

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 26<sup>TH</sup> DAY OF SEPTEMBER 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

Mr. Burrell announced that since both he and Mr. Evelyn would have to leave the meeting early in order to attend funerals, the Closed Session would be held first. He advised that in the event that all agenda items had not been addressed by the time of their departures, there would still be a quorum so the remaining members would be able to continue the meeting.

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IN RE: CLOSED SESSION

Mr. Tiller moved to go into Closed Session pursuant to Section 2.2-3711A.1 of the Code of Virginia for discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or County employees; and also pursuant to Section 2.2-3711A.7 of the Code of Virginia for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel. 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. At 8:43 a.m., during the Closed Session, Mr. Burrell left the meeting because of a family emergency.

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	Absent

The motion carried.

Mr. Tiller 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 Vice Chairman inquired whether there was any member who believed that there was a departure from the motion. Hearing none, 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	Absent

The motion carried.

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IN RE: SHERIFF'S OFFICE REQUEST FOR SUPPLEMENTAL FUNDING

Before the Board for consideration was a request from the Sheriff's Office for supplemental funding for Fiscal Year 2012 (FY12) Confinement of Prisoners.

Chief Deputy Joseph McLaughlin explained that the amount budgeted for inmate costs, as had been previously reported to the Board, was insufficient and the Sheriff's Office was asking for an appropriation of \$6,668.00 to close out FY12.

Mr. Evelyn moved to appropriate from General Fund contingency the sum of \$6,668.00 to the Sheriff's Budget for the Confinement of Prisoners. The members were polled:

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

The motion carried.

On a separate matter, Chief Deputy McLaughlin asked for the Board's help in funding an extension to a bay in their existing facility to house a new crime scene vehicle. He reported that a high-end estimate of \$74,000 had been received from the County's General Services Department but the Sheriff's Office felt that the work could be done for less. He indicated that the extension of 20-22 feet would include removing one wall and the overhead door of

the far left bay, and would also allow for secure space to store evidence that was too big or otherwise unsafe to bring into their building. He advised that the cost of a metal building had been estimated at \$35,000 - \$40,000, which would not include the cost of any site preparation work.

Board members agreed that the \$74,000 estimate seemed high. The Board did not approve funding but did authorize the Sheriff's Office to get bids and bring the request back to the Board.

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IN RE: RECOVERY OF COSTS FOR METHAMPHETAMINE LAB CLEAN UP

Before the Board for consideration was a request to schedule a public hearing on a proposed change to Chapter 46 of the New Kent County Code to add a section providing for reimbursement for expenses incurred from methamphetamine lab cleanup and site restoration.

Chief Deputy McLaughlin and County Attorney Michele Gowdy explained that when the Federal government stopped paying for these cleanup costs, the Virginia General Assembly changed State Code to allow localities to enact local ordinances so that these costs could be collected from a convicted offender. It was acknowledged that changing New Kent's Code would not necessarily result in reimbursement but would provide an opportunity to collect these costs.

Mr. Evelyn moved to send the proposed ordinance change for public hearing in October. The members were polled:

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

The motion carried.

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IN RE: MERCHANDISE RETENTION BY PRECIOUS METALS & GEMS DEALERS

Before the Board for consideration was a request to schedule a public hearing on a proposed amendment to Chapter 14 of the New Kent County Code to change the minimum time that precious metals and gems dealers were required to retain purchases.

Chief Deputy McLaughlin explained that the State Code had been changed to require dealers to retain items for a minimum of fifteen days, and the proposed amendments would bring New Kent's Code, which currently required only ten days, into compliance.

Mr. Stiers moved to send the proposed ordinance change for public hearing in October. The members were polled:

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

The motion carried.

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IN RE:           FY12 SUPPLEMENTAL APPROPRIATIONS

Before the Board was a request for approval of FY12 Supplemental Appropriations as follows:

- a. Additional funds for the Treasurer's Office for attorney fees for delinquent tax collections, \$1,745.00
- b. Additional funds for Agricultural and Forrestral department, \$2,819.00
- c. Additional Food Service funds due to a higher than expected enrollment in health insurance, \$22,338.22

\$ 26,902.22	Total
\$ (4,564.00)	From General Fund (2) fund balance
\$(22,338.22)	From School Food Service Fund (209) fund balance

Financial Services Director Mary Altemus reviewed that these items were needed in order to close out FY12. She noted that the appropriation requested for the Agricultural and Forrestral program was necessitated by the refunds made after the Board suspended the program. She reported that it appeared that there were departments that had not spent out their budgets and there would be funds available to transfer to the Capital Improvement Projects fund.

Mr. Evelyn moved to approve the FY12 Supplemental Appropriations as requested. The members were polled:

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

The motion carried.

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IN RE:           COLLECTION SERVICES CONTRACT

Before the Board for consideration was a request from the County Treasurer to approve a proposed contract with Kevin Appel, Esquire for collection services.

Treasurer Norma Holmes explained that Mr. Appel had served as legal counsel for the State Treasurers' Association for many years, and his collection fees would be paid for by delinquent taxpayers.

Ms. Gowdy explained why the Board was required to sign off on this contract, and advised that Ms. Holmes had spoken with several different firms before making her choice. She indicated that the contract with the previous collection attorney had not been updated since sometime in the 1990s, and had been on a percentage basis as well. She added that there might be some potential minor costs to the County with Mr. Appel's contract, depending on the search methods he used.

Mr. Davis asked about the tax collection rate. Ms. Holmes reported that the County's 2011 collection rate was 95%, but the 20-year average was 99%.

Mr. Tiller moved to approve the proposed contract with Kevin Appel, Esquire for collection services and to authorize the Chairman to execute it. The members were polled:

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

The motion carried.

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IN RE: SURPLUS PROPERTY

Acting County Administrator Rodney Hathaway reviewed with the Board a request to sell surplus property.

Mr. Evelyn removed himself from discussion because his family business had made an offer to purchase the property.

Mr. Hathaway explained that the Department of Public Utilities had made a request to declare this former well lot, 0.298 acres located behind the Quinton Food Lion Shopping Center in Quinton, as surplus property. He advised that an appraisal had been obtained and a public hearing would have to be held before the property could be sold.

There were inquiries regarding whether there were other lots that could be declared surplus and disposed of. Ms. Gowdy indicated that there was another abandoned well lot behind the old Winn-Dixie site that, because of reversionary clause in the deed, would revert to the previous owner and would not require a public hearing. She indicated that there was also a small lot in Five Lakes, but the only offer received was less than the appraised value.

Ms. Gowdy also clarified that the requested public hearing would be for the purpose of declaring that the property could be disposed of, and not to approve its sale to a particular party.

Mr. Stiers moved to hold a public hearing in November pertaining to the proposed sale of a parcel identified as tax map parcel 19-66D. The members were polled:

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

The motion carried. Mr. Evelyn rejoined the Board.

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IN RE: REQUEST TO WAIVE PERMIT FEES FOR COMMERCIAL PROJECTS

Mr. Hathaway reviewed with the Board a request from the New Kent County Economic Development Authority (EDA) to waive certain County fees for commercial projects.

He reported that the EDA had approved a motion at its July 2012 meeting to forward a request to the Board to waive building, planning, and environmental permit fees for

commercial development applications. He indicated that the County had done this on two other occasions for six-month periods.

There was discussion on how this would impact department budgets, and whether the fees should be waived or reimbursed. Mr. Hathaway advised that it had been done both ways in the past and his recommendation would be to amend the County's Fee Schedule to waive the fees rather than to reimburse them. He indicated that it was difficult to determine what impact this program had in the past but it would send out a message that New Kent was "business friendly".

Building Official Clarence Jackson advised that waiving the fees was easier for his department than a reimbursement program. He spoke about how utility connection fees were expensive for businesses as well and asked if they could be included. Mr. Hathaway explained that the EDA was sometimes asked to cover connection fees as part of incentive packages for commercial development, and Board members agreed that was a good use of EDA funds.

Board members discussed whether fees should be waived or reimbursed, and the advantages of each. There was also discussion about a time frame. It was suggested that the current request be for the remainder of FY13, and the Board could include discussions about whether to continue it during the FY14 budget process.

It was confirmed that both new business and expanding business developments would qualify.

Mr. Evelyn moved to hold a public hearing in November to amend the County's fee schedule on a request from the EDA. The members were polled:

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

The motion carried.

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IN RE: ACCOUNTING MANAGER JOB TITLE

This item was tabled at the request of the Board members in order to get more information.

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IN RE: PUMP & HAUL AGREEMENT WITH NEW KENT COMMERCE CENTER

Before the Board for consideration was a request to approve a proposed pump and haul agreement with New Kent Commerce Center (NKCC).

Ms. Gowdy explained that when a new business had opened at NKCC, it had come to the County's attention that the pump and haul permit for that location had expired in 2005 and never renewed. It was confirmed that this location was within the water and sewer service area, but the lines had not yet been extended. She indicated that staff had "looked at the numbers" for both the new and existing uses, and had determined that it needed a water system permit through the Department of Health and a new pump and haul permit. She advised that the proposed agreement required the Center to connect to County water and sewer and pay all fees within 90 days of the lines being installed.

Mr. Evelyn moved to approve the proposed pump and haul agreement with the New Kent Commerce Center, contingent upon continued compliance with the Virginia Department of Health. The members were polled:

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

The motion carried.

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IN RE: SAFER GRANT

Before the Board for consideration was whether or not to accept a 2011 Staffing for Adequate Fire & Emergency Response (SAFER) grant award from the Federal Emergency Management Agency (FEMA) to fund 13 firefighter positions for two years.

Mr. Hathaway explained that the County had received notification of this award in response to an application that had been submitted by the Fire Department. He indicated that should the County decide to retain those 13 positions after the two-year grant period, it would cost around \$700,000 per year. He reported that FEMA had denied a request to reduce the grant to cover only two to four positions. He indicated that because of concerns, the Board was being asked not to accept the grant. He advised that he did not feel that the requested action would jeopardize the County's chance to obtain future SAFER grants.

Mr. Stiers moved to not accept the 2011 SAFER grant award from the Federal Emergency Management Agency to fund 13 positions for a period of two years. The members were polled:

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

The motion carried.

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IN RE: APPOINTMENT

Mr. Davis moved to appoint Kim Claytor as District Five's representative to the Social Services Advisory Board to complete a term ending June 30, 2013. The members were polled:

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

The motion carried.

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IN RE:           ADJOURNMENT

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

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

The motion carried. The meeting was adjourned at 10:04 a.m.