



NEW KENT COUNTY BOARD OF SUPERVISORS

August 10, 2009, 6 p.m.

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

ACTION AGENDA

CALL TO ORDER (at 6:00 p.m.)

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

ROLL CALL (all present)

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.

CITIZENS' COMMENT PERIOD (3 minutes/person)

RESIDENCY ADMINISTRATOR'S REPORT

PRESENTATIONS

By Fire Chief Tommy Hicks to Captain Lisa Atkins: Regional EMS Administration award

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 1 PUBLIC HEARING – Consideration of Ordinance O-11-09(R1) 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 (*Deferred from the July 13 meeting at the request of the applicant*)- Planner Kelli Le Duc

Action: Mr. Evelyn moved to adopt Ordinance O-11-09(R1) as presented. Vote was 3:2, (Ayes: Evelyn, Burrell & Davis; Nays: Trout & Sparks), motion carried.

ITEM 2 PUBLIC HEARING – Consideration of Ordinance O-13-09 amending Section 98-941 et seq. of the Zoning Ordinance containing Article XXIV, Signs to modify the zoning districts to reflect the district changes made to Article I Section 98-4 – County Attorney Intern Jon Puvak and Planning Intern Andrew Pompei

Action: Mr. Burrell moved to adopt Ordinance O-13-09 as presented. Vote was 5:0, motion carried.

ITEM 3 PUBLIC HEARING – Consideration of Ordinance O-15-09 amending the Zoning Ordinance by repealing Sections 98-57 through 98-62 and Section 98-1026 and replace them with a new Section 98-57, FMO, Flood Management Overlay District in order to comply with federal regulations -

Action: Mr. Trout moved to adopt Ordinance O-15-09 as presented. Vote was 4:1 (Ayes: Sparks, Burrell, Trout & Davis; Nays: Evelyn), motion carried.

ITEM 4 PUBLIC HEARING – Consideration of Resolution R-33-09 approving a conditional use permit application filed by Ada Isabel White to install a cell tower on property located on Farmers Drive identified as tax map parcel 38-15 - *Planner Matthew Ebinger*

Action: Mr. Burrell moved to adopt Resolution R-33-09 as presented. Vote was 5:0, motion carried.

ITEM 5 PUBLIC HEARING – Consideration of Ordinance O-14-09 approving an application filed by Eric & Janet Whitlow to rezone 4.4 acres located at 5430 New Kent Highway from A-1, Agricultural to Business, and also Resolution R-32-09 approving a conditional use permit application to construct and operate a landscaping contractor office/shop with outdoor storage - *Planner Matthew Ebinger*

Actions: Mr. Sparks to adopt Ordinance O-14-09 as presented. Vote was 5:0, motion carried. Mr. Sparks moved to adopt Resolution R-32-09 as presented. Vote was 5:0, motion carried.

ITEM 6 PUBLIC HEARING – Consideration of Resolution R-34-09 approving an application by Gayla Smith Harrison Estate to add approximately 300 acres to the Pelham Swamp Agricultural and Forestal District – *Environmental Planning Manager Amy Walker*

Action: Mr. Burrell moved to adopt Resolution R-34-09 as presented. Vote was 5:0, motion carried.

ITEM 7 PUBLIC HEARING – Consideration of Resolution R-35-09 approving an application by Mr. & Mrs. Victor Golderos III to add approximately 125.5 acres to the Osborne Agricultural and Forestal District– *Environmental Planning Manager Amy Walker*

Action: Mr. Evelyn moved to adopt Resolution R-35-09 as presented. Vote was 5:0, motion carried.

ITEM 8 PUBLIC HEARING – Consideration of Resolution R-36-09 approving an application by Thomas Marshall Philbates to add approximately 101.46 acres to the Wahrani Agricultural and Forestal District– *Environmental Planning Manager Amy Walker*

Action: Mr. Sparks moved to adopt Resolution R-36-09 as presented. Vote was 5:0, motion carried.

ITEM 9 PUBLIC HEARING – Consideration of Resolution R-37-09 approving an application by Janie McKay Philbates to add approximately 45.5 acres to the Pamunkey River Valley Agricultural and Forestal District– *Environmental Planning Manager Amy Walker*

Action: Mr. Evelyn moved to adopt Resolution R-37-09 as presented. Vote was 5:0, motion carried.

ITEM 10 **PUBLIC HEARING** – Consideration of Resolution R-38-09 approving an application by Mr. & Mrs. George Tate, Jr. to add approximately 37.99 acres to the Old Dispatch Agricultural and Forestal District– *Environmental Planning Manager Amy Walker*

Action: Mr. Sparks moved to adopt Resolution R-38-09 as presented. Vote was 5:0, motion carried.

ITEM 11 **PUBLIC HEARING** – Consideration of Resolution R-39-09 approving an application by Michael Wayne Saunders to add approximately 81 acres to the Centerview Agricultural and Forestal District– *Environmental Planning Manager Amy Walker*

Action: Mr. Trout moved to adopt Resolution R-39-09 as presented. Vote was 5:0, motion carried.

ITEM 12 **PUBLIC HEARING** – Consideration of Resolution R-40-09 approving an application by Ruffin Farm LLC and Ruffin Development LLC to add approximately 157.38 acres to the Ashland Farm Agricultural and Forestal District– *Environmental Planning Manager Amy Walker*

Action: Mr. Sparks moved to adopt Resolution R-40-09 as presented. Vote was 5:0, motion carried.

ITEM 13 **PUBLIC HEARING** – Consideration of Resolution R-41-09 approving an application by Robert Edward Armandt to add approximately 25.49 acres to the York River Agricultural and Forestal District– *Environmental Planning Manager Amy Walker*

Action: Mr. Sparks moved to adopt Resolution R-41-09 as presented. Vote was 5:0, motion carried.

ITEM 14 **PUBLIC HEARING** – Consideration of Resolution R-42-09 approving an application by Kenneth L. Christian to add approximately 69.5 acres to the Old Dispatch Agricultural and Forestal District– *Environmental Planning Manager Amy Walker*

Action: Mr. Burrell moved to adopt Resolution R-42-09 as presented. Vote was 5:0, motion carried.

ITEM 15 **PUBLIC HEARING** – Consideration of Resolution R-43-09 renewing the Eltham Agricultural and Forestal District for a period of ten years– *Environmental Planning Manager Amy Walker*

Action: Mr. Evelyn moved to adopt Resolution R-43-09 as presented. Vote was 5:0, motion carried.

ITEM 16 **PUBLIC HEARING** – Consideration of Resolution R-44-09 to not renew the Harrison Agricultural and Forestal District and to add three eligible parcels totaling 34 acres to the Pelham Swamp Agricultural and Forestal District – *Environmental Planning Manager Amy Walker*

Action: Mr. Trout moved to adopt Resolution R-44-09 as presented. Vote was 5:0, motion carried.

ITEM 17 **PUBLIC HEARING** – Consideration of Resolution R-45-09 renewing the Marengo Agricultural and Forestal District for a period of ten years– *Environmental Planning Manager Amy Walker*

Action: Mr. Evelyn moved to adopt Resolution R-45-09 as presented. Vote was 5:0, motion carried.

ITEM 18 PUBLIC HEARING – Consideration of Resolution R-46-09 renewing the York River Agricultural and Forestal District for a period of ten years–
Environmental Planning Manager Amy Walker

Action: Mr. Sparks moved to adopt Resolution R-46-09(R1) as presented. Vote was 4:0 with Mr. Davis abstaining, motion carried.

ITEM 19 PUBLIC HEARING – Consideration of Ordinance O-08-09 transferring regulatory authority for shoreline modifications to sandy beaches, dunes and bluffs from the Virginia Marine Resources Commission to the New Kent County Wetlands Board, pursuant to Section 28.2-1403–
Environmental Planning Manager Amy Walker

Action: Mr. Burrell moved to adopt Ordinance O-08-09 as presented. Vote was 5:0, motion carried.

ELECTED OFFICIALS' REPORTS

STAFF REPORTS

APPOINTMENTS

Mr. Evelyn moved to appoint Karen Cameron as District One's representative to the Social Services Advisory Board to serve a four-year term ending June 30, 2013.

Mr. Davis moved to appoint James Wallace as District Five's representative to the Purchase of Development Rights Committee to serve a three-year term ending June 30, 2012.

Mr. Davis moved to appoint Rocket Johnson as District Five's representative to the Social Services Advisory Board to serve a four-year term ending June 30, 2013.

Vote was 5:0, motion carried.

Mr. Trout moved to appoint Rodney Hathaway as New Kent's alternate representative to the Consortium Board of the Capital Region Workforce Partnership to serve a term ending December 31, 2009.

Vote was 5:0, motion carried.

MEETING SCHEDULE: The Board of Supervisors will hold its next regular business meeting at 6 p.m. on September 10, 2009, in the Boardroom of the County Administration Building. The Board will hold its semi-annual meeting with senior staff on Friday, August 14, 2009, at 12 noon at Fire Station No. 1 in Providence Forge. There will be no August work session.

ADJOURNMENT

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

Meeting was adjourned at 9:35 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. June 24, 2009 work session
 - b. June 25, 2009 special meeting
 - c. July 13, 2009 regular meeting

7. FY09 Inter-Departmental Budget Transfers

- a. *Training:* \$552.00 from Reserved for Contingency-Training to travel/training line items for Commonwealth's Attorney and Building Development
- b. *Training:* \$9,615.00 from Reserved for Contingency-Training to travel/training line items for Clerk of the Board, Hyman Resources, County Attorney, Treasurer, IT Registrar, Circuit Court Judge, Sheriff, Courts, Building Development, Building and Grounds, Parks & Recreation, Planning Administration, Planning, Wetlands Board, Historic Commission, Water, Utilities Administration, Parham Sewer, and Sewer
- c. *Sheriff's Office:* \$12,003.00 from Sheriff and Sheriff's Court salary line items to Sheriff Overtime, Sheriff Part-Time and Sheriff's Court overtime line items
- d. *Grants:* \$500.00 from Grant Contingency to ISTEA Bicycle Signage grant
- e. *Training:* \$1,426.00 from Reserved for Contingency-Training and Computer Supplies to travel/training line items for Parks & Recreation, Planning Administration, Commissioner of Revenue, and Building & Grounds

8. FY10 Inter-Departmental Budget Transfers

- a. *Social Services:* \$1,700 from Salaries & Wages to Professional Services
- b. *Social Services:* \$18,661 from Safe & Stable Families to Salaries & Wages
- c. *Permit Center:* \$54,444 from salary and wages line items to Unfilled Positions Contingency
- d. *Clerk of the Board:* \$940 from Promotional Items to Reserved for Contingency
- e. *Treasurer's Office:* \$2,400 from Reserved for contingency to Programming Customize/Design
- f. *Fire-Rescue:* \$832 for Heating Services for the Radio Tower budget
- g. *Fire-Rescue:* \$3,289 from Grant Fund Contingency to VDH-OEMS-SHSHP Grant
- h. *IT:* \$13,000 from Reserved for Contingency to Internet Access
- i. *Insurance savings:* \$55,898 from insurance line items to Reserved for Contingency and insurance line items
- j. *Cooperative Extension:* \$16,500 from Lease/Rent to Repairs & Maintenance-Historic School and Professional Services
- k. *Fire-Rescue:* \$2,050 from CIP Transportation to CIP Radio Tower
- l. *Training:* \$11,726 from Reserved for Contingency-Training to travel/training line items for Clerk of the Board, Human Resources, County Attorney, Commissioner of Revenue, Treasurer, Financial Services, Registrar, Sheriff, Commonwealth Attorney, Building Development, parks & Recreation, Planning Administration, Economic Development, Social Services, CSA, Human Services and Utilities Administration

9. Treasurer's Report: Cash in Bank as of June 2009: \$30,327,708.34