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Approved minutes will be posted after the next regular business meeting



NEW KENT COUNTY BOARD OF SUPERVISORS

July 13, 2009, 5 p.m.

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

AGENDA

CALL TO ORDER (at 5:00 p.m.)

CLOSED SESSION to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia involving resignation of an employee

Action: Mr. Sparks moved to go into Closed Session to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia involving resignation of an employee and for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia concerning actual or probable litigation. Vote was 5:0, motion carried.

Action: Mr. Sparks moved to return to Open Session. Vote was 5:0, motion carried.

Action: Mr. Burrell made the certification of Closed Session. Vote was 5:0, motion carried.

INVOCATION and PLEDGE OF ALLEGIANCE (led by Mr. Burrell)

ROLL CALL (all present)

ANNOUNCEMENTS

Action: Mr. Sparks moved to accept the resignation of County Administrator John Budesky effective on August 14, 2009, and to appoint Bill Whitley as the Interim County Administrator effective on that same date. Vote was 5:0, motion carried.

CONSENT AGENDA

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

PRESENTATIONS

- a. Donald Hart, President, Virginia Association of Counties
- b. Dr. Elizabeth Crowther, President, Rappahannock Community College
- c. Sheriff F. W. Howard, Jr. – *presentation of award*
- d. Laura Ecimovic, Commissioner of Revenue – *update on the 2010 General Reassessment*
- e. Stran E. Trout, Supervisor, District 4 – *presentation of General Assembly resolution regarding the Historic Courthouse*

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

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- ITEM 1 PUBLIC HEARING** – Consideration of Ordinance O-11-09 approving application filed by Alan Shaia of SFP Investments to rezone 1,188 acres located south of I-64 between Route 106/Emmaus Church Road and Route 618/Olivet Church Road, from Economic Opportunity to Industrial – *Planner Kelli Le Duc*

Deferred at the request of the applicant.

- ITEM 2 PUBLIC HEARING** – Consideration of Resolution R-29-09 approving application filed by Chester Alvis and David Horsley, Sr. for a conditional use permit to construct and operate a mini-storage facility at the southeast intersection of Route 249/New Kent Highway and Route 612/Airport Road – *Planner Matthew Ebinger*

Action: Mr. Sparks moved to defer for further study. Vote was 5:0, motion carried.

- ITEM 3 PUBLIC HEARING** – Consideration of Ordinance O-10-09 amending Chapter 70, Article II and Appendix A-Fees, to replace the annual vehicle decal with a permanent vehicle decal, to replace the annual license tax with an annual license registration fee, and to amend the Fee Appendix to reflect the change – *Assistant County Administrator Bill Whitley*

Action: Mr. Burrell moved to adopt Ordinance O-10-09 as presented. Vote was 5:0, motion carried.

- ITEM 4 PUBLIC HEARING** – Consideration of Ordinance O-12-09 amending Section 91-127(f) of the New Kent County Code to require conservation easements for open space in cluster subdivisions, to permit the Board of Supervisors to allow an entity other than a property owners association to open the open space when it is being used for agriculture, forestry or similar purposes, and grant the Board of Supervisors sole authority for approving alternative methods of preserving open space in cluster subdivisions – *Community Development Director George Homewood*

Action: Mr. Sparks moved to adopt Ordinance O-12-09 as presented. Vote was 5:0, motion carried.

ELECTED OFFICIALS' REPORTS

STAFF REPORTS

APPOINTMENTS

Chairman Davis moved to appoint James H. Burrell as Director of Emergency Services pursuant to County Code Chapter 30-161.

Vote was 5:0, motion carried.

Mr. Burrell moved to appoint Fire Chief E. Thomas Hicks as Coordinator of Emergency Services pursuant to County code Chapter 30-162.

Vote was 5:0, motion carried.

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MEETING SCHEDULE: The Board of Supervisors will hold its next regular business meeting at 6 p.m. on August 10, 2009, and its next work session at 3 p.m. on July 29, 2009, both in the Boardroom of the County Administration Building.

CLOSED SESSION

Action: Mr. Evelyn moved to go into Closed Session for discussions relating to business and industry development pursuant to Section 2.2-3711A.5 of the Code of Virginia involving prospective business or industry. Vote was 5:0, motion carried.

Action: Mr. Sparks moved to return to Open Session. Vote was 5:0, motion carried.

Action: Mr. Evelyn made the certification of Closed Session. Vote was 5:0, motion carried.

ADJOURNMENT

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

Meeting was adjourned at 8:55 p.m.

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. May 27, 2009 work session
 - b. June 8, 2009 business meeting
 - c. Corrected minutes for September 10, 2001 meeting
2. **Miscellaneous**
 - a. Abstracts of Votes from the June 9, 2009 Democratic Primary Election for recording in the minute book
 - b. Resolution R-26-09 requesting VDOT to add the roads in Brickshire, Section N, Phase I into the State secondary system for maintenance
 - c. Resolution R-27-09 requesting VDOT to add the roads in Brickshire, Section N, Phase II into the State secondary system for maintenance
 - d. Award of contract for the Whitehouse Farms Supply Well Replacement project to Gammon Well Company, Inc.
3. **Refunds**
 - a. \$1,345.90 to James & Amanda Wetherington, Jr. for incorrect assessment
 - b. \$6,073.12 to Ryan Homes/NV Homes for cancelled permit
 - c. \$440.55 to American Dream Homes for cancelled permit
4. **FY09 Appropriations**
 - a. Funds received to date for Fire-Rescue revenue recovery for Fire-Rescue personnel and bank fees, \$20,826.00
 - b. Funds for security and ambulance coverage at Colonial Downs and various other events, \$35,881.00
 - c. Funds donated to the Sheriff's Office Honor Guard, \$150.00
 - d. Funds received for the "All Kids Are Special" playground project, \$118.00
 - e. Funds for revenue recovered for insurance claims, \$595.00

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- f. Funds received from citizens for prepay Fire-Rescue revenue recovery funds and a donation, \$150.00
- g. Program income received to date for FY09 from CDBG Plum Point grant participants, \$208.33
- h. Funds received for dividends and interest on capital projects funded with debt service through May 2009, \$84,123.44
- i. Funds received for DMV Stop Fees in the Treasurer's Office, \$420.00
- j. Charge card fees collected in excess of budget for offsetting expenditures associated with charge card fees, \$144.00

Total Supplemental Appropriation: \$(142,615.77) Total
\$ 142,615.77 Money In/Money Out

5. FY10 Carry Forward Appropriations

- a. Donations received for the Sheriff's Honor Guard, \$1,037.98
- b. DMV License Plate funds for dog & cat sterilization not used in FY09, \$428.62
- c. Small Watershed National Fish & Wildlife grant to be used in FY10, \$80,000.00
- d. Scholarship program and All Kids Are Special playground funds for Parks & Recreation not used in FY09, \$4,217.77
- e. Funds donated to the Victim Witness Office and not used in FY09, \$300.00
- f. Unused FY09 Expert Witness Costs and Volunteer Incentives/Awards for the County Attorney's Office, \$11,425.00
- g. Unspent FY09 computer funds for the Sheriff's Office, \$36,772.00
- h. Capital funds for Sheriff-Mobile Data/In-Car Mapping not completed in FY09, \$114,064.29

Total Supplemental Appropriation: \$(248,245.66) Total
\$ 80,000.00 Money In/Money Out
\$ 17,227.99 Fund 1 – General Fund Bal
\$ 114,245.67 Fund 7 – Capital Fund Bal
\$ 36,772.00 Fund 800 – Computer Fund Bal

6. FY10 Appropriations

- a. Animal Control grant expected from Petfinder.com for Bordetella vaccines, \$1,050.00
- b. Funds for Sheriff's Office Recovery Act – Justice Assistance grant for equipping law enforcement to protect and serve, \$16,742.00
- c. Reduce appropriation of funds for the Fire-Rescue Va. Power grant to reflect amount New Kent will actually receive, \$14,500.00
- d. State Social Services funds for respite care, \$210.00
- e. Funds for an E-911 grant received from the Virginia Wireless E-911 Services Board, \$150,000.00
- f. Funds received from Davenport & Company, LLC for New Kent University program in FY10, \$1,500.00

Total Supplemental Appropriation: \$(155,002.00) Total
\$ 155,002.00 Money In/Money Out

7. FY09 Inter-Departmental Budget Transfers

- a. *Vehicle Maintenance Facility*: \$4,041.63 from Appropriation of Funds from Prior Years to School Bus Garage-Non Loan Expend
- b. *Fire-Rescue*: \$28,440 from OSHA, Printing & Binding, Repairs, Maintenance Service Contracts, Janitorial supplies, uniforms, Four for Live, and Leased LAN to Part time and Professional services
- c. *Voter Registrar*: \$657 from Part Time salaries & wages to Programming

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- d. *Fire-Rescue*: \$17,452 from Grant Contingency to RSAF Defib Grant
- e. *CDBG Plum Point*: \$5,409.01 from Management and Substantial Rehab-
Constr to Salaries & Wages, FICA, VRS, Water/Soil/Well Tests, and
Engineering & Architec.
- f. *Economic Development*: \$223.00 from Special Projects to Overtime

8. FY10 Inter-Departmental Budget Transfers

- a. *Planning Commission*: \$24.00 from Contingency to Richmond Regional
Planning Commission
- b. *Training & Education*: \$159,902 from various Travel & Career
Development line items to reserved for contingency training
- c. *Tower/Radio Repairs & Maintenance*: \$110,019.00 from various E-911 ,
Fire-Rescue and Sheriff's Office line items into a new department for tower
and radio repair and maintenance

9. Treasurer's Report: Cash in Bank as of May 2009: \$32,589,674.62

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