

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 14th DAY OF NOVEMBER 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. Tiller 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 of September 26, 2012
 - b. Business Meeting of October 9, 2012
2. Miscellaneous
 - a. Change order in the amount of \$4,990 to the contract with Williamsburg Environmental Group for the sidewalk project
 - b. PPEA Contract with Marengo Management Corporation in the sum of \$1,848,496 for renovations the South Building of the Historic School
 - c. Contract with Sanders Construction in the sum of \$731,166.54 for the Airport Obstruction Removal project
3. Refunds
 - a. \$1,930.60 to Donald R. Roden for erroneous assessment
4. FY13 Supplemental Appropriations
 - a. Animal Shelter donations, \$777.10
 - b. Program income received for FY13 from CDBG Plum Point grant participants, \$738.43
 - c. Funds received from insurance proceeds, \$5,361.51
 - d. Funds received for gifts and donations, \$2,560.00
 - e. Miscellaneous recovered costs, \$7,618.50
 - f. Funds received for reimbursement, \$55.00
 - g. Grant funds received for selective enforcement - alcohol, \$20,629.88
 - h. Grant funds received for selective enforcement – speed, \$10,775.77
 - i. Grant funds received for selective enforcement – occupant, \$5,651.63

- j. Asset forfeiture funds (Commonwealth's Attorney) for computer, \$1,874.60
- k. Clean County/Litter Fund, \$7,216.00

\$ 63,258.42	Total
\$(59,011.54)	Total In/Out
\$ (2,372.28)	From General Fund fund balance
\$ (1,874.60)	From Fund 7 fund balance

- 5. FY13 Carry Forward Appropriations
 - a. Various FY12 Funds for the Fire Department, \$435,063.35
 - b. Donations for the Animal Shelter, \$14,217.29

\$ 449,280.64	Total
\$(449,280.64)	From General Fund (1) fund balance

- 6. FY13 Interdepartmental Budget Transfers
 - a. *Planning*: \$278.00 from Reserved for Contingency to Richmond Regional Planning District Commission
 - b. *Board of Supervisors*: \$2,000 from Reserved for Contingency to Professional Services
 - c. *Schools*: \$1,305.94 FROM Appropriations of Funds from Prior Years to Furniture
 - d. *Parks & Recreation/General Services*: \$30,000 from Park Development – County funds to Extension Bldg-Restroom Ren

- 7. Treasurer's Report: Cash as of September 2012: \$26,682,567.24

There were questions about the change order on the sidewalk contract. Acting County Administrator Rodney Hathaway explained that during a pre-construction walk-through, Virginia Department of Transportation (VDOT) had identified a long-standing drainage issue that it was requiring be addressed as a part of the project, and this change order was for the engineering and design to correct that issue, as well as coordination with the contractor. He indicated that this would require extensive piping to carry storm water from a grassy swale to the rear of the property. He agreed that the change order seemed to be high compared to the original price of the project; however it would be covered under the grant from VDOT. He indicated that the County had received about \$185,000 which covered the cost of the sidewalk and installation of light fixtures, and all of the engineering work. He reported that the project had begun the early part of 2011 and should be completed by the end of the year.

Mr. Burrell requested removal of item 2.c. from the Consent Agenda so that the Board could discuss it in Closed Session and vote on it separately later in the meeting. He also pointed out that he had departed early from the September 26 meeting and that his vote on approval of the minutes would not extend to that part of the meeting where he was not present.

Mr. Davis moved to approve the Consent Agenda as presented and that it be made a part of the record, with 2.c. removed. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye

Ron Stiers
W. R. Davis, Jr.

Aye
Aye

The motion carried.

IN RE: 2012 NEW KENT UNIVERSITY GRADUATION

Acting County Administrator Rodney Hathaway and Board members awarded certificates to the 2012 New Kent University graduates, identified as Andrea Collins, Bob Harris, Harria Harrison, Joanne Howard, Christopher Jacobs, Bob Kardian, Matt Matula, Shirley Matula, David Mereau, John Sweat, Jim Szewczyk, Jane Van Dyke, Wanda Watkins, and Janie Wood.

Board members congratulated the graduates on their participation. Class members spoke about the merits of the program and commended staff and the presenters and thanked the Board and Davenport & Company for its continuing support of the program.

IN RE: RECYCLING

Mr. Burrell presented a video on Central Virginia Waste Management Authority's (CVWMA) materials recycling center. Mr. Davis congratulated Mr. Burrell for having served as New Kent's representative on the CVWMA since its inception.

IN RE: BOY SCOUTS IN ATTENDANCE

Mr. Evelyn recognized three Boy Scouts, James Taylor, Connor Arnold and C. J. Kraweic, members of Troop 518, who were in attendance, and thanked their parents and troop leaders for their service.

Mr. Burrell spoke about how many of the Country's leaders started out in the Boy Scouts, which he called a "great training ground for morals and leadership".

IN RE: INTRODUCTION OF NEW STAFF

Mr. Hathaway introduced New Kent's new Social Services Director, Vanesa Livingstone, who in turn introduced two new members of her staff, Social Worker Supervisor Jessica Marshall Kirby and Benefit Program Specialist II Tiffany Elam.

Building Official Clarence Jackson introduced new inspector Danny Burns.

New staff was welcomed by the Board.

IN RE: RESIDENCY ADMINISTRATOR REPORT

David Christoph from VDOT reported on road issues in New Kent, in the place of Mike Cade, Residency Administrator.

He reviewed maintenance activities during the past month that included pavement repairs, pothole and asphalt patching, pipe and inlet clean-outs, tree removals, sign maintenance and repair, maintenance on non-hard surface roads, litter pickup by inmates, and ditch cleaning and sight distance work by inmates. He indicated that mowing along the secondary routes should be finished within the next month.

He advised that maintenance during the next month would include pothole repairs, monitoring of non-hard surfaced roads, shoulder repairs, sign maintenance and tree removals. He reported that improvements on South Waterside Drive would begin as soon as permits "were in hand".

He indicated that a recent speed study on Route 618 from Route 60 to the Charles City County line had resulted in approval of a change from a non-posted speed to a speed limit of 45 mph, and that signs would soon be posted. There was discussion regarding the speeds on roads that had none posted, and Mr. Christoph agreed to check on that and report back to the Board.

Mr. Stiers advised that he had worked with New Kent Superintendent Chad Baker on some road issues the previous week.

Mr. Tiller reported rough pavement on the on-ramp to Westbound I-64 at Bottoms Bridge.

Mr. Evelyn advised that he had also worked on some issues with Mr. Baker and noted that issues with the traffic signal at Route 60 and Route 106 had been resolved.

In response to an inquiry from Mr. Burrell, Mr. Christoph reported that VDOT had 13 workers in New Kent. Mr. Burrell noted that there used to be 35 and commented on how much VDOT was getting done with a reduced work force.

Mr. Burrell remarked that mowing had improved sight distances and also reported a deep pothole on Stage Road that still needed attention.

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. Evelyn reported that he, along with Mr. Tiller and Mr. Davis, had attended the recent Virginia Association of County's Annual Conference, where there "was no good news" from the State regarding funding and how more responsibility would be shifted to the localities. He indicated that staff had been asked to identify unfunded mandates that were "unreasonable" so that a list could be forwarded to the Speaker of the House of Delegates.

Mr. Stiers advised that he had spent the afternoon at Woodhaven Shores where VDOT had agreed to provide video services in connection with dam renovations being required by the Department of Conservation Resources. He reminded about the annual Thanksgiving Feast being held at the Providence Forge Recreation Center, and invited diners, volunteers and donations.

Mr. Davis commented how the Thanksgiving Feast was growing each year and was a "good thing". He also reported on the not-so-encouraging reports at the recent VACo conference. He thanked election officers for the work at the polling places during the recent election, as well as the businesses that let the County use their places of businesses as polling places.

Mr. Burrell echoed Mr. Davis' comments, and also spoke about how New Kent had a higher percentage of its citizens voting in elections as compared to adjacent localities. He

reported that he and Mr. Hathaway would be attending a meeting of the Urban Crescent, 51 localities located adjacent to I-95 and I-64, regarding transportation. He commented on the number of deer-vehicle collisions in the past year and warned citizens to be careful.

Chairman Burrell recognized Sheriff F. W. Howard, Jr., who he remarked was the longest-serving sheriff in Virginia as well as the youngest to be elected to that position.

IN RE: UNSOLICITED PUBLIC PRIVATE EDUCATION ACT (PPEA) PROPOSAL –
ADDITION TO SHERIFF’S ANNEX IMPOUND FACILITY – PART 1

Sheriff Howard addressed the Board about the need to expand their impound building to accommodate a new vehicle and to provide storage space for larger evidence. He referred to a recent unsolicited Public Private Education Act (PPEA) proposal for that project and asked that the Board move forward with that process for the purpose of publication and conceptual phase consideration. It was explained that others would have 45 days to make competing proposals. County Attorney Michele Gowdy advised that the proposal had been received the past Friday and the Board had ten days from that date to make a decision. She confirmed that should the Board decide to move forward with advertising, at the end of the 45 days it could decide whether to accept any of the bids or turn down the project. She indicated that a check received with the proposal would be used to help defray advertising costs, and would be refunded if the Board rejected the proposal. She reminded that there was confidential price information in the proposal that the Board could discuss in Closed Session later in the meeting. It was confirmed that advertising the proposal would not commit the Board to anything and might result in some lower bids.

IN RE: STAFF REPORTS

Mr. Hathaway announced that January 30 was the Annual Legislative Day and suggested that Board members who wanted to attend should keep that date open.

He also announced the details of an upcoming Blood Drive being held in New Kent in partnership with the American Red Cross.

IN RE: DISTRICT APPOINTMENTS

There were none.

IN RE: NON-DISTRICT APPOINTMENTS

Mr. Evelyn moved to nominate Tony Wood for Circuit Court appointment as an alternate member of the Board of Zoning Appeals 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.

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

IN RE: AMENDMENTS TO APPENDIX A, FEE SCHEDULE

Before the Board for consideration was Ordinance O-15-12 amending Appendix A – Fee Schedule, of the New Kent County Code to provide incentives for commercial development projects by temporarily charging no fee for certain planning, environmental and building permits for commercial applications.

Mr. Hathaway explained that the proposed ordinance would eliminate certain commercial development fees until June 30, 2013 and was designed to encourage more economic activity and show the County's commitment to a business-friendly environment.

There was discussion regarding similar efforts in the past. Mr. Hathaway advised that this ordinance was the result of a recent request made by the New Kent Economic Development Authority and had received favorable comments and feedback from the New Kent Chamber of Commerce.

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

Mr. Evelyn moved to adopt Ordinance O-15-12, as presented. 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: DISPOSAL BY SALE OF SURPLUS PROPERTY

Before the Board for consideration was a request to dispose of by sale 0.298 acres of surplus real property in the Bottoms Bridge area identified as tax map parcel 19-66D, a former well lot that had been vacated and returned to its natural state.

Mr. Evelyn recused himself because of his relationship to a company interested in purchasing the property, and he left the dais.

Mr. Hathaway explained that this parcel was located to the rear of the Kentwood Shopping Center and was a former well lot that was abandoned when the shopping center connected to the County water system. He confirmed that all four adjacent property owners had been notified that the property had been declared surplus and one written offer had been received and another adjacent property owner was considering submitting an offer. He explained that State Code required that the Board hold a public hearing prior to disposing of real estate by sale and that an appraisal had been done on the property. He confirmed that County ordinance would allow this lot to be consolidated with one of the adjacent parcels.

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

Mr. Tiller moved to approve the request to dispose of 0.298 acres of surplus real property by sale behind the Kentwood Shopping Center in Bottoms Bridge, identified as tax map parcel no. 19-66D. The members were polled:

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

The motion carried. Mr. Evelyn rejoined the Board.

IN RE: CLOSED SESSION

Mr. Tiller moved to go into Closed Session pursuant to Section 2.2-3711A.6 of the Code of Virginia for discussion or consideration of the investment of public funds where competition or bargaining was involved where, if made public initially, the financial interest of the county would be adversely affected, and 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. Chairman Burrell announced that the Board would likely take action after the Closed Session. 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. 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 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	Aye

The motion carried.

IN RE: AIRPORT OBSTRUCTION REMOVAL PROJECT

Mr. Evelyn moved to approve the contract with Sanders Construction in the sum of \$731,166.54 for the Airport Obstruction Removal project (earlier removed from the Consent Agenda). 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: UNSOLICITED PUBLIC PRIVATE EDUCATION ACT (PPEA) PROPOSAL –
ADDITION TO SHERIFF'S ANNEX IMPOUND FACILITY – PART 2

Mr. Evelyn moved to accept the unsolicited proposal (for an addition to the Sheriff's Annex Impound Building) for the purpose of publication and conceptual-phase consideration. 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: ADJOURNMENT

Mr. Davis 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	Aye

The motion carried.

The meeting was adjourned at 8:04 p.m.