

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 29TH DAY OF SEPTEMBER IN THE YEAR TWO THOUSAND TEN OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 3:00 P.M.

IN RE: CALL TO ORDER

Vice Chairman Evelyn called the meeting to order and reported that Chairman Sparks would be late in arriving.

IN RE: ROLL CALL

Thomas W. Evelyn	Present
David M. Sparks	Absent (arrived at 5:55 p.m.)
James H. Burrell	Present
Stran L. Trout	Present
W. R. Davis, Jr.	Present

All members were present.

IN RE: FY10 SUPPLEMENTAL APPROPRIATIONS AND FY10 INTERDEPARTMENTAL BUDGET TRANSFERS

The Board was asked to approve the following FY10 Supplemental Appropriations and FY10 Interdepartmental Budget Transfers:

1. FY10 Supplemental Appropriations
 - a. Meals Tax funds to reflect actual end of year transfers to debt service for the Schools and to the General Fund for Economic Development, \$8,658.00

Total Supplemental Appropriation:	
\$(8,658.00)	Total
\$ 8,658.00	Money In/Money Out
2. FY10 Inter-Departmental Budget Transfers
 - a. *Fire-Rescue*: \$380 from Furniture & Fixtures and Transfers In, to Hazmat, Books & Subscriptions, Oper. Supplies, Vehicle, and Capital Fund Vehicles
 - b. *Fire Rescue*: \$113 from Vehicle and Powered Equipment Fuels to Group Life – SAFER FEMA grant
 - c. *Treasurer*: \$2,081 from Salary Line Items to Postage

Financial Services Director Mary Altemus explained that these items had been discovered as preparations were being made to close out the fiscal year. She indicated that the audit was underway and the auditors' field work should be completed by the end of the week.

Mr. Burrell moved to approve the FY10 Supplemental Appropriations and FY10 Interdepartmental Budget Transfers as presented and that they 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	Absent

The motion carried.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION UPDATE

Robert Butler, Area Land Use Engineer for the Virginia Department of Transportation (VDOT), was present in place of Scott Gagnon, Director of Transportation and Land Use, who was unable to attend and unfortunately had not provided Mr. Butler with any preparatory information for the meeting.

Mr. Butler advised that Mike Cade was serving as the Interim Maintenance Manager out of the Ashland office, temporarily filling the position previously held by Jorge Huckabee-Mayfield, who had been transferred to Lynchburg.

Mr. Evelyn asked if the funds recently discovered in an audit of VDOT would be used to widen Interstate 64 through New Kent. Mr. Butler indicated that Robert Crandol was the new Transportation Planner (working out of the Colonial Heights office) and would be the appropriate individual to answer that question.

Mr. Davis asked if any of those funds would be used to finance projects that had long been on the Secondary System Six Year Plans (SSSYPs). Mr. Butler predicted that some of those funds would be used for that purpose but he did not know if that would include New Kent's SSSYP, and that Mr. Crandol would be the best one to provide that information.

Mr. Trout asked about the status of the South Waterside Drive project. He noted that Ms. Huckabee-Mayfield had been working on raising the level of the road to help with the tidal flooding that often cut off access to homes and businesses in the area. Mr. Butler advised that he believed the project was still moving forward but had been slowed down when VDOT realized that the area was in a Federal Emergency Management Agency (FEMA) 100-year flood plain, which had some strict federal rules governing funding. He suggested that Mr. Crandol be contacted on that issue.

Mr. Trout talked about some residual pieces of land along Stage Road after that project was finished and how that road was part of the historic Washington-Rochambeau route and those parcels should be preserved and not be abandoned until it was determined whether or not they would be needed. He conceded that the report on the study was long over-due but he wanted to make sure that there were no abandonments in the interim. Mr. Butler advised that he was not familiar with the project but he reassured Mr. Trout that abandonments could only be done by resolution of the Board of Supervisors.

Mr. Davis indicated that "someone had dropped the ball" on the Stage Road project by not restoring the 45 mph speed limit in the project area after the project was completed, and asked about the status of the speed study that had been requested. Mr. Butler indicated that their traffic engineers, who performed the speed studies, were behind on those requests.

Mr. Burrell spoke about an area along the Stage Road project where there was a steep drop-off on a curve that had no guardrail. Mr. Butler suggested that Mike Cade be contacted about that issue.

Mr. Trout asked if there were any records regarding whether the now-grassy portions of Stage Road were dug up or was dirt and grass just put on top of the prior roadway. Mr. Butler advised that it was doubtful whether that documentation was available but that Mr. Cade may have some recollection.

There was discussion regarding whether the residual portions of the road were part of prescriptive easements or were VDOT rights-of-way. Mr. Davis commented that he felt that the sections should be returned to the landowners, and spoke about the lack of a report on the historic route study. Mr. Trout advised that it would be "foolish and damaging" to abandon those sections if they were part of the historic route and should have been preserved. He indicated that although the report on the study was slow in being released, there was plenty of evidence to support their historical significance.

Board members asked about resuming the practice of having someone from VDOT in attendance at the Board's monthly business meetings. Mr. Butler advised that there were only two VDOT staff members to cover meetings in 14 different localities and they were working on a process where someone would attend every other meeting.

It was suggested that contact information be added to the monthly electronic reports that were being generated by VDOT.

IN RE: BUSINESS INCENTIVES PROGRAM

Economic Development Director Rodney Hathaway spoke to the Board regarding a proposed extension of the Business Incentives Program ("Program") that expired on June 30, 2010. He indicated that the Economic Development Authority (EDA) had adopted a resolution recommending that the Program be extended to June 30, 2011. He reviewed that the Program had included the waiving of planning, zoning and environmental fees for qualified commercial projects, the refunding of building permit fees for those same projects if certificates of occupancy were issued within the Program's guidelines, expedited plan reviews, and the relaxing of some storm water requirements. He indicated that one change that had been recommended by the Building Official and endorsed by the EDA was to waive the permit fees rather than refund them.

Building Official Clarence Jackson confirmed that he preferred that the fees be waived upfront because tracking those permits for refunds had proven to be a "nightmare". He indicated that if no work was done within six months after a permit was issued, the permit would be null and void anyway. He also commented that he felt any extension of the Program should be better defined, as the previous program did not define "project" or clarify if it pertained to all commercial permits, or just those for new or expanding business projects. He also described problems with trying to determine who should get the refunds – the contractor or the subcontractor.

Mr. Jackson also suggested that some guidelines should be added on the Planning side, such as in instances where there was a rezoning (with the fee waived) and then the project was never built.

County Attorney Michele Gowdy suggested that the impervious cover trigger for storm water regulations should not be a part of the Business Incentives Program. She also advised that should the Board decide to extend the Program, then it would be best if the Fee Schedule was amended and formally adopted after staff had specifically identified those fees that

were qualified for being waived. She indicated that would also be a good time to revise or eliminate any other fees that had been the subject of Board discussion.

Mr. Hathaway indicated that he was confident that the Program was responsible for some of the recent business growth in the County and spoke about how similar programs had been enacted in other counties. He reported that during the Program, fees of approximately \$54,000 had been waived for 215 commercial permits, and it was anticipated that over the next three years, the County would receive \$475,000 in new tax revenue as a result. He also noted that since the Program was enacted, the EDA had issued 17 grants for new businesses.

There was mention of the pending Adamson rezoning that would be discussed later in the agenda. Mr. Hathaway confirmed that this Program was an incentive for some non-complying businesses to correct their zoning.

There was consensus that staff would work on the Program and bring it back to the Board for consideration of an extension.

Mr. Trout noted that the General Assembly would be considering changes to the Business Professional Occupational Licenses (BPOL) and, although it had been his earlier suggestion to decrease the BPOL rate, he felt it best to wait to see what the General Assembly did.

IN RE: HISTORIC JAIL

Before the Board for consideration was whether or not to connect the Historic Jail to public water and sewer. Public Utilities Director Larry Dame explained that when the Courthouse area water and sewer systems were constructed in 2008, no one in either Public Utilities or General Services was aware that there was a little-used restroom in the Historic Jail that was connected to the water service lateral serving the Historic Courthouse. He indicated that replacement of that lateral in the spring of 2010 (because of a leak), left the Historic Jail without water, and that was when the situation was discovered. He advised that there was a concern because the Historic Jail was not connected to sewer or a septic system, and the discharge had apparently been "settling in the ground".

He reported that the most recent estimate to connect the Historic Jail to the Courthouse water and sewer systems was \$3,350, and the connection fees would total \$17,550. He explained that since the Utilities fund was an enterprise fund, it was necessary to charge the County for connection fees and usage for all County-owned buildings, and that would include the Historic Jail.

Mr. Lawton advised that the Historic Jail was used one morning per week by an elderly volunteer for the Historical Society. Mr. Dame added that he did not think it was a good idea, from a safety standpoint, to have an individual working in an isolated location, and perhaps another location could be found for her to work.

Mr. Trout commented that it was County property and had some use and should have the services restored; however, he agreed that it should not be done at the current time.

There was consensus not to connect the Historic Jail to public water and sewer at this time.

IN RE: WATER SUPPLY PLAN

Public Utilities Director Larry Dame and Assistant Public Utilities Director Mike Lang were present to follow up with the Board for feedback on the draft Water Supply Plan that had been presented at the September 13 Board meeting.

Mr. Lang reported that the draft Plan had been highly praised by the State as “one of the best they had ever seen”, and that the only public comment received had been from Bill O’Keefe, who spoke at the public hearing. He reminded that the County was required by the State to have a Water Supply Plan and he spoke about how water conservation was important to conserve the County’s water sources and could provide additional time before these decisions would have to be made.

Mr. Trout asked if the County’s taking over the Woodhaven Water System should be a part of the Plan. He advised that the State was encouraging that the Woodhaven system be bought by a private company, but he felt that would likely take it out of the range where the County could afford to purchase it. Mr. Dame explained that the Plan addressed needs for the entire County, not just those served by the public water system, and the appropriate time for the Woodhaven system to be included would be when the County developed a centralized water system.

Mr. Evelyn asked what would happen if the Board did not adopt the Plan. Mr. Dame advised that in that event the County would be in violation of State Code. He added that the Plan would help identify New Kent’s needs when the State was looking at long-range water planning.

Mr. Lang advised that the Board would be asked to adopt the Plan at its October 12 meeting.

IN RE: 2011 REDISTRICTING

Assistant County Administrator Bill Whitley reviewed with the Board the recommendation made previously to create a Redistricting Advisory Committee. He advised that there was no requirement to form a committee, but he felt it might help with the approval process because it would reflect citizen participation and demonstrate diverse involvement; however, he added that the redistricting options could be developed first and then involve the citizens. He indicated that should the Board decide to create a committee, then the Board’s bylaws required that it be chartered.

There was discussion regarding the process in 2001. IT Director Jonathan Stanger reported that the last process was primarily managed by the Board working with staff and developed approximately sixteen plans, with three plans eventually going out for public comment at four community meetings.

After discussing the advantages and disadvantages of each process, and in light of the compressed timetable involved with 2011 local elections, there was consensus to proceed as in the past with staff working to develop options with the Board’s input, and thereafter scheduling opportunities for community review and comments.

There was discussion regarding the possibility that some precincts might have to be moved. Mr. Burrell reminded that the Electoral Board had that authority and responsibility.

IN RE: WATERSHED IMPLEMENTATION PLAN

Environmental Planning Manager Amy Walker, Agricultural Water Quality Specialist Jim Wallace from Colonial Soil and Water Conservation District (CSWCD), Conservation Specialist/District Director Brian Noyes from CSWCD, and Senior Planner Sarah Stewart of the Richmond Regional Planning District Commission were present to brief the Board on the Draft Phase 1 Watershed Implementation Plan (WIP) for the Chesapeake Bay, and to determine whether or not the Board wanted to provide public comment at an upcoming public hearing.

Mr. Wallace indicated that they had intended to talk to the Board about what was in the WIP, but since the U. S. Environmental Protection Agency (EPA) had recently rejected Virginia's WIP because it was "inadequate", they would talk in more general terms.

He spoke about Total Maximum Daily Loads (TMDLs), which is a calculation of the maximum amount of a pollutant (primarily nitrogen, phosphorous, and sediment) that a water body could receive and still meet quality standards, and how the WIP focused on three sources: storm water, wastewater and agricultural runoff.

He pointed out that New Kent did not have a great deal of storm water; however, the developments that predated the Storm Water Act had no storm water infrastructure in place. He spoke about how hard it was to make homeowners associations accept social responsibility for storm water and how CSWCD was working on some pilot programs in that regard.

He noted that with the County's Reclaimed Water Project, there should not be any real problems with wastewater discharge and there would be the likelihood of participating in a credit program. There was discussion about any such credit program, and whether or not it would be restricted to trading within the same watershed. Ms. Walker suggested that one comment that should be made on behalf of New Kent at the upcoming public hearing was to allow trading of credits on a local basis first before extending it out beyond the locality.

Mr. Wallace noted that agricultural technology being used in New Kent was "at the top of the ladder" and used in few other parts of the country; however, that technology was not widely adopted and he was not sure how all of that would affect New Kent. He also talked about the possibility of horses being considered "livestock" in the WIP and could "become a target" which could negatively impact New Kent. He advised that he did not think that the EPA had the "political will" to enforce the agricultural regulations and he felt that enforcement actions would be administered through the Chesapeake Bay Local Assistance Department.

Ms. Walker suggested that New Kent should maintain its 8% impervious cover trigger for storm water measures in order to preserve as much of its load allocation as possible. She explained that as grants became available, having an 8% trigger would help the County qualify for funds to retrofit the BMPs around the County, and to relax that trigger would not help.

Mr. Wallace indicated there was concern New Kent County could receive a low load allocation because of its low population and mostly forested land. It was explained that the allocation for each locality would be determined by a complex model based on land cover, and that the County would know by July 1 what its allocation would be. He suggested that

once the allocation was known, the County could then work on ways to meet it, either through incentives or voluntary programs.

Mr. Evelyn commented that businesses might avoid relocating to states impacted by the Chesapeake Bay Act.

Ms. Walker predicted that New Kent would be receiving load allocations for some of the smaller impaired water bodies as well.

There was additional discussion about the trading of nutrient credits. Ms. Walker predicted that there would be separate systems for the James River and the York River. Mr. Dame advised that New Kent had joined a nutrient exchange group which provided for nutrient trading only through the York River basin.

There was discussion regarding Virginia's WIP. It was reported that the revised plan was due by November 1 and it was anticipated that the hearings would continue as scheduled. Ms. Walker indicated that the EPA's main problem with Virginia's initial WIP was that it contained ideas but no regulatory backing and the EPA was looking for stricter regulations. It was noted that although the plans submitted by Maryland and Washington, D.C. had received higher reviews from the EPA, they were also deficient and none were being held up as models.

Mr. Wallace commented that his "take home point" was that a "line had been drawn in the sand" and that "business as usual" would cease to exist. He stated that the EPA had the resources to make the State "toe the line" and the next step would be to see what the Virginia General Assembly did. He agreed with Ms. Walker's suggestion that the credit program be kept local before extending out of the area, and that being proactive could help New Kent to define some protocols and methods that would be to its benefit. He added that the CSWCD had learned that it was in line to host a program on nutrient savings standards and would be interested in partnering with New Kent but would bring those details back to the Board in the future.

Mr. Trout suggested that if something on this issue should be included in the County's upcoming Legislative Package, to so advise the County Administrator.

IN RE: AGRICULTURAL AND FORESTAL DISTRICT (AFD) ORDINANCE REVISIONS

Before the Board for consideration was a request to forward proposed revisions to the AFD ordinances in the County Code to the Planning Commission for public hearing. Environmental Planning Manager Amy Walker reviewed that those revisions were needed in order to comply with the State Code, and included permanently changing the deadline from May 1 to March 1 because of the number of meetings that were required. She noted that another change was the addition of a section to allow for a mid-term review and, should a more intense use be found, then the participant could be required to obtain a report from the Department of Forestry or Cooperative Extension. She reminded that the terms of the districts would be staggered and not all would be coming up for review at the same time and the process should be manageable with the use of aerial photography.

She confirmed that the AFD Advisory Commission members were aware of the changes being requested.

Mr. Trout moved to forward the AFD ordinance revisions to the October 18, 2010 Planning Commission meeting for public hearing. The members were polled:

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

The motion carried.

IN RE: WILLS AFD WITHDRAWAL APPLICATION

Before the Board for consideration was a request to forward to the Planning Commission for public hearing an application filed by Richard Potter and James & Kathleen Wills to withdraw a 1.041-acre portion of Tax Parcel 14-6 from the AFD Program.

Ms. Walker explained that this withdrawal was necessitated by a boundary line adjustment between Mr. Wills and Mr. Potter - the subject property being across the road from Mr. Potter's other property and not being used for agricultural purposes, but being maintained by Mr. and Mrs. Wills. She indicated that Mr. Potter was willing to transfer the land to the Wills to append to their property, but that could not be done until the property was withdrawn from the AFD. She reported that Mr. and Mrs. Wills were aware that they could wait until the 2011 AFD cycle, but they wanted to move forward with the process even though they would have some roll-back tax liability in doing so.

Mr. Burrell moved to forward the AFD withdrawal of 1.041 acres from parcel 14-6, GPIN L23-2140-4602, to the October 18, 2010 Planning Commission meeting for public hearing. The members were polled:

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

The motion carried.

IN RE: ADAMSON REZONING

Planner Kelli Le Duc reviewed an application filed by Mr. and Mrs. Cleveland (Pete) Adamson to rezone a one-acre portion of Tax Parcel 31-12 on Pocahontas Trail, the site of Jim and Scott's Auto, from *A-1, Agricultural* to *Business*. She noted that the auto repair shop was the only non-conforming use in the area.

She advised that staff and the Planning Commission had recommended approval of this application, which would come to the Board for public hearing at its next meeting. She indicated that if approved, the parcel would be split-zoned, and that the applicant had proffered to have it subdivided and had already had the legal work done for that.

It was noted that the fees for this rezoning had been waived under the Economic Development Business Incentives Program.

IN RE: FISCAL IMPACT ANALYSIS

Before the Board for consideration was a request for an appropriation of \$5,750 from the Contingency fund to help pay for an updated Fiscal Impact Analysis ("Analysis") as part of the update to the Comprehensive Plan.

Ms. Le Duc and Community Development Director George Homewood explained that the Analysis that was a part of the current Comprehensive Plan was based largely on a professional impact study from 2000. They noted that the Analysis needed to be updated and the County did not have the internal capacity to do it and was suggesting using one of its on-call consultants (Springsted) for that purpose; however, there was not enough money in the budget to cover all of its cost.

Mr. Homewood indicated that the Analysis would not only identify the costs of residential development but would also qualify the benefit of non-residential development, as it was anticipated that that much of what the County would be seeing would be mixed-use development and the County needed to have a good conception of "real numbers and values" and not rely on the analyses provided by developers.

Mr. Lawton confirmed there were sufficient funds in the Contingency fund to cover the request.

Mr. Davis asked how long the Analysis would be good for. Mr. Homewood advised that it would be good until the Comprehensive Plan was updated again, and suggested that a new analysis should be done with every update. He added that he anticipated that the Analysis would be completed by the Board's November work session, at which time he planned to bring the draft Comprehensive Plan update to the Board for review.

Mr. Trout moved to appropriate \$5,750 from the Contingency Fund to the Comprehensive Plan line item. The members were polled:

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

The motion carried.

IN RE: HOME OCCUPATIONS ORDINANCE

Before the Board for consideration was Resolution R-51-10 sponsoring an amendment to the Home Occupations provisions of the Zoning Ordinance.

Mr. Homewood explained that both Resolutions R-51-10 and R-52-10 were intended to resolve some recently discovered problems in the Zoning Ordinance. He reported that an application for a commercial kennel in an A-1, Agricultural zoned area was recently received, which was an allowed use with a conditional use permit; however, there was an existing residence on the property and commercial kennels were prohibited as a home occupation. He indicated that adoption of the proposed sponsoring resolution would not approve any commercial kennel but would begin the process to change the ordinance so that an applicant in this situation would be afforded the opportunity to apply for a CUP.

Ms. Gowdy indicated that there were several inconsistencies in the Zoning Ordinance and she would prefer that the Board not piece-meal the amendments but do it all at once so as to reduce the chance of any more unintended consequences. She reminded that she had previously forwarded to the Board a memo about the ordinances that needed attention and was awaiting their comments.

Mr. Lawton suggested these were some issues that could be considered by the Board subcommittee recently created to address some planning and zoning issues.

Mr. Homewood explained that many of these inconsistencies were the unintended consequences of the Zoning Ordinance Rewrite Committee process.

Following additional discussion, there was consensus to wait and address this inconsistency with the others referred to by the County Attorney.

IN RE: CONDITIONAL USE PERMIT EXPIRATIONS

Before the Board for consideration was Resolution R-52-10 sponsoring an amendment to the Conditional Use Permit (CUP) provisions of the Zoning Ordinance.

Mr. Homewood explained that during some cell tower research, staff realized that there was a one-year expiration for all CUPs, which could be unreasonably short in the current development climate and conflicted with good zoning practice. He indicated that the suggested revision would provide for the Board to decide on the expiration date for a CUP on a case-by-case basis. He indicated that the Board could take care of this change when the other changes to the zoning ordinance were undertaken, or could initiate the amendment now and any change would roll into the larger revision to take place in the future.

Ms. Gowdy advised that the Board could set the timeframe to match the circumstances in each case and there was good argument to move forward with this amendment at this time; however, if it was the Board's intent to change the CUP process, then perhaps it should wait.

Board members expressed concern that the Board could be considering this amendment at the same time that the Planning Commission might be considering the larger revision, which might lead to some confusion.

It was noted that some CUPs approved in the past had no expiration dates and would be subject to the one-year expiration in the existing Code, whereas there were some with stated expiration dates that were being honored.

There was discussion regarding how a timeframe could be a negotiating tool in the application process.

Following further discussion, there was consensus to move forward with this amendment on its own. Mr. Davis moved to adopt Resolution R-52-10 to sponsor an amendment to the Zoning Ordinance and to transmit it to the Planning Commission for review and recommendation. The members were polled:

Thomas W. Evelyn	Aye
James H. Burrell	Aye

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Absent

The motion carried.

IN RE: HISTORIC SCHOOL

The Board continued to discuss plans for renovation and use of the Historic School. County Administrator Cabell Lawton distributed a compilation of the community input that had been received as well as a copy of the Space Allocation Agreement. He indicated that the Chairman had suggested that the Board schedule a half-day meeting to work on the project and he asked what the Board wanted to have achieved so staff could properly prepare. He advised that there was still interest in the Public Private Education Act (PPEA) proposal and he expected any competing proposals would not be received until the October 8 deadline.

Following discussion, there was consensus to meet at 8:30 a.m. on Monday, October 18, 2010, and also take a tour of the Historic School.

IN RE: MEETING SCHEDULE

The Vice Chairman announced that the next meeting of the Board of Supervisors would be held at 6:00 p.m. on Tuesday, October 12, 2010, in the Boardroom of the County Administration Building, New Kent, Virginia.

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. The members were polled:

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

The motion carried. The Board went into closed session. Mr. Sparks arrived at 5:55 p.m. and joined the Board in 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: OTHER BUSINESS

Mr. Davis moved to authorize staff to enter into a letter agreement as discussed in Closed Session regarding the easement on the Stolz property associated with the reclaimed water line and ask staff to draft the easement and reclaimed water allocation agreement.

Following discussion, Ms. Gowdy suggested that a draft letter agreement be sent to Mr. Stolz, advising that there was Board consensus but that the County wanted to get his feedback before the Board took any formal action.

Mr. Davis then withdrew his motion, and Mr. Burrell moved to authorize the County Attorney to send the proposed letter agreement, as discussed in closed session, to Mr. Stolz. The members were polled:

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

The motion carried.

IN RE: ADJOURNMENT

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

James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye

Thomas W. Evelyn
David M. Sparks

Aye
Aye

The motion carried.

The meeting was adjourned at 6:30 p.m.