

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 12th DAY OF SEPTEMBER 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: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Approval of Minutes
 - a. July 27, 2011 work session
 - b. August 8, 2011 joint meeting
 - c. August 8, 2011 business meeting
 - d. August 29, 2011 emergency meeting
 - e. August 31, 2011 emergency meeting
2. Miscellaneous
 - a. Resolution R-37-11 proclaiming October 2 – 8, 2011 as *National 4-H Week* in New Kent County
 - b. Resolution R-39-11 proclaiming September 18 – 24, 2011 as *Child Passenger Safety Week* and September 24, 2011 as *National Seat Check Saturday* in New Kent County
 - c. Resolution R-40-11 authorizing the application for Industrial Revitalization Funds for renovation of a portion of the premises (science wing) located at 11825 New Kent Highway, New Kent, Virginia (former middle school)
 - d. Request for authority for Treasurer to release additional interest held on surety for a utility easement for Otto Stolz, et al
 - e. Cancellation of September 16, 2011 semi-annual lunch meeting with senior staff
3. Refunds
 - a. \$135.19 to Lorice Otey for canceled permit
4. FY11 Supplemental Appropriations
 - a. Funds for Unemployment Compensation, \$226.00

- b. Funds to cover the over-expended General District Court budget, \$186.00
- c. Funds for reimbursement from Atlantic Rural Expo/State Fair Assoc, \$8,585.00
- d. Funds for reimbursement from Colonial Downs, Inv. #FY11-07032011, \$3,145.00
- e. Funds for reimbursement from sfVa Inc. for Strawberry Hills, \$31,149.34

Total Supplemental Appropriation:
\$ 43,291.34 Total
\$(42,879.34) Money In / Money Out
\$ (412.00) From General Fund fund balance

- 5. FY12 Supplemental Appropriations
 - a. Funds received for reimbursement from Colonial Downs, Invoice – Part FY11–07032011 and FY12-07102011, \$22,525.50
 - b. Funds received for gifts and donations, \$869.66
 - c. Funds received from vending machine sales for Employee Christmas parties, \$106.77
 - d. Program income received for FY11 from CDBG Plum Point grant participants, \$622.58
 - e. Funds received from various sources for security – Sheriff, \$16,720.55
 - f. Funds received from insurance proceeds for various accidents, \$7,389.80
 - g. Funds received by Extension from outside sources for sponsorship of programs, \$239.26
 - h. Adjusted FY12 budget to reflect actual to be received by the Victim Witness grant, \$886.00

Total Supplemental Appropriation:
\$ 49,643.12 Total
\$(49,643.12) Money In / Money Out

- 6. FY12 Carry-Forward Appropriations
 - a. State Fire Program grant funds, \$6,065.53
 - b. Airport funds for W96 terminal and maintenance roof coating project, \$50,000.00
 - c. Clean County Commission/Litter Fund grant funds, \$110.40
 - d. Extension program sponsorship revenue, \$2,794.23
 - e. Machinery & equipment – Sheriff- encumbered amount, \$4,900.00
 - f. Promotional items – Human Resources – encumbered amount, \$1,125.00
 - g. Donations for veterinarian services – Sheriff, \$12,128.75
 - h. Utility fund projects not completed in FY11, \$1,400,770.83

Total Carry Forward Appropriation:
\$ 1,477,894.74 Total
\$ (27,013.51) From Gen Fund fund balance
\$ (110.40) From Fund 15 fund balance
\$ (50,000.00) From Fund 97 fund balance
\$(1,400,770.83) From Fund 98 fund balance

- 7. FY11 Interdepartmental Budget Transfers
 - a. *Sheriff's Office*: \$1,406.22 from Jail Bill to New Vehicle
 - b. *Schools*: \$773.17 from Prior Year Lottery/Construction to Renovations/Improvements

- c. *Schools*: \$33,252.72 from Prior Year Lottery/Construction to Prof Srv-NKES Bathroom
 - d. *Schools*: \$77,137.28 from Appropriation of funds from Prior year to Elementary School Renovations
 - e. *Schools*: \$25,129.92 from School Contingency Fund to Non-Capital Equipment-Bu
 - f. *Fire Rescue*: \$21,420 from Special Duty Colonial Downs to Res for Contingency Spec Events
 - g. *Fire Rescue*: \$96,046.43 for end of year budget transfers to cover salaries & wages
 - h. *Fire Rescue*: \$13,674.00 for end of year budget transfers for various line items
 - i. *Public Utilities*: \$47,967 from Water/Sewer Testing and Construction to Engineering Services, Bottoms Bridge Observation Well Nest, and Maint Contract-SCADA
 - j. *Commonwealth Attorney*: \$90 from Books & Subscriptions to Salary line items
 - k. *Sheriff's Office*: \$20,361 among various salary line items
 - l. *Parks & Recreation*: \$58 from Professional Services to Hospital/Medical Plans
 - m. *Financial Services*: \$252 from Salaries/Wages & Computer Supplies to Overtime and Office Supplies
 - n. *Clerk of the Board*: \$4,007 from Advertising and Travel to Salary line items
 - o. *Economic Development*: \$2,105.00 from Travel to Salary line items
 - p. *Sheriff's Office*: \$748 from Telecomm, Tele Equipment and Police Supplies to Salaries-Supplemental Activities, Office Supplies and Gasoline
 - q. *Sheriff's Office*: \$30 from Veh. Supplies to Sheriff Vehicles
 - r. *Sheriff's Office (Animal Shelter)*: \$229 from Euthanasia to Salaries & Wages, Dog & Cat Sterilization Fund, and Uniforms/Wearing Apparel
 - s. *Sheriff's Office*: \$169.55 from Uniforms to DMV-Click It or Ticket
 - t. *Sheriff's Office*: \$2,666 from Uninterrupted Power Supply and Equipment Main to 911 System and Database
 - u. *Electoral Board*: \$456 from Mileage to FICA/Medicare
 - v. *Airport*: \$4,221 from Repairs & Maintenance to Salary line items, Uncollectible Receivables and Sales Tax on Fuel
 - w. *Sheriff's Office*: \$1,302 from ID & Booking, Pol. Supply, and Furniture/Fixtures
 - x. *Sheriff's Office*: \$1,285 from Travel and Uniforms to Salary line items, and Vehicle Supplies, Repairs, Maint.
8. FY12 Interdepartmental Budget Transfers
- a. *Schools*: \$47,476.25 from Appropriation of funds from prior year to Elementary School Renovations
 - b. *Schools*: \$20,640 from Appropriation of funds from prior year to Schools Misc Improv
 - c. *Schools*: \$2,293.90 from Appropriation of funds from prior year to Elementary School Renovations
9. Treasurer's Report: Cash as of July, 2011, \$33,085,524.91

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: CITIZENS COMMENT PERIOD

Chairman Evelyn opened the Citizens Comment Period.

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

IN RE: VIRGINIA COOPERATIVE EXTENSION

Unit Coordinator Cynthia Rowles updated the Board on the highlights of the 2011 *Taking Root* farm tour and the Jamestown 4-H Camp. She thanked the Board for its continuing support of both programs.

She reviewed that the recent farm tour included three sites - Old Church Sod / Shimokan Farm, Kuhn's Dominion Rescue Farm, and Thompson's Border Collies, Sheep & Goats, and advised that the tour continued to be popular with the community and provide effective networking opportunities.

Mrs. Rowles explained that New Kent youth teamed up with campers from Charles City, King William, King and Queen, and Middlesex Counties for its week at the Jamestown 4-H Camp. She reported that the recent program had 208 campers and adults, with 70 youth and 15 teens from New Kent – the largest number ever, and she reviewed some of the activities.

She also thanked the Board for adopting, in its Consent Agenda, a resolution recognizing National 4-H Week, which will help to promote and expand the program.

She advised that interviews had been completed for a new Cooperative Extension agricultural agent for New Kent, negotiations were underway with a candidate, and she hoped that the information could soon be shared with the County.

IN RE: BICYCLE SIGNAGE GRANT

County Administrator Cabell Lawton reviewed a grant approved by the Metropolitan Planning Organization that would pay for "Share the Road" signs along established bicycle routes in New Kent as well as a paving an existing graveled trail from the Visitors Centers to the first roundabout on Route 106.

He explained that the County had applied for and been approved for a Phase 2 grant to provide "Share the Road" signs along the bicycle routes that had been established with funding from a Phase 1 grant, as well as pave a currently graveled path to improve safety. He indicated that he did not feel comfortable going forward with the grant without first getting the Board's approval. He advised that the grant funding would be between \$100,000 and \$110,000 and no match was required from the County.

Mr. Trout confirmed that this was a fully-funded federal grant through the Metropolitan Planning Organization and would supplement what was already in place in New Kent. He advised that if New Kent did not use the funds, it would not reduce anyone's tax burden since the funds would be used in some other locality. He remarked that the proposed project would enhance New Kent as a destination for recreation, sports and tourism and he spoke about some other potential historical routes that would involve bicycles.

Mr. Sparks reminded that it was still taxpayer money and questioned whether the Board wanted to spend \$100,000 for "Share the Road" signs. He stated that he felt that it was a waste of money and of very little importance to New Kent.

Mr. Davis complained about bicyclists in Eltham failing to obey traffic signs and lights. He also questioned how much revenue was brought into the County by bicyclists, but added that if the project would make the existing routes safer for cyclists and motorists, he would reluctantly support it.

Mr. Burrell commented that he did a lot of cycling and thought the signs would improve safety. He also suggested that the enhancements would help the Central Virginia area to attract events.

Mr. Evelyn commented that he felt there were other things in New Kent that needed to be done instead of bicycle route signage.

Mr. Burrell moved to authorize staff to proceed with the New Kent Bicycle Route Mapping and Signage Project, as presented. The members were polled:

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

The motion carried.

IN RE: HURRICANE IRENE

Fire Chief/Emergency Management Coordinator E. Thomas Hicks updated the Board on Hurricane Irene and New Kent's recovery.

He thanked all who had assisted in the restoration and recovery, commenting that New Kent was far ahead of other localities in the Commonwealth. He partly attributed the County's success in planning for the event to "lessons learned" during other storms, and thanked the Board for its support of the investment in equipment over the years. He also attributed New Kent's success to partnering with surrounding communities in regional planning and support.

He detailed the activities during the days leading up to the storm, to the time when the Emergency Operations Center was in full operations. He explained the road clearing activities on the morning following the storm, with a goal of clearing a path along all primary roads by 12 noon, as well as the establishment of three distributions sites for bottled water, bagged ice, and informational flyers. He reviewed that County staff served as damage assessment teams and were able to document to federal and state agencies that New Kent had suffered a significant catastrophic impact, with an initial assessment of

damage to residences valued at \$6.8 million (167 homes damaged, with 24 deemed total losses). He predicted that the damage assessment could increase to \$9 million when adding in the water damage done to those previously-damaged homes in the recent rains from Tropical Storm Lee, adding that the Commissioner of Revenue was continuing to work on those numbers. He indicated that 5 – 10% of the agricultural community has been impacted, and staff was working to assign a dollar value to those losses. He reported that the Governor was reviewing the data and was expected to soon send a letter to the President outlining his recommendations for individual assistance. He explained that assistance to citizens would be in the form of either Federal Emergency Management Agency (FEMA) grants or low-cost loans to help the uninsured or underinsured to rebuild, and that once that information was available, County staff would conduct an outreach to the community.

Chief Hicks explained that the additional damage caused by Tropical Storm Lee to homes damaged in Hurricane Irene would be covered, but that homes only damaged by Tropical Storm Lee would fall into a new category for which New Kent had not been declared eligible to receive aid.

He commended and thanked power and utility companies for their commitment and interactions throughout the event.

He advised that County property damaged in the hurricane included public utility facilities, schools, Airport, and others, and that New Kent had incurred costs of just under \$500,000, a number that was expected to increase to around \$800,000. He explained the process to apply for and receive FEMA reimbursement, and confirmed that New Kent had been listed at both the State and Federal levels as qualified to be reimbursed. He indicated that a FEMA joint field office had been established in Central Virginia and they were working to coordinate and create the various documentation that would need to be submitted for reimbursement and that New Kent staff was working diligently to capture and document all of its losses to make sure that everything was covered.

He reviewed some of the problems caused from the flooding from Tropical Storm Lee, which included road washouts that resulted in another delay in school openings. He also provided an update on the status of Hurricane Maria which was not predicted to have any impact on New Kent.

He thanked the Board and the County Administrator for their support during the events, as well as the invaluable assistance provided by the New Kent Sheriff's Office.

Board members thanked Chief Hicks and commended him and all County staff for their preparation and handling of the events. It was suggested that the Board adopt a resolution of appreciation of all involved, including the power and utility companies, and Chief Hicks advised that he would work with the County Administrator on such a resolution. Board members also thanked the community and residents for helping each other during the event.

There was discussion regarding the importance of FEMA reimbursement. Financial Services Director Mary Altemus clarified that FEMA funds would be funneled through the State's Department of Emergency Management.

Mr. Trout reminded that several years back, the Richmond Regional Planning District Commission had arranged with public radio to provide an opportunity for each of its localities to broadcast disaster information "at a reasonable rate" but that none of the

localities had taken advantage of those arrangements for this event. Chief Hicks indicated that he would bring that up at a future regional meeting.

Chairman Evelyn thanked the School Board and its school bus drivers for their assistance in distributing the informational flyers.

Mr. Trout spoke about the problem caused by sagging electric wires which blocked access to many areas and were not removed until they were replaced. He suggested that addressing that problem should be one of the priorities for Dominion Virginia Power (DVP) in the future and Chief Hicks advised that he would bring that suggestion to DVP's attention.

Chief Hicks commented that two communication tools that worked very well during the event and recovery were the daily informational flyers and *Facebook*. He indicated that he would include the individual Board members in the After Action Report activities.

Assistant County Administrator Rodney Hathaway provided an update on the temporary brush facility established on New Kent Highway, near its intersection with Vineyards Parkway. He advised that since the site opened on September 2, debris had been accepted from 860 vehicles. He reported that the contractor was doing an excellent job of maintaining the facility and handling the debris and that County staff would continue to monitor its use in order to determine how long to keep the site open. It was confirmed that the County could use the site for up to three months and that there was a weekly contract with the brush contractor which could be terminated on short notice. It was confirmed that the site was for residential brush only, and that users of the site needed either a County vehicle decal or identification confirming that they were County residents.

There was discussion regarding how long the site should remain open. Mr. Sparks commented that he felt a definite time should be set for closing it down, as it was costing the County a lot of money. Mr. Evelyn suggested that use of the site continued to be monitored through the next couple of weekends.

General Services Director Jim Tacosa described the brush processing activities at the Route 618 main refuse site as "havoc" during the first few days after the storm, with an average of 125 vehicles per day, but he noted that activity had dwindled since then, as most residents were using the temporary site.

IN RE: HISTORIC SCHOOL RENOVATION

The Board held a public hearing, as required, on the design-construct proposals received in accordance with Virginia's Public-Private Education Facilities and Infrastructure Act of 2002, Virginia Code Sections 56-575.1 through 56-575.18, from private entities for the renovation of the Historic School and South buildings on the Old Middle School campus, and also accepted public comments on the project itself.

Mr. Tacosa reviewed that the proposed project involved the 1930s historic school as a multi-use facility and a portion of the "South" building as offices for the School Board. He indicated that four of the seven proposals had "moved forward".

It was clarified that the Board would only be accepting public comment at this meeting and would not be making a decision until its work session.

The Chairman opened the Public Hearing.

Nita Collins of 7202 Club Drive thanked Mr. Sparks for his service as District Two's Supervisor. She indicated that she served as treasurer for the Heritage Library's Board of Trustees, and she spoke about the importance of finding a suitable permanent home for the Library, asking that the Board move forward with renovation of the Historic School and that the Library have a space in that building with room to grow. She suggested that having the Library in that space would bring revenue to area merchants and businesses.

Judy Adkins of 3100 Mt Pleasant Road advised that she had reviewed the proposals submitted and had been disappointed that only three of the seven provided a projected cost and a floor plan. She wondered how citizens were expected to have an opinion if they did not have all of the information, and she felt that if a company was unwilling to disclose its costs, then it should not be considered for the project. She advised that the prices that were disclosed by some of the contractors seemed reasonable. She reminded the Board about the upcoming lease expiration and the importance of making a decision soon. She asked that the Board consider what the County would be like without a library and spoke about how the Heritage Public Library had been started thirty years earlier by one citizen and had grown into "what it is today", with over 9,000 patrons.

Joyce Peterson of 16801 Lee's Reach Drive advised that she had been a Library supporter for many years and she was optimistic about what she "was hearing in this room and throughout the County" and how involved citizens cared enough to spend their evening at a Board meeting. She stated that she was encouraged by the Board's investment of time in the proposed project and suggested that the Board's support of the Historic School as a new home for the Heritage Library would "send a hopeful message to residents" and "would be the starting pistol for fundraising activities" by the Library. She commented that the County "was on the threshold of something great, something to be proud of" and encouraged the Board to show the residents just how proud it was.

Christine Taylor of 11001 Old Church Road spoke on behalf of the Heritage Public Library Foundation, a group formed to seek private support for the Library. She thanked the Board for supporting the process that had resulted in the renovation proposals and for its leadership to preserve the Historic School and saving the taxpayers money. She indicated that the Foundation was looking forward to the Board's decision whatever it was, and to getting the kind of library that New Kent deserved.

Dennis Mountcastle of West Point signed up to speak but declined.

Lee Tyson of 10348 Melody Rae Drive, as Chairman of the Heritage Public Library Board of Trustees thanked the Board for its past support of the Library, which relied heavily on County funding. He spoke about the Library's growth in services and patrons and how it was fast approaching or past the point of outgrowing its current space. He encouraged the Board to "take a positive step forward in resolving the issue of renovation of the Historic School, including providing space to the Library". He reminded that he had appeared before the Board in previous meetings to outline the Library's services and needs. He indicated that the Library had recently set a daily attendance record of 205 patrons in New Kent, and that 35% of New Kent residents (over 6,000 individuals) were active card holders. He spoke about how the Board had held another public hearing on the same issue back in September of 2010 and the time for decision was "fast approaching". He explained that the Library Board had a capital committee ready to move forward, but could not because there was no "vision" to show to potential donors. He urged the Board to bring the matter to a conclusion so that the Library Board could move forward to meet its responsibility.

William Dervishian of 10104 Pamunkey Drive commented that he was troubled that there was a suggestion that New Kent might not have a library, and how one of the functions of a library could be to operate a community radio station to help with tourism or for use in the event of an emergency. He spoke about how the Library provided internet access for many County residents, himself included, and he felt that it was time for New Kent to take a "giant leap forward" and allow the Library to have a space in the Historic School.

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

Mr. Trout suggested that written comments be submitted to the Board prior to its September 28 work session, and also referred to his own recent memorandum regarding the issue.

Regarding the comments about missing pricing information in the proposals, County Attorney Michele Gowdy explained that the PPEA process allowed certain information to be marked as proprietary, but there was a point later on in the process where such information would become public.

Mr. Davis commented that there was not a better use for the Historic School than a library, and spoke how the Board had worked diligently on the issue for quite some time, "looking for ways to make it work and fit into the County's budget", and how he hoped that the Board would be ready to make a decision within the coming weeks.

Mr. Burrell added that the Board had input from the citizens but "didn't have all the answers".

Ms. Gowdy reminded that the County could not enter in any agreement for the renovation until thirty days from the date of this public hearing, but could talk about it at its next work session.

It was clarified that the public hearing itself was not being continued to the work session.

Board members thanked everyone for their comments and input.

IN RE: STAFF REPORTS

Mr. Lawton confirmed that staff would be diligent in seeking reimbursement of storm expenses from FEMA and the State. He also indicated that staff was working on the budget calendar for FY13 and asked that Board members contact him if they had specific items they would like addressed. He commended Chief Hicks and all staff for their hard work during and after the recent weather events and stated that he was very pleased with the outcome.

Mr. Hathaway reported that the New Kent County Economic Development Authority, at a recent emergency meeting, had established a Hurricane Irene Emergency Loan program from which County businesses could borrow up to \$5,000 for up to one year with no pre-payment penalty, that could be used to repair damages or as working capital. He indicated the program guidelines had been distributed to local businesses and he urged anyone interested to contact the Economic Development department.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Davis thanked the citizens for working together during the storms and remarked on how amazing it was that there had been no fatalities. He also encouraged participation in an upcoming golf tournament to benefit the Lanexa Fire Station 4 Auxiliary.

Mr. Trout announced details of upcoming events, and thanked the *Holy Smokes*, a faith based group out of North Carolina who had traveled to New Kent after Hurricane Irene and fed the residents of Woodhaven over the Labor Day weekend. He also remarked on the recent anniversary of Providence Forge Volunteer Fire & Rescue, as well as a recent ceremony hosted by New Kent Public Safety in observation of the 10th anniversary of the September 11 terrorist attacks.

Mr. Burrell suggested that the *Holy Smokes* be included in the resolution to be adopted by the Board. He also spoke about some upcoming meetings that he would be attending on behalf of New Kent County.

Mr. Evelyn reminded that school had started and cautioned drivers to be mindful of school buses. He also thanked the citizens for helping their neighbors during the recent hurricane.

IN RE: APPOINTMENTS

There were none.

IN RE: CLOSED SESSION

It was announced that there would be no closed session.

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 11, 2011, and the next work session at 3:00 p.m. on Wednesday, September 28, 2011, both in the Boardroom of the County Administration Building, New Kent, Virginia.

IN RE: ADJOURNMENT

Mr. Davis moved to adjourn the meeting. 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.

The meeting was adjourned at 7:54 p.m.