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NEW KENT COUNTY BOARD OF SUPERVISORS

January 12, 2009, 6:00 P.M

Boardroom, County Administration Building
12007 Courthouse Circle, New Kent, VA 23124

ACTION AGENDA

CALL TO ORDER (at 6:02 p.m.)

INVOCATION and PLEDGE OF ALLEGIANCE (led by Chairman Burrell)

ROLL CALL (all members present)

ANNUAL REORGANIZATION OF THE BOARD: The Board's first meeting of the year is designated as the annual reorganization meeting.

A. Election of officers – the Board will elect a Chairman and Vice-Chairman to serve as officers for 2009

Mr. Sparks nominated W. R. Davis, Jr. to be the Chairman of the Board of Supervisors for a term of one year.

Action: Mr. Trout moved to close nominations for Chairman of the Board of Supervisors. Vote was 4:0 (with Mr. Davis abstaining), motion carried.

Action: Mr. Sparks moved to elect W. R. Davis, Jr. as Chairman of the Board of Supervisors for the term of one year. Vote was 4:0 (with Mr. Davis abstaining), motion carried.

Mr. Burrell nominated David M. Sparks to be the Vice Chairman of the Board of Supervisors for a term of one year.

Action: Mr. Evelyn moved to close nominations for Vice Chairman of the Board of Supervisors. Vote was 5:0, motion carried.

Action: Mr. Evelyn moved to elect David M. Sparks as Vice Chairman of the Board of Supervisors for the term of one year. Vote was 4:0 (with Mr. Sparks abstaining), motion carried.

B. Regular meeting schedule for 2009 – to be established by Resolution R-01-09

Action: Mr. Trout moved to adopt Resolution R-01-09 approving the 2009 proposed Meeting Schedule with the following changes: that the regular business meeting will be held at 6 p.m. on the second Monday of each month, except for the September meeting which will be held on Thursday, September 10, the October meeting which will be held Tuesday October 13, and the November meeting, which will be held on Thursday, November 12; and that work sessions will be held at 3 p.m. on the fourth Wednesday of each month, with the exception of February which will be held on February 18; July which will be held on July 29; and November which will be held on November 18. There will be no work session in December and the Board may choose to cancel the August 26 work session if it is not needed. Vote was 5:0, motion carried.

C. Review and/or adoption of Bylaws – the Board will review the current Bylaws; any changes will result in adoption at a future date.

Action: Mr. Sparks moved to re-adopt the Bylaws, as presented. Vote was 5:0, motion carried.

CONSENT AGENDA

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Action: Mr. Trout moved to approve the Consent Agenda as presented, and that it be made a part of the record. Vote was 5:0, motion carried.

CITIZENS' COMMENT PERIOD (3 minutes/person)

RESIDENCY ADMINISTRATOR'S REPORT

Public Hearings to be held at 7:00 p.m. or as soon thereafter as possible. Speakers are limited to three minutes each, should come to the podium and state their name and address

ITEM ONE PUBLIC HEARING (continued from December 8, 2008) – consideration of Ordinance O-15-08, amending Chapter 98 of the New Kent County Code and the County Zoning Map – Planning Manager Rodney Hathaway

Action: Mr. Burrell moved to adopt Ordinance O-15-08(R1) with the following changes: removal of parcels 28-27A and 28-43 and changing the designation of parcel 26-105D from Industrial to Economic Opportunity. Vote was 5:0, motion carried.

Action: Mr. Evelyn moved to adopt Resolution R-04-09, a Resolution waiving rezoning application fees for property owners impacted by the comprehensive zoning map amendment, with the following change: adding the owner of Tax Map Parcel 3-10-I. Vote was 5:0, motion carried.

ITEM TWO PUBLIC HEARING – consideration of Ordinance O-09-08 approving an application filed by George and Rebecca Philbates to rezone approximately four acres on New Kent Highway from A-1, Agricultural to B-2, Business Limited, in order to construct a mini-storage facility and an outside area for storage of recreational vehicles – Planner Kelli Le Duc

Application was withdrawn by the applicant prior to the Public Hearing.

ITEM THREE PUBLIC HEARING – consideration of Ordinance O-01-09, adopting a Park Use Ordinance to establish rules and regulations regarding use of parks, trails and facilities owned by New Kent County– Parks & Recreation Manager Kim Turner

This matter did not proceed because of a defect in the ordinance that was advertised for public hearing.

ITEM FOUR PUBLIC HEARING – consideration of Ordinance O-02-09 to amend and re-adopt Chapter 66, Article II of the New Kent County Code to add Section 66-38 adopting biennial assessments and equalization, and Resolution R-02-09 to provide for the biennial assessment of real estate by the Commissioner of Revenue – County Attorney Jeff Summers

Action: Mr. Burrell moved to adopt Ordinance O-02-09 as presented. Vote was 5:0, motion carried.

Action: Mr. Sparks moved to adopt Resolution R-02-09 as presented. Vote was 5:0, motion carried.

ELECTED OFFICIALS' REPORTS

STAFF REPORTS

APPOINTMENTS

Mr. Evelyn moved to appoint Debbie Downs as District One's representative to the Historic Commission to serve a four-year term ending December 31, 2012.

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Mr. Sparks moved to appoint Jefferson Ellet as District Two's representative to the Historic Commission to serve a four-year term ending December 31, 2012.
Mr. Sparks moved to appoint Clarence Tiller as a District Two representative to the Planning Commission to serve a four-year term ending December 31, 2012.
Mr. Sparks moved to appoint Claude Baldwin as District Two's representative to the Board of Road Viewers to serve a one-year term ending December 31, 2009.
Mr. Sparks moved to appoint Pete Sweet as a District Two representative to the Transportation Safety Commission to serve a four-year term ending December 31, 2012.
Mr. Burrell moved to appoint Vicki Sprigg as District Three's representative to the Clean County Commission to serve a four-year term ending December 31, 2012.
Vote was 5:0, motions carried.

Mr. Trout moved to appoint George Fisher as an at-large member of the Agricultural and Forestal District Advisory Committee to serve a four-year term ending December 31, 2012.
Mr. Trout moved to appoint Carolyn Ito as a New Kent representative to the Chickahominy Disability Services Board to serve a term ending June 30, 2009.
Mr. Trout moved to appoint Pete Sweet as New Kent's alternate representative to the MPO Citizens Transportation Advisory Committee to complete a term ending December 31, 2009.
Mr. Evelyn moved to appoint Thomas Garthwright as an at-large member of the Agricultural and Forestal District Advisory Committee to serve a four year term ending December 31, 2012.
Mr. Evelyn moved to appoint Richard Ellyson as a representative to the Farms of New Kent Community Development Authority Board to serve a four year term ending December 31, 2012.
Mr. Davis moved to appoint Diane Walls as at-large member of the Clean County Committee to serve a four year term ending December 31, 2012.
Vote was 5:0, motions carried.

Mr. Burrell moved to appoint W. R. Davis, Jr. as the Board representative to the Agricultural and Forestal District Advisory Committee to serve a one year term ending December 31, 2009.
Mr. Davis moved to appoint David M. Sparks as the Board representative to the Airport Advisory Commission to serve a one year term ending December 31, 2009.
Mr. Evelyn moved to appoint Stran L. Trout as the Board representative to the Historic Commission to serve a one year term ending December 31, 2009.
Mr. Davis moved to appoint Thomas W. Evelyn a the Board representative to the Parks & Recreation Advisory Commission to serve a one year term ending December 31, 2009.
Mr. Davis moved to appoint James H. Burrell as the Board representative to the Planning Commission to serve a one year term ending December 31, 2009.
Mr. Evelyn moved to appoint David M. Sparks as the Board representative to the Social Services Advisory Board to serve a one year term ending December 31, 2009.
Mr. Trout moved to appoint James H. Burrell as the Board representative to the Transportation Safety Commission to serve a one year term ending December 31, 2009.
Mr. Trout moved to appoint James H. Burrell as New Kent's Director of Emergency Management to serve a one year term ending December 31, 2009, as required by Virginia Code Section 44-146.19.
Mr. Davis appointed Thomas Evelyn as New Kent's Board representative to the consortium Board of the Capital Region Workforce Partnership to serve a one-year term ending December 31, 2009.
Mr. Davis moved to appoint David M. Sparks as New Kent's Board representative to the Chickahominy District Health Advisory Board to serve a one-year term ending December 31, 2009.
Vote was 5:0, motions carried.

MEETING SCHEDULE: The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on February 9, 2009, in the Boardroom of the County Admin Building (*subject to Board adoption of the proposed 2009 Meeting Schedule*).

ADJOURNMENT

Action: Mr. Sparks moved to adjourn the meeting. Vote was 5:0, motion carried.

Meeting was adjourned at 7:47 p.m.

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CONSENT AGENDA

(Matters included hereunder may be the subject of one motion to approve provided no Board member requests an item to be separated.)

1. Approval of Minutes
 - a. Work Session of November 25, 2008
 - b. Special Joint Meeting with the School Board on December 2, 2008
 - c. Special Meeting with Senator Norment on December 8, 2008
 - d. Regular Business Meeting on December 8, 2008

2. Miscellaneous
 - a. Adoption of Resolution R-03-09, requesting VDOT to add Section R, Phases I and II, of the Brickshire Subdivision into the State system for maintenance
 - b. Approval of vending machines contract for County offices

3. Refunds
 - a. \$392.19 to Main Street Homes for cancelled permit
 - b. \$90.00 to Hirschler Fleisher for plat review fee
 - c. \$32,884.80 to New Kent Farms LLC for double-billing
 - d. \$6,803.88 to New Kent Farms LLC for erroneous billing
 - e. \$255.00 to W. V. McClure dba Main Street Homes for voided permit
 - f. \$453.78 to Pete Sweet for cancelled permit

4. Appropriations
 - a. Funds for Fire-Rescue revenue recovery to cover bank fees, \$30.00
 - b. Funds for Fire-Rescue revenue recover to cover DAB service charges, \$3,159.00
 - c. Funds received to date for Fire-Rescue revenue recovery for Fire-Rescue personnel, \$11,097.00
 - d. Funds donated to the New Kent Animal Shelter, \$734.00
 - e. Funds donated for Fire-Rescue, \$70.00
 - f. Funds received for security for the Oct 31 football game and two Dec basketball games, \$662.00
 - g. Funds received for Fire-Rescue sale of surplus equipment, \$2,498.00
 - h. Program income received to date for FY09 from CDBG Plum Point grant participants, \$56,660.11
 - i. Funds for revenue received for extra security detail performed by the Sheriff's Office for Oct 3 and Nov 21, \$280.00
 - j. Funds for CSA parental co-payments, \$2,027.00
 - k. Funds received for insurance claims, \$2,787.00
 - l. Funds received from a builder for reimbursement of a 2006 Code Book purchased by the Building Development office, \$85.00
 - m. State/Federal Social Services funds for the IV-E Foster Care Program, \$2,400.00
 - n. Charge card fees collected in excess of budget for offsetting expenditures associated with charge card fees, \$2,032.00
 - o. Funds received for dividends and interest for the Human Services Building project, \$3,507.18

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|-----------------------------------|----------------|--------------------|
| Total Supplemental Appropriation: | \$ (88,028.29) | Total |
| | \$ 88,028.29 | Money-in/Money-out |

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5. Inter-Departmental Budget Transfers
 - a. *Schools*: \$5,300 from Transportation Office Equipment to School Bus Garage Non Loan exp
 - b. *Vehicle Maintenance Facility*: \$1,051.64 from Appropriation of funds from prior years to School Bus Garage Non Loan exp
 - c. *Community Development*: \$2,770 from Zoning to Environmental line items
 - d. *Circuit Court*: \$9,250 from Permanent Records to Unemployment Compensation
 - e. *Training*: \$13,345 from training contingency to Clerk of the Board, Board of Supervisors, Financial Services, Building Development, Judge Hoover, Fire-Rescue, Sheriff's Office, E-911, IT, Community Development, CSA and Social Services

6. Treasurer's Report: Cash in Bank as of November, 2008: \$24,540,793.40

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