

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 11th DAY OF MAY IN THE YEAR TWO THOUSAND NINE 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 Davis 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

County Administrator John Budesky presented the Consent Agenda as follows:

1. Approval of Minutes
 - a. Work session of March 25, 2009
 - b. Special budget work session of April 2, 2009
 - c. Special budget work session of April 9, 2009
 - d. Regular business meeting of April 13, 2009
2. Miscellaneous
 - a. Resolution R-13-09, approving dedication of right-of-way along Route 106 in front of the Visitors Center
 - b. Resolution R-14-09 proclaiming May as *Older Americans Month* in New Kent County
 - c. Road name approvals (Dispatch Station subdivision)
 - i. Dispatch Station Road
 - ii. Dispatch Station Court
 - iii. Klamath Road
 - iv. Yakima Court
 - v. Yakima Road
 - vi. Sparks Terrace
 - vii. Sparks Court
3. Refunds
 - a. \$250 to Makemie Woods for fire prevention application fee
 - b. \$55.96 to Hanover Custom Building Inc. for cancelled permit
 - c. \$1,312.65 to Moorad & Lillian Mooradian for erroneous assessment
 - d. \$1,352.42 to S. Ray & Katherine Nice for error in assessment

Mr. Evelyn asked for a correction to page 7 of the March 27, 2009 minutes, changing 300 gallons to 300,000 gallons.

Mr. Trout moved to approve the Consent Agenda, with the requested correction to the minutes, and that it be made a part of the record. The members were polled:

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

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

Chairman Davis opened the Citizens Comment Period.

There being no one 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 advised that routine maintenance performed in New Kent during the past month included tree removal, pothole patching, culvert pipe cleaning, work in Plum Point, litter removal, grading of gravel roads, and leaf/litter removal.

He reported that permanent speed limit signs (45 mph) had been posted on Route 106 between the interstate interchange and Route 249.

He indicated that they had requested a traffic study of the Route 155/Kentland Trail intersection but he was not sure when it would be started. Mr. Davis requested that the study be performed at the end of June or first of July.

Mr. Robinson also reported that VDOT would be updating its Locally Administered Project Guide and would advise the Board on the changes.

Mr. Trout asked if there had been any increase in federal stimulus funding that would help with some of the road projects in New Kent, most notably South Waterside Drive. Mr. Robinson advised that he was not aware of any additional funding.

Mr. Trout reported that the Richmond Regional Planning District Commission was performing a study of rural roads but he did not think there would be any funding involved.

Mr. Burrell noted that there were still many dead trees along the roads in New Kent. Mr. Robinson advised that when they were advised of problems in a particular area, they would go out and investigate and if warranted, the dead trees would be removed by State forces.

Mr. Burrell reported potholes at the interstate exits at Bottoms Bridge.

Mr. Sparks referred to a report of debris in the right-of-way at the intersection of Routes 1208 and 60. He stated that it appeared to be a pile of cut limbs but no one seemed to know where they came from.

Mr. Sparks asked about a previous mention by Mr. Robinson regarding some measures that could be taken along Route 249 to slow down traffic in the vicinity of the Quinton Food Lion shopping center. Mr. Robinson advised that they had made a request for enhanced lane markings and he would check on and advise as to the schedule of that work.

Mr. Evelyn reported that he had received calls from several constituents who were pleased with the new speed limit in effect along Route 106, and thanked Mr. Robinson for the work in that regard.

Mr. Davis praised the work being done in Plum Point. He reported that some low-hanging tree limbs were creating a safety hazard along Farmers Drive.

Mr. Trout thanked Mr. Robinson for the pothole repairs recently been performed along Route 60, advising that he had received several calls about them.

IN RE: PROPOSED FY09/10 BUDGET

Mr. Budesky advised that there were several actions needed by the Board pertaining to the proposed budget.

First under consideration was Ordinance O-06-09 amending and adopting Appendix A – Fee Schedule of the County Code. He explained that the only changes in the fees were the removal of some that no longer applied relating to the burial of dead animals and fowl and an 8% across-the-board increase in utility fees as called for in the Utility *pro forma*.

Mr. Evelyn moved to adopt Ordinance O-06-09 as presented. 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.

Next under consideration by the Board was Ordinance O-07-09 establishing tax levies for FY09/10. Mr. Budesky pointed out that there would be no increase in any of the taxes but there would be a 15% reduction in the business license tax effective January 1, 2010.

Mr. Trout asked about the anticipated change in vehicle decals. Mr. Davis reminded that any change in that ordinance would be done at a later date and would not affect the FY10 budget.

Mr. Burrell moved to adopt Ordinance O-07-09 as presented. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye

Thomas W. Evelyn	Aye
David M. Sparks	Aye
W. R. Davis, Jr.	Aye

The motion carried.

Next under consideration by the Board was the proposed Capital Improvement Plan. Mr. Budesky explained that the Capital Improvement Plan was a five-year plan that was annually updated and then adopted each year as part of the budget process.

Mr. Sparks moved to adopt the proposed Capital Improvement Plan as presented. 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.

Last for consideration was the proposed FY09/10 budget. Mr. Budesky advised that there had been no changes since it was presented at the public hearing. He indicated that should the Board make any changes to spending between the categories, then the suggested motion would need to be changed; however, if changes were made within the funding category, then no changes would be needed.

Mr. Trout commented that he felt that the proposed budget was one that would work. He stated that everyone would have liked to have had more funding and he hoped that this would be the last "tough year".

Mr. Evelyn proposed that funding for the library be restored to the current level, as long as it could be done without raising taxes. He stated that the Library served citizens of all ages and he felt that the funding should be restored, if possible.

Mr. Budesky reported that the proposed change would require taking \$16,453 from the contingency fund to return Library funding to the same level it was in the current budget.

Mr. Sparks advised that he did not have a problem with Mr. Evelyn's proposal, but reminded that in 2007 the County had given the Library an extra \$25,000 as one-time funding for some computer equipment. Mr. Budesky confirmed that the Library had submitted a request during that fiscal year for additional funds for some computer upgrades, programming and other operational expenses; however, as New Kent's population had increased, it had been pointed out that the State had recalculated the amount for the local appropriation, based on population, and that the prior years' allocations did not meet the State recommendations. He explained that there would be an impact on the funding ultimately received by the Library from the State because it was tied to a formula based on the amount of local funding. He made reference to information recently distributed by the Library showing that New Kent's funding was significantly below the per capita funding provided by some of the surrounding localities, and that there was a possibility that the proposed reduction in local funding could cost the Library a significant amount of State funding, although those final figures would not be available until August.

Mr. Evelyn stated that he knew how difficult the budget process had been for both the County and the School Board, and he felt both Boards had done a good job in light of the revenue shortfalls. He indicated that both Boards cared and wanted what was best for New Kent and needed to continue to work together to get through the more difficult times in the future. He reassured those in attendance that it was his information that there would be a high school band program next year.

Mr. Davis concurred that everyone realized the difficult times being experienced by many of the County citizens. He was pleased that that the County had been able to cover the \$2.5 million in revenue shortfalls without a tax increase and stated that once this budget was adopted, work would begin on next year's.

Mr. Burrell echoed the sentiments of his fellow Board members, adding that if the economy did not turn around, the County did have a "Plan B" to deal with the situation.

Mr. Budesky summarized that the only change would be to restore Library funding to its previous level by transferring the sum of \$16,453 from the contingency account and reallocating it to the Library, and there would be no change in the category amounts.

Mr. Sparks moved to adopt and appropriate the Fiscal Year 2009/2010 budget as submitted by the County Administrator in the general categories as follows:

General Fund	\$14,577,351
Social Services	1,110,994
School Capital	0
Grants	0
Capital Projects	1,154,571
Human Services	2,596,656
Wireless E-911	40,000
Schools	24,800,561
School Food	813,354
Litter Control	6,337
Meals Tax	0
Debt Service	6,032,783
Airport	352,839
Computer Replacement	102,800
Water/Sewer	37,356,248
Bottoms Bridge Sewer	1,122,360
Total Proposed FY09/10 County Budget	\$90,066,854

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

School Superintendent Roy Geiger agreed that it had been a tough year for developing a budget and the School Board and staff were, like many others, hoping that the economy would soon turn around. He stated that he believed that both the School Board and the Board of Supervisors cared about New Kent and had made a lot of progress, and although he was getting ready to retire, his heart would be in New Kent and he had high hopes for both the County and the Schools. He said that he hoped both Boards would continue to work together and he was confident that his successor, Rick Richardson, would do a good job.

Mr. Trout announced work was underway on a joint theatrical production in the fall by students from New Kent High School and the Astor School in Kent, England. He also announced details of an upcoming production by a local theatre group, the first annual *A Taste of New Kent* wine festival and a community yard sale.

Mr. Sparks expressed his thanks to staff, the Finance Committee, the School Board and School Administration for their work on the budget, as well as to the citizens for their helpful input and comments during the budget process.

Mr. Davis echoed the comments of Mr. Sparks, stating that when the Board decided that there would be no tax increase, it did not realize how large the revenue shortfall would be. He announced that the Commissioner of Revenue had extended the application deadline for elderly and disabled tax relief until July 1 and encouraged the filing of applications by anyone who thought that they might qualify.

IN RE: STAFF REPORTS

Mr. Budesky announced that dedication of the new Health & Human Services Building was scheduled for 2 p.m. on May 27, 2009, just prior to the Board's work session. He indicated that the building would serve the citizens well for many years to come.

IN RE: DISTRICT APPOINTMENTS

Mr. Burrell moved to appoint Edward Pollard as District Three's representative to the Affordable Housing Advisory Committee to serve a term ending June 30, 2011.

Mr. Burrell moved to appoint Joyce Williams as District Three's representative to the Planning Commission to complete a term ending December 31, 2010.

Mr. Burrell moved to appoint James Talley as District Three's representative to the Purchase of Development Rights Committee to serve a term ending June 30, 2011.

Mr. Burrell moved to appoint Cecelia Garner as District Three's representative to the Heritage Library Board of Trustees to complete a term ending June 30, 2010.

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.

IN RE: NON-DISTRICT APPOINTMENTS

Mr. Burrell moved to appoint Linwood Throckmorton as at-large member of the Purchase of Development Rights Committee to serve a term ending June 30, 2011.

The members were polled:

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

The motion carried.

The meeting was suspended until 7 p.m. when it was reconvened for a public hearing.

IN RE: SECONDARY SYSTEM SIX-YEAR PLAN FOR 2010-2015 AND THE 2010
CONSTRUCTION PRIORITY LIST

Before the Board for consideration was Resolution R-15-09 approving the proposed 2010-2015 Secondary System Six-Year Plan (SSSYP) and 2010 Construction Priority List.

Torrence Robinson, Residency Administrator with the Sandston Residency of the Virginia Department of Transportation, advised that the Board had reviewed the recommendations at its last work session. He reported that there had been a 60% reduction in the funding for the Secondary System based on what was shown as allocated for FY08. He indicated that the Residency was recommending adoption of the SSSYP, as presented.

Mr. Sparks noted that Henpeck Road was still shown as being on the SSSYP. Mr. Robinson explained that Henpeck Road was being removed from the SSSYP because of a lack of funding and any funding shown for that project would be transferred to the Dispatch Road project. Mr. Sparks commented that he would like to get Henpeck Road fixed but he realized that was not going to happen.

Mr. Budesky explained that Henpeck Road would go to the top of the "Candidate List" (List) which contained projects that were unfunded and would be moved onto the SSSYP as funding became available. He reported that he had received a call from a citizen regarding the remaining unpaved portion of Stage Road, which was on the List and clarified that the Board could move projects on and off the List and change their priority at any time, but what was before the Board for consideration was the SSSYP itself.

Mr. Trout had questions about funding figures reflected on the handouts for some of the projects. Mr. Robinson explained that the Terminal Road project was complete and the \$66,000 remaining unspent for that project would be transferred to help cover the deficit on the Stage Road project. He indicated that an updated SSSYP printout would be provided once all of the accounting transactions were completed. He clarified that the Stage Road deficit and the projects on Dispatch Road and Mt. Pleasant Road were the only ones that would be on the SSSYP, and would be funded in that order.

Mr. Davis asked if the deficit shown on the Stage Road project reflected the recent payment by the Dragons Ridge developers. Mr. Robinson advised the deficit was the remaining balance after that payment had been applied.

The Chairman opened the Public Hearing.

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

Mr. Sparks moved to adopt Resolution R-15-09 as presented. 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: MEETING SCHEDULE

The Chairman announced that the Board of Supervisors would hold its next regular business meeting at 6 p.m. on June 8, 2009, and its next work session at 3 p.m. on May 27, 2009, both in the Boardroom of the County Administration Building.

IN RE: ADJOURNMENT

Mr. Burrell moved to adjourn the meeting. 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 meeting was adjourned at 7:07 p.m.