

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 10th DAY OF MAY 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. March 31, 2010 work session
 - b. April 12, 2010 business meeting
2. Miscellaneous
 - a. Resolution R-17-10 requesting roads in Brickshire, Section R, Phase 3, be added to the secondary system of state highways
 - b. Resolution R-19-10 proclaiming May 2010 as Older American's Month
3. FY10 Appropriations
 - a. Funds for FY10 Fire-Rescue Revenue Recovery to cover bank fees, \$5,195.00
 - b. Funds received to date for Fire-Rescue Revenue Recovery for Fire-Rescue personnel, \$24,803.00
 - c. Funds donated to the New Kent Animal Shelter, \$1,089.50
 - d. Funds donated for various items, \$1,786.00
 - e. Funds received by Extension from outside sources for sponsorship of programs, \$479.00
 - f. Funds received from the Commonwealth of Virginia for postage in the Juvenile & Domestic Relations Court office, \$1,000.00
 - g. Funds received from vending machine sales for employee Christmas parties, \$132.61
 - h. Funds from Utility Fund balance for a change order for the Water Supply Plan project, \$10,000.00
 - i. Funds received for DMV Stop Fees in the Treasurer's Office, \$1,300.00

- j. Charge card fees collected in excess of budget for offsetting expenditures associated with charge card fees, \$361.00
- k. Program Income received to date for FY10 from CDBG Plum Point grant participants, \$711.82

Total Supplemental Appropriation:
\$(46,857.93) Total
\$ 10,000.00 From Fund 98 – Utilities Fund Balance
\$ 36,857.93 Money In/Money Out

- 4. FY10 Inter-Departmental Budget Transfers
 - a. *Fire-Rescue*: \$29,661.00 from Reserved for Contingency (revenue recovery) to cover projected line items shortages
 - b. *General Services*: \$2,500 from Rt. 619 Station Loader Z Wall to Animal Shelter Repairs
- 5. Treasurer's Report: Cash in Bank as of March 2010: \$51,180,548.46

Mr. Burrell noted that the Consent Agenda included Resolution R-19-10 proclaiming May as Older American's Month, and read aloud the Governor's Proclamation regarding that designation. He then 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 announced that because of some inconsistencies in the notices regarding the public hearings on the FY11 budget, those public hearings would be re-advertised and held on May 26; however, if anyone was present that wanted to speak on the budget, they would have that opportunity during Citizens Comment Period or later on in the meeting.

He then opened the Citizens Comment Period.

Barbara Lore of 6925 Harrison Bluff spoke about the importance of the Meals on Wheels program to the County's senior citizens, reporting that more than 5,700 meals had been distributed in New Kent in the past year, a 23% increase from the year before, and how it was projected that there would be a 85% increase in participation over the next ten years. She noted that Meals on Wheels and the Central Virginia Food Bank had merged under the *FeedMore* umbrella and that demands on all feeding programs had increased because of the economy. She talked about the need for volunteers and invited interested Board members to accompany her on her meal deliveries.

Rev. Milton Hathaway of 9001 Crump's Mill Road spoke in support of the proposed school system funding in the FY11 budget.

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

IN RE: HERITAGE PUBLIC LIBRARY UPDATE

Heritage Librarian Barbara Winters spoke about offerings at the Library, including its Job Search and Free Tutoring programs, as well as an upcoming book sale. She thanked the Board for its consideration of the Library during the difficult budget process. Mr. Trout added comments about a recent Antique Books Road Show.

IN RE: VDOT RESIDENCY MAINTENANCE MANAGER'S REPORT

Chairman Sparks announced that due to recent cutbacks by the Virginia Department of Transportation, regular attendance by VDOT staff was no longer anticipated at Board meetings, but that problems and questions could still be communicated.

Mr. Davis reported that he and other Board members had attended a recent public hearing on the proposed shoulder-widening project on Route 155. He described some of the proposed work, which included a much-needed cleaning of area ditches.

Mr. Lawton reminded that County staff held a regular monthly meeting with VDOT staff and asked that Board members advise of any issues they might want addressed. It was also noted that there was a new state-wide toll-free number for reporting road issues to VDOT.

IN RE: AGRICULTURAL AND FORESTAL DISTRICT (AFD) APPLICATIONS

Before the Board for consideration was a request to forward the 2010 AFD applications to the Planning Commission.

Environmental Planning Manager Amy Walker explained that the 2010 AFD applications would be forwarded in bulk to the Planning Commission for consideration at its May 17 meeting and thereafter forwarded in bulk to the AFD Advisory Commission for consideration at its June 1 meeting. She indicated that notices would be sent advising all adjacent property owners that they had 30 days to join an application or an already-created district.

Mr. Davis moved to forward the eligible AFD applications and District alignments to the Planning Commission for consideration. 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.

IN RE: BUSINESS APPRECIATION

Before the Board for consideration was Resolution R-18-10 recognizing the week of May 16 – 22, 2010, as Business Appreciation Week.

Economic Development & Tourism Director Rodney Hathaway explained that the resolution was intended to give recognition to the County's businesses. He indicated that a copy of the resolution would be mailed to every business in the County, along with a letter thanking them for their contributions. He advised that the recognition week would also be advertised

in the local newspapers and he provided details of the upcoming annual business appreciation dinner hosted by the Economic Development Authority, at which time awards would be presented by the New Kent Chamber of Commerce.

Board members spoke about the business appreciation event as well as the importance of local businesses to every community.

Mr. Evelyn moved to adopt Resolution R-18-10 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: ELECTED OFFICIALS' REPORTS

Mr. Davis asked for an update on trash pickup by inmates of Henrico Jail East, as well as information on a weekly basis as to where that pickup might be taking place.

Mr. Evelyn thanked County Administrator Cabell Lawton, School Superintendent Robert Richardson, and citizens for attending his recent District 1 Constituents Meeting.

Mr. Burrell congratulated the Financial Services department for receiving its sixth consecutive Award of Excellence in Reporting from the Government Financial Officers Association. He also spoke about upcoming events including the Strawberry Hill Races and New Kent Wine Festival.

Mr. Trout announced details of upcoming events that included a book sale at the library, the Strawberry Hill Races, New Kent Wine Festival, Firemen's Stampede, and the Captain John Smith Chickahominy Water Trail Festival.

Mr. Sparks joined in the congratulations to Financial Services. He also reported that he had attended a recent Smart Beginnings event, a program to help at-risk children get a "jump start" in school, and spoke about the alarmingly low graduation rate of some of the high schools in the area. Mr. Burrell promoted the importance of keeping youth in school, noting that a high number of inmates were high school drop outs.

Mr. Trout recognized the presence of School Board member Leigh Quick.

IN RE: STAFF REPORTS

County Administrator Cabell Lawton reported that he had copies of the comment sheets from the recent public hearing on the Route 155 shoulder-widening project, which comments were almost unanimously in support of the project.

He also advised that in order to pay off one or more County loans by the end of June, as previously discussed and proposed, it was necessary to advertise and hold a public hearing to amend the FY10 budget. It was his recommendation that public hearing be scheduled for June 14, after the Board had adopted the FY11 budget. He added that should the Board decide not to proceed with the early pay-off, then the public hearing could be cancelled. He

explained that the public hearing was necessary because the amendment would be more than 1% of the budget should the Board agree to proceed and pay off the loans that had been recommended. There was discussion regarding the loans under consideration for payoff, which included the loan on the Health & Human Services Building for \$2.6 million, a Virginia Retirement System loan for \$238,000, and a loan on the Vehicle Maintenance Facility of \$1.8 million.

There was consensus among the Board to proceed with advertising the public hearing, and staff was asked to provide the Board with a summary of the options so that they would have it available for discussion at the May 26 public hearings on the FY11 budget.

IN RE: DISTRICT APPOINTMENTS

Mr. Burrell moved to appoint Cecelia Garner as District Three's representative to the Heritage Library – Board of Trustees to serve a four-year term beginning July 1, 2010 and ending June 30, 2014.

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: NON-DISTRICT APPOINTMENTS

Mr. Trout moved to appoint Sgt. Wiley Carter as New Kent's representative to the Middle Peninsula Juvenile Detention Commission to serve a four-year term beginning July 1, 2010 and ending June 30, 2014.

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: NOMINATIONS

Mr. Evelyn moved to nominate Lee Tyson for Circuit Court appointment as an alternate member of the Board of Zoning Appeals to serve a term ending December 31, 2011.

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.

IN RE: UNIVERSAL DESIGN

This subject was brought up by Mr. Burrell. Community Development Director George Homewood reported that Universal Design, sometimes referred to as "Visitability" was a concept where homes were designed with features that would accommodate needs for handicapped or aging individuals, which would include barrier-free first floors, first floor wheelchair accessible bathrooms, first floor bedrooms, user-friendly hardware, and blocks installed in bathroom walls where grab-rails could be added. He indicated that he would be happy to bring more information to the Board at a future work session. There was consensus that it would be appropriate for the June work session.

The Board took a recess until 7 p.m. at which time the meeting was resumed.

IN RE: INMATE TRASH PICK UP

Chairman Sparks advised that according to information received during the break, inmate trash pickup had been conducted in the Courthouse area, around the trash transfer stations, and along Farmers Drive.

IN RE: PROPOSED FY11 BUDGET, FEES AND TAX LEVIES (PART 1)

Chairman Sparks again announced that the Public Hearings on the proposed FY11 budget would be held on May 26 at 7 p.m. but offered the opportunity to speak to anyone present.

IN RE: COMPREHENSIVE PLAN AMENDMENT – PUBLIC FACILITIES MAP

Before the Board for consideration was Ordinance O-02-10 amending the New Kent County Comprehensive Plan, *Vision 2020*, to incorporate an updated Public Facilities Map.

Mr. Homewood explained that adoption of the proposed ordinance and Public Facilities Map would amend the Comprehensive Plan by reflecting the public facilities added since the Plan was adopted, including the Quinton Community Center, new locations for the Heritage Public Library and Cooperative Extension, and the new fire-rescue station in Lanexa. He advised that this was only an interim amendment as staff was working on an update of the Comprehensive Plan, which would include a map of future developments including parks and recreation facilities.

The Chairman opened the Public Hearing.

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

Mr. Evelyn moved to adopt Ordinance O-02-10 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: MOODY/NATIONAL CONDITIONAL USE PERMIT APPLICATION FOR A CELL
TOWER

Before the Board for consideration was Resolution R-21-10 approving a conditional use permit (CUP) application filed by James L. and Verline H. Moody, Trustees (property owners) and National Communication Towers LLC (agent) authorizing the installation of a cell tower on a parcel located at the intersection of New Kent Highway and Paige Road.

Planner Matthew Ebinger explained that the proposed lease site was .36 acres on a 30-acre parcel identified as Tax Map Parcel 25-40A. He indicated that the parcel contained a residence, was designated *Rural Lands* in the Future Land Use Map and, along with all adjacent parcels, was zoned *A-1, Agricultural*. He confirmed that the application included maps showing a lack of signal coverage and that the proposed tower would fill that gap. He reported that simulated images from a balloon test reflected that the proposed tower would not be highly visible from New Kent Highway and only partially visible from other roads in the County. He advised that based upon the fact that the tower would be in an area where coverage was needed and did not appear to have any adverse impacts, staff recommended that the application be approved subject to conditions included in the proposed resolution. He confirmed that the Planning Commission had reviewed the application at its April meeting and voted 8:0:1 to forward it with a favorable recommendation.

Mr. Burrell advised that the proposed tower site was located in his district and he was not aware of any opposition. Mr. Ebinger added that staff had likewise received no adverse comments.

Elliot Harrigan, President of National Communication Towers, confirmed that the right-of-way to the leased area would be through the subject parcel. He noted that the proposed 195-foot lattice tower would not be lit and had FAA approval. He reported that he had a letter of intent from Intelos. He explained that the site was ideally situated to provide continuous signal in the area, and confirmed that neither his company nor the property owners had received notice of any opposition to the tower.

There was discussion regarding signal problems in this area.

The Chairman opened the Public Hearing.

Verline Moody, property owner, asked that the Board favorably consider the request.

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

Mr. Burrell moved to adopt Resolution R-21-10 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: PROPOSED FY11 BUDGET, FEES AND TAX LEVIES (PART 2)

Chairman Sparks again reminded that the presentation and public hearings on the FY11 budget would take place on May 26 but offered the opportunity for comment to anyone present. Mr. Lawton confirmed that there would be no changes to the proposed budget between this meeting and May 26. Chairman Sparks suggested that all Board discussion on the budget be held until after public comment on May 26.

There was consensus to begin the May 26 work session at 4 p.m. rather than the normal start time of 3 p.m., with public hearings to begin at 7 p.m.

IN RE: MEETING SCHEDULE

The Chairman announced that the next meeting of the Board of Supervisors would be held at 6 p.m. on June 14, 2010, and the next work session at 4 p.m. and budget public hearings at 7 p.m. on May 26, 2010, all in the Boardroom of the County Administration Building, New Kent, Virginia.

One of the Board members suggested asking the Sheriff's Honor Guard to present the flag at the June 14 meeting in observation of Flag Day.

IN RE: ADJOURNMENT

There being no further business, Mr. Trout 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 7:17 p.m.