

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 14<sup>th</sup> DAY OF JUNE 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.

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IN RE: CALL TO ORDER

Chairman Sparks called the meeting to order.

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IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Burrell gave the invocation. The Sheriff's Office Honor Guard presented the flag in observation of Flag Day, followed by recitation of the Pledge of Allegiance.

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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.

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IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Approval of Minutes
  - a. Emergency meeting of April 19, 2010
  - b. Regular work session of April 28, 2010
  - c. Regular business meeting of May 10, 2010
2. Miscellaneous
  - a. Resolution R-22-10 in support of Smart Beginnings
  - b. Resolution R-26-10 amending the County's Surety Policy
  - c. Resolution R-28-10 in support of the proposed roadway, drainage and shoulder improvements to State Route 155
  - d. Amendment to the New Kent County Utility Fee Payment Agreement with New Kent Courthouse Village L.L.C.
  - e. Authorizing execution and recordation of Deed of Vacation (of easement) with GPM Investments LLC dated June 1, 2010, on property located on the south side of U. S. Route 60, Pocahontas Trail
  - f. Creation of new General Ledger funds: Fund 205-School Operating Fund, Fund 206-Textbook Fund, and Fund 209-School Food Cafeteria Fund
  - g. Road Name Additions
    - i. Courthouse Way
3. Refunds
  - a. \$500 to William H. Goodwin for AFD fee
  - b. \$225 to Glen Gilley, Associate Broker, Prudential Town Realty for a portion of Zoning Modification Permit fee

4. FY10 Appropriations
- a. Funds for FY10 Fire-Rescue Revenue Recovery to cover bank fees, \$99.00
  - b. Funds received to date for Fire-Rescue Revenue Recovery for Fire-Rescue personnel, \$13,085.00
  - c. Funds donated to the New Kent Animal Shelter, \$795.00
  - d. Funds donated for various items, \$1,767.50
  - e. State funds for the Four for Life grant received in excess of budget, \$9,371.93
  - f. Insurance proceeds for Visitors Center water damage on 1/29/10 and patrol car accident on 5/14/10, \$10,546.00
  - g. Funds received from vending machine sales for employee Christmas parties, \$314.08
  - h. Funds from Utility Fund Balance for a change order for the Reclaimed Water Line project, \$25,150.00
  - i. Funds for supplemental security from the Sheriff's Office and Fire-Rescue for April and May, \$13,402.00
  - j. Additional State Social Services Funds for two mandated child care programs, \$11,175.00
  - k. Funds from the Dept. of Criminal Justice for the Virginia Sexual and Domestic Violence Victim Fund grant to be used by the Commonwealth's Attorney's Office for personnel costs for a part-time attorney, \$20,000.00
  - l. Federal funds from the Dept. of Emergency Management for a Fire-Rescue training grant, \$1,500.00
  - m. School Capital funds for the Vehicle Maintenance Facility, \$66,604.00
  - n. Funds received for DMV Stop Fees in the Treasurer's Office, \$1,720.00
  - o. Charge card fees collected in excess of budget for offsetting expenditures associated with charge cards fees, \$494.00
  - p. Program income received to date for FY10 from CDBG Plum Point grant participants, \$894.82

Total Supplemental Appropriation:

\$(176,918.33)	Total
\$ 66,604.00	From Fund 3 – School Capital
\$ 25,150.00	From Fund 98 – Utilities Fund Balance
\$ 85,164.33	Money In/Money Out

5. FY10 Inter-Departmental Budget Transfers
- a. *Social Services*: \$6,147.00 from Salaries & Wages, Gasoline and Telephone Services to Furniture & Fixtures, Professional Services, Postage, Telecommunication Equipment, Office Supplies, and Lease/Rental of Equipment
  - b. *Social Services*: \$769 from Salaries & Wages to Furniture & Fixtures
  - c. *Social Services*: \$425 from Reserved for Contingency to VIEW Working Day Care
  - d. *General Services*: \$2,488 from Electric Services to Computer Replacement
  - e. *Schools*: \$6,294 from Travel-Transportation Mgt Serv, Misc Services-Transportation Vehicle, Travel-Transportation Vehicle Ops and Uniforms & Small Tools Vehicle Main to Pars & Supplies Vehicle
  - f. *Schools*: \$600 from Matls & Supplies Improv RegEd Elem to Teacher Salaries – SpEd and RegEd Elem and Middle
  - g. *Schools*: \$166,000 from School Contingency to Textbook line items

- h. *Public Utilities*: \$3,187,854 from Water & Sewer Fund Balance to DEQ-Water Quality Improvement Grant
- i. *Fire-Rescue*: \$37,000 from Revenue Recovery Contingency to Salary Line Items
- j. *Parks & Recreation*: \$1,600 from Community Rentals to Salary Line Items
- k. *Parks & Recreation*: \$800 from Salaries to Workers Compensation
- l. *Commissioner of Revenue*: \$2,720 from Computer Supplies & Tech Support-Vision to Part-time Wages
- m. *Human Resources*: \$300 from Admin Food & Serving Supplies to Promotional Items
- n. *Sheriff*: \$25,000 from Reserved for Contingency to Purchase of Jail Space
- o. *Personnel Shortfalls*: \$28,040 between various salary line items
- p. *Personnel Shortfalls*: \$5,006 between various salary line items
- q. *Personnel Shortfalls*: \$1,861.00 between various Utilities salary line items
- r. *Training*: \$13,614 from Reserved for Contingency-Training to Training Line Items for Board of Supervisors, Administration, Commissioner of Revenue, Treasurer, Electoral Board, Financial Services, Circuit Court Judge, Sheriff, Courts, SRO, Community Development Administration, Planning, Historic Commission, Environmental, Extension, CSA, Human Services, Utility Administration, Utility Billing, & Social Services

6. Treasurer's Report: Cash in Bank as of April 2010: \$49,539,802.24

Mr. Trout 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.

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IN RE: CITIZENS COMMENT PERIOD

Chairman Sparks opened the Citizens Comment Period.

Joyce Peterson spoke on behalf of the Heritage Public Library. She reviewed the actions taken by the Library Foundation over the years towards obtaining a new location for the Library and indicated that they were reluctant to begin their capital campaign without a formal commitment from the Board for funding and a timeline for renovation of space in the Historic School building.

Barbara Winters spoke both as a resident and as the Director of the Library. She requested that the Board include funding in the FY11 Budget for the renovation of the Historic School as a new home for the Library. She voiced her concerns about the physical integrity of the building as well as adequate library services for New Kent. She described quality library services as the "great equalizer in our society" and gave examples of how some Heritage Library patrons depended on Library services and its internet access. She stated that she

believed that the Board supported the Library but felt that if no funds were included in the FY11 Budget, the project "might fall through the cracks". She explained that the Library Foundation was in the process of putting together a capital campaign committee to raise private funds to supplement county funding but could not begin to ask for funds until the County made a clear commitment and had a timeline.

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

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IN RE: SHERIFF'S OFFICE PRESENTATIONS

Lt. Chris Hamlet introduced new deputy, Chris Stevens.

Sheriff F. W. Howard, Jr. presented Deputy Herman (Ned) Pearson with an Honor Graduate Award for finishing first in his class at the Crater Regional Academy and also reported that Deputy Pearson had placed third in firearms.

Sheriff Howard presented Lt. Chris Hamlet with the Law Enforcement Public Service Award from the U. S. Attorney General's Office for his work on a recent child abduction case. He reported that this was the first time that anyone from New Kent had received this award.

Board members congratulated the award recipients and welcomed the new deputy.

There were comments regarding the trash pickup by inmates from the Henrico Jail East and how well-received it was by the residents. Sheriff Howard reported that 681 bags of trash had been collected along 90 miles of County roads.

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IN RE: VIRGINIA COOPERATIVE EXTENSION

Horticulture Agent Patty Townsend distributed material on upcoming events being hosted by their office and presented a slideshow on the recent Envirothon.

Board members commented on the activities and thanked Ms. Townsend and her office for a successful event.

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IN RE: CAPITAL REGION COLLABORATIVE

Robert A. Crum, Jr., Executive Director of the Richmond Regional Planning District Commission (RRPDC) and Kim Scheeler of the Richmond Chamber of Commerce briefed the Board on the Capital Regional Collaborative draft regional priorities. They explained that the Collaborative was a partnership between the RRPDC (comprised of nine jurisdictions) and the Chamber of Commerce working to identify and implement regional priorities that would improve the Richmond Region's quality of life. They indicated that the process had included meeting with diverse focus groups to receive input and the draft was the compilation of the most frequently identified issues. The foundational priorities for a strong region included "Optimized Educational Excellence" as well as "Social Stability and Community Awareness". Strongly preferred priorities were reported to be "Business and Economic Development", an "Appealing Entertainment Destination", a "Leveraged James River", a "Healthy Community", and having "Regionally Coordinated Transportation", with aspirations being identified as "Economically Vibrant", "Exceptional Quality of Life", and "Attractive to All". The broad Regional goal was to develop a "Clear and Strong Regional Brand".

It was explained that having priorities in place would be more important than ever when the economic downturn ended.

They advised that the next steps would be to share the draft priorities by meeting with local government boards, community organizations, and groups; conducting public forums; and via their website. They asked Board members for feedback as to what priorities they supported, which ones they disagreed with, and what else would they like to be considered.

Mr. Burrell talked about the importance of regionalism and education, and also about his work with the Richmond Metropolitan Convention and Visitors Bureau.

Mr. Trout talked about the importance of working together as a region, and thanked Mr. Crum, Mr. Scheeler and their respective organizations for the "fine job" they do.

Mr. Sparks commented that he felt that the Collaborative had done a good job on the draft priorities, and talked about the benefits of developing a better internal transportation network to "move people around instead of them driving their cars".

Mr. Burrell asked about "green" priorities, noting that some of the draft initiatives would have a positive impact on the environment. Mr. Crum responded that they had some meetings set up and expected to hear more about green initiatives.

Mr. Evelyn suggested using the public libraries as a source of obtaining feedback. Mr. Crum indicated that they had considered that and would be sure to place the information in those venues.

Mr. Crum asked the Board to advise as to any organizations or community groups with whom they should share the information. He also thanked the Board for the time that Mr. Trout gave to the RRPDC, its subcommittees, and the Collaborative.

The Board took a short break and then resumed the meeting.

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IN RE: CHRISTIAN/CLEAR SIGNAL CONDITIONAL USE PERMIT APPLICATION FOR A  
CELL TOWER

Before the Board for consideration was Resolution R-24-10 approving a conditional use permit application filed by Lawrence E. Christian, property owner, and Clear Signal Towers LLC, agent, to install a cell tower on property located at 3361 Quaker Road and identified as tax map parcel 19-15.

Planner Matthew Ebinger reported that the parcel was five acres in size, with the area proposed for the tower being approximately 6,400 square feet. He noted that the property had no current use, was designated as *Suburban Housing Detached* in the Future Land Use Map, and was zoned *A-1, Agriculture*, as was the surrounding parcels. He referred to maps submitted with the application that showed a lack of coverage in the area and that coverage would be provided by a tower at that location. He confirmed that a balloon test had been conducted and resulted in a photo simulation showing that the tower would be visible from some of the local roads (including Quaker Woods Drive) but not from Quaker Road itself, and that notice of opposition had been received from some local residents. He advised that the proposed tower would be located within 750 feet of existing residential structures but would meet the minimum setback of 120% of tower height from the property line once a boundary line adjustment or lot consolidation was performed with parcel 19-16, also owned by Mr. Christian. He reported that the application had been reviewed by state and local

agencies. He indicated that because the proposed tower's proximity to residential structures would not be in conformance with the Zoning Ordinance unless a waiver was granted, staff felt that the application should not be approved. He noted that on a vote of 5:4:1, the Planning Commission had forwarded the application to the Board with a favorable recommendation.

The Chairman opened the Public Hearing.

George Tate of 10540 Continental Road spoke in support of the application. He related that Mr. Christian was a lifelong resident of New Kent, paid taxes in New Kent, and there were a lot of his neighbors who supported the tower but couldn't appear in person. He talked about how the tower would not be that visible and about the tax revenue that it would bring to the County.

Doris Parsley of 9901 Cosby Mill Road spoke in support of the application because it would bring better reception.

Bernard Pryor of 3101 Quaker Road stated that he had no problems with the proposed tower but would welcome the improved cell phone reception that it would bring.

Isabel Davis White of 5711 Farmer Drive spoke in favor of the application and how it would improve services for the residents, including public safety, and encouraged the Board to approve it.

Georgia Desper of 3194 Quaker Woods Drive spoke in opposition to the application, describing how it would ruin the view from the backyard of her home and cause a devaluation of her property. She referenced a letter submitted by a local realtor and a photo simulation of the tower from her backyard, as well as petitions signed by those in opposition, and she disputed that there was a lack of cell phone coverage in the area.

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

Jim Chisholm advised that he was a real estate attorney and speaking on behalf of Mr. Christian. He indicated that he had never seen mention in any appraisal that the presence of a cell tower affected a property's value. He stated that there was "not any one location that would suit everybody" and that lack of coverage was a problem in many rural localities. He commented that AT&T needed to fill in its coverage and if this site wasn't approved, then another site that was not as ideal would have to be used. He indicated that the only residence that was within the 750-foot setback was Mr. Christian's, who obviously didn't have any problem with it, and that he was in the process of having a boundary line adjustment done in order to comply with the property line setback requirement. He disputed Mrs. Desper's claim that the tower would affect the value of nearby homes and, although he was sorry that it was causing her so much concern, he did not feel that most people even noticed cell towers.

Mr. Evelyn commented that Mr. Christian's home was not the only residence within 750 feet of the proposed site. Mr. Ebinger confirmed that two other homes were just within the 750 feet.

Mr. Trout asked about the tower height and whether it would be lighted. Mr. Ebinger confirmed that the tower would be 195 feet and would not be lighted.

Mr. Trout noted that the propagation maps showed little coverage for the area but he wasn't sure if this was the best location for it. Mr. Chisholm stated that he did not believe that the actual site on the parcel had been determined yet.

Dorothy Brunetti, agent with Clear Signal Towers, clarified that the proposed tower site had been sited and was strategically placed on the parcel so as to best meet the requirements and she was asking that the application be approved. She advised that AT&T needed this coverage and if this site wasn't approved, they would have to find another site that was relatively close - within a half mile. She confirmed that to date only AT&T had provided a letter of intent but she anticipated interest from other carriers as they expanded into the area.

Mr. Burrell noted that a need for coverage had been demonstrated. Mr. Sparks pointed out that the need varied, depending on the provider, and that there was good coverage with providers other than AT&T. He expressed his concern that the tower would have only one carrier on it and, although the County required towers to be built to accommodate multiple carriers, it did not require that multiple carriers actually locate there. Mr. Trout noted that the County did require co-location where possible. Ms. Brunetti confirmed that the County had required her company to demonstrate a need as well as the fact that there was no available tower on which to co-locate that would meet that need. She added that she expected Sprint to locate on this tower within the year.

Mr. Burrell surveyed members of the audience about cell phone coverage and carriers.

Mr. Davis inquired why AT&T needed towers that were closer to each other as compared to other carriers. Ms. Brunetti spoke about signal propagation and how data services on cell phones were "eating up" band width, with the increasing popularity of iPhones and Blackberries. She indicated that she marketed to and worked with all of the carriers and explained how she did not make money on a tower unless there was more than one carrier on it. She reported that it cost about \$250,000 to build a tower and she had to have a "good feeling" that it would have more than one carrier before she made that kind of investment.

Mr. Evelyn reported that he had visited the Desper home as well as the proposed tower site and he was struggling with the issue. He indicated that he had received numerous telephone calls and had met with adjacent property owners, many of whom had problems with coverage. He stated that it was important to make a decision based on what was best for the County and, if the application were approved, he hoped that Ms. Brunetti would work with the Despers on their concerns.

Ms. Brunetti advised that the site had been chosen for several reasons, including the fact that there was a conservation easement on one side and railroad tracks on the other, there was a nice tree line, and it was in an area that would have minimal impact on the surrounding community.

Mr. Burrell commented that cell phones were "now a necessity" and that dropped calls were a problem and, although he respected the Desper's concerns, there were a lot a citizens who needed the coverage that this tower would provide.

Mr. Trout moved to adopt Resolution R-24-10 as presented.

Mr. Davis asked about information recently received from the Interim County Attorney. Attorney Michele Gowdy advised that her communication had outlined that the Board's

decision could not be based on environmental effects of radio frequency emissions to the extent that such facilities complied with the Federal Communication Commission's regulations concerning such emissions and that any denial of the application had to be in writing and supported by substantial evidence contained in the written record.

The members were polled on Mr. Trout's motion:

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

The motion carried.

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IN RE: EARLY RETIREMENT OF LOANS

Before the Board for consideration was a proposal to amend the FY10 budget to appropriate funds not to exceed \$2,950,000 to retire one or more loans.

County Administrator Cabell Lawton recounted that the Board had previously discussed paying off one or more loans and during the budget process three notes had been identified as being able to be retired. The first one was a General Obligation Refund Bond (VRS), Series 1999, at 7% interest with a payoff of around \$250,000, and staff felt strongly that loan should be retired. The other two were EDA Public Facilities Lease Revenue Bonds, one from 2007 on the Human Services Building at 3.98% interest with a payoff of \$2.7 million, and the other from 2005 on the Vehicle Maintenance Facility at 3.76% interest with a payoff of \$1.85 million. He indicated that the annual debt service savings on both of the latter bonds was similar at around \$214,000, but that staff had recommended paying off the 2007 loan because there would be more of a cost-savings because of the longer term of the loan. He added that should the Board decide not to pay off either of the EDA Public Facilities Lease Revenue Bonds, then the proposed budget would have to be revised to augment the Debt Service funding.

Mr. Davis noted that there seemed to be a consensus among the Board to retire the higher interest VRS loan and he felt that it would be better to pay off the loan on the Vehicle Maintenance Facility because rents collected from the tenants of the Human Services Building were covering the debt service on that building, and the \$850,000 difference in the payoff amounts could be used for the Library project.

Mr. Sparks advised that he was comfortable with that option.

Mr. Trout expressed his concern that the County would be paying off a loan with a below-market interest rate and would have to borrow at a higher rate in the event that a loan was needed in the future, and asked Financial Consultant Ted Cole if the previous interest rate quote of 4.5% - 4.75% was still applicable. Mr. Cole confirmed that if the County were to borrow that amount of money on a 15-year loan, then interest rates of between 4.5% and 5% could be anticipated for bank financing that was not a general obligation borrowing of the County.

Mr. Trout advised that he would agree on paying off the VRS loan but would be hesitant to pay off either of the other loans because of the low rate and the uncertainty of the economy.

Mr. Davis commented that there were no plans to borrow any money at any time in the near future.

Mr. Evelyn asked about the County's debt policy. Mr. Cole advised that the County was close to its debt policy limit but he did not feel that any additional debt the County might need to incur would bring it to that level.

Mr. Burrell asked if paying off the loans would improve the County's credit rating. Mr. Cole explained that the credit profile was based upon the level of debt and how much of the budget was debt service, as well as cash position. It was confirmed that paying off the proposed loans would not jeopardize the County's policy of maintaining a cash reserve of 15% of its budget.

Mr. Davis asked about the interest being earned by the County's cash deposits and staff reported those rates to vary from 1% to 2%, depending on the term of the particular certificate of deposit. Mr. Davis stated that the County was not earning much interest, had the money to pay off the loans, and the Budget was based on those payoffs.

The Chairman opened the Public Hearing.

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

Mr. Davis indicated that he felt that one of the two larger loans needed to be paid off and he felt that it should be the loan on the Vehicle Maintenance Facility because the payoff would be less but would generate the same amount of annual debt service savings.

Mr. Trout expressed his objections to using available cash to pay off a loan at an interest rate that was below current market rates, especially in light of the work that needed to be done at the historic school and the uncertain economy.

Mr. Sparks commented that the County was paying interest each month on the loans and that if the County had the cash, it made sense to pay one of them off. He added that the County would still have the funds to pay cash for the work needed at the historic school.

Mr. Trout moved to appropriate funds from the fund balance of the County's Capital Fund Account to pay off the General Obligation Refund Bond (VRS), Series 1999, in an amount not to exceed \$250,000. 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. Davis moved to appropriate funds from the fund balance of the County's Capital Fund Account to pay off the EDA Public Facilities Lease Revenue Bond, Series 2005 (Vehicle Maintenance Garage) in an amount not to exceed \$1.85 million. The members were polled:

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

The motion carried.

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IN RE: FY11 FEES, TAX LEVIES AND BUDGET

Before the Board for consideration was Ordinance O-03-10 amending Appendix A – Fee Schedule of the New Kent County Code, following a public hearing held on May 26, 2010.

Mr. Lawton confirmed that no changes had been made to the proposed FY11 Budget since the last presentation, and that the recommended changes to the Fee Schedule did not include elimination of the Legal Review Fee that had been discussed at the prior meetings. Ms. Gowdy advised that it was her recommendation that the Board wait until it had a permanent County Attorney before considering any changes to that fee.

Mr. Davis moved to adopt Ordinance O-03-10 as presented. 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.

Before the Board for consideration was Ordinance O-04-10 establishing tax levies for FY10/11, following a public hearing held on May 26, 2010.

Mr. Trout clarified that the tax rates under consideration did not include the lowering of the Business-Professional-Occupational License (BPOL) tax which he would be proposing at a later date in light of the fact that it was not due until January.

Mr. Evelyn moved to adopt Ordinance O-04-10 as presented. 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.

Before the Board for consideration was the Administrative Recommended Capital Improvement Plan (CIP) for FY2011 – 2015.

Mr. Trout asked which portions of the CIP were included in the FY11 Budget. Mr. Lawton advised that the CIP for FY11 was the only portion that was a part of the FY11 Budget and any changes to that would require changes to the FY11 Budget, but the remaining years were recommendations. It was confirmed that the required public hearing was previously held by the Planning Commission.

Mr. Trout advised that his concern remained the acceleration of the renovations to the historic school and noted that any change that amounted to more than 1% of the budget would require another public hearing. Mr. Lawton confirmed that any change of \$500,000 or more would require an additional public hearing.

Mr. Trout reviewed the several categories in the CIP where funding for the renovations could be added, and indicated that he would recommend that \$250,000 be added under Schools and another \$250,000 under Building and Grounds. He repeated his concern that there was no funding in the FY11 Budget for the renovation project and that the County needed to take these steps so that the Library could move forward with its fundraising and design work.

Mr. Evelyn commented that the School Board and Library both knew that the Board supported the project and he felt that there needed to be a better plan before any funds were appropriated.

Mr. Trout disagreed, stating that the funds needed to be in the Budget to show a commitment on the part of the County. He talked about recent vandalism to the building and how the empty buildings would continue to cost the County money while at the same time money was being wasted in rent for the School Board offices and the Library.

Mr. Sparks reminded that the Board would be presented with information in the near future about what the project would cost. Mr. Lawton concurred, stating that it was his goal to come up with a program for use of the building and a method by which the Board could move forward and he was concerned with appropriating a half a million dollars not knowing how it was going to be used. He confirmed that the Board could make this appropriation at any time during the year and he would like an opportunity to lay out some ideas on how it could be done. He added that if the Library needed some kind of commitment, the Board could adopt a resolution. He referred to the space allocation agreement currently in place, and explained about recently expressed interest in the building from several groups and how he wanted to make sure that any plan met community needs in a way that made sense.

Mr. Sparks advised that he would like for the County Administrator to develop a plan of action to proceed and noted that if the project was done over a two-year period, then it could be financed with cash.

Mr. Trout moved to amend the Capital Improvement Plan by moving \$250,000 from FY12 to FY11 for *Library/Community Center/Meeting Facility* under Buildings & Grounds, and to move \$250,000 from FY12 to FY11 for *Upgrade and Use of Historic School* under Schools.

Mr. Davis noted that Mr. Trout's suggestion was a half a million dollar change to the Budget and asked how it affected the bottom line.

Mr. Evelyn noted that the proposed change equated to two cents on the real estate tax rate.

Mr. Lawton explained that if the Board approved the motion, the funding would come from the reserve fund.

Mr. Davis stated that both buildings needed work and asked if Mr. Trout's motion would "tie the County to those amounts" or would there be some flexibility. Mr. Trout suggested that

the Board could still appropriate funding once there was a contract, but that this was “just seed money to get the process started”.

Mr. Sparks pointed out that there was “no game plan” and that the Board could do this at a later date, but “to just put money there with no purpose made no sense”.

Mr. Burrell commented that he understood Mr. Trout’s concerns but agreed that it would be best to appropriate funding after more information was available.

The members were polled on Mr. Trout’s motion:

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

The motion failed.

Mr. Burrell moved to adopt the Administrative Recommended Capital Improvement Plan, as presented. The members were polled:

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

The motion carried.

Before the Board for consideration was the proposed FY11 Budget.

Mr. Trout reviewed a proposed amendment to keep the refuse collection centers open rather than closing three of them one day per week. He pointed out that use of the refuse sites was the only County service some citizens used and closing the sites one day a week would affect the earnings of the County’s lowest paid employees, and he did not feel that the advantages outweighed the disadvantages.

Mr. Burrell pointed out that there were no complaints from citizens when the County reduced the operating hours of the refuse sites a few years back and this was a common practice in most of the surrounding localities and he did not think it would be much of an inconvenience. He added that the Route 618 main site would remain open to serve those in need and the savings would pay one-half of a teacher’s salary.

Mr. Lawton indicated that should the Board want to make the change, it would not affect the Budget because any transfer would take place within the General Fund.

Mr. Trout moved to transfer funds from Contingency to *Refuse Sites* in an amount necessary to not close the refuse collection centers one day per week.

The members were polled:

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

The motion failed.

Mr. Trout spoke about his concern that since the County established a brush recycling site on Stage Road near Route 133, citizens in the heavily populated western end of the County had not been properly served, and he was proposing funding for FY11 to set up a site in the western end of the County, either by restarting brush recycling at the 618 main refuse site a few months each year or locating another suitable site. He then moved to add \$30,000 to *Brush Recycling* on page D-71 of the Budget for the purpose of establishing a brush recycling location in the western end of the County. The members were polled:

James H. Burrell	Abstain ( <i>citing a relationship with contractor</i> )
Stran L. Trout	Aye
W. R. Davis, Jr.	Nay
Thomas W. Evelyn	Nay
David M. Sparks	Nay

The motion failed.

Mr. Trout described the need to accelerate renovations of the historic school for the library and School Board offices, and then moved to add \$250,000 to the FY11 Budget for *Library/Community Center/Meeting Facility* under Buildings & Grounds (page H-5 of the budget) and reduce the FY12 budget by \$250,000, and under Schools (page H-8), add \$250,000 for *Upgrade and Use of Historic School* for FY11 and reduce the FY12 budget by \$250,000. The members were polled:

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

The motion failed.

Mr. Burrell moved to adopt and appropriate the Fiscal Year 2010/2011 budget as submitted by the County Administrator in the general categories as follows:

General Fund	\$14,861,526
Social Services	1,158,222
School Capital	0
Grants	0
Capital Projects	816,250
Human Services	2,208,981
Wireless E-911	40,000
Schools	24,168,792
School Food	813,581
Litter Control	0
Meals Tax	0
Debt Service	5,730,124

Airport	322,862
Computer Replacement	102,200
Water/Sewer	3,660,559
Bottoms Bridge Sewer	1,120,752
Total Proposed FY10/11 County Budget	\$55,003,849

The members were polled:

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

The motion carried.

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IN RE: VIRGINIA RETIREMENT SYSTEM (VRS) FUNDING FOR PLAN 2 EMPLOYEES

Before the Board for consideration was Resolution R-23-10 authorizing County-funded VRS contributions for employees hired after July 1, 2010 (Plan 2 employees).

Human Resources Specialist Darla Stanley explained that the 2010 General Assembly had enacted benefit changes for members hired after July 1, 2010, Plan 2 Employees, consisting of those new to VRS or rehires with no previous VRS service credits. She indicated that Plan 2 employees would be required to pay the 5% employee contribution, but school systems and localities could, by adoption of a resolution, pick up a portion or all of the contribution. She confirmed that New Kent currently paid the employee's contribution for Plan 1 employees and staff was proposing that the County pay this contribution for Plan 2 employees as well in order to maintain equity among the employees and to help with recruitment. She indicated that the County could change its direction each year and that the contribution was currently included in the FY11 Budget funding for positions. She reported that the New Kent School Board had voted to pick up the contribution for teachers.

Mr. Davis asked about the cost. It was explained that it was 5% of the salary of any Plan 2 employee but it was unknown as to what, if any, Plan 2 employees might be hired. Mr. Lawton advised that he felt these would be mostly in the Sheriff's Office or Public Utilities and it would be burdensome to carry two different classifications of employees. He indicated that he would like to study the issue and determine the cost over the next year so that he would have more information for the Board for next year.

Mr. Trout reported that the RRPDC considered a similar resolution for its employees the previous week and indications were that most if not all nine member jurisdictions had voted to pick up the contributions.

Some of the other changes for Plan 2 employees were mentioned, including a change in the retirement benefits formula and eligibility for payment upon separation.

Mr. Davis moved to adopt Resolution R-23-10 as presented. 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.

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IN RE: HISTORIC SCHOOL

General Services Director James Tacosa briefed the Board on estimates to stabilize and rehabilitate the buildings on the historic school property.

He reported that the conditions had worsened since his last report, with leaking into the classroom area. He confirmed that the proposed work would stabilize the shell of the building. He explained that the projected costs were based upon actual estimates from a few months earlier and he felt that advertising roofing and brick work on both buildings together would result in some cost savings. He advised that he had included a contingency in light of the increasing costs of materials and he could be ready to advertise the projects for bids within three weeks.

There was consensus that the work should be done as soon as possible.

Mr. Davis moved to appropriate \$430,000 from the County Capital Improvement Fund (Fund 7) for rehabilitation and stabilization work at the historic school buildings, and to authorize that the work be advertised for bid. 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.

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IN RE: ELECTED OFFICIALS' REPORTS

Mr. Davis encouraged residents to drive safely, noting that the County Fire-Rescue staff had been busy responding to auto accident calls.

Mr. Trout congratulated recent high school graduates and announced details of upcoming events in the community.

Mr. Burrell congratulated Fire Chief Hicks for the Fire-Rescue set-up at the recent Strawberry Hills races.

Mr. Evelyn also congratulated recent high school graduates and commended the members of the AFD Advisory Board for their hard work and professionalism.

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IN RE: STAFF REPORTS

Mr. Lawton announced that he would be attending a conference and would be out of the office for a few days at the end of the week.

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IN RE: APPOINTMENTS

There were none.

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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 July 12, 2010, and the next work session at 3:00 p.m. on June 30, 2010, both in the Boardroom of the County Administration Building, New Kent, Virginia.

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IN RE: CLOSED SESSION

Mr. Burrell moved to go into Closed Session for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving actual or probable litigation and specific matters that require advice, and to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia involving candidate for employment. 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. The Board went into closed session.

Mr. Burrell moved to return to open session. 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.

Mr. Evelyn 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:

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

The motion carried.

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IN RE: COUNTY ATTORNEY

Mr. Evelyn moved to hire Michele Gowdy as the full-time County Attorney starting June 16, 2010. 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.

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IN RE: ADJOURNMENT

Mr. Davis moved to adjourn the meeting. 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.

The meeting was adjourned at 9:44 p.m.