

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 9th DAY OF NOVEMBER 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. Work Session of September 28, 2011
 - b. Business Meeting of October 11, 2011
2. Miscellaneous
 - a. Appropriation of \$35,600 in DMV 2011 Selective Enforcement – Alcohol grant funds
 - b. Agreement for Service as Operational Medical Director between New Kent County and Dean C. Williams, M.D.
 - c. Resolution R-44-11 providing for the implementation of the Comprehensive Community Corrections Act for Local Responsible Offenders, the Pretrial Services Act, and the establishment of the Colonial Community Criminal Justice Board
 - d. Extension of Cost Allocation Plan contract with Maximus for FY11 and FY12
 - e. Letter of support for request that the roadway into the New Kent Forestry Center be accepted into the state system of highways
 - f. Award of the HVAC contract for the Administration Building to the lowest bidder, Art Newsome, Inc., in the sum of \$400,385.
3. Refunds
 - a. \$4,246.80 to the Chickahominy Indians Eastern Div Inc. for taxes paid on tax-exempt property
4. FY12 Supplemental Appropriations
 - a. Funds for security at high school football game, invoice #09-03 (\$242.21), funds from Providence Forge Volunteer Rescue Squad to off-

set CPR class costs (\$120.00), reimbursement from New Kent Winery, LLC for security – invoice #09-11 (\$463.18), security at 9/30 football game (\$193.77) security for 10/4 Colonial Downs invoice (\$3,458.92), and Rockahock security invoices for 8/19–8/20 and 9/30–10/1 (\$860.18 & \$661.68), \$5,999.94

- b. Funds for security invoice #FY12-09182011 and invoice#FY12-09112011, \$5,971.25
- c. Funds received for gifts and donations, \$1,705.00
- d. Funds received from vending machine sales for employee Christmas parties, \$112.79
- e. Program income received for FY11 from CDBG Plum Point grant participants, \$622.58
- f. Funds received from insurance proceeds for various accidents, \$1,001.60
- g. Funds for the School pCard rebate program, \$25,982.01
- h. Additional federal grant funds for the Airport, \$21,518.00
- i. Funds from Fund 3 to reimburse Fund 7 for temporary loan in FY08, \$99,410.00
- j. Funds for FY12 Litter Control/Clean County Committee, \$4,988.00

Total Supplemental Appropriation:

\$ 167,311.17	Total
\$(167,311.17)	Money In / Money Out
\$ (99,410.00)	From Fund 3 fund balance
\$ 99,410.00	From Fund 7 fund balance

5. FY12 Carry-Forward Appropriations

- a. School funds from FY1, \$458,729.99

Total Carry Forward Appropriation:

\$ 1,458,706.14	Total
\$ (464,756.50)	Total In/Out
\$ (590,913.50)	From Gen Fund fund balance
\$ (403,036.14)	From Capital 7 fund balance

6. FY12 Interdepartmental Budget Transfers

- a. *Schools*: \$1,384,75 from appropriation of Funds from Prior Year to Elementary School Renovations
- b. *Schools*: \$2,922.85 from Appropriation of Funds from Prior Year to Elementary School Renovations
- c. *Schools*: \$33,959.27 from Professional Services- Health and Professional Services-Speech to Matls & Suppl Improv NKE and Matls & Suppl Improv SpE
- d. *Administration*: \$31,023.00 from salary line items in Economic Development
- e. *Community Development*: \$4,000 from travel items in Economic Development
- f. *Community Development*: \$400 for Vehicle Acquisition from Admin to Environmental
- g. *Commissioner of Revenue*: \$1,351.34 from Office Supplies to Computer Replacement
- h. *Employee Raises*: \$201,218 from County Employee Bonuses and Water & Sewer Bonuses to various salary line items

7. Treasurer's Report: Cash as of September 2011, \$ 28,534.684.91

Mr. Sparks pointed out an error in the HVAC bid, which reflected that it was for the Boardroom rather than the Administration Building system. County Administrator Cabell Lawton confirmed that it was the bid on the Administration Building HVAC system and that the bidder must have also bid on the Boardroom system and forgot to change that part of the form.

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: 2011 NEW KENT UNIVERSITY GRADUATION

County Administrator Cabell Lawton and Board members awarded certificates to the 2011 New Kent University graduates. Class members included Chester Alvis, Elizabeth Benton, Lee Bradford, Carolyn Dooley, Dorothy Hager, Donna Jenkins, John Knight, Delores Lee, Jane Milstead, Paul Nolte, Susan O'Rourke, Beth Proffitt, Kenneth Proffitt, David Sontos, Jennifer Sowinski, Brain Spindler, Ron Stiers, Pete Sweet, Julie Vaisvil, and Judy Williams.

Mr. Lawton and Board members commented on the program and congratulated the graduates on their participation. Several of the graduates spoke about the merits of the program and thanked staff and the presenters for their time and effort, and the Board for its support.

IN RE: CLOSED SESSION

Mr. Sparks moved to go into Closed Session to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia involving performance and compensation, and for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving actual or probable 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 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: REAL ESTATE TAX EXEMPTIONS FOR THE ELDERLY AND DISABLED

Before the Board for consideration was Ordinance O-14-11 amending Section 66.82 of the New Kent County Code to provide sliding scale exemptions based on income.

Commissioner of the Revenue Laura Ecimovic explained that this proposed change would not affect any of the current income or net worth limits in New Kent's Code, but would provide a range of exemption amounts, between \$350 and \$800, based upon income. She advised that the change would benefit those with lower incomes by providing a larger exemption, where the current program provided a \$500 exemption to everyone who qualified. She reported that because the income and net worth criteria would not be changing, she did not expect the number of participants to increase and should remain stable at between 120 and 130.

The Chairman opened the Public Hearing.

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

Mr. Evelyn commented that the Board had reviewed this proposal a number of times and he felt it was a "great thing for the citizens in this economy".

Mr. Burrell moved to adopt Ordinance O-14-11 amending Section 66.82 of the New Kent County Code, as presented. 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: BUSINESS LICENSES

Before the Board for consideration was Ordinance O-15-11 amending Section 66.30 of the New Kent County Code to set a minimum gross receipts threshold of \$10,000 for business licenses fees, require only the organizer of a festival-type event to obtain a business license, and establish a separate license class for itinerant merchants and peddlers.

Ms. Ecimovic explained that the proposed change would exempt any business with annual gross receipts of less than \$10,000 from having to pay for a business license, and in the case of a carnival-like event, only the organizer would be required to obtain a business license for that event at a cost of \$50, rather than require each vendor to pay for a license. She confirmed that if the organizer was a non-profit, then no fee would be charged. She indicated that these changes would exempt those small businesses who were truly hobbyists in nature and hopefully attract more small vendors to events held in New Kent. She confirmed that this was similar to policies in neighboring localities.

The Chairman opened the Public Hearing.

Jessica Hahamovitch of 3300 News Road in Williamsburg spoke on behalf of the Greater Lanexa Studio Tour in support of the proposed amendments. She indicated that their annual event drew between 350 and 400 visitors and most of their participating artists would fall under the minimum gross receipts threshold and the exemption from business license fees would help them to continue the event in the future.

Ms. Ecimovic confirmed that this tour would qualify as an event and be covered by one blanket license fee that would cover all of the participants.

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

Mr. Trout moved to adopt Ordinance O-15-11 amending Section 66.30 of the New Kent County Code, as presented. 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: REGIONAL TECHNICAL CENTER

Before the Board for consideration was a request to amend the County's FY12 Budget to provide funding for renovations for a regional technical center in the science wing of the South building on the Historic School campus.

School Superintendent Robert Richardson, Jr. recognized officials from the Bridging Communities Consortium member localities, which included Dr. Janet Crawley, Superintendent of Charles City County Schools; Daryl Robertson, Vice Chair of Charles City County School Board; Melvin Robertson, Administrative Services Director from Charles City County; Dr. Larkin Phillips, Regional Director of the Bridging Communities CTE Center; Louise Carlton, Chair of the King and Queen County School Board; Charles Clare, Superintendent of King and Queen County Schools; Dr. Mark Jones, Superintendent of King William County Schools; Kathy Morrison, Chair of the King William County School Board; Cecil Schools, Chairman of the King William County Board of Supervisors; Charles Gordon of the West Point Town Council; and Leigh Quick, Chair of the New Kent County School Board.

He noted that a letter had been received from the Middlesex County Administrator explaining that the absence of officials from Middlesex was not a sign of the lack of support for the project, but rather a conflict in scheduling. He indicated that there were also other individuals in attendance who would speak in support of the project.

He reported that resolutions of support had been received from three of the four boards of supervisors in the participating jurisdictions, with the resolution from the fourth jurisdiction being scheduled for consideration later in the month, and that all four county school boards had passed resolutions of support. He advised that the project had the full support of the State Board of Education and was the first new technical center to request certification in almost 20 years. He noted that applications had been submitted for two National Science Foundation grants and one S.T.E.M. Academy grant, and that over 1,000 students in the member localities had completed and submitted interest surveys which the Consortium had used to make sure that the course offerings were a good match with student interests. He reviewed that the seven program areas selected were Health Sciences/LPN, Nurse Aide/CAN/LPN, Diesel Technology, Pre-engineering and S.T.E.M., HVAC, Criminal Justice, Modeling and Simulation & Microsoft Academy, and Culinary Arts I and II. He advised that the startup budget for the Center had been completed, as well as operating budgets for Year One and Year Two. He confirmed that the project had received the support of the chambers of commerce in all of the member localities as well as Rappahannock Community College and J. Sargeant Community College.

He indicated that projected allocations were based on 2011 student enrollment in each division, and that the tuition for Year One was projected to be \$3,642 and Year Two \$3,074.

The Chairman opened the Public Hearing.

Leroy A. Williams of 3041 Mt. Pleasant Road, a New Kent resident and an adjunct professor at J. Sargeant Reynolds Community College, spoke in favor of the project. He reviewed his experience and training and advised that he had helped develop the dual enrollment plan in automotive diesel and had "lots of contacts in the industry". He commented that he "was willing to do anything necessary to make this a success" and advised that he was prepared to lend the Center any needed equipment that it did not have, and would deliver and pick it up. Mr. Burrell noted that Mr. Williams was a graduate of the New Kent public school system.

Louise H. Carlton of Saluda spoke on behalf of the King William School Board in favor of the project. She remarked on the benefits for students and school systems, as well as the increasing cost of college, and how having this regional vocational center would provide the opportunity for adult education classes and workforce retraining in the current difficult job market. She explained that she had been a part of the group that had been working on this idea for the past nine years and she hoped that the Board would support it, as there was "no greater investment you could make".

Cecil L. Schools, Chairman of the King William County Board of Supervisors, spoke in support of the Center and confirmed that a resolution of support from the King William Board would be forthcoming.

Robin Mephram of 6042 Lakeshore Drive, a parent of New Kent students, spoke in support of the project. She related that her son had been enrolled in the diesel mechanic program through Richmond Technical Center but had dropped out and was enlisting in the Navy to become a diesel mechanic. She commented that not all high school students were college bound and those with technical training were often able to get well-paying jobs right out of high school, and she felt it was important to offer opportunities for all students.

Megan Mephram of 6042 Lakeshore Drive, a New Kent high school student, also spoke in favor of the project and commented on how important it was for students to have options other than college.

Eric Hendrixson, Dominion Resources Nuclear Engineering Director, spoke about his excitement about the project, and how difficult it was to attract those with an interest in engineering. He indicated that Dominion would be involved in the program and applauded the project, noting how well it fit in with New Kent's motto of "faith in the future".

Larry Ragsdale of 3100 Quaker Woods Drive spoke individually and as President-Elect of the New Kent Chamber of Commerce. He indicated that the Chamber supported the project 100% and felt it would be beneficial to both students and businesses.

Jason Perry, Vice President, Workforce & Community Development at Rappahannock Community College, referred to the project as an "historical event" as it had been quite a few years since a new career technical center had opened in Virginia. He spoke about how the project complemented RCC's efforts to expand opportunities in the area and help with workforce development. He commented that the project would not only offer dual enrollment for students, but would provide opportunities to obtain industry credentials by both students and adults.

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

Board members commented on how technical training had led to the success of many of the local businesses, how sorely it was needed, and thanked the various speakers and local officials for their comments and attendance, as well as Dr. Richardson and the other Consortium members for their hard work and commitment.

Dr. Richardson advised that the center was scheduled to open in the fall of 2012. He also confirmed that the funding to renovate the old bus garage would be provided by the Consortium, using some left-over grant funds.

Mr. Sparks moved to amend the FY12 budget in the amount of \$700,000 and appropriate existing undesignated funds in Fund 3 to the renovation for the science wing in the South building on the Historic School campus for a regional technical center. 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: UPDATE OF CHAPTER 70, TRAFFIC

Before the Board for consideration was Ordinance O-13-11 amending Chapter 70 of the New Kent County Code to require safety equipment for moped operators and passengers, and make other changes to ensure compliance with current case law.

Sgt. Lee Bailey of the Sheriff's Office and County Attorney Michele Gowdy reviewed proposed amendments.

The Chairman opened the Public Hearing.

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

The Board members discussed the proposed amendments and debated the necessity for some of the requirements. It was confirmed that the section on noise would not affect ice cream trucks and that many of the items that the Board felt were unnecessary were already in the County or State Codes. It was clarified that fines for violations of County Code would remain in New Kent rather than be paid to the State.

Sgt. Bailey advised that an operator's license was not required to operate a moped under 35 mph, and that individuals whose licenses had been revoked because of DUI violations or having been deemed habitual offenders were prohibited from operating mopeds.

Mr. Sparks moved to adopt Ordinance O-13-11 amending, restating and readopting Chapter 70 of the New Kent County Code. 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: FARMS OF NEW KENT COMMUNITY DEVELOPMENT AUTHORITY

Before the Board for consideration was Ordinance O-16-11 amending the ordinance adopted on May 9, 2006 that established a Special Assessment for the Farms of New Kent Community Development Authority (CDA) and authorizing an amendment of the Memorandum of Understanding.

Bonnie France, Bond Counsel for issuance of the bonds, reviewed that the CDA bonds had been issued in 2006 and were secured by a Debt Service Reserve Fund (DSRF) in the amount of \$8 million. She indicated that since that time the major landowners had been working with the bondholders to negotiate a restructuring. She advised that the bondholders had agreed to allow \$5 million from the DSRF to be used to pay debt service on the bonds and had also agreed that the bond payments could be paid semi-annually without being considered in default. She reported that what was being asked of the Board was to elect a shorter one-year delinquency period before a tax sale could take place, by adopting the proposed ordinance. She explained that consent had been received from all bondholders, except for those who had not yet been identified, which represented less than 5% of the bonds. She also indicated that a payment of at least one-half of the Special Assessment that was due in December 2010 had to be paid by November 16 in order for the changes to take place.

It was confirmed that the Special Assessments were payments to the bondholders and not New Kent, that the County served as the pass-through agent only, and that the Treasurer had agreed to the changes as well. It was also confirmed that all taxes due to the County were current, and none of the items under consideration financially affected New Kent.

Ms. Gowdy confirmed that the CDA Board had unanimously approved the changes at its last meeting.

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-16-11(R1) amending Ordinance O-03-06 adopted May 9, 2006, and authorizing the County Administrator to execute an amendment to the Memorandum of Understanding with the Farms of New Kent Community Development Authority and accelerating the foreclosure time period. 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: ELECTED OFFICIALS' REPORTS

Mr. Davis spoke about the recent election as well as steps that were being considered to deal with the increasing deer population.

Mr. Trout reminded that with his leaving office and Rodney Hathaway's promotion to Assistant County Administrator, it was important to find a way to cover the tourism needs of the County.

Mr. Evelyn thanked the voters for their participation in the recent election. He also spoke about the Governor's commission on state mandates. Mr. Lawton advised that staff had been working on pulling information together and would be forwarding it to the commission in the near future.

IN RE: BICYCLE SIGNAGE GRANT

Mr. Lawton reviewed that at its September meeting, the Board had voted to move forward with the bicycle signage grant but that VDOT needed a resolution specifically authorizing him to execute the grant papers. He confirmed that the project would not move forward if it required any County funds.

Mr. Burrell moved to adopt Resolution R-45-11, authorizing the County Administrator to execute an agreement with the Virginia Department of Transportation for Project UPC 101035. 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: COMPREHENSIVE PLAN UPDATE

Mr. Lawton reviewed that the Board had not acted on the proposed Comprehensive Plan Update other than to send it back to the Planning Commission with a list of individual Board member and community comments. He advised that the Planning Commission had made few changes and had returned it to the Board for action.

The Board discussed the various options and next steps. It was confirmed that the Board had not agreed to or voted on any specific changes and that if significant changes were made from what was originally advertised, then another public hearing might be required.

Mr. Burrell spoke about how important it was to keep environmental safeguards in place.

Mr. Sparks remarked that he felt the current version was too over-reaching and he felt that New Kent already did a good job of protecting the environment.

Mr. Davis commented that he felt the proposed Update was too long.

Mr. Evelyn stated that he would like for the issues to be resolved by this Board rather than wait for the new Board to take office in 2012.

Ms. Gowdy advised that the Board could adopt the parts of the Plan that it agreed on, and then leave the controversial chapters for a separate meeting and adoption at a later date. Mr. Trout cautioned that making changes in one section might have an unintended consequence in another section that had already been adopted.

There was agreement to devote the November 30 work session to this item.

IN RE: APPOINTMENTS

There were none. The Board agreed that it would make nominations for the 2012 Board of Equalization at its next work 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 December 12, 2011, and the next work session at 3:00 p.m. on November 30, 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 8:55 p.m.