

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 25<sup>TH</sup> DAY OF APRIL IN THE YEAR TWO THOUSAND TWELVE IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 8: 30 A.M.

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IN RE: CALL TO ORDER

Chairman Burrell called the meeting to order.

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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.

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IN RE: CLOSED SESSION #1

Mr. Davis 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. The members were polled:

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

The motion carried. The Board went into Closed Session.

Mr. Tiller moved to return to Open Session. 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.

Mr. Davis 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:

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

The motion carried.

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IN RE: COUNTY WEBSITE

Before the Board for consideration was approval of a proposed Internet Privacy Policy for the new County website. IT Director Jonathan Stanger briefly previewed the new website and explained that because of the interactivity that would be available to users, the County would need to update its privacy policy. It was clarified that the new website was a content management system and not just a redesigned website.

Mr. Evelyn moved to adopt the proposed New Kent County Internet Privacy Policy, 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.

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IN RE: BOUNDARY LINE ADJUSTMENT

Before the Board for consideration was a proposed boundary line adjustment between School- and County-owned properties.

County Attorney Michelle Gowdy explained that when the previous deed was prepared to convey the Historic School athletic fields to the County from the Schools, it mistakenly also conveyed the elementary school itself. She indicated that State Code required that school property be owned by the School Board and the proposed boundary line adjustment would accomplish that. She confirmed that the School Board had approved the proposal at its last meeting and she was asking that the Board authorize the County Administrator to sign the documents.

Following discussion regarding the two parcels, Mr. Stiers moved to authorize the County Administrator and Board Chairman to sign the application for boundary line adjustment. The members were polled

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

The motion carried.

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IN RE: CHARTERS

County Administrator G. Cabell Lawton, IV reviewed proposed draft charters for the Airport Advisory Commission, Clean County Committee, Parks and Recreation Advisory Commission, Purchase of Development Rights Advisory Board, and Transportation Safety Commission. There was discussion whether the various terms should remain staggered in light of the changes made to the Board of Supervisors' bylaws for 2012, as well as the need for some of the other boards and commissions. Mr. Lawton explained that he had not prepared proposed charters for any of the groups that were required by State Code.

There was consensus that the charters could be included on the next Consent Agenda for adoption.

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IN RE: PROVIDENCE FORGE VOLUNTEER RESCUE SQUAD PERMIT

Mr. Davis moved to continue the revocation of the Providence Forge Volunteer Rescue Squad permit while the Board investigated the matter further and worked with Providence Forge Volunteer Rescue Squad to remedy the situation. 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.

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IN RE: FY13 DRAFT BUDGET

Mr. Lawton advised that the County was still waiting for final numbers from the State, but certain decisions were needed by the Board regarding the Virginia Retirement System (VRS) employee contribution (5% for FY13 or 1% each year for the next five years) and what real estate tax rate to advertise for public hearing. He reviewed that the revenue neutral tax rate was 82.7 cents, and a rate of 82 cents would require \$150,000 in cuts, and an 83-cent tax rate would result in additional revenue of around \$70,000, which could be added to the contingency funds that the Board could use to either reduce the rate, restore cuts, or augment department budgets.

Regarding the issue of reducing the number of copier units suggested at a prior meeting, he reported that he had met with a representative from another vendor who advised that they would not be able to meet or beat the rate the County was currently paying on its leases.

There was discussion regarding the employee VRS contribution options. Mr. Lawton indicated that neither option was cost-neutral to the County or to employees, but he would recommend that New Kent choose the 5% in one year option.

There was discussion regarding what real estate tax rate to advertise for public hearing. Because of the uncertainty of the amount of State funding and the fact that the Board could adopt a rate lower than what was advertised but could not adopt a higher rate, it was suggested that a rate of 84 cents should be advertised, which would provide a "cushion" if needed.

There was discussion regarding the new firefighter positions requested and the expiring grant that currently helped to pay for six firefighters. Mr. Lawton advised that each position would cost about \$60,000 for salary and benefits.

He also reported that the schools would be receiving an additional \$135,000 in State funding above what had been previously reported. Superintendent Robert Richardson, Jr. confirmed that, but added that with the additional VRS costs, there was a still a \$2.6 million net loss in the School budget.

Mr. Lawton explained that the revenue neutral rate of 82.7 cents was less than initially expected because of the lower-than-expected assessment appeals to the Board of Equalization.

Mr. Davis asked about the tax rate on parcels in the Agricultural and Forestal District Program. Commissioner of Revenue Laura Ecimovic indicated that those rates would be very close to what they were in previous years. She assured the Board that she had taken all factors into account when determining the revenue neutral rate, and by her calculations, most of the tax bills at that rate would remain about the same or increase less than \$50.

After more discussion regarding what rate to advertise for public hearing, there was agreement that it would be best to advertise a rate that was one cent above the revenue neutral rate. Mr. Lawton indicated that the budget numbers would be reworked based on an 84-cent rate, with the extra revenue being put into the Board contingency.

Mr. Davis moved that the County advertise 84 cents as the (real estate tax) rate for the FY13 Budget and that the County choose the 5% (VRS) option in one year rather than 1% over five years.

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

The motion carried.

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IN RE: MEETING SCHEDULE

Following discussion, it was agreed that this meeting would be continued until April 30, 2012, at 6:30 p.m. for a meeting with members of the Providence Forge Volunteer Rescue Squad at their building in Providence Forge.

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IN RE: CLOSED SESSION #2

Mr. Tiller moved to go into Closed Session for discussion of award of public contract pursuant to Section 2.2-3711A.30 of the Code of Virginia involving the expenditure of public funds where discussions in open session would adversely affect the bargaining position or

negotiating strategy of the County, to discuss a personnel matter pursuant to Section 2.2-3711A.1 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 actual or probable litigation. 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. The Board went into Closed Session.

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

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

The motion carried.

Mr. Davis 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:

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

The motion carried.

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IN RE: FIRE ALARM AT QUINTON VOLUNTEER FIRE DEPARTMENT

Mr. Stiers moved to appropriate up to \$15,000 for a fire alarm at the Quinton Volunteer Fire Department and that it be installed immediately. Mr. Lawton advised that it could be paid from the contingency fund. 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.

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IN RE:           ADJOURNMENT

Mr. Evelyn moved to continue the meeting until Monday, April 30, 2012, at 6:30 p.m. at the Providence Forge Volunteer Rescue Squad building. 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.   The meeting was suspended at 12:02 p.m.