

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 9th DAY OF MARCH IN THE YEAR TWO THOUSAND NINE OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 5:00 P.M.

IN RE: CALL TO ORDER

Chairman Davis called the meeting to order.

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: CLOSED SESSION

Mr. Burrell 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 of an employee. The members were polled:

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

The motion carried. The Board went into closed session.

Mr. Burrell moved to return to open session. The members were polled:

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

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

The motion carried.

Chairman Davis explained that the previously scheduled 4 p.m. joint meeting with the School Board had been postponed at the School Board's request and that the Board held its closed session at 5 p.m., prior to the business meeting, instead of at the end.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: CONSENT AGENDA

County Administrator John Budesky presented the Consent Agenda as follows:

1. Approval of Minutes
 - a. January 28, 2009 work session
 - b. January 30, 2009 retreat
 - c. February 9, 2009 business meeting

2. Miscellaneous
 - a. Adoption of the new personnel policy
 - b. Acceptance of a conservation easement from Bert & Elsie McLaughlin
 - c. Approval of the leases for the Human Services Building
 - d. Road name additions (Patriot's Landing)
 - i. Peace Lily Court
 - ii. Tea Rose Court
 - iii. Sugar Magnolia Lane
 - iv. Flowering Magnolia Lane
 - v. Rambling Rose Court
 - vi. Forsythia Court

3. Refunds
 - a. \$194.92 to Ryan Homes/NV Homes for cancelled permit
 - b. \$375.00 to Jeff & Misun Anderson for family subdivision fee
 - c. \$2,987.69 to Fred & Helen Pleasants for erroneous billing

4. Appropriations
 - a. Funds for Fire-Rescue revenue recovery to cover bank fees, \$1,381.00

included "Magnolia" and might cause confusion because there were similarly named streets in other subdivisions in the County.

Mr. Evelyn moved to approve the Consent Agenda, as presented, and that it be made a part of the record. The members were polled:

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

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

Chairman Davis opened the Citizens Comment Period.

Carter Perry reminded the Board that April was Alcohol, Drugs, Tobacco, and HIV/Aids Awareness month and announced details on the kick-off and awards program. He spoke about the problems that substance abuse continued to have on the youth and adult populations and asked for support from both the County and the State to promote awareness of the problem.

Alease Christian encouraged the Board to carefully consider the ramifications of eliminating vehicle decals, noting that they assisted in indentifying residents at the refuse sites and also were helpful in collecting personal property taxes.

Chris Kuhn asked that the Board request the General Assembly to bring slot machines to Colonial Downs to help not only the racetrack itself, but also bring much needed revenue to the State and County, as well as relief to the taxpayers. He described how having slot machines had helped tracks in other states and he offered his assistance in promoting this initiative.

Tom Simcoe asked the Board to increase funding for fire-rescue staffing, noting that New Kent Fire-Rescue was unable to meet the basic standards required by the National Fire Prevention Association because of its limited staff.

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

IN RE: RESIDENCY ADMINISTRATOR'S REPORT

Torrence Robinson, Residency Administrator with the Sandston Residency of the Virginia Department of Transportation, reported on issues regarding roads in New Kent County.

He indicated that routine maintenance during the month included deer removal, grading of gravel roads, shoulder repairs, regulatory sign maintenance, pothole patching, snow and ice removal, driveway installation in Plum Point, debris removal, slope repairs, and ditch erosion repairs.

He reported that potholes on Route 612 had been repaired and that pavement had been added to the sides of the road.

He indicated that potholes on Route 618 had been repaired and they would recheck the area.

He stated that the speed study on Route 249 had been completed, having been conducted in a manner that was "a little different from the norm". He explained that they had looked at the number and types of accidents that were happening in that area, as well as the number of driveways and how they might have been contributing factors. He advised that the findings did not show that speed was the cause of the accidents in that corridor and, as a result, there was no recommendation to reduce the speed limit. He reported that there were some other things recommended by their Traffic Engineer that they would be doing in the future.

Mr. Robinson reported that a tree, reported by Mr. Evelyn to be blocking sight distance, had been removed.

He indicated that litter along Farmers Drive had been removed and they would continue to monitor the area.

He confirmed that the Sandston Residency was one of the fifteen residencies proposed for closure and that there was a public hearing scheduled on the matter at the Central Office on March 26, 2009.

Regarding the federal stimulus package, he indicated that VDOT had received \$700 million, \$118 million of which would fund projects to be determined by the three Metropolitan Planning Organizations (MPOs) in Hampton Roads, Richmond, and Northern Virginia. He stated that the Governor had not selected the projects to be funded with the remaining dollars but it had been confirmed that projects would have to be federally qualified, which would mean that the improvements needed on South Waterside Drive would not be eligible. He predicted that more detailed information as to what projects would be funded should be available in the near future.

Mr. Trout thanked Mr. Robinson for the work performed on Route 612. He indicated that he would be attending an upcoming MPO meeting and offered to bring up any issues suggested by Mr. Robinson.

Mr. Burrell talked about the large number of dangerous trees around the County that were a threat to safety but were outside of the rights-of-way. Mr. Robinson advised that in instances where there was an immediate safety hazard, they would notify landowners of VDOT's intention to enter the property to remove the dangerous tree.

Mr. Evelyn thanked Mr. Robinson for doing a good job in removing snow from the roadways after the recent winter storm. He expressed his thanks to Mr. Fields for removing a deer from the yard of one of his constituents. He indicated that he had met with the developer of the Deer Lake subdivision who had promised to move forward to pave the roads in that subdivision and he asked Mr. Robinson to work with the developer in that process.

Mr. Evelyn also reported an inconsistency in the speed limit signs on Old Church Road, and Mr. Robinson indicated that he would check into that.

Mr. Burrell asked about the status of his request for a two-tiered speed limit area on Route 30 from Route 249 to the James City County line.

Mr. Davis thanked Mr. Robinson for the recent snow removal work but noted that the non-paved roads needed to be bladed.

Mr. Sparks thanked Mr. Robinson for his assistance regarding the Route 249 speed study, warning that he would keep trying to have the speed limit reduced. He also reported that there had been erosion around the roots of some of the trees in the "bottom" along Henpeck Road and he feared that they might pose a safety hazard. Mr. Robinson indicated that they would check on that.

Presented to the Board for consideration was Resolution R-09-09 opposing the closure of the Sandston Residency. Mr. Sparks read aloud pertinent parts of the resolution and then moved to adopt Resolution R-09-09 as presented. The members were polled:

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

The motion carried.

Mr. Davis inquired if any of the federal stimulus funding would find its way to New Kent. Mr. Robinson indicated that he did not know how the Richmond area MPO, of which New Kent was a part, would decide to use its funding.

The Board members again thanked Mr. Robinson for his assistance and wished him good luck.

IN RE: INTRODUCTION OF NEW STAFF

Fire Chief Tommy Hicks introduced new fire-rescue staff Paul Carney. He explained that Mr. Carney had filled the position vacated by David Hicks who had relocated to Richmond.

Board members welcomed Mr. Carney.

IN RE: STAFFING REVIEW

Mr. Budesky reviewed information distributed to Board members regarding staffing levels and history. He noted that FY09 full-time positions totaled 153 and that was proposed to be reduced to 150 for FY10, to be accomplished by freezing four vacant positions and the addition of one firefighter previously authorized. Also provided to the Board were organizational charts for each department, as well as a listing of part-time positions. He pointed out that some of the Sheriff's 39 employees were funded by the Compensation Board, that Cost Recovery funded some of the firefighters, and one employee in Parks & Recreation was funded with program revenue. He indicated that the department structure information would be included in the budget book that would be coming out soon, as well as a summary of functions and deliverables. He thanked Human Resources and all departments for their help in developing this information.

Mr. Davis inquired why Social Services was included and not the Health Department. Mr. Budesky explained that Social Services was on the County's payroll where the Health Department was not, and reminded that the Social Services administrative board had been

disbanded and an advisory board substituted in its place, which action had brought Social Services under the County's control.

IN RE: PROPOSED ECONOMIC DEVELOPMENT INITIATIVES

Mr. Budesky explained that in response to a number of concerns expressed by the Board and the community, staff had developed some strategies and initiatives for the Board's consideration to reflect the County's commitment to spurring business development in the current economic climate, to include support and expansion of existing businesses. He noted that one of the initiatives would expand the role of Planning & Tourism Manager Rodney Hathaway.

Board members suggested that the initiatives should be reviewed with the members of the Economic Development Authority (EDA). Mr. Budesky admitted that the proposals had not been shared with the EDA members but pointed out that while the work of the EDA and County Economic Development staff complemented each other, it would be County staff who would be carrying out the initiatives and the only aspect that affected the EDA was the cut in meals tax allocation. He emphasized that he had no problem with reviewing it with the EDA members, but wanted to be clear that staff's concerns were decisiveness, commitment to development, and ability to implement quickly.

There was discussion regarding the meals tax revenue that had been allocated to the EDA in the past. Mr. Budesky clarified that the Board was beyond its three-year obligation regarding allocation of the meals tax revenue and could reallocate those funds at any time.

Mr. Evelyn advised that he would not be in favor of waiving fees for new businesses, although he did support the recommendation to reduce the BPOL tax.

Mr. Trout commented that he understood that time was important but pointed out that the Board was meeting again on March 16, at which time Board members could again discuss the proposed initiatives and it would give everyone more time to review it before a decision was made. He went on to congratulate Mr. Budesky and staff for "coming up with something that was needed" but agreed that it need more discussion.

Mr. Summers commented that it was likely that the public was at a loss to understand what the Board was discussing because the information had not been made available in advance. Chairman Davis agreed, at which point he explained that staff had developed some suggested economic development impact initiatives to try to spur business development, and that it was a public document available to anyone who would like a copy. He suggested that the Board members continue to review the proposals and talk to their constituents, and then be prepared to discuss it again at the March 16 meeting, after the meeting with the School Board. He indicated that EDA members would be provided with a copy of the document and would be invited to meet with the Board at that time.

Mr. Burrell commended Mr. Budesky and staff for "thinking outside the box", adding that even though there might be some proposals that were not be put into action, staff was looking for ways to improve the economic development climate of New Kent County.

IN RE: DISTRICT APPOINTMENTS

Mr. Evelyn moved to appoint Karen Cameron as District One's representative to the Affordable Housing Advisory Committee to serve a term ending June 30, 2011.

Mr. Evelyn moved to appoint Myran Walker as District One's alternate representative to the Historic Commission to serve a four-year term ending December 31, 2012.

Mr. Evelyn moved to appoint James Noctor as District One's representative to the Parks & Recreation Advisory Commission to serve a three-year term ending December 31, 2011.

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

The motions carried.

Mr. Budesky encouraged the Board members to make their appointments to the Affordable Housing Advisory Committee in order that the group could organize and be able to meet the timelines set forth in the Charter.

IN RE: NON-DISTRICT APPOINTMENTS

Mr. Burrell moved to appoint Brenda Snyder as New Kent's Planning Commission representative to the Richmond Regional Planning District Commission to serve a one-year term ending December 31, 2009.

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

The motion carried.

IN RE: CENTRAL ABSENTEE PRECINCT

Before the Board for consideration was Ordinance O-04-09 establishing a Central Absentee Precinct (CAP) for use in all elections.

New Kent Electoral Board Chairman Charles Moss advised the Board that the CAP, whose purpose was to count and record all absentee ballots, had been established in New Kent in 2002 for use only in the November elections. He reported that in order to comply with the requirements of the Help America Vote Act (HAVA), in 2006 the Electoral Board initiated the use of one Direct Recording Electronic (DRE) voting unit in the Voter Registration Office during the absentee voting period. He explained that HAVA required that all voters, including the disabled, be afforded the same opportunity to vote unassisted in the Voter Registration Office as at the regular precincts. He indicated that in 2008 the State Election Board recommended that all Virginia localities, in order to comply with HAVA, establish a CAP to be used in all elections in order to accommodate the disabled, and that New Kent's Electoral Board had voted to request use of the CAP for all elections. He estimated the cost would be around \$565 for a Primary or Special Election to pay the three officers of election required under Virginia election law.

Mr. Budesky confirmed that the increased cost had been included in the proposed FY10 budget, noting that the Registrar had worked hard to reduce other expenses in her budget to offset this additional cost.

The Chairman opened the Public Hearing.

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

Mr. Evelyn moved to adopt Ordinance O-04-09 as presented. There was no discussion and the members were polled:

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

The motion carried.

IN RE: PARKS & RECREATION FACILITIES USE

Before the Board for consideration was Ordinance O-01-09(R1) establishing guidelines and rules for use of the County's parks and recreation facilities.

Parks & Recreation Manager Kim Turner explained that the proposed ordinance would assist with enforcement of the rules and regulations in the parks to provide for the safety and security of park patrons. She indicated that her office had received no comments or concerns since the Board's work session.

Mr. Davis explained that the Board had first considered the ordinance at a previous meeting and subsequent language changes had been made to address concerns raised at that time. Ms. Turner confirmed that there had been no changes to the proposed ordinance since the last work session.

The Chairman opened the Public Hearing.

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

Mr. Burrell commented that the document was well-written and then moved to adopt Ordinance O-01-09(R1) as presented. There was no discussion and the members were polled:

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

The motion carried.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Trout announced the details of the upcoming New Kent Educational Foundation basketball tournament, as well as the details of the kick-off for April as Alcohol, Drugs, Tobacco, and HIV/Aids Awareness month.

Mr. Evelyn announced that he had attended the recent groundbreaking for the Habitat for Humanity homes in New Kent and reported that volunteers were still needed for the project. He indicated that he would be hosting a meeting for White House Farms residents to provide more information on the application for federal stimulus funding for a new well.

Mr. Davis announced details of an upcoming meeting with businesses from the eastern part of the County, adding that future meetings would be scheduled for businesses in Bottoms Bridge and Providence Forge.

IN RE: STAFF REPORTS

Mr. Summers advised that he would have five interns working during the summer, all with solid experience.

IN RE: MEETING SCHEDULE

The Chairman announced that the Board of Supervisors would hold its next regular business meeting at 6 p.m. on April 13, 2009 and its next work session at 3 p.m. on March 25, 2009, both in the Boardroom of the County Administration Building, New Kent, Virginia.

Chairman Davis added that in addition to the March 10 meeting with the business owners previously announced, the Board would be meeting with the School Board at 4:30 p.m. on Monday, March 16, 2009, followed by a meeting with members of the Economic Development Authority.

There was discussion regarding the program for the upcoming Volunteer Appreciation Dinner.

IN RE: ADJOURNMENT

There being no further business, Mr. Sparks moved to adjourn the meeting. The members were polled:

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

The motion carried.

The meeting was adjourned at 7:14 p.m.