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*Approved minutes will be posted after the next regular business meeting*



## **NEW KENT COUNTY BOARD OF SUPERVISORS**

**Tuesday, October 13, 2009**

4:30 p.m. - Closed Session

6:00 p.m. - Business Meeting

Boardroom, County Administration Building

12007 Courthouse Circle, New Kent, VA 23124

### **ACTION AGENDA**

**4:30 p.m. CALL TO ORDER** (at 4:30 p.m.)

**ROLL CALL** (all members present)

**CLOSED SESSION** for a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia to continue review of applications for the County Administrator position

**Action:** Mr. Sparks moved to go into Closed Session to discuss a personnel matter pursuant to Section 2.2-3711A.1 involving candidates for a position, and for discussions relating to business and industry development pursuant to Section 2.2-3711A.5 of the Code of Virginia involving a prospective business.

Vote was 5:0, motion carried.

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

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

**6:00 p.m. RETURN TO OPEN SESSION**

**INVOCATION AND PLEDGE OF ALLEGIANCE** (led by Mr. Burrell)

**CONSENT AGENDA**

**Action:** Mr. Burrell 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 per person)

**PRESENTATIONS**

- of Resolution of Recognition to John Budesky, former County Administrator
- by Patty Townsend on behalf of New Kent's Cooperative Extension

**RESIDENCY ADMINISTRATOR'S REPORT**

- Monthly Report
- Consideration of Resolution R-56-09 selecting an option for intersection improvements at Routes 612 and 249

**Action:** Mr. Burrell moved to adopt Resolution R-56-09, version A, selecting the option for a roundabout. Vote was 5:0, motion carried.

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*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-18-09 adopting a new section of the zoning ordinance establishing a Courthouse Development District –*Community Development Director George Homewood*

**Action:** Mr. Sparks moved to adopt Ordinance O-18-09, with the following changes to Article XIV. Special Area Districts: Section 98.541 (d), Maximum Residential Density shall be 8 dwellings per acre, with elimination of the language concerning Development Rights Transfer, and Maximum Heights shall be 50 feet for commercial and mixed use, 45 feet for single family detached and attached, and 50 feet for multi-family residential; and elimination of the phrase “\*if the County adopts a transfer of development rights program in accordance with Section 15.2-2316.2 of the Code of Virginia”. Vote was 4:0 (with Mr. Evelyn removing himself from both discussion and vote because of family ownership of one of the potential parcels in the district), motion carried.

**ITEM 2 PUBLIC HEARING** – Consideration of Ordinance O-19-09 reclassifying 190 acres of land in the Courthouse area from R-2, R-3 and Business to Courthouse Development. These properties consist of land area in the Maidstone and Preservation Office Park developments, as well as property occupied by the Schools, Courthouse, County government offices, and the Post Office – *Community Development Director George Homewood*

**Action:** Mr. Sparks moved to adopt Ordinance O-19-09, as presented. Vote was 4:0 (with Mr. Evelyn remaining removed from both discussion and vote because of family ownership of one of the potential parcels in the district), motion carried.

**ITEM 3** Consideration of Resolution R-55-09 initiating an amendment of the zoning map to reclassify property in the Courthouse area to Courthouse Development District – *Community Development Director George Homewood*

**Action:** Mr. Trout moved to deny Resolution R-55-09. Vote was 4:0 (with Mr. Evelyn remaining removed from both discussion and vote because of family ownership of one of the potential parcels in the district), motion carried.

**ITEM 4 PUBLIC HEARING** – Consideration of Ordinance O-21-09 reconciling the adopted zoning ordinance with the adopted zoning map – *Planner Kelli Le Duc*

**Action:** Mr. Sparks moved to adopt Ordinance O-21-09, as presented, Vote was 4:0 (with Mr. Burrell removing himself from both discussion and vote because of ownership of one of the subject parcels), motion carried.

**ELECTED OFFICIALS’ REPORTS**

**STAFF REPORTS**

**APPOINTMENTS**

(there were none)

**MEETING SCHEDULE:** The Board of Supervisors will hold its next regular business meeting at 6 p.m. on Thursday, November 12, 2009, and its next work session at 3

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p.m. on Wednesday, October 28, 2009, both in the Boardroom of the County Administration Building. The Board will also host the groundbreaking for the Parham Landing Wastewater Treatment Plant Expansion and Reclaimed Water Line projects at 1:30 p.m. on October 28, 2009, at the Parham Landing Plant, at 7800 Parham Landing Road, in Eltham. The Board of Supervisors and the Economic Development Authority will host a meeting with businesses from Providence Forge and Lanexa from 3 p.m. to 5 p.m. on Thursday, October 22, 2009, at the Forestry Dept. Conference Center at 11301 Pocahontas Trail, Providence Forge.

**ADJOURNMENT**

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

Meeting was adjourned at 8:45 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. September 10, 2009 business meeting
  - b. September 23, 2009 work session
  - c. October 1, 2009 special meeting
  
- 2. Miscellaneous**
  - a. Resolution R-54-09 designating October 2009 as Community Planning Month in New Kent County
  - b. Resolution R-57-09 naming a lake in The Colonies subdivision as "Lake Colonies"
  - c. Acceptance of the Kentland pump station lot
  
- 3. FY10 Carry Forward Appropriations**
  - a. Additional DMV License Plates funds for dog and cat sterilization not used in FY09, \$271.35
  - b. Additional FY09 capital funds to FY10 for ISTEBA Bicycle Route Signage grant to be completed in FY10 or later, \$540.00
  - c. Additional grant funds received in FY09 for a Sheriff's Association grant for a National Highway Transportation Safety Grant to be used in FY10, \$241.07
  - d. Additional FY09 capital funds for village improvements for completion in FY10 or beyond, \$45,370.00
  - e. Various FY09 capital funds to FY10 for unfinished Airport projects to be completed in FY10, \$124,606.41
  - f. Funds remaining in Fund 7-Capital for Schools for FY09, \$498,190.83
  - g. Unexpended School Allocation Funds from FY09, \$672,967.20
  - h. Additional various FY09 Utility funds to FY10 for unfinished Public Utility projects to be completed in FY10, \$17,056.00

Total Supplemental Appropriation:	
\$(1,359,242.86)	Total
\$ 115,176.41	Money In/Money Out
\$ 673,238.55	Fund 1 – General fund balance
\$ 241.07	Fund 6 – Grant fund balance

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\$ 553,530.83	Fund 7 – Capital fund balance
\$ 17,056.00	Fund 98 – Utility fund balance

**4. FY10 Appropriations**

- a. Federal funds for a DMV – Smart, Safe and Sober grant for the Sheriff’s Office, \$31,550.00
- b. Funds for FY10 Fire-Rescue revenue recovery to cover bank fees and charges from DAB to administer account, \$965.00
- c. Funds received to date for Fire-Rescue revenue recovery for Fire-Rescue personnel, \$9,603.00
- d. Funds for public safety coverage at Colonial Downs and various events for August and September 2009, \$10,096.00
- e. Funds for Parks & Recreation program sponsorship revenue, \$900.00
- f. Funds donated to Fire-Rescue, \$1,140.00
- g. Funds donated to the New Kent Animal Shelter, \$648.00
- h. Funds received for restitution for a February 10, 2008 fire incident, \$70.00
- i. Additional funds for the Dept. of Justice bullet-proof vest program grant OMB#1121-0235, \$50.00
- j. Governor Kaine’s FY10 budget reduction to Social Services, \$976.00
- k. Governor Kaine’s FY10 budget reduction to the litter control grant, \$1,212.00
- l. Insurance proceeds received for a lightning strike at the wastewater treatment plant, \$5,500.00
- m. Donation received from the New Kent Chamber of Commerce for Career and Technical Education for the Schools, \$5,000.00
- n. Program income received to date for FY10 from the CDBG Plum Point grant participants, \$686.04
- o. Funds received for DMV stop fees in the Treasurer’s Office, \$2,100.00

Total Supplemental Appropriation:	
\$(66,120.04)	Total
\$ 66,120.04	Money In/Money Out

**5. FY10 Inter-Departmental Budget Transfers**

- a. *Fire Rescue*: \$1,310 for Telecommunication Equipment and Telecommunications in the Radio budget
- b. *Extension*: \$8,604.00 from Reserved for Contingency to Extension Part-time Salaries
- c. *Training*: \$5,322 from Training Contingency to Travel line items for Board of Supervisors, Clerk of Board, County Attorney, Human Resources, Commissioner of Revenue, Financial Services, Circuit Court Judge, IT, Sheriff, Planning Admin, Economic Development, CSA, Utilities Administration, Water and Sewer
- d. *Schools*: \$1,000 from School Contingency to Personnel Services Meals
- e. *Schools*: \$369 from School Contingency to Repair Services Transp Vehicle
- f. *Schools*: \$1,000 from School Contingency to Guidance Sec Misc Services
- g. *Schools*: \$99,287 from Vehicle Ins and Workers Comp to Bldg Insurance and School Contingency Fund
- h. *Schools*: \$400 from School Contingency to Bldg Insurance
- i. *Schools*: \$5,554 from Misc Services Exec Admin and Contingency to Lease of Equipment – Exec Admin
- j. *Schools*: \$80 from Matls & Supplies Improvement of Instruction to Meals – Executive Admin
- k. *Sheriff’s Office*: \$6,310 from Grant Contingency to DMV Grant – Smart, Safe & Sober

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- I. *Sheriff's Office*: \$54 from Grant Contingency to Kevlar Vest grant program
- m. *Schools*: \$2,355 from School Contingency to Contracts & Paining Building Maint.

6. **Treasurer's Report:** Cash in Bank as of August 2009: \$26,510,101.28

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