



NEW KENT COUNTY BOARD OF SUPERVISORS
Thursday, November 12, 2009, 6 p.m.
(Continued to November 18, at 6 p.m.)
Boardroom, County Administration Building
12007 Courthouse Circle, New Kent, VA 23124

**5:30 p.m. Board reception for 2009 Class of New Kent University in the
foyer of the New Kent Courthouse**

A G E N D A

CALL TO ORDER (at 6 p.m. and then continued to November 18, when it was called back into order)

INVOCATION (given by NKU student Jerry Sprouse) **and PLEDGE OF ALLEGIANCE**

ROLL CALL (all members present)

CONSENT AGENDA

Action: Mr. Trout moved to approve the Consent Agenda, with item 2.e. removed and to be considered as a separate item, and that the Consent Agenda be made a part of the record. Vote was 5:0, motion carried.

PRESENTATIONS/REPORTS

- *New Kent University Graduation*
- *Update from the Health Dept. – Dr. Brooke Rossheim, District Health Director, and Carol Lien, Public Health Supervisor*
- *Sheriff's Office - awards presentations*
- *Report from General Services Director Jim Tacosa on recycling*

CITIZENS' COMMENT PERIOD (3 minutes per 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 1 PUBLIC HEARING – Consideration of Ordinance O-24-09 on an application filed by George Philbates, Jr. to rezone approximately 8 acres identified as Tax Map Parcel 27-5 from A-1, B-2 and M-2 to *Economic Opportunity* - Planner Kelli Le Duc

Action: Mr. Burrell moved to adopt Ordinance O-24-09, as presented. Vote was 5:0, motion carried.

DRAFT

Approved minutes will be posted after the next regular business meeting

ITEM 2 PUBLIC HEARING – Consideration of Ordinance O-17-09 on an application filed by William Walsh, Jr. of Hunton & Williams, LLP to rezone approximately 2.87 acres owned by Cedar Hill, New Kent LLC, and identified as a portion of Tax Map Parcel 23-15 from *A-1 Agricultural* to *Business* - Planner Kelli Le Duc

Action: Mr. Sparks moved to adopt Ordinance O-17-09, as presented. Vote was 5:0, motion carried.

ITEM 3 PUBLIC HEARING – Consideration of Ordinance O-16-09 on an application filed by Alvin Clark and Godsey Properties to rezone approximately 131 acres identified as Tax Map Parcels 10-52 and 10-52B from *A-1 Agricultural* to *R-1 Single Family Residential* for the purpose of creating a 113-lot open space (cluster) subdivision - Planner Kelli Le Duc

Deferred

ELECTED OFFICIALS' REPORTS

STAFF REPORTS

APPOINTMENTS

MEETING SCHEDULE: The Board of Supervisors will hold its next regular business meeting at 6 p.m. on Monday, December 14, 2009, and its next work session at 3 p.m. on Wednesday, November 18, 2009, both in the Boardroom of the County Administration Building.

ADJOURNMENT

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

Meeting was adjourned at 7:55 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. Regular meeting of October 13, 2009
 - b. Special meeting of October 22, 2009

2. **Miscellaneous**
 - a. Approval of lease renewal with Verizon for existing cell tower at Rt. 618 Collection Center
 - b. Resolution R-58-09 requesting that the roads in Brickshire, Section O, Phase I be added into the State system for maintenance

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- c. Resolution R-59-09 requesting that the roads in Brickshire, Section O, Phase II be added into the State system for maintenance
- d. Resolution R-60-09 requesting that the roads in Brickshire, Section Q, Phase II be added into the State system for maintenance
- ~~e. Resolution R-61-09 requesting the Virginia Department of Transportation to abandon and add sections of roadway resulting from the Stage Road project~~
- f. Resolution R-63-09 recognizing the work of the Zoning Ordinance Rewrite Committee
- g. Approval of the Deed of Easements and Subordination for utility easements in Land Bays I, IV and V of New Kent Farms LLC

3. Refunds

- a. \$1,344.86 to Ranger Brecht LLC for overpayment of real estate taxes due to an inaccurate assessment
- b. \$358.92 to Boddie-Noell Enterprises for cancelled permit #16206-2009
- c. \$1,519.65 to Boddie-Noell Enterprises for cancelled permit #16201-2009

4. FY10 Carry Forward Appropriations

- a. FY09 funds for School capital projects, \$927,914.00
- b. Additional FY09 capital funds to FY10 for the second floor courthouse renovations to be completed in FY10, \$245,496.00
- c. FY09 capital funds to FY10 for Fire-Rescue Squad 3, \$300,000.00

Total Supplemental Appropriation:	
\$(1,473,410.00)	Total
\$ 927,914.00	Money In/Money Out
\$ 545,496.00	Fund 7 – Capital fund balance

5. FY10 Carry Forward Appropriations

- a. FY09 funds for Village improvements due to not receiving ISTE A grant reimbursement from VDOT, \$45,370.00
- b.

Total Supplemental Appropriation:	
\$ (45,370.00)	Total
\$ 45,370.00	Fund 7 – Capital fund balance

6. FY10 Appropriations

- a. Local grant funds from the Wachovia foundation for Parks & Recreation volunteer grant, \$100.00
- b. Funds for FY10 Fire-Rescue revenue recovery to cover bank fees, \$78.00
- c. Funds received to date for Fire-Rescue revenue recovery for Fire-Rescue personnel, \$17,920.00
- d. Funds for public safety coverage at Colonial Downs and various events for September and October 2009, \$22,617.00
- e. Funds for Parks & Recreation program sponsorship revenue, \$600.00
- f. Funds donated to Fire-Rescue, \$115.00
- g. Funds donated to the Animal Shelter, \$390.00
- h. Funds received for insurance for a Sheriff's vehicle that hit a deer on August 15, \$1,830.00
- i. Funds for a van purchased for the Sheriff's Emergency Response Team with forfeited asset proceeds, \$8,500.00
- j. Program income received to date for FY10 from CDBG Plum Point grant participants, \$742.04
- k. Funds received for DMV stop fees in the Treasurer's Office, \$500.00

Total Supplemental Appropriation:

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Approved minutes will be posted after the next regular business meeting

DRAFT

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\$(53,392.04)	Total
\$ 8,500.00	From Fund Balance
\$ 44,892.04	Money In/Money Out

- 7. FY10 Inter-Departmental Budget Transfers**
- a. *Extension:* \$35 from Reserved for Contingency to Workers Compensation
 - b. *Public Utilities:* \$3,000 from Machinery & Equipment and Contract Services to Generator Fuel
 - c. *Circuit Court:* \$2,000 from Mileage to Dues and Part-time Salaries
 - d. *Schools:* \$4,454 from Tuition-Other Divisions-SpEd Sec to School Contingency Fund
 - e. *Schools:* \$777 from School Contingency to Furniture & Fixtures NKES
 - f. *Commissioner of Revenue:* \$60 from Office Supplies to Travel – Convention & Education
 - g. *Training:* \$6,641 from Reserved for Contingency – Training to Travel line items for Board of Supervisors, Clerk of the Board, County Attorney, Human Resources, Commissioner of Revenue, Treasurer, Financial Services, IT, Sheriff, Building Development, Dispatch, Fire-Rescue, Building & Grounds, Planning Administration, Economic Development, Extension, Social Services, CSA, Airport, Human Services, Utilities Administration and Water
 - h. *Fire Rescue:* \$63,953 from Fire-Rescue Contingency to Overtime and Part-time line items
- 8. Treasurer’s Report:** Cash in Bank as of September 2009: \$24,153,447.80