

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 9th DAY OF JULY 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. Burrell 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. May 30, 2012 work session
 - b. June 11, 2012 business meeting
2. Miscellaneous
 - a. Recording of Abstracts of Votes of the June 12, 2012 Republican Primary Election in the Board of Supervisors Order Book
 - b. Acceptance of Utility Easement from the Oaks subdivision
 - c. Proclamation for Eagle Scout Philipp Kemp von Hitritz
 - d. First Addendum to Disaster Services Program Special Project Service Agreement
 - e. First Addendum to Professional Debris Management Program Special Project Service Agreement
 - f. First Addendum to Propane Tank Collection and Recycling Program Special Project Service Agreement
 - g. First Addendum to Textile Collection & Recycling Program Special Project Service Agreement
 - h. First Amendment to the Residential Recycling and Drop-Off Processing Program Special Project Service Agreement
 - i. Reimbursement of \$519.99 to a resident for damage to personal property
3. FY13 Carry Forward Appropriations
 - a. Funds to cover a temporary employee to assist the CSA Coordinator

\$ 14,210.00	Total
\$(14,210.00)	From Gen Fund Fund Balance

4. FY12 Supplemental Appropriations
- a. Donated funds, \$5,925.00
 - b. Recovered costs, \$5,137.90
 - c. Program income received for FY12 from CDBG Plum Point grant, \$627.58
 - d. Funds received from insurance proceeds, \$2,936.32
 - e. Extension program sponsorship revenue, \$137.00
 - f. First FEMA reimbursement check, \$135,576.05
 - g. Unsolicited PPEA funds from Marengo Management Corp., \$4,436.42
 - h. Reimbursement from State Treasury for 2012 Presidential Primary expenses, \$10,595.09
 - i. Funds for Special Audit, \$7,500.00

\$ 172,871.36	Total
\$(165,371.36)	Total In/Out
\$ 7,500.00	From Gen Fund fund balance

5. FY12 Supplemental Appropriations
- a. Unappropriate funds that were not used for the Water Implementation grant, \$500.00
 - b. Unappropriate 2009 Central Virginia Urban Area Security Initiative grant funds for the communications equip. project, \$171,000.00

\$(171,500.00)	Total
\$ 171,000.00	Total In/Out
\$ 500.00	From Gen Fund fund balance

6. Treasurer's Report: Cash as of May 2012: \$36,402,259.44

Mr. Tiller recognized Eagle Scout Philipp von Hitritz for his accomplishments in becoming an Eagle Scout and read aloud the Proclamation in the Consent Agenda.

Mr. Evelyn congratulated Mr. von Hitritz as well, commenting that he was a "great role model for my children". Mr. von Hitritz, who was accompanied by his family, received a standing ovation from the Board and those in attendance.

Mr. Davis moved to approve the Consent Agenda as presented 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.	Aye
James H. Burrell	Aye

The motion carried.

IN RE: VIRGINIA ASSOCIATION OF COUNTIES

The Board welcomed Phyllis Errico, General Counsel for the Virginia Association of Counties (VACo) who provided an overview of her organization, formed in 1934 to support county supervisors and protect the interests of localities. She reported that all 95 counties in the State belonged to VACo, which was headed by a Board of Directors comprised of elected

officials from the member localities. She reviewed the three ways that VACo achieved its mission – through education, entrepreneurial services, and advocacy.

She thanked the Board for its continuing support of VACo over the years and encouraged them to stay involved.

IN RE: NEW KENT SHERIFF'S OFFICE

Sheriff F. W. Howard, Jr. introduced new deputy David Holmes, who was welcomed by the Board.

Sheriff Howard then recognized Deputy Cathy Buchanan Day for her recent academic accomplishments and achievements at the Henrico Law Enforcement Academy and described her success in the Sheriff's Office as well as her numerous certifications. Captain Charles Gardner then presented Deputy Day with her certification and top academic achievement award. It was noted that Deputy Day, a product of the New Kent County school system, had maintained her focus despite the distractions of a serious injury to her father and her recent marriage.

IN RE: RECENT WEATHER EVENTS

Board members were updated on storms occurring on June 29 and 30 that had affected New Kent and its residents, and were requested to consider adoption of a resolution confirming a declaration of a local state of emergency.

Deputy Emergency Coordinator Brandon Jenkins reviewed the events and their aftermath and advised that once it was learned that it would take longer to restore power than had been originally reported by Dominion Virginia Power, a decision was made on July 3 to declare a local state of emergency. He reported that the local state of emergency would remain in place until all recovery-related purchases had been finalized, but the County was operating under normal procedures. He advised that there was approximately \$12.5 million in damages across the State, above the \$10.8 million eligibility threshold to apply for federal aid, and he anticipated assessment teams would be visiting the localities within the near future. He reported that damages in New Kent were approximately \$50,000, broken down between damages homes at \$48,000 and government expenses and damages of about \$2,000. He spoke about the provisions for shelter, cooling stations, and water that had been made available and about the "great joint effort" between the Social Services Department, Sheriff's Office, County Administration, and Fire-Rescue.

Board members complimented staff on their cooperation and professional handling of the storm and its recovery, and commented on how the unusual nature of these storms had made preparation and clean-up more difficult than usual.

Mr. Davis moved to adopt Resolution R-36-12, confirming the Declaration of Local Emergency made on July 2, 2012. 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.

It was thereafter realized that there was a mistake in the date in the resolution. Mr. Davis then made a motion to adopt Resolution R-36-12, confirming the Declaration of Local Emergency made on July 3, 2012. 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.

IN RE: RESIDENCY ADMINISTRATOR REPORT

Marshall Winn of the Virginia Department of Transportation (VDOT) reported on road issues in New Kent.

He reviewed maintenance activities during the past month that included pavement repairs, pipe cleanings, tree removals, sign maintenance, and litter pickup, and as well activities for the upcoming month to include shoulder repairs, drainage work, sign maintenance, and ditching operations. He noted that the ditch work along St. Peters Road could not move forward until the telephone company relocated some of its lines. He also reported that mowing of the primary routes had begun.

Mr. Davis asked for an update on the South Waterside Drive project at Fanny's Creek. Mr. Winn advised that they were waiting for all agencies to review and report back on their recommendations. Mr. Davis spoke about how long the project was taking and how the timetable kept being moved. Mr. Winn promised to check on the project and report back with something more definitive.

Mr. Evelyn made similar comments about how long the work on St. Peters Road was taking, and also reported a leaning tree that was affecting traffic flow on Talleyville Road.

IN RE: CITIZENS COMMENT PERIOD

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

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Davis distributed information regarding what was required to be in a comprehensive plan for the Board members to review before the upcoming special work session. He spoke about the recent storm and the response.

Mr. Stiers also spoke about the storm and how he had worked to keep constituents updated on restoration, and how everyone had worked together.

Mr. Evelyn apologized for his late arrival to the meeting because of a work emergency. He thanked his constituents for having worked together after the storm, checking on neighbors and the elderly, and commented that "New Kent always pulled together in times of disaster". He thanked County staff for doing a "great job".

Mr. Burrell echoed the comments of his fellow Board members, and cautioned residents about an increase in reports of snake bites as well as a new strain of ticks.

IN RE: STAFF REPORTS

Mr. Lawton commended staff and residents for "stepping up" in the aftermath of the recent storms. He introduced Vanesa Livingstone, recently appointed as Interim Social Services Director, and thanked her and her staff for operating the shelter.

IN RE: APPOINTMENTS

There were none

Board took a short recess and resumed its meeting at 7 p.m. for public hearings.

IN RE: FY12 BUDGET AMENDMENT

Before the Board for consideration was a request to amend the FY12 Budget by \$796,285 in order to appropriate that sum from the General Fund fund balance to expenses incurred as a result of Hurricane Irene.

Financial Services Director Mary Altemus explained that staff had waited until the end of the fiscal year in order to make sure it had captured all of the expenses resulting from Hurricane Irene, and a public hearing was required because the amendment was greater than \$500,000.

There was discussion regarding federal reimbursement. It was reported that the County had submitted expenses of approximately \$1.9 million for reimbursement, and had received some funds to date, with the next reimbursement expected in August or September. It was explained that some of the County's expenses involved use of County equipment, including generators, which would be reimbursed based on a formula that considered size and hours used. It was confirmed that all expenses had been paid by the County and the requested amendment and appropriations would move the funds into the proper line items for the audit.

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

Mr. Davis moved to amend the FY12 budget by increasing revenue line item 3-1-33011-2 (FEMA Federal Assistance) in the sum of \$185,576, and to appropriate that amount, together with \$610,709 from the General Fund fund balance for Hurricane Irene expenditures, for a total appropriation of \$796,285. 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.

Board members spoke about the cost of natural disasters and how New Kent seemed to be a "target" because of its forests and above-ground utilities.

IN RE: AMENDMENTS TO CHAPTER 38, PUBLIC UTILITIES

Before the Board for consideration was Ordinance O-06-12 amending Chapter 38, Article II of the New Kent County Code to incorporate changes resulting from the 2012 Virginia General Assembly session.

Public Utilities Director Larry Dame explained that the proposed amendments were required because of changes in the State Code dealing with public water and sewer service for tenants. He reviewed the highlights of the changes, which included an increased deposit for tenants equal to the average bill for three months of service, written permission from a landlord for a tenant to sign up for public utilities, and a three-month waiting period before placing a lien on a property for unpaid utility bills.

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

Mr. Davis commented that every once in a while the State recognized a need and changed the law to better accommodate localities, and that this was one of those instances. Other Board members agreed that this would help the County with its utility billings.

Mr. Evelyn moved to adopt Ordinance O-06-12, amending Section 38 of the County Code as required by new legislation enacted by the 2012 General Assembly. 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.

IN RE: AMENDMENTS TO CHAPTER 98, FORESTRY USES

Before the Board for consideration was Ordinance O-07-12 amending Section 98-62, Table of Land Uses, of the New Kent County Code to permit forestry land uses in the *Business*, *Economic Opportunity*, and *Industrial* zoning classifications, and to amend Article XXII to establish performance standards for such forestry uses.

Assistant County Administrator Rodney Hathaway explained that approval of the ordinance would amend the County's Code to allow forestry land uses on parcels that were zoned for commercial use, and add performance standards for those uses. He reported that the Planning Commission forwarded a favorable recommendation on a vote of 10:0:1, with no one speaking at its public hearing.

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-07-12 to amend the New Kent County zoning ordinance to permit forestry land uses in the *Business, Economic Opportunity, and Industrial* zoning classifications. 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: AMENDMENTS TO CHAPTER, PLUM POINT OVERLAY

Before the Board for consideration was Ordinance O-08-12 amending Chapter 98 of the New Kent County Code to create Plum Point Overlay regulations.

Mr. Hathaway explained that approval of the ordinance would establish the Plum Point overlay area to reduce setback requirements and establish a minimum lot size. He reviewed that Plum Point, established in 1915 with the recordation of the Manhattan subdivision plat, had lots as small as 20x80 feet and because it was zoned *A-1, Agriculture* which had the largest setback requirements, it would often take eight to ten consolidated lots to average one buildable lot. He indicated that the proposed amendment would reduce that number to four to six lots and would be more consistent with the original subdivision plan. He indicated that the overlay would affect all property north of Old Ferry Road, and had been well received at a recent community meeting. He reported that the Planning Commission had forwarded the application with a favorable recommendation based on a vote of 10:0:1, with no one appearing to speak at the public hearing.

The Chairman opened the Public Hearing.

Rebecca Samten of 7975 Georgia Avenue spoke in support of the amendment, explaining that she was a Plum Point resident and was not able to have a pool in her yard under the existing setback requirements, and indicated this change would help many of her neighbors as well.

Edward W. Pollard of 7924 Vermont Road and a long-time resident of Plum Point advised that he supported the overlay, which had been well-received at the last community meeting. He indicated that he felt this was a better alternative than a rezoning, and explained that when Plum Point was first established, it had been anticipated to be the County seat. He and Mr. Burrell shared some of changes to this area over the years.

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

Mr. Davis commented that he felt this was a chance for New Kent to "do something right for the citizens in Plum Point" and indicated that likely half of the homes in that neighborhood were "illegal" because of sheds or garages. He remarked that the overlay would allow Plum Point residents to have outbuildings and use their yards. He then moved to adopt Ordinance O-08-12 to amend the New Kent County zoning ordinance for the creation of the Plum Point Area Overlay Regulations. 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.

IN RE: MEETING SCHEDULE

There was discussion about changing the start time and location of the July 25 work session to 8:00 a.m. at Fire Station 1 to meet with Fire-Rescue staff, and changing the start time of the July 11 special meeting to 4:00 p.m. for a meeting to review the Kentland PUD prior to working on the Comprehensive Plan at 6:00 p.m.

The Chairman announced that the next meeting of the Board of Supervisors would be held at 6:00 p.m. on August 13, 2012, in the Boardroom of the County Administration Building; the next work session at 8:00 a.m. on July 25, 2012, at Fire Station 1 in Providence Forge, and that this meeting would be continued until July 11, 2012, at 4:00 p.m. in the Boardroom.

IN RE: CONTINUATION

The meeting was continued until July 11, 2012, at 4 p.m., and was suspended at 7:29 p.m.