

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 18th DAY OF APRIL IN THE YEAR TWO THOUSAND TWELVE IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

Chairman Burrell called the meeting to order.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: ROLL CALL

Thomas W. Evelyn	Present
C. Thomas Tiller, Jr.	Present
James H. Burrell	Present
Ron Stiers	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 minutes from February 28, 2012
 - b. Business Meeting of March 12, 2012
 - c. Work session minutes from March 28, 2012
2. Miscellaneous
 - a. Abstract of Votes from the March 6, 2012 Republican Primary election for recording in the Board of Supervisors order book
 - b. Resolution R-16-12 proclaiming the week of April 22 – April 28, 2012 as Administrative Professionals Week in New Kent and April 25, 2012 as Administrative Professionals Day
 - c. Easements of Right of Way with Virginia Natural Gas for the natural gas line to cross the jail property and Wahrani park property
 - d. Resolution R-16-12 requesting Watch for Children signs on Holly Woods Court
 - e. Proclamation for Eagle Scout Benjamin Jumper
 - f. Creation of Fund 230 for the Bridging Communities Career & Technical Center
3. Refunds
 - a. \$340.00 to EvaMarie Chambers for amended land disturbing permit
 - b. \$170.63 to Mitchell Homes for cancelled building permit
 - c. \$1,128.25 to Kathy Stamey for incorrect assessment
 - d. \$2,297.57 to Jose Martinez for taxes paid on a home that had been demolished
4. FY12 Supplemental Appropriations

- a. Security at Emmaus Baptist Church (Attic Event 2/17 \$82.71), and Security at New Kent High School (Inv. #2.12 Security Basketball Game \$403.69), \$486.40
- b. Funds received for gifts and donations, \$255.00
- c. Animal Shelter donations, \$269.00
- d. Funds received for vending machine sales for employee Christmas parties, \$123.26
- e. Program income received for FY12 from CDBG Plum Point grant, \$1,197.57
- f. Funds received from insurance proceeds, \$1,013.52
- g. Extension program sponsorship revenue, \$75.00

\$ 3,419.75 Total
\$(2,933.35) Total In/Out
\$(486.40) From Gen Fun fund balance

- 5. FY12 Carry Forward Appropriations
 - a. Honor Guard supplies, \$1,437.98

\$ 1,437.98 Total
\$(1,437.98) From Gen Fun fund balance

- 6. FY12 Interdepartmental Budget Transfers
 - a. *Vehicles*: \$500 from Vehicle Acquisition-Sheriff to Vehicle Acquisition-Bldg Dev
 - b. *Schools*: \$8,990 from Appropriation of Funds from Prior Years to Schools Misc Improv/Equip
 - c. *Community Development*: \$4,000 from Community Development Admin and Planning line items to Environmental – Ches Bay Imp. Grant
 - d. *Line of Duty Act*: \$20,275 from Contingency – Line of Duty Act to various Line of Duty Act line items in the budgets of the Sheriff, Sheriff courts, Animal Control, Fire, and volunteers and Auxiliary Fire
 - e. *County Attorney*: \$1,815 from Clerk of the Board Video Professional Services to Legal Professional Services
 - f. *County Attorney*: \$825 from Clerk of the Board Advertising to Legal Professional Services
 - g. *Economic Development*: \$9,500 from Salary & Wages to Part-time Salaries & Wages and Contractual Services

- 7. Treasurer's Report: Cash as of February 2012: \$49,550,985.47

Mr. Evelyn remarked about the proclamation for Eagle Scout Ben Jumper.

Mr. Tiller suggested a correction to the minutes, changing a reference to the natural gas line from "over" the river to "across" the river.

Mr. Davis moved to approve the Consent Agenda, with the requested correction on page 8 of the February 28, 2012 work session minutes, and that it be made a part of the record. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye

W. R. Davis, Jr.
James H. Burrell

Aye
Aye

The motion carried.

IN RE: RECYCLING

Appearing before the Board was Kim Hynes, Executive Director of Central Virginia Waste Management Authority (CVWMA). She explained that CVWMA was a regional public service authority formed as a result of the Virginia Water and Waste Authorities Act of 1990, to provide and coordinate solid waste and recycling services to thirteen jurisdictions, including New Kent County. She indicated that their service area encompassed 2,500 square miles and a population of over 1,100,000, and the Authority was governed by a 20-member Board of Directors, consisting of local officials appointed by the governing body of each locality. She reviewed that CVWMA negotiated and administered contracts that provided a broad menu of programs at substantial savings, updated and maintained the Regional Solid Waste Management Plan required by the State, compiled the annual regional recycling rate report, and monitored relevant legislation.

She reviewed that in 1989 the State passed legislation requiring localities to recycle a minimum of 25% of the waste generated by its citizens, and noted that Central Virginia had the highest recycling rate in the State. She described the various recycling services that were available, and noted that New Kent, although it comprised only 2% of the population, produced almost 10% of the volume of recycled products for the Authority. She advised that most of the items recycled were marketed domestically, and reviewed some of the recycling category statistics for New Kent.

She indicated that in recent years, recycling had become more mainstream and was now a growing industry that was creating jobs.

There was discussion regarding the different commodities recycled in New Kent and Board members asked for help in determining the most cost-effective way to collect corrugated cardboard. Ms. Hynes indicated that they would help with an analysis to determine how to best maximize that revenue.

IN RE: RESIDENCY ADMINISTRATOR REPORT

Mike Cade, Residency Administrator, Virginia Department of Transportation (VDOT), reported on road issues in New Kent.

He referred to a handout that detailed completed and planned maintenance activities, and he reported on paving work to be performed on Interstate 64 as well as Routes 249, 60 and 30, speed and traffic studies in Eltham, and also a study of the area around the Quinton Food Lion.

Mr. Stiers complimented the New Kent Headquarters Superintendent Chad Baker, with whom he had recently spent some time.

Mr. Davis commented about a recent road closing and suggested that VDOT should have notified the affected Board member. Mr. Cade explained that he had been out of town and agreed that both the County Administrator and Board member should have been notified, as well as the School Transportation Department and that they would work on improving their

protocol. County Administrator Cabell Lawton advised that he would follow up on that as well.

Board members commented that they were glad that a VDOT representative would again be appearing at the Board's monthly business meetings.

IN RE: CITIZENS COMMENT PERIOD

Chairman Burrell opened the Citizens Comment Period.

Several speakers addressed the recent suspension of the permit of the Providence Forge Volunteer Rescue Squad (PFVRS) by New Kent Fire-Rescue.

Chris Walls of 1372 S. Waterside Drive commented that PFVRS was an independently owned and licensed agency that had provided pre-hospital care in New Kent for more than 50 years, and was not acting as an agent of New Kent Fire-Rescue and therefore was not bound by its procedures and regulations. He indicated that PFVRS desired to serve but reserved the right to operate under its own procedures.

Jennifer Fox of Providence Forge spoke about how Fire-Rescue had requested information from PFVRS that was considered confidential and would not be released, and also advised that the State Office of Emergency Management had reviewed the PFVRS records and found them to be satisfactory.

Trevor Hyde of Providence Forge spoke about the training received by the PFVRS members and maintained that they complied with all state regulations and because they were not a County agency, they did not have to comply with County regulations.

Christopher E. Alley of Providence Forge maintained that the PFVRS members were not required to complete National Incident Management System (NIMS) training because it was a private agency, was not an agent of New Kent Fire-Rescue, and did not receive any federal funds. He added that PFVRS did not object to their operating members undergoing NIMS training, but did not feel that their auxiliary or administrative members should be required to do so.

Crystal Kirby of Providence Forge spoke about a recent article in one of the local newspapers that reported the low number of calls that PFVRS had answered in the previous year and she pointed out that calls were controlled by the New Kent dispatcher and PFVRS had no control over the number of calls it was given. She also referenced other information in the same article regarding the number of volunteers at PFVRS and insisted that that information should only come from PFVRS and not New Kent Fire-Rescue. She added that PFVRS had 35 new members currently undergoing training and they were continuing to answer calls in Charles City County.

Andrew Adams of 5101 Sturgeon Point Road also objected to New Kent Fire-Rescue providing information regarding PFVRS and indicated that any further information so distributed would be considered "inflammatory".

Herbert Williams of Newport News indicated that PFVRS objected to New Kent's authority to remove its permit, and spoke about how PFVRS, which was established in 1962, must be allowed to operate in the same area it had traditionally covered unless it did not meet State requirements.

Annette Roberts of Providence Forge spoke about how PFVRS had operated independently for many years, had five ambulances, and was ready and able to continue to provide pre-hospital care, and about how residents of rural localities like New Kent understood the value of timeliness and quality of care, and PFVRS should be allowed to "fill in the gaps". She indicated that PFVRS had asked for a mutual aid agreement with the County, similar to what it had with agencies in surrounding localities, and they would be happy to meet and work with the County to develop such an agreement and resolve all of these issues, and she asked the Board to be "part of the solution".

David R. Pitts, Jr. of 5409 Jefferson Drive, a 25-year veteran of Fire Company No. 2, spoke in support of PFVRS, commenting about how that agency had been excellently-run and an integral part of emergency services for many years, and it was his hope that the County would support that agency and all volunteers, especially in light of the budgetary challenges.

John Phelps of 5570 Tyshire Parkway expressed his thanks to the volunteers for their service to the community. As a former PFVRS member, he spoke about the amount of time needed for certification, training and education, and remarked that volunteering was "in the DNA of Americans" and the County needed to "find a way to harness and manage this reservoir of personnel to help the community and reduce paid staff" and asked the Board to find a way to use the services of PFVRS.

Alease Christian of 2530 N. Waterside Drive invited the community to attend the upcoming annual substance abuse awareness awards ceremony sponsored by Ebenezer Baptist Church. Mr. Burrell commented and provided some history of the event.

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

The Board took a break and resumed its meeting at 7 p.m. for public hearings.

IN RE: SECONDARY SIX-YEAR PLAN

Before the Board for consideration was Resolution R-18-12 approving the Secondary Six-Year Road Plan for FY2013 – 2018 and the FY13 Construction Priority List.

Scott Gagnon, Director of Transportation and Land Use with VDOT was present to answer any questions about the Plan and List that had been reviewed with the Board at its previous work session. Mr. Davis noted that there was little upon which to comment in light of the small amount of funding available.

The Chairman opened the Public Hearing.

Pat Hester of 16888 Stage Road spoke about the continuing problems with the unpaved section of Stage Road. He indicated that grading of the road was resulting in the loss of roadway, clogged ditches, and dangerous conditions. He asked that VDOT do something to make it safer for the motoring public and school buses.

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

Mr. Davis and Mr. Burrell agreed with Mr. Hester's comments and asked that VDOT look into those issues.

Mr. Evelyn moved to approve Resolution R-18-12 approving the Secondary Six-Year Road Plan for FY2013 – 2018 and the FY13 Construction Priority List, as presented. The members were polled:

C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye

The motion carried.

IN RE: VIRGINIA NATURAL GAS PIPELINE EXTENSION

Before the Board for consideration was Resolution R-0-12(R2) approving conditional use permit application CUP-02-11 filed by Virginia Natural Gas (VNG) to install a natural gas transmission line from Lanexa to West Point through parcels identified on the resolution.

Planning Manager Kelli Le Duc reviewed that the proposed line would begin at the intersection of Rockahock Road and South Waterside Drive in Lanexa as a 12" line and would run for a majority of the way in an existing Dominion Virginia Power (DVP) easement, to Route 33 where it would then become an 8" line for the remaining three miles, running behind some homes, under the Pamunkey River, and terminate at the RockTenn paper mill in West Point. She indicated that VNG would seek to procure easements for future regulator stations at points along the right-of-way in order to provide future service in the Route 33 corridor and Village of Eltham. She advised that the pipeline would be installed at a minimum of four feet below ground, at five feet in areas of agricultural activity, and the only above-ground appurtenances would be valves and pipe markers. She reported that staff recommended that the application be approved subject to the fourteen conditions listed in the proposed resolution, and was of the opinion that, when completed, the gas line would help ensure affordable and reliable natural gas service for consumers for years to come.

Robert Duval, Vice President of Operations with VNG reviewed that approval of the permit would allow his company to begin construction of a natural gas pipeline to serve the future growth and development of New Kent County. He spoke about the advantages of natural gas, which included that it was cleaner, more efficient, more abundant, safer, and more affordable than other forms of energy available to residential customers. He advised that VNG had been operating in Virginia since 1850, operated more than 5,500 miles of pipeline each day, had a transmission line in New Kent since 1992, had built 19 miles of pipeline in New Kent since 2006, and served more than 300 customers in the County.

He described the project as a \$15 million investment, with eight miles of 12" pipeline to Rt. 30/33 within the DVP right-of-way, where it would transition to an 8" line for 1.5 miles within the DVP right-of-way, would travel through private easements for $\frac{3}{4}$ of a mile before returning to Rt. 30/33, where the line would cross the Pamunkey River and proceed into West Point. He reported that 97% of the route had been secured, was the route with the least impact, utilized an existing public utilities corridor, would have a minimum traffic impact to residents, and the line would be buried at a depth to accommodate agricultural and logging activities. He explained that VNG had worked with agencies and environmental groups to determine the best route and would make every effort to minimize inconvenience to property owners.

He reported that VNG had recently received a letter from Basic Construction in support of the project, and he reminded that the line would provide gas service to the RockTenn paper mill, where 20% of the workforce lived in New Kent. He indicated that VNG would implement the best construction practices to restore the rights-of-way to their pre-construction condition, and would minimize inconveniences by using horizontal directional drilling techniques in environmentally sensitive areas.

He addressed pipeline safety, advising that VNG operated 200 miles of transmission pipeline through the region, monitored transmission systems 24 hours a day/seven days a week/365 days a year at its gas operations centers, and utilized remotely-operated control valves that allowed for rapid shutdowns when needed.

He summarized by stating that VNG would make sure that the County residents and businesses would have access to natural gas, and the application also had the support of New Kent's General Assembly Delegate Chris Peace.

Planning Chairman David Smith opened the Planning Commission Public Hearing and turned the floor over to the Planning Commission Public Hearing Chair Patty Townsend, who reviewed the rules and procedures. She then turned the floor back over to Chairman Burrell who opened the Board's Public Hearing.

Kathy Minter of 19141 Eltham Road remarked that Eltham residents did not want the natural gas pipeline because it would only benefit VNG and the paper mill. She referenced numerous emails that District 5 Supervisor Davis should have received to that effect, as well as the opposing comments made at previous public hearings on the application. She maintained that the proposed line was for private and not public use and therefore VNG should not be able to use eminent domain. She indicated that although VNG had represented that it might offer natural gas service to the residents in the future, she had no confidence that would ever occur since the company had not made any effort to offer service to residents of the subdivisions in proximity to its current lines. She spoke about the County Code's permit requirements, about how VNG had not provided the emergency services training as required in an earlier permit, and about information in local newspaper articles about the project.

There being no one else signed up to speak, Ms. Townsend closed the Planning Commission Public Hearing and turned the floor back over to Planning Commission Chair Smith, who turned the floor back over to Board Chairman Burrell who then closed the Board's Public Hearing.

Planning Commissioners then commented on the application.

Mr. Smith remarked that he felt this was one of the most important applications ever received and spoke about how the U. S. economy thrived on low-cost energy, how natural gas was abundant, and speculations that if the paper mill was unable to obtain this service and could not compete, it might choose to relocate, which would mean a loss of jobs for New Kent residents and an "economic hit" to the local area. He indicated that the gas line was using an existing right-of-way, would not increase traffic or impact the school system, and was being welcomed by local businesses in the area that were looking forward to being able to connect.

Mr. Lane remarked that although he worked for DVP, which was a competitor of VNG, he recognized the importance of energy independence, especially when it was an energy source that was abundant, had a low impact, and was good for business. He stated that it

was imperative that New Kent support this project in order to protect local jobs and to improve the area's appeal in such a competitive market. He indicated that he felt the gas line would result in huge benefits in the future and he strongly supported it. He added that he empathized with the homeowners but he saw it as having a very minor impact.

There was discussion regarding the requirement to get the approval of the State Corporation Commission before offering service to residential customers. There was also discussion regarding the perception on some citizens that it was a private and not public use. Mr. Duval confirmed that there was an upcoming meeting scheduled to discuss connecting the Henrico East Jail to the line and about an easement for a regulator station in Eltham to serve that area.

There were questions about when plans for the extension of the pipeline to the paper mill had started. It was explained that the mill had been looking at natural gas for quite some time, but the project had taken a fast track recently with the change in ownership and, with the price of gas decreasing, it had become more feasible to extend the line and more affordable for the mill to convert its equipment.

Ms. Townsend made a motion, in order to address, protect, and promote public convenience, necessity, general welfare, and good zoning practices, to adopt PC-31-11(R1) and forward the application to the New Kent County Board of Supervisors with a favorable recommendation. Mr. Lane seconded the motion.

Mr. Pollard asked about the status of the easement issues that had been raised at the previous Planning Commission public hearings. Ms. Gowdy advised that easements on only two parcels were still unresolved. Mr. Duval confirmed that VNG had obtained the right of entry on one parcel and was working on another that had multiple heirs and would take some time.

Planning Commission members were polled on the motion to adopt and voted unanimously to approve, with one abstention by Mr. Tiller.

The floor was turned back over to Chairman Burrell, who invited Board discussion.

Mr. Davis spoke about how VNG had "made a lot of mistakes" in the initial stages of the project but in the "long run had come up in the right direction". He indicated that no one had mentioned offering gas service to residents in Lanexa. Mr. Duval advised that VNG did have a site in Lanexa that could accommodate a regulator station and they were "taking an initial look" at expanding service in that area. Mr. Davis commented that with natural gas being the most affordable energy, he hoped that VNG would do what it could to serve those citizens. Mr. Duval explained that VNG was subject to rules and regulations and needed to protect all rate payers, and as costs were spread over other customers, they needed to make sure they made reasonable and prudent decisions. He disputed an earlier comment that VNG had not offered service to subdivisions near its existing lines, noting that they had extended lines to New Kent Vineyards and were "in the business" of expanding the natural gas system.

There were questions about rates. Mr. Duval explained that rates were determined by the rate structure set by the State as well as the commodity cost set at the wellhead.

Mr. Evelyn commented that the Route 33 corridor was designated for industry on the Future Land Use Map and he hoped that the gas line would help attract businesses to New Kent. He added that he knew how much impact the paper mill had on the local economy.

Mr. Stiers expressed confidence in the safety of using natural gas and asked where the natural gas came from. Mr. Duval advised that over 80% was from the U. S., with the rest coming from Canada.

Mr. Burrell spoke about energy independence and protecting the environment.

Mr. Evelyn moved to approve Resolution R-05-12(R2). The members were polled:

Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye

The motion carried.

The Planning Commission members withdrew and the Board continued with its meeting.

IN RE: EXEMPTION FROM TAXATION BY CLASSIFICATION

Before the Board for consideration was Ordinance O-03-12 amending Chapter 66 of the County code to add a provision exempting certain real and personal property from taxation by classification.

Ms. Gowdy presented this item on behalf of the Commissioner of Revenue who was unavailable. She explained that the proposed change came out of the State Code and Constitution, wherein localities were allowed to exempt classes of property from taxation but needed to add those provisions to their local codes. She indicated that this was something that had been done in New Kent but never codified.

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

Mr. Davis moved to adopt Ordinance O-03-12, as presented. The members were polled:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
James H. Burrell	Aye

The motion carried.

IN RE: FORESTRY LAND USES IN COMMERCIALY-ZONED PARCELS

Before the Board for consideration was Ordinance O-02-12(R1) amending the County Zoning Ordinance to permit forestry land uses in the Business, Economic Opportunity, and Industrial zoning classifications.

Assistant County Administrator Rodney Hathaway explained that the proposed ordinance would amend the Zoning Ordinance Table of Land Uses to permit forestry as a matter of right and would also amend Chapter 27 to implement performance standards for those

uses. He reviewed that the Board had considered this request at an earlier meeting and had asked the Planning Commission to look at an additional revision, which it had done and forwarded the current recommendation on a vote of 9:0:1. He confirmed that forestry was not permitted under the current ordinance.

He reviewed some of the performance standards.

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

There was discussion regarding the proposed 100-foot buffer. Mr. Hathaway explained that a property owner could clear up to 50% of that buffer, with approval of the Zoning Administrator, and any violation would be a zoning violation. Mr. Evelyn expressed his concern that a property owner might not know about the requirement until after the land had been cleared. There was discussion regarding the best way to manage the process and Mr. Hathaway offered to meet with the Department of Forestry to develop a procedure.

Mr. Davis suggested a language change in one of the conditions for clarification.

Mr. Davis moved to adopt Ordinance O-02-12(R1), amending Section 98-877(4) to add the word "however" to the beginning of the second sentence. The members were polled:

Thomas W. Evelyn	Nay
C. Thomas Tiller, Jr.	Nay
Ron Stiers	Nay
W. R. Davis, Jr.	Aye
James H. Burrell	Aye

The motion failed. It was confirmed that with the failure of the motion, timbering was still not permitted on any commercially-zoned property.

IN RE: DRAFT FY13 BUDGET

Mr. Lawton reported that, the last time he checked, the General Assembly still had not adopted a State budget. He provided a handout showing scenarios regarding the revenue neutral tax rate and reported that with so few assessment appeals, and many of those seeking increases, he indicated that he felt comfortable with a revenue neutral rate of 83 or 82 cents, which was less than what had been originally anticipated.

During the presentation, it was announced that the State had just adopted its budget.

Mr. Lawton advised that the changes in the Virginia Retirement System (VRS) would have an impact on the County and the employees and his recommendation was to implement the 5% contribution/raise all in one year rather than implementing 1% over five years. He indicated that the School Board was still reviewing the options and had not made a decision. He advised that other outstanding issues dealt with the Compensation Board and those numbers should be available within a few days, in light of the just-adopted State budget.

There was discussion about a proposed real estate tax rate. Mr. Lawton explained that adopting an 82 cent rate would require using money from contingency, but either rate would result in little impact on tax bills for most property owners, according to the analysis done by the Commissioner of Revenue.

Mr. Davis remarked that the Board had spent little time on the budget and he suggested a budget work session the following week. Mr. Stiers asked if staff had "really studied" where it could make additional cuts in each department. Mr. Lawton advised that staff had gone line by line but the Board could make more cuts, which would likely result in layoffs. Mr. Stiers commented on the numerous copy machine leases and asked if there were ways to reduce those costs. Mr. Lawton agreed to look into that issue and any other areas that Board members might suggest, and there was consensus to devote part of the April work session to the budget.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Evelyn remarked on the recent passing of Mrs. Shirley Francisco, who taught school in New Kent for many years.

Mr. Stiers reported on meetings about Fire-Rescue matters, as well as a recent visit with the Economic Development Partnership, who had been asked to give an update at a future Board meeting on what New Kent could do to attract businesses.

Mr. Davis reported on a meeting with residents of Plum Point, who had rejected a proposal to rezone parcels in that community to allow additions. He indicated that staff was now looking at an overlay as an option. He also spoke about New Kent native Jamion Christian having secured a head basketball coaching job at Mount Saint Mary College and how five wrestlers from New Kent High School had made Second Team All-Metro Region.

Mr. Burrell suggested that the Board consider scheduling a retreat in the fall.

IN RE: STAFF REPORTS

Mr. Lawton spoke about the upcoming Employees Appreciation luncheon and the HVAC work underway in the County Administration Building.

IN RE: DISTRICT APPOINTMENTS

Mr. Stiers moved to appoint Tommy Garthright as a District Four representative to the Transportation Safety Committee to complete a term ending December 31, 2015.

The members were polled:

C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye

The motion carried.

IN RE: NON-DISTRICT APPOINTMENTS

There were none.

IN RE: MEETING SCHEDULE

The Chairman announced that the next meeting of the Board of Supervisors would be held at 6:00 p.m. on May 14, 2012 and the next work session at 8:30 a.m. on May 30, 2012, both in the Boardroom of the County Administration Building, New Kent, Virginia.

IN RE: CLOSED SESSION

Mr. Evelyn moved to go into Closed Session to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia involving assignment, promotion, salary and compensation of employees, for consultation with legal counsel pursuant to Section 2.2-3711a.7 of the Code of Virginia regarding actual or probable litigation and regarding specific legal matters that require advice, and for discussion of award of public contract pursuant to Section 2.2-3711A-30 of the Code of Virginia involving an award of a public contract where discussions would adversely affect the bargaining position of the County. The members were polled:

Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye

The motion carried. Chairman Burrell announced that it was possible that the Board would take some action after the Closed Session. The Board went into Closed Session.

Mr. Tiller moved to return to Open Session. The members were polled:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
James H. Burrell	Aye

The motion carried.

Mr. Evelyn 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:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
James H. Burrell	Aye

The motion carried.

IN RE: KENTLAND PLANNED UNIT DEVELOPMENT SEWER SERVICE AGREEMENT

Mr. Davis moved to deny Mr. Weingast's proposed solution to the Kentland PUD sewer and to approve an appropriation by Utilities to pay \$267,547.50 to Mr. Weingast and comply with the 1999 Sewer Service Agreement. The members were polled:

C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye

The motion carried.

IN RE: ADJOURNMENT

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

Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye

The motion carried.

The meeting was adjourned at 10:00 p.m.