

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 11<sup>th</sup> DAY OF JUNE 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. Tiller 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 as follows:

1. Approval of Minutes
  - a. April 25, 2012 work session
  - b. April 30, 2012 special meeting
  - c. May 14, 2012 business meeting
2. Miscellaneous
  - a. Adoption of Resolution R-28-12, requesting acceptance of streets in Bel Green at Brickshire – Section 2 into the secondary system of state highways
  - b. Approval of Lease Agreement for 618 Telecommunications Tower with Richmond 20MHz, LLC, d.b.a. NTELOS
  - c. Adoption of Resolution R-29-12 electing the certified rate for the Virginia Retirement System Employer Contribution Rate for New Kent County
  - d. Adoption of Resolution R-30-12 certifying the Member Contribution Virginia Retirement System rate effective July 1, 2012
  - e. Adoption of Resolution R-32-12 concurring with the New Kent County Schools' election of the certified rate for its Virginia Retirement System contribution
  - f. Adoption of Resolution R-31-12 authorizing New Kent's participation in the VRA Summer 2012 Refunding Transaction
  - g. Award of bid and approval of contract for electrical work at the regional technical center with Avis Electric Company for \$79,605
  - h. Award of bid and approval of contract for roofing work for the regional technical center (old bus garage) with Garland/DBS, Inc. for up to \$67,775.00
3. FY12 Carry Forward Appropriations

- a. Contract services for the Cost Allocation Plan, \$3,000.00

\$ 3,000.00	Total
\$(3,000.00)	From Gen Fund Fund Balance

- 4. FY12 Supplemental Appropriations
  - a. Donated funds, \$600.00
  - b. Recovered costs, \$822.13
  - c. Animal Shelter donations, \$915.00
  - d. Honor Guard donations, \$150.00
  - e. Funds received from vending machine sales for Employee Christmas parties, \$460.61
  - f. Program income received for FY12 from CDBG Plum Point grant, \$547.58
  - g. Funds received from insurance proceeds, \$3,317.80
  - h. Extension program sponsorship revenue, \$133.50
  - i. Additional State funds – Technology Trust Fund, \$8,862.42

\$ 15,809.04	Total
\$(15,809.04)	Total In/Out

- 5. FY12 Interdepartmental Budget Transfers
  - a. *Schools*: \$1,899.72 among line items for New Kent Middle School and George Watkins Elementary Schools
  - b. *Schools*: \$766.79 among Social Worker and Special Ed line items
  - c. *Schools*: \$1,956.56 from School Contingency to Non-Capital Equipment
  - d. *Circuit Court Clerk*: \$3,500 from Permanent Records to Part-time Salaries
  - e. *Sheriff's Office*: \$48,367.61 among various line items to adjust operational expenditures
  - f. *Sheriff's Office (E911)*: \$14,139.00 among various line items to adjust operational expenditures
  - g. *Sheriff's Office (Animal Protection)*: \$4,295.00 among various line items to adjust operational expenditures
  - h. *Sheriff's Office (Confinement of Prisoners)*: \$16,087.00 between line items to adjust operational expenditures
- 6. Treasurer's Report: Cash as of April 2012: \$37,850,330.30

Mr. Evelyn remarked on the substantial difference in the bid amounts on the Technical School projects. School Maintenance Director Tim Pollock acknowledged that there was a wide range between the high and low bids on all of the projects, but that he was comfortable with the companies that had submitted the lowest bids and with the amounts of those bids, and he confirmed that all were within the budget for the project.

Mr. Davis 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
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: RESIDENCY ADMINISTRATOR REPORT

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

He reviewed maintenance activities performed in the past month that included pavement repairs, pothole patching, pipe cleaning, grading of gravel roads, inmate litter pickup, dangerous tree removals, ditch cleaning, culvert pipe installation, and brush removal. Maintenance activities to be performed in the coming month were reported to include pothole/pavement repairs, grading of ditches, maintenance of gravel roads, and shoulder repairs. He advised that environmental clearance had finally been received to proceed with work on St. Peters Road, and that contract paving work had been completed on three sections of New Kent Highway. He reported that nighttime paving would begin on westbound Interstate 64 and would include the ramp at the Route 106 interchange. He indicated that VDOT was seeking funding for paving the eastbound lanes as well.

Mr. Burrell commented on the failure to pick up litter before mowing. Mr. Cade advised that the mowing contractors were supposed to do that before mowing and there had been issues for which the contractor had been put on notice.

Mr. Evelyn thanked Mr. Cade for having taken care of some issues for him earlier in the week. Mr. Cade gave credit for the quick response to the New Kent superintendent, Chad Baker.

Mr. Stiers agreed, advising that he had reported several issues to Mr. Baker who was always responsive.

Mr. Davis asked about the significance of the varying pothole markings on some of the secondary roads. Mr. Cade explained that there were different methods of addressing potholes, depending on their severity. He indicated that the smaller potholes could be fixed with spray paving operations but the larger ones needed asphalt overlay. Board members reported locations of some large potholes and Mr. Cade agreed to follow up.

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IN RE: CITIZENS COMMENT PERIOD

Chairman Burrell opened the Citizens Comment Period.

Martha Martin, Chair of the New Kent County Fair Association, addressed the Board regarding the elimination of County funding for the 2012 Fair scheduled for September 6, 7 and 8 at Colonial Downs. She indicated that the Association had anticipated a reduction in funding but not complete elimination. She explained that County funding comprised approximately one-half of the Fair's budget and without County support, the Fair would have to be cancelled. She described some of the work that had been done in preparation for the Fair as well as some of the planned attractions, and spoke about what the Fair meant to her and to the community. She asked that the Board reconsider its decision.

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

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IN RE: COUNTY FAIR

Board members reconsidered funding for the Fair. Some members remarked that they had seen no accounting of the funds that were given annually to the Fair Association and asked

about having the Fair at a venue other than Colonial Downs. Ms. Martin disagreed that having the Fair at Colonial Downs detracted from the event and she explained the conveniences and financial advantages of using the track for the event as compared to holding at one of the schools. She also advised that revenue and expenditure information was provided to the County each year as part of its budget request.

It was reported that the Fair Association had requested \$6,800 for FY13, and had received \$6,750 for FY12. Ms. Martin reviewed some of the financial information from FY12 and the identities of the Fair Association's officers, and advised that vendors needed to be released during the upcoming week if the Fair was going to be cancelled.

When asked what was the least amount of funding the County could provide in order that the Fair could proceed, Ms. Martin indicated that amount to be \$5,000.

Mr. Davis moved to appropriate \$5,000 from (General Fund) contingency to the New Kent Fair Committee.

Board members reiterated that they wanted to see information on how funds were spent by the Association. Ms. Martin indicated that she would provide that information promptly.

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. Ms. Martin thanked the Board for their reconsideration.

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IN RE: 2007 ECONOMIC DEVELOPMENT AUTHORITY LEASE REVENUE BOND

Robert Porter of Davenport and Company appeared before the Board to review a proposal from Citizens and Farmers Bank (C&F) for a rate modification on the 2007 Lease Revenue Bond obtained through the Economic Development Authority (EDA).

Mr. Porter recounted that Ted Cole had previously reviewed two refinancing options open to the Board, the first relating to the 2004 Revenue Bond that the Board approved in its Consent Agenda earlier in the evening, and this one which related to the refinancing of a 2007 bond for the Health & Human Services Building.

He explained that the 2007 bond for \$2.8 million carried a 3.98% interest rate that would reset on or after October 25, 2022 with a final maturity of February 1, 2027. He indicated that the bond, which had a current balance of \$2.4 million, was with C&F and could be prepaid without penalty. He reviewed that the options open to the Board were a Virginia Resources Authority bond, a rate modification with C&F, or obtaining competitive bids from other banks.

He indicated that should the Board choose the VRA option, it would need to give informal approval at this meeting in order to keep that process on track.

He advised that C&F had provided two rate modification options, the first one being a fixed rate of 3.25% until maturity, and the second a 3.1% rate through October 25, 2022.

Mr. Porter reviewed a chart comparing all of the options, which reflected that the VRA option would have a savings of \$235,692 over 15 years, based on current rates of around 2.87%. The C&F 3.25% option was shown to have a savings \$143,718, and the 3.10% option would save \$173,249. He noted that the costs for the VRA option were amortized over the life of the loan, where there would be a cost of issuance paid outside of financing of at least \$25,000 on the C&F options. He advised that the VRA rate would not be set until July 11, and was fixed but the bond could not be paid off within the first ten years, whereas either C&F option was pre-payable at any time.

He reviewed the timetable for the options and confirmed that if the Board chose the VRA option, it would not be committed if the rates were such that certain saving levels were not met.

He summarized that the VRA option would provide the County with the greatest amount of debt service savings based on current market conditions, and reviewed what rate changes would have to take place in order to erase those savings. He noted that the C&F rate modification would be the most straightforward since as C&F was the current holder of the 2007 bond and a modification would only need resolutions from the Board and the EDA, and would be the most flexible in terms of prepayment. He added that C&F was local and it was always good to support local businesses.

He indicated that should the Board want to examine proposals from other banks, his company would be happy to distribute a request for proposals on the County's behalf.

There was discussion regarding the rates being offered by other banks to some localities. Mr. Porter explained that each locality was different and that it depended on the length of the loan.

Mr. Davis commented that C&F paid a lot of taxes in New Kent, gave money to a lot of local causes, was the County's bank, and he felt that the Board should choose the 3.1% option with them and pay it off before 2022. Mr. Tiller agreed that the loan should stay with C&F. Mr. Stiers agreed as well, stating that he'd rather keep the loan local with C&F since it "did a lot behind the scenes" and supported the community, and he did not think the savings would be worth it. Mr. Evelyn stated that he was fine with leaving it with C&F, and Mr. Burrell agreed as well.

Mr. Porter indicated that Davenport would advise C&F of the Board's decision to accept the 3.1% rate option.

Board members thanked Davenport staff for its work on behalf of the County.

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IN RE:            CONTRACTS FOR REGIONAL TECHNICAL CENTER

Before the Board for consideration were requests for approval of contracts for painting, flooring and ceiling work to be done for the Regional Technical Center.

County Administrator G. Cabell Lawton remarked that the prices on these three projects were fairly wide spread, but that staff felt comfortable with the low bidders, who understood the project and could do the work, and he asked the Board to approve the contracts so that the County could procure these services. Chairman Burrell remarked that the requests appeared to be "pretty straightforward".

Mr. Evelyn moved to award and approve a contract for paint, patch & repair work at the Regional Technical Center with Billy's Painting in the sum of \$6,700.00. 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.

Mr. Evelyn moved to award and approve a contract for acoustic ceiling replacement for the Regional Technical Center with Premier Partners, Inc. in the sum of \$16,747.00. 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. Evelyn moved to award and approve a contract for vinyl floor and wall base replacement work at the Regional Technical Center with Shiflett's Carpet in the sum of \$12,784.50. 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: HISTORIC SCHOOL, PART 1

Mr. Lawton reported that the County had received an unsolicited Public Private Education Act (PPEA) proposal from Marengo Management Corporation for renovations to the South Building and site work on the Historic School property, and that the Board had until June 21, 2012, to accept or reject it. He and County Attorney Michelle Gowdy explained that if the proposal was accepted, then the County had to advertise for competing proposals for a 45-day period, and a public hearing would be required before any comprehensive or interim agreement could be entered into. He confirmed that a check for the PPEA fee had been received.

It was agreed that this was an item that could be discussed in Closed Session later in the meeting.

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IN RE:           MAY 21, 2012 SPECIAL MEETING MINUTES

Before the Board for approval were the minutes from the special meeting held on May 21, 2012, which Mr. Burrell had not attended.

Mr. Evelyn moved to approve the minutes from the May 21, 2012 special meeting, as presented. The members were polled:

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

The motion carried.

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IN RE:           NEW ROAD NAMES

Before the Board for consideration were new road names for the Cedar Lane subdivision. Mr. Evelyn removed himself from discussion and vote on this item and the next because of his personal connection to the issues.

Mr. Davis moved to approve new street names Sawara Way and Red Juniper Lane, as requested. The members were polled:

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

The motion carried.

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IN RE:           RIGHT-OF-WAY DEDICATION

Before the Board for consideration was acceptance of dedication of right of way on Old Church Road and Talleyville Road. Mr. Evelyn remained removed from discussion and vote.

Ms. Gowdy explained that this request resulted from a recent boundary line adjustment.

Mr. Davis moved to authorize the Clerk of the Board to accept the dedication for right of way on Old Church Road and Talleyville Road, as proposed. The members were polled:

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

The motion carried. Mr. Evelyn rejoined the Board.

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IN RE: ELECTED OFFICIALS' REPORTS

Mr. Davis congratulated recent New Kent High School graduates. He advised that the new Technical Center in New Kent had received recognition and praise at a recent workforce symposium in another area.

Mr. Stiers reported that he had met with Providence Forge Volunteer Rescue Squad who wanted to meet with the Board at its next work session to review their proposed changes to the County's Fire-Rescue ordinance. Chairman Burrell approved that item being on the agenda.

Mr. Tiller reported on some complaints about lack of cable service in one of the subdivisions. There were questions regarding the franchise agreement with Cox Communications and Ms. Gowdy advised that she would follow up with Mr. Tiller on the issue.

Mr. Evelyn asked for more information on budget transfer requests so that Board members could determine who signed them or what department was making the request. Mr. Lawton advised that he would take steps to make that more clear.

Mr. Evelyn also spoke about the recent high school graduation, commenting on how many graduates were enlisting in the military, and about the retirement of Athletic Director Ed Allen, Jr.

Mr. Burrell advised that he hoped to be able to report back on how a neighboring community was saving money on recycling with the hopes that New Kent could do something similar.

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IN RE: STAFF REPORTS

Assistant County Administrator Rodney Hathaway reported that the process had begun on the Plum Point overlay district that the Board had initiated at a previous meeting, and he announced details of an upcoming public hearing scheduled with the Planning Commission as well as an upcoming community meeting with Plum Point residents.

Mr. Lawton reported that he and Mr. Burrell had attended the recent Golden Crescent Summit where there seemed to be a push for localities to adopt a resolution calling for General Assembly measures to fund transportation projects. He indicated that he would bring such a resolution to the Board for its consideration at its next work session. Mr. Burrell added that the summit was one of the better meetings he had attended and focused on the transportation problems in Virginia, which were being exacerbated with expansion of the ports, and he talked about how Virginia had a lower gasoline tax than 46 other states as the General Assembly had not raised the gasoline tax for almost 20 years. He indicated other suggested measures had included tolls and dedication of a portion of the sales tax.

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IN RE: DISTRICT APPOINTMENTS

Mr. Evelyn moved to appoint Peg Noctor as District One's representative to the Heritage Library Board of Trustees to serve a four-year term beginning July 1, 2012 and ending June 30, 2016. 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: NON-DISTRICT APPOINTMENTS

Mr. Evelyn moved to appoint Larry Clark as the Board's representative to the Community Policy & Action Team to serve a one-year term beginning July 1, 2012 and ending June 30, 2013. 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: MEETING SCHEDULE

The Chairman announced that the next meeting of the Board of Supervisors would be held at 6:00 p.m. on July 9, 2012, and the next work session at 8:30 a.m. on June 27, 2012, both in the Boardroom of the County Administration Building, New Kent, Virginia.

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IN RE: CLOSED SESSION

Mr. Evelyn moved to go into Closed Session to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia involving performance and compensation, for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia regarding actual or probable litigation, and for discussion of award of public contract pursuant to Section 2.2-3711A.30 of the Code of Virginia involving the expenditure of public funds, where discussions in open session would adversely affect the bargaining position or negotiating strategy of the County. 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 Chairman announced that there may be action taken after Closed Session. The Board then 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. Tiller 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: HISTORIC SCHOOL, PART 2

Mr. Davis moved to accept the unsolicited PPEA from Marengo Management Corporation and ask the County Administrator to advertise pursuant to Code. 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: ADJOURNMENT

Mr. Tiller moved to adjourn the meeting. 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 meeting was adjourned at 8:15 p.m.