

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 14<sup>th</sup> DAY OF MAY IN THE YEAR TWO THOUSAND TWELVE 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 Burrell called the meeting to order.

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IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

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IN RE: ROLL CALL

Thomas W. Evelyn	Present
C. Thomas Tiller, Jr.	Present
James H. Burrell	Present
Ron Stiers	Present
W. R. Davis, Jr.	Present

All members were present.

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IN RE: CONSENT AGENDA

The Consent Agenda was presented for consideration as follows:

1. Approval of Minutes
  - a. April 18, 2012 Business Meeting minutes
2. Miscellaneous
  - a. Byrne Justice Assistance Grant Program project
  - b. Public Utilities engineering contract with URS Corporation
  - c. Contract with LRG for Clerk of the Works services
  - d. Road Name Additions
    - i. Willis Family Road
    - ii. ~~Sawara Way and Red Juniper Lane (Cedar Lane subdivision)~~
  - e. ~~Contract with Loyal Termite & Pest Control Company, Inc. (Station 4)~~
  - f. Second one-year extension of the Financial Advisor contract
  - g. Deed conveying right-of-way to the State for the Route 155 Drainage, Roadway and Shoulder Improvements project
  - h. Engineering and Management Services Agreement with Campbell & Paris Engineers for Obstruction Removal Design Engineering Services at the New Kent County Airport
  - i. Updated User Agreement for Shared and Community Use of Facilities with the New Kent County School Board
  - j. Resolution R-19-12 proclaiming May 2012 as Older Americans Month in New Kent County
  - k. Agreement with Maximus Consulting Services for professional consulting services (central cost allocation plan)
  - l. Resolution R-21-12 chartering the New Kent County Airport Advisory Commission
  - m. Resolution R-22-12 chartering the New Kent County Parks and Recreation Advisory Commission

- n. Resolution R-23-12 chartering the New Kent County Purchase of Development Rights Advisory Committee
  - o. Resolution R-24-12 chartering the New Kent County Transportation Safety Commission
  - p. Resolution R-25-12 chartering the New Kent County Clean County Committee
3. Refunds
- a. \$41.25 to Virginia General Contractors for permit fee
  - b. \$1,783.80 to Genevieve E. Longerbeam for real estate taxes
  - c. \$68.11 to C. E. Butner & Son, Inc. for permit fee
4. FY12 Supplemental Appropriations
- a. Funds for sale of materials (Knox Box), \$215.00
  - b. State reimbursement for Juvenile & Domestic Court postage, \$1,000.00
  - c. Animal Shelter donations, \$657.00
  - d. Funds received from vending machine sales for employee Christmas parties, \$88.04
  - e. Program income received for FY12 from CDBG Plum Point grant, \$647.58
  - f. Funds received from insurance proceeds, \$545.80
  - g. Additional State Social Services funds, \$2,000.00
- \$ 5,153.42 Total  
\$(5,153.42) Total In/Out
5. FY12 Interdepartmental Budget Transfers
- a. *Fire-Rescue*: \$30,000 from Salaries & Wages to Professional Services
  - b. *Historic School Renovation – South Building – Regional Technical Center*: \$700,000.00
  - c. *Historic School Campus – Renovation: School Capital to Capital*, \$2,500,000.00
6. Treasurer's Report: Cash as of March 2012: \$39,345,753.08

Mr. Evelyn asked that item 2.d.ii be pulled from the Consent Agenda for consideration at some time in the future.

Mr. Stiers asked that item 2.e. be pulled. Fire Chief Tommy Hicks explained that item dealt with the renewal of a contract for extermination services at Fire Station 4, where there was a persistent mouse problem. He added that the exterminating vendor the County used for its other facilities did not cover Lanexa and Royal had provided good service over the past year. Mr. Stiers emphasized that his request was not reflective of any dissatisfaction with the vendor, which he described as a good company, but more to do with the cost and his opinion that County staff could take care of the problem themselves. Discussion followed regarding whether or not County staff could apply some of the pesticides needed and whether or not the cost of the service was justified in light of the pest damage that could be result. Mr. Davis suggested that if staff was going to perform these services at Station 4, then it might be prudent for staff to treat all of the buildings themselves. County Administrator Cabell Lawton advised that he would look into the recommendation. County Attorney Michele Gowdy advised that local government staff would need a State license to apply certain herbicides. Mr. Stiers offered to do it for them or suggested that the Fire Station adopt a cat from the Animal Shelter to help with the problem.

Mr. Evelyn asked about the contract for Clerk of the Works. Mr. Lawton confirmed that the agreement was not to hire a company but to have them on call, and that any cost associated with their services would be a part of capital improvements projects where needed, which would require Board approval.

Mr. Davis moved to approve the Consent Agenda, with items 2.e. and 2.d.ii removed, and that it be made a part of the record.

The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
James H. Burrell	Aye

The motion carried.

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IN RE: REGIONAL TOURISM UPDATE

Jack Berry, President and Chief Executive Officer of the Richmond Metropolitan Convention and Visitors Bureau (RMCVB) spoke to the Board regarding tourism in and marketing of the Richmond region. He shared a marketing video and reviewed highlights of their efforts. He indicated that their mission was to grow the economy of the Richmond Region by attracting conventions, meetings and visitors and by ensuring that all had a great experience.

He compared visitor spending in the Richmond Region to that in other regions from 2003 through the present, and those findings reflected that the Richmond Region had fared better than Williamsburg during the downturn in the economy, which he attributed to the fact that Richmond "had more than just history to sell". He reported that 2012 visitor spending in the Richmond region was tracking ahead of 2011.

Mr. Berry spoke about how recent travel had shifted to shorter, more impulsive trips taken more frequently and to places closer to home. He indicated that the Richmond Region's secret of success was its repeat visitors, and advised that some national conventions held recently in Richmond planned to return, which was unusual. He also addressed RMCVB's use of various social media to reach the female population, who most frequently were the travel decision-makers. He talked about sports tourism and the success of the Jefferson Cup held in Richmond, as well as history-related tourism and an upcoming international bike race that would be held in the Richmond area in 2015 over nine days, expected to draw between 4,000 and 5,000 people and have an impact of between \$70 and \$80 million on the region.

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IN RE: RESIDENCY ADMINISTRATOR REPORT

Mike Cade, Residency Administrator, Virginia Department of Transportation (VDOT), reported on road issues in New Kent.

He reviewed that maintenance activities over past 90 days had included pavement repairs, grading of non-paved roads, and shoulder repair work, and reported that a permit had been issued for the natural gas line that was being installed along Route 33. He spoke about ongoing and upcoming projects, which included pavement painting, milling and overlay work, and contractor paving. He advised that a speed study completed on Route 33/30 in

Eltham did not find that a reduction from the current 45 mph speed limit was justified, but “watch for turning vehicles” signs (no blinking lights) had been recommended for installation at the entrance to the 7/Seven. He reported on a traffic count that had been taken in the same area.

There was discussion regarding how decisions were made regarding the paving of roads in New Kent. Mr. Cade explained that those decisions were made based on recommendations from VDOT’s paving engineer, with the goal to re-pave the roads before the pavement started to fail. He advised that paving of primary routes was done with federal funding and secondary roads with state funding. There were questions regarding how a road was determined to be a “collector” and whether more of the County’s roads might qualify for that designation.

Mr. Davis asked about dust-controlling measures on the County’s non-paved roads. Mr. Cade reported that calcium chloride was no longer being used for that purpose because of some environmental concerns but they did use water from holding ponds if it did not contain too much salt.

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IN RE: CITIZENS COMMENT PERIOD

Chairman Burrell opened the Citizens Comment Period.

J. R. Nisich spoke on behalf of the Providence Forge Volunteer Rescue Squad Board and thanked the Board of Supervisors for meeting with them and helping to resolve enough issues to have their permit reinstated. She reported that the Squad had responded to four dispatched calls over the weekend and was looking forward to continued negotiation with the hopes that a new permit could be issued on July 1. She expressed confidence that if everyone was serious, they could get over the impasse and the Squad would be able to continue to provide lifesaving services to New Kent residents.

Kathy Erhardt spoke on behalf of FeedMore, the umbrella organization of Meals on Wheels and the Central Virginia Food Bank. She reported on the number of meals and pounds of food that had been distributed to New Kent residents during the past year. She thanked Chairman Burrell and Mr. Lawton for participating in the recent “Mayors for Meals” program and invited all of the supervisors to participate in a route or join them in the community kitchen. She spoke about the difficult financial times, noting that 90% of their Meals on Wheels clients needed financial support to help pay for their meals and that they were seeing people who were once donors now in need of food. She thanked the Board for its continuing support of their programs.

Mr. Davis commented that he was glad to see that the Food Bank was including more fresh fruits and vegetables in their stock and Ms. Erhardt explained that they were fortunate to be able to partner with some local farmers.

Doug Schuler of 13850 Mountain Laurel Grove spoke about the difficult economy and asked that the Board keep in mind how critical it was to keep costs down.

Bill O’Keefe of 5450 Brickshire Drive spoke in opposition to the proposed FY13 budget and asked the Board to reject it. He commented that the budget document failed to reflect objectives and priorities to improve efficiency, was not easily understandable to citizens, and was “a compilation without rationale”. He reflected on what effect the proposed real estate tax rate would have on tax bills and suggested that the Board eliminate or reduce the contingency fund, eliminate redundancies in department budgets, and reduce the capital

improvements plan. He urged the Board to “do what families do” by cutting back on expenses and he asked the Board to face up to the hard choices rather than increase taxes.

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

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IN RE: SCHOOL MOBILE CLASSROOM PROJECT

Before the Board for consideration was a request for an appropriation of Capital 7 Unreserved Fund Balance in FY12 for the George Watkins Elementary School Mobile Classroom project instead of in the proposed FY13 CIP budget. School Superintendent Robert Richardson, Jr. explained that because of the numerous projects underway, they were asking for funds to purchase a classroom trailer in FY12 and get it installed early, rather than wait until FY13. It was reported that the mobile classrooms were needed because of a growth in the number of students, and would have a life span of about 15 years.

Mr. Davis moved to approve \$80,000 of Capital Fund 7 Unreserved Fund Balance being appropriated in FY12 for the George Watkins Elementary School mobile classroom project instead of in the proposed FY13 CIP budget. The members were polled:

C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye

The motion carried.

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IN RE: REGIONAL TECHNICAL CENTER

Dr. Richardson reported that responses to a request for proposals for replacement of the HVAC system for the Regional Technical Center were due in at the end of the week and because of its critical nature and the compressed timetable, he asked the Board to convene a special session to approve an award of contract to the lowest bidder. Following discussion, the Board agreed to hold a special meeting on Monday, May 21, 2012 at 8:30 a.m., at which time all Board members could be available, with the exception of Mr. Burrell.

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IN RE: FEE CHANGES

The Board held a duly advertised public hearing on proposed changes to Appendix A (Fee Schedule) of the New Kent County Code. It was clarified that votes on adoption of the fees, tax levies, and budget would be held at a future meeting.

Mr. Lawton reviewed that with the exception of a 4% increase in water and sewer rates, there were only minor changes proposed to fees. There was discussion regarding the new deposits required by non-owners for water and sewer service. Ms. Gowdy explained that those resulted from a change in State Code and were equal to average charges over a three-month period. Mr. Davis commented that this would hopefully eliminate some of the problems that occurred in the past when tenants moved out and left unpaid utility bills. He added that he was glad that some of the Parks & Recreation rental fees had been increased to recoup actual expenses.

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

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IN RE: TAX LEVIES

The Board held a duly advertised public hearing on proposed tax levies for the FY12/13 tax year.

Mr. Lawton reviewed that the real estate tax rate had been advertised at 84 cents, based on an 83-cent revenue neutral rate.

The Chairman opened the Public Hearing.

Ron Durrer of 13403 Old Church Road expressed his concern with the proposed 14-cent tax increase, which was the highest increase among area localities, and he asked how other jurisdictions were able to keep their rates down. He reflected that New Kent citizens were expecting a reasonable increase but not 20%. He spoke about the decline in real estate values which had necessitated the increase. He interpreted "revenue neutral" rate as "business as usual" and asked that the County make additional cuts rather than increase taxes on already overburdened citizens. He did compliment the County on its new website.

Richard Waldrop of 5530 Mountcastle Road talked about how he had wanted to add his property to the Agricultural and Forestal District program, but the Board had suspended the application process and now his tax bill will be increasing even more. He expressed surprise that so few people had turned out to oppose the tax increase, and criticized the County for including funds in its budget for which there were no plans and suggested those funds should be eliminated.

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

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IN RE: PROPOSED FY13 BUDGET

The Board held a duly advertised public hearing on the proposed FY13 budget

Mr. Lawton reviewed that the proposed balanced budget of \$56,141,464 was based on a real estate tax rate of \$.84 per \$100 of value and maintaining most County fees at FY12 levels except for a 4% increase in water and sewer rates. He indicated that the budget called for utilizing existing cash reserves and short-term capital financing for capital projects, flat-funding education, and maintaining public safety and social services during a period of increasing demand for services.

He noted an increase in the General Fund of \$625,001, a 1.9% increase over FY12 that included a contingency reserve of \$1.5 million that the Board could use to either make up some of the cuts or reduce the tax rate.

He reviewed that a \$462,354,744 reduction in taxable value of real property reflected in the 2012 General Reassessment had resulted in a revenue reduction of \$3.2 million and a revenue neutral rate of 86 cents. However, based on projected growth of 2% and the low number of assessment appeals, the revenue neutral rate had been revised. He reported that personal property tax revenue was estimated at \$5.9 million, an increase over FY12 of about \$267,029. He indicated that the value of one penny on the real estate tax rate was \$219,441, based upon an 84-cent rate and a 97% collection rate.

He reviewed rate increases in the Virginia Retirement System and insurance premiums.

He noted that \$300,000 would be appropriated for debt service for FY13 from the Debt Service Fund Balance, which would leave about \$900,000 in that fund which would help pay for debt service for three more years. He confirmed that all capital projects would be funded with existing cash reserves on deposit in the Capital Improvements Plan fund. He reviewed transfers for the Comprehensive Services Act, Social Services, and the Airport, and noted that schools were flat-funded at \$10,734,595. He explained that Reserved for Contingency had been separated into two components: \$350,000 for continuing operations and \$1,563,800 for the Board to use in its discretion, as previously set forth. He indicated that the 4% increase in water and sewer user rates would meet bond compliance and would enable the Utilities fund to remain self supporting.

He advised that the Budget was scheduled for adoption at the Board's May 30, 2012 work session.

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

Mr. Evelyn presented a list of cuts that he was proposing and asked for feedback from the other members. Mr. Davis commented that he agreed with some of Mr. Evelyn's suggestions but felt that the Board needed a budget work session because he had some things he would like to address as well and he did not feel that this meeting was the time to do it. Mr. Stiers agreed, stating that he had a list as well. Following discussion, it was agreed that the Board would also work on the budget when it met on May 21. Chairman Burrell had no objections to this being done in his absence

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IN RE:           TIMBERING ON COMMERCIAL PROPERTIES

Before the Board for consideration was Resolution R-20-12 sponsoring an amendment to the Forestry Land Use provisions contained in the New Kent County Zoning Ordinance.

Assistant County Administrator Rodney Hathaway recounted that the Board conducted a public hearing in April on an ordinance for this purpose that had resulted in a failed motion for approval, but there had been a request that it be put back on the agenda for further discussion.

Mr. Evelyn explained that after looking at the ordinance, he had decided that the County would be better off with the proposed amendment rather than what "we have on the books".

Mr. Hathaway indicated that adoption of the proposed resolution would send the proposal back to the Planning Commission for another review. Ms. Gowdy confirmed that the Board could reconsider the ordinance; however, it would be necessary that it go back through the process and have new public hearings.

Mr. Davis moved to adopt Resolution R-20-12 to sponsor an amendment to the Forestry Land Use provisions contained in the New Kent County Zoning Ordinance. The members were polled:

Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye

James H. Burrell

Aye

The motion carried.

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IN RE: PLUM POINT

Mr. Hathaway reviewed that at its February meeting, the Board had adopted a resolution initiating the rezoning of Plum Point for the purpose of reducing building setback requirements. He reported that on April 13, 2012, staff held a community meeting at St. Luke Baptist Church to review the issue, which had been very well-attended. He advised that there was a consensus among Plum Point residents that they would prefer to retain their current A-1 zoning classification and keep the uses permitted within that district, and staff was now recommending an overlay district be considered by the Planning Commission and Board, which would allow A-1 uses along with reduced setback and lot requirements that would allow the properties to be developed in a more consistent manner. Draft overlay regulations were distributed, which he confirmed would only affect minimum lot size and setback requirements, and would not affect uses. He explained that Resolution R-26-12 would send the overlay proposal to the Planning Commission for review and recommendation and would rescind the previous resolution initiating the rezoning process. He advised that staff would hold another community meeting with the Plum Point community prior to any Planning Commission public hearing.

It was reported that Board members Davis and Tiller had attended the community meeting along with three Planning Commission members.

Mr. Davis explained that if something wasn't done, nearly one-third of the Plum Point residents would be unable to construct additions, garages or sheds because of the setback requirements. He indicated that some lots were as small as 100 x 200 feet and others as large as five acres. He added that there might be other areas in the County where an overlay would work as well.

Mr. Davis moved to approve Resolution R-26-12 rescinding Resolution R-13-12 and initiating the creation of the Plum Point Overlay Regulations consisting of approximately 270 acres in the Weir Creek Magisterial District.

The members were polled:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
James H. Burrell	Aye

The motion carried.

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IN RE: ELECTED OFFICIALS' REPORTS

Mr. Davis reported that Goodwill had collected over 5,000 pounds of electronics at the recent Envirothon and suggested that the County find a way to hold two of these electronics recycling events per year. He also spoke about the recent Step into 1862 event hosted by the Historic Commission.

Mr. Stiers spoke about meetings with the Providence Forge Volunteer Rescue Squad, whose permit had been reinstated, and he asked for patience from residents regarding road issues because of the backlog of requests in the local VDOT office.

Mr. Evelyn thanked the constituents who attended his recent town hall meeting, as well as County and School staff who attended to help provide information. He shared some of the compliments he had received from residents in Charles City County regarding the assistance and support from the New Kent Sheriff's Office after the death of one of Charles City's deputies.

Mr. Burrell commented on the tourism presentation given earlier by Mr. Berry and how he felt that the increase in tourism would eventually have an impact on New Kent.

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IN RE: PORT OF VIRGINIA

Before the Board for consideration was Resolution R-27-17 supporting the Port of Virginia Economic and Infrastructure Development Zone grant program.

Mr. Lawton reported that adoption of this resolution by the Board had been requested by the Secretary of Transportation. Mr. Burrell noted that the program would have a more than \$13 billion impact on the Tidewater Region, provide 25,000 jobs, and reduce congestion on Interstate 64.

Mr. Stiers pointed out that the resolution didn't say anything about jobs in New Kent.

Mr. Davis stated that he was in support of anything that would take traffic off of Interstate 64.

Mr. Evelyn noted that Newport News was the second largest port and the program would try to lure companies to the area and move products quicker.

Mr. Hathaway confirmed that there was a study underway regarding the expansion of Route 460 to a highway and consultants had been at the truck stop in New Kent recently, asking drivers if they would use Route 460 as an alternate if it were expanded.

Mr. Evelyn moved to approve Resolution R-27-12 in support of the Port of Virginia Economic and Infrastructure Development Zone grant program. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Nay
W. R. Davis, Jr.	Aye
James H. Burrell	Aye

The motion carried.

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IN RE: DISTRICT APPOINTMENTS

Mr. Evelyn moved to appoint Roger Gregory III (corrected after the meeting to Roger Gregory IV) as a District One representative to the Planning Commission to complete a term ending December 31, 2014. The members were polled:

C. Thomas Tiller, Jr.	Aye
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Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye

The motion carried.

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IN RE: NON-DISTRICT 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 June 11, 2012, and the next work session at 8:30 a.m. on May 30, 2012, both in the Boardroom of the County Administration Building, New Kent, Virginia. He also confirmed that the Board had scheduled a budget work session at 8:30 a.m. on May 21, 2012.

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IN RE: CLOSED SESSION

Mr. Davis moved to go into Closed Session for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia regarding actual or probable litigation. It was acknowledged that the Board may take action after coming out of Closed Session. The members were polled:

Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye

The motion carried. The Board went into Closed Session.

Mr. Evelyn moved to return to Open Session. The members were polled:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
James H. Burrell	Aye

The motion carried.

Mr. Davis 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 members were polled on the certification:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
James H. Burrell	Aye

The motion carried.

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IN RE:           ADJOURNMENT

The meeting was continued until 8:30 a.m. on May 21, 2012, and recessed at 8:39 p.m.