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NEW KENT COUNTY BOARD OF SUPERVISORS

Monday, December 14, 2009, 6 p.m.

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

REVISED AGENDA

CALL TO ORDER (at 6 p.m.)

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

ROLL CALL (all members present)

CONSENT AGENDA

Action: Mr. Sparks moved to approve the Consent Agenda as presented. Vote was 5:0, motion carried.

CITIZENS' COMMENT PERIOD (3 minutes per person)

RESIDENCY ADMINISTRATOR'S REPORT

PRESENTATIONS

- *Formal presentation of Resolution R-63-09 to members of the Zoning Ordinance Rewrite Committee*
- *Comprehensive Annual Financial Report by Anne B. Wall, Member, Robinson Farmer Cox Associates*

ITEM 1 Consideration of Resolution R-68-09 Authorizing Extension of the Business Incentive Program – *Economic Development & Tourism Director Rodney Hathaway*

Action: Mr. Burrell moved to adopt Resolution R-68-09, as presented. Vote was 5:0, motion carried.

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 2 PUBLIC HEARING – Consideration of Ordinance O-16-09 on application filed by Godsey Properties LLC (Dunham) to rezone approximately 131 acres of land from A-1, Agricultural to R-1, Single Family Residential (cluster) – *Planner Kelli Le Duc*

Action: Mr. Evelyn moved to deny Ordinance O-16-09, as presented. Vote was 5:0, motion carried, application denied.

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- ITEM 3 PUBLIC HEARING** – Consideration of Ordinance O-26-09 on application filed by George & Rebecca Philbates to rezone approximately 4 acres of land from *A-1, Agricultural* to *Business* and Resolution R-67-09 approving a conditional use permit application to operate a mini-storage facility – *Planner Kelli Le Duc*

Action: Mr. Sparks moved to adopt Ordinance O-26-09, as presented. Vote was 4:1 (Ayes: Sparks, Burrell, Evelyn & Davis; Nays: Trout), motion carried.

Action: Mr. Sparks moved to adopt Resolution R-67-09 with the following changes: addition of the following condition: *n. Temporary chain link fencing may be used along a temporary perimeter during the phased development of the mini-storage facility. This temporary chain link fence shall not be present for longer than 730 days from the issuance of a certificate of occupancy at the conclusion of one phase or the issuance of a building permit at the start of the next phase, whichever is later. The chain link fencing shall be no less than six feet (6') and no greater than ten feet (10') in height as measured from the surface of the ground. Any fence so constructed shall run perpendicular to Route 249 (New Kent Highway). A performance agreement and surety shall be submitted to and approved by the Department of Community Development before said fencing is installed. The County Attorney shall approve the form of the surety. The land owner shall properly maintain all fencing and shall keep it free of trash and debris.* Vote was 4:1 (Ayes: Sparks, Burrell, Evelyn & Davis; Nays: Trout), motion carried.

- ITEM 4 PUBLIC HEARING** – Consideration of Ordinance O-25-09 establishing the 2010 Board of Equalization – *County Attorney Jeff Summers*

Action: Mr. Sparks moved to adopt Ordinance O-25-09, as presented. Vote was 5:0, motion carried.

- ITEM 5 PUBLIC HEARING** – Consideration of Ordinance O-22-09 re-establishing “parking in a fire lane” as an offense in the New Kent County Code – *County Attorney Jeff Summers*

Action: Mr. Evelyn moved to adopt Ordinance O-22-09, as presented. Vote was 5:0, motion carried.

ELECTED OFFICIALS' REPORTS

STAFF REPORTS

APPOINTMENTS

District Appointments:

Mr. Sparks moved to appoint Larry Haislip as District Two's representative to the Economic Development Authority to serve a four-year term beginning January 1, 2010 and ending December 31, 2013.

Mr. Sparks moved to appoint Claude Baldwin as District Two's representative to the Board of Road Viewers to serve a one year term beginning January 1, 2010 and ending December 31, 2010.

Mr. Burrell moved to appoint Jean Street as District Three's representative to the Historic Commission to serve a four-year term beginning January 1, 2010 and ending December 31, 2013.

Mr. Burrell moved to appoint Charles Moss as District Three's representative to the Parks & Recreation Advisory Commission to serve a four-year term beginning January 1, 2010 and ending December 31, 2013.

Mr. Burrell moved to appoint James Moody as District Three's representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2010 and ending December 31, 2010.

Mr. Burrell moved to appoint Jean Street as District Three's representative to the Wetlands Board to serve a five-year term beginning January 1, 2010 and ending December 31, 2014.

Mr. Trout moved to appoint Emily Friend as District Four's representative to the Affordable Housing Advisory Committee to serve a term ending December 31, 2011.

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Non-District Appointments:

Mr. Trout moved to appoint Marty Sparks as New Kent's representative to the Smart Beginnings Leadership Council

Mr. Burrell moved to appoint Jean Street as a New Kent representative to the Chickahominy Health District Advisory Board to serve a two-year term beginning January 1, 2010 and ending December 31, 2011.

Mr. Sparks moved to appoint Ron Jordan as a member of the Farms of New Kent Community Development Authority Board to serve a four-year term beginning January 1, 2010 and ending December 31, 2013.

Mr. Sparks moved to appoint Pete Sweet as New Kent's alternate representative to the MPO Citizen Transportation Advisory Committee to serve a four-year term beginning January 1, 2010 and ending December 31, 2013.

Mr. Davis moved to appoint Steve Miles as a member of the Farms of New Kent Community Development Authority to serve a four-year term beginning January 1, 2010 and ending December 31, 2013.

Mr. Davis moved to appoint James Talley as an at-large representative to the Agricultural and Forestal Advisory Committee to serve a four-year term beginning January 1, 2010 and ending December 31, 2013.

Mr. Burrell moved to appoint Lisa Guthrie as New Kent's representative to the MPO Citizen Transportation Advisory Committee to serve a four-year term beginning January 1, 2010 and ending December 31, 2013.

Vote was 5:0, motions carried.

MEETING SCHEDULE: The Board of Supervisors will hold its next regular business meeting at 6 p.m. on Monday, January 11, 2010, in the Boardroom of the County Administration Building. There will be no December work session. The Chairman announced that the Board may announce another special meeting in December for a closed session on candidates for the County Administrator position.

ADJOURNMENT

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

Meeting was adjourned at 9:31 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. Work session of October 28, 2009
 - b. Special meeting of November 4, 2009
 - c. Regular meeting of November 12, 2009
 - d. Regular meeting (continuation) of November 18, 2009

2. **Miscellaneous**
 - a. Abstracts of Votes from the November 4, 2009 election for recording in the Supervisors' Order Book
 - b. Resolution R-65-09 approving change of name for the Community Services Board to Henrico Area Mental Health and Development Services Board.
 - c. Acceptance of Farms of New Kent Utility Easements from Rod Taylor and Marian Williams
 - d. Resolution R-69-09 accepting the deed to the Historic School property
 - e. Resolution R-70-09 vacating a portion of 1st Street in the Windsor Shades subdivision

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- f. Resolution R-71-09 accepting Wingapo Road into the State system for maintenance
- g. Award of the generator contracts for the Old Courthouse and Administration Building to Rudy L. Hawkins Electrical Contractors
- h. Resolution R-72-09 setting the Board's January 2010 business meeting

3. FY10 Appropriations

- a. Funds received from vending machine sales for employee Christmas parties, \$2,115.00
- b. Funds for FY10 Fire-Rescue revenue recovery to cover bank fees, \$915.00
- c. Funds received to date for Fire-Rescue revenue recovery for Fire-Rescue personnel, \$32,194.00
- d. Funds for public safety coverage at Colonial Downs and various events for October and November 2009, \$22,838.00
- e. Funds reimbursed to Parks & Recreation, \$1,218.80
- f. Fund donated for various items, \$5,568.00
- g. Funds received from citizens for pre-pay Fire-Rescue revenue recovery, \$50.00
- h. Funds donated to the New Kent Animal Shelter, \$1,519.00
- i. Funds donated to the New Kent Honor Guard, \$50.00
- j. Funds received for insurance proceeds, \$6,489.00
- k. Funds received from the Technology Trust fund for maintenance for the Logan Systems for the Circuit Court Clerk's Office, \$25,824.00
- l. Funds expected from the DMV Dog and Cat Sterilization Fund for the sale of animal friendly license plates to New Kent residents, \$495.00
- m. Program income received to date for FY10 from CDBG Plum Point grant participants, \$710.04
- n. Funds received for DMV stop fees in the Treasurer's Office, \$440.00

Total Supplemental Appropriation:

\$(100,425.84)	Total
\$ 100,425.84	Money In/Money Out

4. FY10 Inter-Departmental Budget Transfers

- a. *Social Services*: \$6,521 from Leased WAN lines, Dues, and Salaries & Wages to Professional Services
- b. *Telecommunications-Cellular*: \$900 from Planning to Economic Development
- c. *Schools*: \$5,609 from School Contingency Fund to Misc Services Fiscal Services
- d. *Parks & Recreation*: \$20,056.00 from individual facility part-time wage line items to one part-time line item
- e. *Schools*: \$10,000 from School Contingency Fund to Repair Services Maint Ops Bldg
- f. *Training*: \$8,542 from Reserved for Contingency-Training to Training line items for Board of Supervisors, Administration, Human Resources, Financial Services, Sheriff, Dispatch, Building & Grounds, Economic Development, Planning Commission, Social Services, CSA, Human Services, Utilities Admin, and Water
- g. *Fire-Rescue*: \$34,883.00 from Contingency to Overtime and Part-time line items

5. Treasurer's Report: Cash in Bank as of October 2009: \$44,784,789.21

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