

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 12th DAY OF OCTOBER 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. September 10, 2010 semi-annual meeting with Senior Staff
 - b. September 13, 2010 business meeting
2. Miscellaneous
 - a. Resolution R-53-10 proclaiming October 2010 as Community Planning Month in New Kent County
 - b. Modification to the Deed of Declaration of Covenants, Conditions and Restrictions for Taylor's Grove Estates
 - c. Resolution R-54-10(R1) requesting a speed study ~~and truck speed limit~~ on Old River Road
 - d. Resolution R-55-10 commending Jonathon Gellings for the donation of construction and materials of bridges in connection with the bicycle routes
 - e. Road name additions (Baylor Grove subdivision):
 - i. Baylor Grove Court
 - ii. Bay Fin Drive
 - iii. Clear Stone Drive
3. FY11 Supplemental Appropriations
 - a. Funds for supplemental security from the Sheriff's Office and Fire-Rescue for July and August, \$11,429.00
 - b. Funds donated to the New Kent Animal Shelter, \$752.00
 - c. Funds received from vending machine sales for employee Christmas parties, \$164.56

- d. Funds received for reimbursement of equipment purchased for Fire-Rescue Station 2, \$6,310.00
- e. Insurance funds received for replacement radios purchased in FY11 from April 2010 fire, \$2,032.00
- f. Funds received for gifts and donations, \$2,635.00
- g. Computer fund balance for computer monitors and software purchased by Administration, \$573.00
- h. Federal funds for a DMV – Smart, Safe and Sober grant for the Sheriff’s Office, \$35,000.00
- i. Additional Federal Social Services funds for various programs, \$6,630.00
- j. Program income received to date for FY11 from CDBG Plum Point grant, \$1,150.45

Total Supplemental Appropriation:
\$(66,676.01) Total
\$ 66,103.01 Money In/Money Out
\$ 573.00 From Fund 800 – Computer fund balance

- 4. FY11 Inter-Departmental Budget Transfers
 - a. Fire-Rescue: \$1 from Contingency to State Forester (purchase of services)
 - b. Sheriff’s Office: \$7,000 from Grant contingency to DMV Grant – Smart, Safe & Sober
- 5. Treasurer’s Report: Cash in Bank as of August 2010: \$35,642,735.37

Mr. Burrell reviewed some proposed amendments to Resolution R-54-10, which would remove the request for truck traffic speed limit signs. He then moved to approve the Consent Agenda as presented, with the exception of amendments to Resolution R-54-10, 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.

Mr. Burrell noted that included in the Consent Agenda was a resolution acknowledging the work done by Jonathon Gellings in connection with bicycle route bridges at the Visitors Center and he read that resolution aloud.

IN RE: UPDATE ON LANEXA FIRE STATION 4 FUNDRAISING

Barb Gilroy, Deputy Director of the Lanexa Fire Station 4 Auxiliary, updated the Board on fundraising activities. She reported that the Auxiliary had incorporated and become a 501 (c) (3) organization. She indicated that over \$40,000 had been raised to date and reviewed prior fundraising efforts in connection with Colonial Downs, Rockahock Campgrounds, the New Kent Winery, and Viniterra, as well as upcoming events. She announced that ground had been broken for the concrete pad at the site, but indicated that donations for some of the site work had “fallen through”. She advised that an additional \$15,000 was needed.

Board members commented on the hard work and enthusiasm of the community and the Auxiliary and wished them continued success.

IN RE: PRESENTATIONS/INTRODUCTIONS

Mr. Davis presented a copy of Resolution R-34-10 to Jill Cruz recognizing her civic accomplishments and her installation as President of LaSertoma International. Ms. Cruz spoke about the mission of LaSertoma on both the local and international levels.

Mr. Trout presented a copy of Resolution R-31-10 to the family of the late Thelma Crump Wilson and various Board members shared their recollections of Mrs. Wilson and her service to the community.

Sheriff Howard, Sgt. Lee Bailey, and Deputy Tom Mears were on hand to accept several awards presented by Corri Miller-Hobbs, Safe Kids Virginia Coordinator, which included a first place award in the Virginia Law Enforcement Challenge, an Occupant Protection Award, the Governor's Award in the area of motorcycle safety, and a second place Auto Theft Recovery award. She spoke about her long-standing relationship with the New Kent Sheriff's Office and how working together and sharing resources "made a difference". Board members congratulated the Sheriff's Office on receiving the awards.

Sheriff Howard introduced new deputies, Brent Thomas and Shawn Pearson, and shared information about their credentials. The new deputies were welcomed by the Board.

IN RE: FIRE EXTINGUISHER PROGRAM

Chief Hicks updated the Board on a program whereby residents could bring their old fire extinguishers to any of the fire departments for inspection and recharging, where appropriate. He reviewed that not all fire extinguishers could be recharged and that there was a five to seven day turnaround time for those that were sent off for recharging. He reviewed several aspects of fire extinguishers, including life expectancy, size, and maintenance, as well as some of the community events held to promote safety. He thanked Mr. Davis for requesting this update.

Mr. Davis credited one of his constituents, Isabel White, for the idea. He also urged fire safety with the approaching home heating season and suggested that everyone have their home fire extinguishers checked.

IN RE: CITIZENS COMMENT PERIOD

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

IN RE: WATER SUPPLY PLAN

Before the Board for consideration was the draft Water Supply Plan previously presented to the Board at its September meeting and upon which a 30-day public comment period had expired.

Assistant Public Utilities Director Mike Lang indicated that no changes had been made to the Plan and only one resident had provided comments, and he asked that the Board adopt the Plan as presented.

He explained that the Plan would be internally reviewed every five years, and revised and submitted every ten years. He indicated that new ideas would not necessitate a new Plan, but would be worked into future revisions. He reiterated that nothing in the Plan was binding on the County, and that the Plan was a way to get organized and ready for the future where water would be a critical issue.

Board members talked about the Plan and how it was a requirement from the State, and commended staff on a job well done.

Mr. Trout moved to adopt the Water Supply Plan, 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.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Trout advised that he had recently attended a meeting in Chickahominy Shores and announced two upcoming events affecting that neighborhood -- a meeting with staff from the Virginia Department of Transportation regarding the South Waterside Drive project, and the anticipated repair of the railroad crossing by CSX. He also spoke about some upcoming community events and referred residents to his website for more details.

Mr. Burrell spoke about the recent ribbon cutting ceremony for the bicycle route and commented on the better-than-expected attendance at the community information sessions on the Comprehensive Plan update.

IN RE: STAFF REPORTS

There were none.

IN RE: DISTRICT APPOINTMENTS

Mr. Trout moved to appoint Richard Harris as District Four's representative to the Purchase of Development Rights Committee to serve a term ending June 30, 2013.

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: NON-DISTRICT APPOINTMENTS

There were none.

The Board recessed its meeting until 7 p.m.

IN RE: ADAMSON REZONING

Before the Board for consideration was Ordinance O-08-10 approving an application filed by Mr. and Mrs. Cleveland Adamson to rezone a one-acre portion of Tax Parcel 31-12, located at 5213 Pocahontas Trail, from *A-1, Agricultural* to *Business*.

Planner Kelli Le Duc explained that the property was designated as *Rural Lands* in the Future Land Use Map. She noted that this was the only business in that area whose use did not conform with its zoning classification. She indicated that the rezoning would result in the parcel being split-zoned, but the applicant had proffered to subdivide the property within one year, with the zoning for the rest of the parcel remaining *A-1, Agriculture*. She reported that the property was enrolled in the AFD program but clarified that the subject portion had not been receiving AFD tax breaks. She indicated that the Planning Commission voted 8:0:1 to forward the application with a favorable recommendation and that staff also recommended approval.

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

The applicant advised that the auto business had been at that location since the 1950s, and the business no longer sold fuel nor was there any intention of resuming fuel sales. He indicated that his concern was to have the proper zoning in place and he had no plans to change anything other than to keep a viable business there. He confirmed that he had proffered to subdivide the commercial property from the parcel once the rezoning had been approved.

The Board members commented that the requested rezoning "made sense".

Mr. Davis moved to adopt Ordinance O-08-10 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: MEETING SCHEDULE

The Chairman announced that the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Wednesday, November 10, 2010, and the next work session at 3:00 p.m. on October 27, 2010, both in the Boardroom of the County Administration Building, New Kent, Virginia. It was also announced that the Board had called a special meeting for October 18, 2010 at 8:30 a.m. in the Boardroom to continue discussions on the Historic School.

He advised that the Board would be going into closed session and did not expect to take any action thereafter.

IN RE: CLOSED SESSION

Mr. Trout moved to go into Closed Session to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia involving an employee, for discussion relating to real property pursuant to Section 2.2-3711A.3 of the Code of Virginia, and for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving actual or probable litigation and regarding specific legal matters that require advice involving PPEA and other matters. 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 Board went into closed session.

Mr. Burrell moved to return to open session. 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.

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:

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: ADJOURNMENT

Mr. Burrell moved to adjourn the meeting. 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.

The meeting was adjourned at 8:42 p.m.