

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 13th DAY OF JUNE IN THE YEAR TWO THOUSAND ELEVEN OF OUR LORD 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.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: ROLL CALL

Thomas W. Evelyn	Present
David M. Sparks	Present
James H. Burrell	Present
Stran L. Trout	Present
W. R. Davis, Jr.	Present

All members were present.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) REPORT

Scott Gagnon, Director of Transportation & Land Use, reviewed road issues in New Kent.

He reported that recent and upcoming maintenance activities included patching, tree removal, mowing, and vegetation control.

Mr. Davis referred to issues on Stage Road that had been discussed during a recent "ride around" and Mr. Gagnon indicated that he had passed on those items to his maintenance staff. Mr. Davis asked whether the scheduled pavement patching on the interstate would be performed at night and Mr. Gagnon advised that he would verify that and report back.

Mr. Trout asked about work planned on the portion of South Waterside that frequently flooded. Mr. Gagnon spoke about some of the challenges of that project but reported that some "good ideas" suggested by their district maintenance engineer were in the process of being evaluated, one of which was to use steel pipe instead of concrete pipe, which would cost more but would reduce the amount of cover needed on top of the pipe.

Mr. Trout asked that Mr. Gagnon look at the intersection of Vineyards Parkway and Pine Fork Road, where trees were blocking the line of sight and might also hinder the use of a fire hydrant in that area.

Mr. Burrell asked about the mowing schedule. Mr. Gagnon advised that mowing would be done every three months and that the mowing method would be the same as last year; however, he added that those areas where the mowing methods resulted in safety issues would be addressed as they were reported.

Mr. Burrell commended VDOT for the recent dead tree removal work.

Mr. Sparks reported pavement problems at the intersection of Route 60 and Longview Drive, and also asked about the cutting of trees along Henpeck Road, noting that the rushing water had caused erosion around tree roots in that area and a tree had fallen the previous week interrupting power service. Mr. Gagnon advised that he would check on that project and report back.

Mr. Evelyn spoke about sight distance problems caused by signs at some of the County's intersections. Mr. Lawton indicated that the County had applied for a permit to remove the offending signs. Mr. Gagnon advised that he would check on the status of the permit and the signs in question and report back.

Mr. Davis suggested that VDOT should work with Dominion Virginia Power to remove trees that threatened power lines or roadways. Mr. Gagnon explained the process VDOT used to determine who owned the property where dangerous trees were located and how the rights-of-way varied from location to location.

Board members thanked Mr. Gagnon for his attendance and invited him to attend on a regular basis.

IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Approval of Minutes
 - a. May 3, 2011 special meeting
 - b. May 5, 2011 special budget work session
 - c. May 9, 2011 special meeting
 - d. May 9, 2011 business meeting

2. Miscellaneous
 - a. Resolution R-17-11, chartering the New Kent County Social Services Advisory Board
 - b. Right-of-way Agreement with Dominion Virginia Power granting easement across County-owned property in Brickshire
 - c. Resolution R-21-11 providing for reimbursement for CIP projects from any tax-exempt financings
 - d. Road Name Addition: Creeks Edge Road (Diascund Creek subdivision)

3. Refunds
 - a. \$57.75 to Superior Plumbing Systems, mechanical permit not needed
 - b. \$95.81 to James Howell, building permit for project not performed
 - c. \$672.00 to Ryan Homes, cancelled building permit
 - d. \$2,765.00 to Falling Springs, LLC, for mitigation bank permit

4. FY11 Supplemental Appropriations
 - a. Funds received for gifts and donations, \$1,755.00
 - b. Funds received from insurance proceeds for various accidents, \$32,220.40
 - c. Funds received for DMV Stop Fees in the Treasurer's Office, \$1,480.00
 - d. Funds received for charge card fees in the Treasurer's Office, \$457.00
 - e. Program Income received for FY11 from CDBG Plum Point grant, \$571.58
 - f. Funds received by Extension from outside sources for sponsorship of programs, \$450.00

- g. Funds received from vending machine sales for employee Christmas parties, \$104.76
- h. Additional funds received for AFD applications, \$3,000.00
- i. Funds for extra security detail for the prom and after prom, \$1,194.95
- j. Sheriff's asset forfeiture funds, \$5,846.00
- k. Funds received for FY2011 "Four for Life" payment for Emergency Medical Services, \$20,629.43
- l. Correct appropriation of funds for supplemental security for Fire-Rescue invoices #004FY11, 005FY11 and 06FY11, \$6,750.00
- m. Grant funds to Parks & Recreation that were received from the Dept. of Social Services, \$4,450.00
- n. Funds to complete the Admin Building HVAC project, \$284,000.00
- o. Funds received from wine sales for purchase of development rights, \$6,844.46

\$(363,003.58)	Total
\$ 73,157.58	Money In / Money Out
\$ 284,000.00	From Fund 7 Fund Bal
\$ 5,846.00	From Fund 210 Fund Bal

5. FY11 Carry Forward Appropriations

- a. Meals Tax – Quinton Community Center, \$86,500.00

\$(86,500.00)	Total
\$ 86,500.00	From Fund 7 – Capital Fnd Bal

6. FY11 Inter-Departmental Budget Transfers

- a. *Schools*: \$2,250 from School contingency to Contracts & Painting
- b. *Schools*: \$1,475 from Misc Svcs NKES-Media Serv to Materials & Supplies NKES-Media Serv
- c. *Schools*: \$12,181.15 from Prior Year Lottery/Construction to Renovations/Improvements
- d. *Schools*: \$4,871.82 from various line items to Materials & Supplies and Office Supplies in various budgets
- e. *Schools*: \$4,809.17 from Prior Year Lottery/Construction to Renovations/Improvements
- f. *Schools*: \$2,420 from Contingency to Prior Yr Lottery/Construction
- g. *Schools*: \$60,000 from Prior year Lottery/Construction to Non-Capital Equip-Transp
- h. *Grants*: \$38,900 from Grant Contingency to VDEM-Hazardous Materials Preparedness (local share of EOC Video Conferencing HW/SW)
- i. *Social Services*: \$18,661 from Promoting Safe and Stable Families to Salaries & Wages
- j. *County Attorney*: \$6,000 from Expert Witness Costs and Professional Legal Services to Salaries
- k. *Parks & Recreation*: \$225 from Lease/Rental of Equipment and PT Community Rentals to Telecommunications Equipment and Overtime
- l. *Sheriff's Office*: \$9,003 from Part Time Wages to Full Time Overtime
- m. *Sheriff's Office*: \$4,761 from Part Time to Overtime, Telecomm Equip, Motor Veh Ins, Lease Equip, and Crater Criminal Justice
- n. *Sheriff's Office*: \$4,500 from Salaries Wages-Overtime to Overtime

- o. *Sheriff's Office*: \$32,069 from Part Time Wages, ID Booking and Travel Conv/Ed to Full Time Overtime Part Time Overtime, Mileage, Veh Supplies, Uniforms, Comm Internet, Lease/Equip and Travel

7. Treasurer's Report: Cash as of April, 2011, \$39,382,260.04

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

David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: CLOSED SESSION #1

Mr. Sparks moved to go into Closed Session to discuss a personnel matter pursuant to Section 2.2-3711A.7 of the Code of Virginia involving performance and for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving potential litigation. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye
Thomas W. Evelyn	Aye

The motion carried. The Board went into closed session.

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

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Thomas W. Evelyn	Aye

The motion carried.

Mr. Burrell 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:

W. R. Davis, Jr.	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: PERSONNEL ACTION

Mr. Davis moved that the Board consent to the County Administrator's Personnel Action as discussed in Closed Session which may include termination of the Director of Community Development. The members were polled:

David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

Chairman Evelyn opened the Citizens Comment Period.

Mark Daniel of 3936 Ranch Acres Drive complained about a County policy that required that any past due water bill owed by a prior tenant be paid before water was turned back on. He called the policy unethical, unlawful, un-American, and injurious to citizens. He also complained that a County staff member had circulated a memo instructing that no one was to talk with him about the issue, further adding to his frustration. He asked that the Board instruct the utility department to immediately cease the policy and also examine the records and provide refunds to every customer who "had been made to pay on behalf of another".

Mr. Evelyn explained that the memo had been sent after Mr. Daniel threatened litigation against the County, which Mr. Daniel denied.

Pam Morris of 4870 Good Hope Road spoke about safety concerns, especially with school buses, on Good Hope Road and how the road was not wide enough for two vehicles to pass when one of the vehicles was a school bus, truck, or horse trailer. She indicated that she understood that there was little money for roads but she suggested that in the short term shoulders could be added in the area of the dangerous curves, and then later extended to other areas of the road as funding became available.

Mr. Burrell commented that he traveled that road frequently and would like the County Administrator to work with VDOT to see about lowering the 45 mph speed limit. Ms. Morris

remarked that she did not think a lower speed limit would make much of a difference. Mr. Davis commented on the growth of residential homes along Good Hope Road, which had increased traffic. Chairman Evelyn thanked Ms. Morris for her comments and indicated that the County would look into the matter and someone would be back in touch with her.

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

IN RE: LINE OF DUTY ACT

Before the Board for consideration was Resolution R-19-11, making an irrevocable election not to participate in the Line of Duty Act Fund.

Human Resources Specialist Darla Stanley reviewed that the Line of Duty Act (LODA) was a program passed by the General Assembly in 1972 that provided death payments for public safety employees killed in the performance of their duties. She explained that the program had since expanded and now included providing health insurance coverage to dependents, and each locality must provide these benefits. She indicated that the LODA fund was being administered by the Virginia Retirement System (VRS) and a capitalized loan had been obtained for the program for FY11 and FY12. She advised that localities must choose whether to remain in the Fund or to opt out, a decision that was irrevocable. She reviewed estimates to remain in the Fund or to obtain insurance offered by the Virginia Municipal League (VML). She explained that the rates through VRS would be based on claims for the entire state, but the rates through VML were based on the fact that New Kent County had never had a claim. She clarified that although New Kent had until July 1, 2012, to opt out of the Fund, should a claim occur between now and then, the County would be held responsible for funding those benefits and would basically be locked in with VRS. She reviewed that the death benefits would be \$100,000, disability payments would be \$25,000, and the County would also be responsible to provide the same level of health insurance for the employee and all of his eligible dependents, which would be a long-term cost. She indicated that staff was recommending that the County opt out of the Fund and obtain coverage through VML, the company that carried the County's liability and workers compensation insurance.

She reported that New Kent currently had 61 paid employees and 52 volunteers who would be covered.

When asked what other localities were doing, she reported that out of 39 responses she had received, 25 were going with VML, 13 were not opting out at this time, and 1 locality was staying with the Fund because it had an existing claim. She indicated that most of the smaller localities were going with VML.

She advised that she would be working with Fire-Rescue to make sure that the volunteers were receiving proper physical exams.

There was discussion regarding who would cover those Fire-Rescue employees who worked part-time for New Kent but full-time for another locality. Ms. Stanley advised that had not been "worked out yet", but noted that the locality where the injury occurred would be the one responsible for the claim.

Mr. Trout asked about instances where volunteers worked in more than one locality, notably the Providence Forge Volunteer Rescue Squad (PFVRS). Ms. Stanley reminded that PFVRS was not recognized as a part of New Kent Fire-Rescue and would not be covered by New Kent; however, it was her understanding that PFVRS was included as part of Charles City

County's public safety program and would be covered there. She clarified that coverage was not based on the number of calls. Mr. Trout indicated that issued should be "looked into" further. Ms. Stanley advised that she would ask for an opinion from the Department of Accounts.

Following discussion, Mr. Sparks moved to adopt Resolution R-19-11 and to authorize the County Administrator to execute any documents to secure group insurance as proposed by the Virginia Municipal League. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: ON-CALL PAY POLICY

Before the Board for consideration was a request to adopt *Policy 2.69, "On-Call" Status* to become a part of the County's Personnel Policy effective July 1, 2011.

Ms. Stanley explained that until this point there was no "On-Call" provision in the County's personnel policy, as it had been more of a matter of practice, mostly with Department of Public Utility employees. However, that department had grown and the Sheriff's Office had established some "on-call" positions, and it was now necessary to establish a consistent policy and rate for everyone. It was noted that the rate for FY12 was \$1 per hour, and she explained that an employee was subject to the County's vehicle, drug and alcohol policies during the on-call time period.

Mr. Burrell moved to adopt Policy 2.69, "On-Call" Status, to be effective July 1, 2011. The members were polled:

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: LAKE CHRISTOPHER

Before the Board for consideration was Ordinance O-10-11, amending the Lake Christopher Development and Proffer Statement to remove Tax Parcel 28-12 from the development.

Mr. Davis removed himself from discussion and vote because of a family relationship with one of the applicants.

Planner Kelli Le Duc reviewed that the Board had approved the Lake Christopher Development in August of 2008 by adoption of Ordinance O-13-08 which consolidated four parcels totaling 120.56 acres. She indicated that Lamont Myers of Mid-Atlantic Communities and Ms. Ada Isabel Davis White Jarvis had since applied to remove Tax Parcel

28-12, 0.635 acres in size, from the development, which would leave 119.925 acres, and result in a reduction in the number of proposed lots from 24 to 23. She verified that if approved, the subject parcel would revert back to its original zoning classification of *R-1, Residential*. She confirmed that the removal would not impact transportation, the natural environment, public facilities, public utilities, historic resources, surrounding properties, or the physical development of the County in accordance with the Comprehensive Plan. She reported that the Planning Commission had considered the application at its May meeting and voted 8:0:1 to recommend approval, and that staff also recommended approval.

Applicant Lamont Myers explained that this was a parcel that his company had put into the development to help get the acreage up, and since the development had not been able to go forward, he wanted to take that parcel back to its original status and dissolve his relationship with Mrs. Jarvis, with her agreement.

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

Mr. Myers further explained that removing the lot from the development would remove the condition that it had to be developed as a part of Mrs. Jarvis' property. He confirmed that removal of the parcel would not affect the ingress and egress to either the Lake Christopher development or to the subject parcel.

Ms. Le Duc confirmed that the only two changes to the Proffer Statement were the removal of Parcel 28-12 and the reduction in the number of lots.

Mr. Sparks moved to adopt Ordinance O-10-11 as presented. The members were polled:

W. R. Davis, Jr.	Abstain
David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
Thomas W. Evelyn	Aye

The motion carried.

Mr. Davis rejoined the Board.

IN RE: ALLEN CELL TOWER

Before the Board for consideration was Resolution R-18-11 to approve Conditional Use Permit application CUP-01-11 filed by George Allen, Jr. and Clear Signal Towers LLC to install a cell tower at 11200 White Mill Road.

Planner Matthew Ebinger explained that the proposed 10,000 square foot site for this 250-foot lighted cell tower was approximately one mile west of Mt. Pleasant Road on a parcel 29 acres in size zoned *A-1, Agricultural*. He reported that land to the east, south and west were also zoned *A-1, Agricultural*, and land to the north was a part of the Kentland Planned Unit Development (PUD). He advised that the tower company had submitted maps showing a lack of coverage in the vicinity, documentation that the proposed tower would improve that coverage, and a letter from AT&T confirming that there was a need. He reviewed that balloon tests had been conducted resulting in photo simulations showing that the tower would be visible from Carriage Road, but not from other locations.

He reported that the application had been submitted to various agencies for comment, and no major issues had been raised.

He noted that the proposed tower site was located within 750 feet of two existing residential structures, and before the Board could approve the application, it would need to grant a waiver of the 125% distance requirement in the County's ordinance.

He pointed out that several conditions had been added to the Resolution, including a request that, unless pre-empted by the Federal Aviation Administration (FAA), the tower would not have a strobe light.

There was discussion regarding light requirements and why some towers had red lights and some had strobe lights, which frequently prompted complaints from neighbors.

There was also discussion regarding the setback from residential structures. Mr. Ebinger advised that one of the existing structures (450 feet away) was on the same parcel owned by Mr. Allen, and the other (600 feet away) was on an adjacent parcel owned by a family member, and there had been no adverse comments from anyone regarding the application.

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

County Attorney Michele Gowdy reported that she had received a copy of a letter from the FAA confirming that the tower was required to have a medium (intensity) dual system light, but did not have a definition of what that meant.

Dorothy Brunetti of Clear Signal Towers explained that all towers over 200 feet were required to be lighted, and that sometimes shorter towers also required lighting, depending on their proximity to airports. She indicated that there were only two intensities – medium and high – and that those lights normally flashed white during the day and red at night. She was uncertain as to why the tower in the Courthouse area had a strobe light and indicated she would check with the company who monitored the lights for her. She advised that every tower was judged separately by the FAA and that older towers had to be retrofitted to meet current regulations. She also confirmed that space on the tower had been offered for County emergency communications and, although it was not needed at the current time, that space would remain available.

There was additional discussion regarding the need for a tower of that height. Ms. Brunetti reported that she had received an application from Verizon the previous week for space at 240 feet, and that a nearby older tower was only 150 feet in height. She explained that the subject tower was needed to fill coverage gaps in the Brickshire neighborhood and along Route 60 and I-64, adding that the extra height was necessary to propagate signals into Brickshire homes because a tower could not be put in the middle of the development.

There was more discussion regarding lighting, and as well as the growing demand for tower space due to expanding technology. Mr. Trout suggested that Ms. Brunetti work with staff on less offensive lighting options.

Mr. Trout moved to approve Resolution R-18-11 to approve Conditional Use Permit application CUP-01-11. The members were polled:

David M. Sparks
James H. Burrell

Nay
Aye

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: OFF-STREET PARKING, DRIVEWAYS, AND LOADING

Before the Board for consideration was Ordinance O-03-11 amending, restating and readopting Chapter 98, Article XXIII, Off-Street Parking, Driveways and Loading, in the New Kent County Code of Ordinances.

Mr. Ebinger advised that the County's current parking ordinance was adopted in 1999 based on standards from 1987, and an update was needed to add flexibility. He reported that the Planning Commission had voted 9:1 in favor of the amendments, and confirmed that in most instances the required number of parking spaces would be reduced, which would result in a decreased cost for business development.

Mr. Trout asked about pervious and impervious surfaces. Mr. Ebinger explained that the existence of pervious parking surfaces would be taken into account if they were a part of the storm-water management plan for the development.

There was discussion regarding the provision for compact car parking, as well as off-street valet parking. It was explained that those factors could reduce the number of spaces required and provide more flexibility.

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

Mr. Evelyn advised that he would like more time to consider the changes and obtain input from some of the local businesses.

Mr. Sparks moved to defer action to a future meeting. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: MOVEABLE STORAGE BOXES IN RESIDENTIAL DISTRICTS

Before the Board for consideration was Ordinance O-09-11 to amend the Zoning Ordinance and establish requirements for the placement of moveable storage containers on residential lots in New Kent County.

Mr. Ebinger explained that the amendments would regulate temporary moveable storage pods specifically in the front yards of parcels in residential districts and would establish a 60-day time limit, with the flexibility for an extension based on evidence of catastrophic reconstruction. He confirmed that County ordinances did not currently regulate these units in any way.

Mr. Sparks spoke about the proliferation and effect of these units in his district, how he knew that Mr. Davis had some issues with the proposal, and he was looking at a way to be fair to everyone. Mr. Davis indicated that he didn't want to hurt the businesses in his district that rented out these units while at the same recognizing the problems in other parts of the County.

It was emphasized that the proposed regulations would only apply to residentially-zoned neighborhoods. Mr. Davis reminded that there were many five-acre residential lots that would be affected, with many of them currently using the units to store hay and horse feed.

Mr. Evelyn advised that he had concerns about enforcement.

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

Mr. Davis asked what other localities were doing. Mr. Ebinger advised that the proposed ordinance was modeled after one from York County, and that some localities had a shorter time period, different setbacks, and one had a permit fee.

Mr. Trout expressed concerns as to whether the proposed definition was "tight enough to cover what we are talking about". Mr. Ebinger explained that the way it was written it would cover moveable storage boxes.

Mr. Sparks commented that there were several businesses that had invested money in "brick and mortar storage facilities" for people to use and asked if it was fair to those businesses to allow extended use of these moveable units. He suggested that a vote be deferred on this proposal to see if there was a way to satisfy everyone. Ms. Gowdy reminded that if the changes were substantive, it would need to be re-advertised for another public hearing.

Mr. Davis moved to defer a vote to a future date. The members were polled:

W. R. Davis, Jr.	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Trout spoke about the recent high school graduation, congratulating graduates, teachers and families, and also reminding that there would be many students looking for summer jobs.

Mr. Burrell congratulated Financial Services Director Mary Altemus and her department for receiving its seventh consecutive Excellence in Reporting award from the Government Financial Officers Association.

Mr. Sparks congratulated Alan Chamberlain and The Chronicle for having its first color issue.

Mr. Evelyn also spoke about graduation, remarking about the number of graduates joining the military and those who had received scholarships.

IN RE: STAFF REPORTS

Mr. Lawton reminded the Board that the Richmond Chamber of Commerce would be holding an upcoming event at Colonial Downs, and that there would also be an opportunity for the Board to visit a recycling facility in the near future.

Ms. Gowdy announced that a letter had been received from the Department of Justice indicating that there were no objections to the County's redistricting plan.

IN RE: DISTRICT APPOINTMENTS

Mr. Burrell moved to appoint Jean Street as District Three's representative to the Social Services Advisory Board to serve a four-year term beginning July 1, 2011 and ending June 30, 2015.

Mr. Davis moved to appoint Bill Leary as District Five's representative to the Heritage Library Board of Trustees to serve a four-year term beginning July 1, 2011 and ending June 30, 2015.

The members were polled:

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Thomas W. Evelyn	Aye

The motions carried.

IN RE: NON-DISTRICT APPOINTMENTS

Mr. Davis appointed Larry Clark as the Board's designee to the Community Policy and Management Team to serve a one year term beginning July 1, 2011 and ending June 30, 2012. The members were polled:

David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye

The motions 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 Wednesday, July 20, 2011, and the next work session at 3:00 p.m. on June 29, 2011, both in the Boardroom of the County Administration Building, New Kent, Virginia.

IN RE: CLOSED SESSION

The Chairman announced that there was a possibility that the Board would conduct business following the Closed Session.

Mr. Sparks moved to go into Closed Session for discussions relating to business and industry development pursuant to Section 2.2-3711A.5 of the Code of Virginia involving prospective business; for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving actual or probable litigation; and for discussion of award of public contract pursuant to Section 2.2-3711A.30 of the Code of Virginia involving the award of a public contract. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye
Thomas W. Evelyn	Aye

The motion carried. The Board went into closed session.

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

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Thomas W. Evelyn	Aye

The motion carried.

Mr. Sparks 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:

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

Thomas W. Evelyn Aye

The motion carried.

IN RE: ADJOURNMENT

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

David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried.

The meeting was adjourned at 9:03 p.m.