ladd Inc. (\$250.00), Joel S. Gorelick/Sylvia F. Rilee, (\$200.00) and TRUiST, (\$96.33), \$546.33.
 - d. Funds Received from Vending Machine Sales: Sheriff’s Office (\$67.65) and Administration, (\$273.60), \$301.83.
 - e. Funds for Security Detail: Town of Urbanna, (\$3,500.00), Corinth Baptist Church, (\$77.09), Chickahominy Recreational Park Inc., T/S Ed Allen’s Campgrounds and Cottages, (\$396.47), New Kent High School, (\$226.07), New Kent County Schools, (\$629.75 and \$597.46), New Kent Winery, (\$771.98 and \$1,398.00), Corinth Baptist Church, (\$250.54) and Middlesex Vol Fire Dept Inc., (\$1,440.00), \$9,287.36.
 - f. Funds for the FY17 Grand Illumination: Dominion, \$1,000.00.

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- g. Funds Received from VML Insurance – Sheriff’s Dept – Veh #308, (\$500.00) – Reimbursement of Deductible for Damage to Transport Van at Henrico Jail, Veh #298, (\$5,569.75), Veh #307, (\$7,925.18) and Veh #304, (\$4,918.04) – Involved in Suspect Pursuit on 11/3/2016, \$18,912.97.
- h. Funds for the Construction of Shower/Laundry Facilities and New Observation Room and the Painting of Suites/Offices in the Social Services Department – These funds are coming from funds no longer needed for IV-E Foster Care, \$39,000.00.
- i. Funds for the FY17 GIS Topography Images, \$51,100.00.
- j. Funds received for the Kevlar Vest Grant Program, \$4,520.00.

\$87,180.16 Total
(\$33,820.16) Total In/Out - General Fund (1)
(\$2,260.00) From Fund Balance - General Fund (1)
(\$51,100.00) From Fund Balance – Capital Projects (7)

5. FY17 Interdepartmental Budget Transfers

- a. Administration – From Contingency to Maintenance Service Contract (E-911 System), \$6,750.00.
- b. General Services – From New Courthouse HVAC to Vehicle – General Services, \$3,515.00.
- c. School Board Office – From Appropriation of Funds from Prior Years to High School Track Repair/Resurface, \$670.56.
- d. Sheriff Department – From Reserved for Contingency to Trash Removal, \$3,000.00.

6. Treasurer’s Report: Cash as of October 2016, \$26,053,138.69

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