

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 12th DAY OF APRIL IN THE YEAR TWO THOUSAND TEN OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

Chairman Sparks called the meeting to order.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Burrell gave the invocation and led the Pledge of Allegiance.

IN RE: ROLL CALL

Thomas W. Evelyn	Present
David M. Sparks	Present
James H. Burrell	Present
Stran L. Trout	Present
W. R. Davis, Jr.	Present

All members were present.

IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Approval of Minutes
 - a. February 19, 2010 special meeting
 - b. February 24, 2010 work session
 - c. March 8, 2010 business meeting
 - d. March 12, 2010 meeting with senior staff
2. Miscellaneous
 - a. Resolution R-12-10 recognizing April 2010 as National County Government Month
 - b. Grants Management Policy & Procedure
3. Refunds
 - a. \$50.82 to Kennie's Plumbing, Inc. for cancelled plumbing permit
 - b. \$1,065.06 to Builder Resource & Dev Co LP for erroneous 2008 BPOL assessment due to over-estimate of 2008 gross
 - c. \$25,510.0 to K. Hovnanian Four Seasons for erroneous 2008 and 2009 BPOL assessment due to no work performed in New Kent
 - d. \$4,102.56 to Patriots Landing Mgmt. Corp for lot taxes paid in error
4. FY10 Appropriations
 - a. Funds for FY10 Fire-Rescue revenue recovery to cover bank fees, \$1,673.00
 - b. Funds received to date for Fire-Rescue revenue recovery for Fire-Rescue personnel, \$28,261.00
 - c. Funds donated to the New Kent Animal Shelter, \$1,116.00
 - d. Funds donated for various items, \$4,720.00

- e. Funds for school security at several February basketball games, \$904.00
- f. Funds received by Extension from outside sources for sponsorship of programs, \$1,390.00
- g. Federal grant awarded by the Dept. of Criminal Justice Services to the Sheriff's Office for a license plate reader, \$17,000.00
- h. Various federal grants awarded by the Va. Dept. of Emergency Management to the Fire-Rescue department for various public safety items, \$142,302.00
- i. Funds received from vending machine sales for employees' Christmas parties, \$192.68
- j. Funds received for Fire-Rescue equipment sold on GovDeals, \$1,424.00
- k. Funds received from citizen's homeowners insurance for boarding up/securing residence destroyed by fire, \$121.00
- l. Funds received for the sale of fire/safety prevention equipment, \$104.00
- m. Funds received for DMV stop fees in the Treasurer's Office, \$240.00
- n. Charge card fees collected in excess of budget for offsetting expenditures associated with charge card fees, \$792.00
- o. Program income received to date for FY10 from CDBG Plum Point grant participants, \$686.82

Total Supplemental Appropriation:
\$(200,926.50) Total
\$ 200,926.50 Money In/Money Out

- 5. FY10 Inter-Departmental Budget Transfers
 - a. Fire-Rescue: \$37,964 from Reserved for Contingency (revenue recovery) to cover projected line items shortages
 - b. Fire-Rescue: \$25,000 from Computer Supplies to Part-Time
 - c. Schools: \$100 from Travel BWES Reg Ed Elem to Travel GWES Guidance
 - d. Fire-Rescue: \$2,000 from Grant Fund Contingency to M & E – VDEM Disaster Preparedness
 - e. Social Services: \$15,000 from Salaries & Wages to Fuel & Crisis Administration and Professional Services
 - f. Fire-Rescue: \$9,000 from Grant Funding Contingency to VDEM/CBRNE Equipment Project Grant
 - g. Fire-Rescue: \$14,990 from Reserved for Contingency (revenue recovery) to cover various line item shortages
 - h. Schools: \$2,800 from Computer Repairs Outsources Tech Adm to Misc Services Tech Instr Support
 - i. Schools: \$7,739.00 from School Contingency Fund to IT Equip New-Tech Classroom Instr
 - j. Schools: \$799.81 from Travel NKMS Social Worker Middle and NKHS-Social Worker Sec to Travel-Improv of Instr SpEd Middle and Improv of Instr SpEd Sec
 - k. Schools: \$5,479.00 from Office Supplies-Transp Vehicle Ops to Parts & Supplies-Transp Vehicle Main and Repair Services-Transp Vehicle Maint
 - l. Training Funds: \$5,552 from Training Contingency to training line items for Administration, Co. Attorney, Financial Services, General Services, Electoral Board, Sheriff, Law Enforcement, Courts, Bld. Dev., CW Attorney, Comm Dev Admin, Planning, Historic Comm, Environmental, CSA, Human Services, Water, Parham Sewer, & Social Services
- 6. Treasurer's Report: Cash in Bank as of February 2010: \$44,268,049.30

Mr. Evelyn moved to approve the Consent Agenda as presented and that it be made a part of the record. The members were polled:

Thomas W. Evelyn	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

Chairman Sparks opened the Citizens Comment Period.

Virginia Muñoz, of 3968 Virginia Rail Drive and Chief Magistrate of the 9th Judicial District Region 6, pointed out that it did not appear that a budget for the Magistrates' Office was in the proposed FY11 budget. Assistant Financial Services Director Amy Pearson clarified that there was a proposed budget for the Magistrates' Office that had been mistakenly omitted from the Budget Book but it was included in the complete budget posted on the website.

Kevin Eddowes of 6600 Halstead Lane asked about the status of the traffic study required of the Pilot Truck Stop. He also spoke about continuing traffic safety issues on Route 106, including vehicles failing to stop for school buses loading and unloading students.

Rick Fowler of 3968 Virginia Rail Drive, had signed up to speak but declined, indicating that he was present to support the comments of his wife, Virginia Muñoz.

Pat Bower of 13916 James Drive in Chickahominy Shores spoke about the recurring drainage problems in her neighborhood which had resulted in several flooding incidents at her home. She referred to easement agreements from the 1970s that involved work that had not been completed. She thanked VDOT staff and Mr. Trout for their recent attention to the problems.

There being no one else signed up to speak, the Citizens Comment Period was closed.

Mr. Davis spoke about several areas in his district where standing water was a problem, reminding that the roads in New Kent were either private roads or owned by the State, with none owned by the County. He commented that many of the drainage problems originated on private property.

Mr. Sparks reported similar problems in his district, and spoke about how the abundant rainfall had been a contributing factor.

Mr. Trout acknowledged the assistance and attention of Ms. Jorg Huckabee-Mayfield, Interim Residency Administrator with the Virginia Department of Transportation.

IN RE: RESIDENCY ADMINISTRATOR'S REPORT

Ms. Jorg Huckabee-Mayfield, Interim Residency Administrator with the Virginia Department of Transportation, reported on issues regarding roads in New Kent County.

Maintenance activities during the past month were reported to include completion of a pipe replacement project on Old River Road/Route 608, replacing deteriorated concrete joints on Pocahontas Trail/Route 60, the repair of 444 potholes in New Kent, beaver dam removal, routine maintenance of non hard-surfaced roads, and litter pickup.

She indicated that maintenance activities planned for the upcoming month included ongoing pothole repairs, replacing failed cross pipes, monitoring of non hard-surfaced roads, shoulder repairs, cleaning of draining structures, drainage work in Brown's subdivision, inmate litter pickup, drainage improvements, routine sign maintenance, and ditch/shoulder work in Chickahominy Shores. She added that the drainage problems in the Chickahominy Shores neighborhood were substantial and would require a united effort with the property owners to solve. She advised that VDOT would re-grade some of the ditches and repairs some winter storm damage but pointed out that some property owners had filled in their ditches which prevented storm water from getting to the easements, and everyone would need to work together to develop a comprehensive solution.

Ms. Huckabee-Mayfield reviewed a number of significant changes that would take place at the end of April with the closing of many residency offices across the State. She reported that the Sandston Residency would become a part of the Ashland office with the day-to-day activities in New Kent being handled out of that office, and that some functions, including land development and permitting, would be re-assigned to the Richmond District. She introduced Scott Gagnon, the new Land Development Director and New Kent's "point of contact", who would be working out of Colonial Heights.

Mr. Gagnon explained that he would be providing oversight of plan reviews, access management, and secondary road acceptances.

Mr. Burrell advised that he tried to convey to constituents calling with road complaints that VDOT staff in New Kent had been significantly reduced but was handling much more work, and he expressed his appreciation for the consistently prompt attention by VDOT staff to his calls. He also complimented the Interim New Kent Area Supervisor for her professionalism and demeanor.

Ms. Huckabee-Mayfield explained that they were trying to use contractors to make up for the shortage in staff. She also advised that after the reorganization, her title would change to Area Maintenance Manager but her duties would remain basically the same.

Mr. Trout spoke about setting up a meeting with VDOT, County staff and residents from Chickahominy Shores, as well as about some planned work to address tidal flooding on South Waterside Drive. Ms. Huckabee-Mayfield confirmed that it was their plan to raise the elevation of that section of road which should make a substantial improvement.

Mr. Davis inquired about a State regulation that prevented a property owner from impeding downstream water flow. Ms. Huckabee-Mayfield advised that she was not familiar with that regulation but would do some research on the matter.

Mr. Davis asked about the time table for hiring a permanent New Kent Area Supervisor. She advised that she had requested that the position be filled as a "critical hire" but a decision had not yet been made.

Mr. Evelyn asked for attention to some flooding problems at the intersection of Henpeck and Quaker Roads. He also asked about the Pilot traffic study. Ms. Huckabee-Mayfield had no

information about the study and Interim County Attorney added that it was her understanding that the traffic study had been completed by a private engineering firm and submitted to the Planning staff.

Mr. Evelyn expressed his thanks for the work on Old River Road.

Mr. Sparks spoke about some turn lane problems in his district as well as appreciation for the pothole repair work which he described as a "never ending battle".

IN RE: SECONDARY SYSTEM SIX YEAR PLAN (SSSYP)

Ms. Huckabee-Mayfield reviewed with the Board the proposed SSSYP for FY11-16. She explained that since there would be no change in projects or priorities, the only thing required of the Board was approval of the change in the Budget, which would not require a public hearing. She reviewed a comparison of the plans for FY10 and FY11, noting that the reduction in funding was "quite deep", decreasing from \$92,895 to \$59,879. She explained that federal funding allocations had been removed from the SSSYP because of problems at the federal and state levels and was being redirected to the Commonwealth Transportation Board who would make the decisions on how that would be allocated; however, funding that was allocated in the current budget would remain where it was. She confirmed that no new projects could be added to the SSSYP, and that the available funding would be applied to the one existing eligible project, Dispatch Road, and that several completed projects would be formally closed out. She commented that this situation was "misery shared across the State".

Board members inquired about the timetable for construction of the roundabout at New Kent Highway and Airport/Tunstall Roads. Ms. Huckabee-Mayfield advised that she would look into that and report back to the Board.

Mr. Trout moved to adopt Resolution R-16-10 (approving the 2011 Secondary System Six Year Plan budget) as presented.

James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
David M. Sparks	Aye

The motion carried.

IN RE: SHERIFF'S ANNUAL REPORT

Sheriff F. W. Howard, Jr., Sgt. Lee Bailey and Deputy Tom Mears presented the Sheriff's Annual Report. Sheriff Howard explained that presentation of an Annual Report was a requirement for maintaining their accreditation but it also provided an opportunity to look for ways to improve. He indicated that the state of the economy had caused a dramatic increase in activity and they were continuing to "do more with less", noting that there had been no new County-funded deputy positions since 2004. He reviewed increases in calls fielded by the Dispatch Center, mental commitments, civil process papers served, arrests, jury indictments, warrants, court dates, and jail costs. He spoke about increased drug activities, as well as programs being used to educate youth. He also addressed the activities of the Emergency Response Team, as well as the improvements in adoptions at the Animal Shelter.

Deputy Tom Mears reviewed the work of the Commercial Vehicle Enforcement Unit, that included the requirements to be a member of the unit as well as the numbers of inspections, violations, summonses, and resulting fines.

He also spoke about a motorcycle safety grant obtained from the Department of Motor Vehicles, which was being used to fund motorcycle safety breaks during the summer months as well as an annual bike festival.

Sgt. Lee Bailey described the occupant protection and child safety seat programs that included both local and regional events and efforts, as well as the state and national awards won by the Sheriff's Office, and recognition of some of the deputies for drunk driving arrests.

The Board also received information regarding how various grant funds were used to purchase equipment for the Sheriff's Office.

The Board took a brief recess and then resumed the meeting.

IN RE: FINNEY CONDITIONAL USE PERMIT APPLICATION TO EXPAND HOME
OCCUPATION

Before the Board for consideration was Resolution R-14-10 approving an application filed by Mr. and Mrs. John Finney for a conditional use permit (CUP) to allow them to hire up to four non-resident employees for their home occupation, Creative Cabinet Works, at 15980 Kent Flats Lane, Lanexa.

Planner Kelli Le Duc explained that the parcel was 25 acres in size and contained a residence, a 5,000 square foot building housing the business, as well as a designated parking area for a delivery box truck and a van. She noted that the subject property and adjacent properties to the north, east and west were zoned A-1, Agricultural, and property to the south was part of the DragonsRidge Motorsports Park Planned Unit Development. She indicated that the Comprehensive Plan designated the parcel as *Rural Lands*, which were intended for low density development not served by public utilities.

She advised that the County's ordinance required a CUP for the operator of a home occupation to hire employees who did not live on the property. She reported that Mr. Finney's business was experiencing growth and he wanted to hire some non-family employees. She pointed out that Kent Flats Lane was a private graveled lane with an unofficial road maintenance agreement, and the only expected impact would be a slight increase in traffic generation to the site. She reported that there had been no negative comments from adjacent property owners and two comment letters in support of the expansion. She added that if the business continued to grow, Mr. Finney planned to relocate to a site properly zoned for his business. She indicated that in the meantime, staff had recommended that the application be approved, subject to five conditions, and that the Planning Commission, on a vote of 9:0:1, had forwarded the application to the Board with a favorable recommendation.

Mr. Finney thanked Ms. Le Duc for her assistance with the application. He explained that his business manufactured cabinets on-site for installation in homes. He indicated that he worked only part-time in the business, his daughter was his bookkeeper, and both his son and son-in-law worked there. He advised that his son-in-law would soon be working from a store front at another location, leaving his son to be the only employee involved in

manufacturing at the site. He explained that they continued to “see a lot of good business” as a result of the remodeling market, and if that trend continued, he was confident that he would be ready to move the business to a commercial location within five to six years, noting that it was his plan to buy some land and build his own building.

Mr. Burrell pointed out that the business was not visible from Stage Road and he had not received any objections from any of the neighbors.

The Chairman opened the Public Hearing.

There being no one signed up to speak, the Public Hearing was closed.

Mr. Burrell moved to approve Resolution R-14-10 as presented. The members were polled:

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye
David M. Sparks	Aye

The motion carried.

IN RE: WILLIAMS/NATIONAL COMMUNICATION TOWERS CONDITIONAL USE PERMIT
APPLICATION FOR A CELL TOWER

Before the Board for consideration was Resolution R-15-10 approving an application filed by property owner Marion Williams and agent National Communication Towers LLC for a conditional use permit (CUP) to install a cell tower on property located at 8201 New Kent Highway.

Planner Matthew Ebinger noted that the proposed site was behind the former Blue’s Coffee House and approximately 600 feet east of the intersection of Olivet Church Road and New Kent Highway. He reported that the 10-acre parcel, identified as tax map parcel 22-80, was designated as *Rural Lands* on the Future Land Use Map, and was zoned A-1, Agricultural, as were all of the adjacent parcels. He confirmed that the agent had submitted maps showing the need for coverage and that this tower would meet those needs. He reported that a balloon test conducted in November 2009 provided images reflecting that the tower would be highly visible from New Kent Highway, designated as a Virginia Scenic Byway, and from the New Kent Winery, polo field and other tourist attractions in the Farms of New Kent Planned Unit Development. He indicated that the proposed tower would be within 750 feet of a residential structure and because of that would require a special waiver. He indicated that the application had been submitted to various agencies, and that VDOT had expressed some concerns about the entrance, which would be addressed during the site planning process, and that there were some initial environmental concerns regarding a Resource Protection Area, but that would also be confirmed during the site planning process.

Mr. Ebinger advised that staff was not recommending approval because the tower’s proximity to a residential structure would not be in conformance with the zoning ordinance and because the tower was not situated so as to minimize the adverse effects on the scenic beauty of the area and surrounding rural lands. He noted that the Planning Commission had voted 7:0:2 to forward the application with a favorable recommendation.

Elliot Harrigan, President of National Communication Towers, advised that his company had built 29 towers in 15 localities. He explained that the proposed tower would be 195 feet in height and would not be lighted, and would be a typical monopole tower that was 72" at the base and tapered to 18" at the top. He pointed out that the subject parcel was mostly wooded, with trees standing 70 to 80 feet, and that the balloon test, which was conducted at a time when few leaves remained on the trees, showed that there was six miles of intermittent visibility along Route 249 and a 50-foot gap along Route 609 where the tower would be visible.

He confirmed that he had letters of intent from three major carriers and an email response from a fourth that the site would be suitable for their needs. He advised that this would be an expansion site for the carriers and described how carriers needed sites far enough apart to minimize the number of sites, with some overlap. He reviewed the process that the carriers went through to actually select and budget for a site and advised that AT&T had indicated that it was "pushing" to get this site into its 2010 plan, with Sprint and Intelos planning for it to be one of their 2011 sites. He advised that should there be growth in the area, the project might be moved up in the carriers' schedules.

There was discussion regarding the increasing demand for service and how that might result in the need for more tower space. Mr. Harrigan advised that it was their practice to "over design" their towers to build in additional capacity. He noted that there were currently five wireless carriers with licenses in New Kent.

There was discussion regarding the site's failure to meet the County's setback line minimum and Mr. Harrigan pointed out the scarcity of available parcels in New Kent that would meet the requirements. He confirmed that Mr. Williams had talked with the affected residents, and all but one had signed off as having no objections, and that one had vocally expressed that he had no objection. He indicated that there was little flexibility on the site because of topography. He mentioned an anticipated application for a tower on a nearby site but Board members reminded him that only his application was under consideration at this time.

Mr. Harrison reported that his company had tried to talk with Mr. Johns at the Winery about the possibility of planting screening trees to address concerns with visibility but that Mr. Johns had not responded to their numerous calls.

There were discussions regarding towers that might be anticipated in other areas along New Kent Highway. Mr. Harrison advised that there were holes in coverage west of Talleyville and to the east in Slatersville. There were also questions regarding tower life spans and heights.

Mr. Sparks asked if any of the towers in New Kent had five carriers. Mr. Harrigan did not have that information but indicated that there were four to six wireless carriers on all 15 of his company's towers and reminded that this was their first tower in New Kent.

The Chairman opened the Public Hearing.

Catherine Campbell spoke about the lack of wireless coverage at her home off Old River Road on the Pamunkey River and asked that the application be approved. She also thanked Board members for their responsiveness as well as a recent meeting about the condition of Old River Road.

Eugene Williams of 5930 New Kent Highway explained that this tower was proposed for his mother's property, and described the problems with coverage in that area. He indicated that he had interviewed three other companies and found National to be the best company to deal with and he felt this was a positive thing for the County.

There being no one else signed up to speak, the Public Hearing was closed.

Mr. Evelyn reported that he had received no calls or concerns from any of his constituents.

Mr. Trout commented that he did not feel that the tower companies would invest in the location unless coverage was needed.

Mr. Davis agreed, reminding that there would be increased revenue from the taxable equipment.

Mr. Burrell shared similar sentiments, and thanked Ms. Campbell for her comments.

Mr. Evelyn moved to approve Resolution R-15-10 as presented. The members were polled:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
David M. Sparks	Aye

The motion carried.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Davis thanked the citizens for their calls about road conditions.

Mr. Trout announced details of upcoming Extension and Library events.

Mr. Burrell encouraged citizens to return their Census forms, and also explained that the annual contest for substance abuse awareness was being deferred for 2010 because of the death of Carter Perry but would be held in 2011 and sponsored by Ebenezer Baptist Church.

Mr. Trout elaborated that April would remain as Alcohol, Drug, Tobacco and HIV/Aids Awareness Month but that there would be no essay contest or awards program in 2010.

Mr. Evelyn announced that an agreement had been reached for pre-screened, non-violent inmates from the Henrico Jail East to pick up roadside trash in New Kent.

IN RE: STAFF REPORTS

County Administrator Cabell Lawton recognized the members of the Budget Team and then reviewed the latest recommendations in the proposed FY11.

Those recommendations included additional funding for the schools, as well as funds to cover the cost of inmate trash pickup, the newest Social Services position, custodian for the human services building, and bonuses for full-time employees. He reported that the latest figures reflected that one cent on the real estate tax rate equaled \$269,000, and staff was recommending a tax rate of \$0.67, or one cent below the equalized rate.

He reviewed the decrease in revenue from the State, as well as the increases in local revenue from both real estate and personal property. He explained that both revenue recovery and SAFER grant funds would be budgeted in FY11 rather than appropriated, for improved transparency.

He reviewed the breakdown of expenditures between the schools and the general fund, and confirmed that local funding for the Airport was included at \$55,000.

He reported that funding levels for 25 agencies would mostly remain constant, with a decrease for Providence Forge Volunteer Rescue Squad because of reduced call volumes, and also pointed out a proposed reduction in CSA funding.

Regarding the Capital Improvement Plan (CIP), he advised that funding was 18% of what had been requested and noted that the Planning Commission was holding its public hearing on the CIP the following week. He indicated that he would be reviewing and evaluating all CIP projects over the next few months. He noted that most of the utility CIP projects were mandated and noted that they were funded through the Utility fund.

He spoke about debt service and reminded the Board that it would need to determine which loans it wanted to retire.

Mr. Lawton reviewed that water and wastewater fees would increase by 8% as provided in the Utilities *Pro Forma* and, as a result, the average bill would increase by about \$60 per year.

He reviewed projected revenues including meals tax, Social Services, and Airport, adding that it was his goal to make the Airport self-sustaining.

He reported that 21 new positions had been requested, but that only 3 were being recommended. He advised that 28 upgrades had been requested and none recommended. He confirmed that a one-time \$300 cash bonus for full-time workers was being requested and reviewed the history of raises for County employees.

He noted that the recommended tax rate of \$0.67 would be lowest rate in New Kent since 1998 and would result in a \$123 decrease in tax bill on an averaged priced home (\$266,000) in New Kent.

After discussing the schedule for public hearings and budget adoption, there was consensus to advertise a rate of \$0.68 for a public hearing on May 10, and that there was no need for additional budget work session.

Mr. Trout requested that staff consider and report on the fiscal impact of the following:

- keeping refuse sites open rather than closing each one day per week
- establishing a brush recycling location in the west end of County
- accelerating the renovation of the historic school to take advantage of current low costs of construction
- paying off only the VRS 7.1% loan
- changing the \$25 vehicle registration fee to a tax
- reducing the BPOL tax by another 5%

IN RE: DISTRICT APPOINTMENTS

There were none.

IN RE: NON-DISTRICT APPOINTMENTS

Mr. Trout moved to appoint Pamela Nixon as New Kent's representative to the Rappahannock Community College Board to serve a four year term beginning on July 1, 2010 and ending on June 30, 2014.

Mr. Trout moved to appoint G. Cabell Lawton IV as New Kent's alternate representative to the Metropolitan Planning Organization to complete a term ending December 31, 2011.

The members were polled:

Thomas W. Evelyn	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye

The motions carried.

IN RE: MEETING SCHEDULE

The Chairman announced that the next meeting of the Board of Supervisors would be held at 6:00 p.m. on May 10, 2010, and the next work session at 8:30 a.m. on April 28, 2010, both in the Boardroom of the County Administration Building, New Kent, Virginia.

IN RE: CLOSED SESSION

Mr. Evelyn moved to go into Closed Session to discuss a personnel matter pursuant to Section 2.2-3711A.1 involving performance. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
David M. Sparks	Aye

The motion carried. The Board went into closed session.

Mr. Davis moved to return to open session. The members were polled:

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye
David M. Sparks	Aye

The motion carried.

Mr. Burrell made the following certification:

Whereas, the New Kent County Board of Supervisors has convened in a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed session was conducted in conformity with Virginia law;

Now there be it resolved that the Board hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open session requirements by Virginia law were discussed in closed session to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board.

The Chairman inquired whether there was any member who believed that there was a departure from the motion. Hearing none, the members were polled on the certification:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
David M. Sparks	Aye

The motion carried.

IN RE: ADJOURNMENT

Mr. Davis moved to adjourn the meeting. The members were polled:

Thomas W. Evelyn	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye

The motion carried.

The meeting was adjourned at 9:47 p.m.