

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 10th DAY OF JUNE IN THE YEAR TWO THOUSAND THIRTEEN 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
C. Thomas Tiller, Jr.	Present
James H. Burrell	Present
Ron Stiers	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. May 13, 2013 Business Meeting minutes
 - b. May 21, 2013 Special Meeting minutes
2. Miscellaneous
 - a. Resolution R-12-13 designating July as Parks & Recreation Month in New Kent County
 - b. Contract for On-Call Services with Pump Engineering Sales & Service Company
 - c. Professional Financial Advisory Services contract with Davenport and Company LLC
3. FY13 Carry Forward Appropriations
 - a. Insurance proceeds related to Hurricane Irene, \$36,653.00

\$ 36,653.00	Total
\$(36,653.00)	From Gen Fund fund balance
4. FY13 Supplemental Appropriations
 - a. Program income received for FY13 from CDBG Plum Point grant, \$977.36
 - b. Funds received from insurance proceeds – Sheriff, \$253.00
 - c. Miscellaneous recovered costs – Sheriff, \$5,610.40
 - d. Donated funds to Fire-Rescue, \$100.00
 - e. Funds reimbursed for a CPR/AED First Aid class – Fire/Rescue, \$370.00
 - f. Donations for the Animal Shelter, \$550.00
 - g. Funds received by Extension from outside sources for sponsorship of programs, \$789.68
 - h. Funds received for Parks & Recreation, \$500.00
 - i. Funds received from vending machine sales for employee holiday parties, \$378.82
 - j. Additional School funds for FY13, \$485,185.00
 - k. Funds received by the Sheriff's Office for the JAC grant, \$1,994.00
 - l. Funds for various storms, \$35,858.23

\$ 532,566.49	Total
\$(496,509.26)	Total In/Out
\$ (35,858.23)	From General Fund fund balance
\$ (199.00)	From Fund 6 fund balance

5. Interdepartmental Budget Transfers
 - a. *Commissioner of the Revenue*: \$3,697 from Part-time Salaries & Wages, Office Supplies, and Postage to Salary Line Items, Professional Services, Telecommunication Equip, Vehicle Insurance, Dues & Association Memberships, Gasoline and Books & Subscriptions
 - b. *School Board Office*: \$2,740 from School Buses to Vehicles-Schools
 - c. *General Services*: \$15,000 from Fire Station #1 to New Line Item for Fire Station #3
 - d. *Electoral Board/General Registrar*: \$1,487.04 between line items for end of year reconciliation

6. Treasurer's Report: Cash as of April, 2013: \$37,221,120.12

Mr. Burrell asked for a change in the minutes from the May 13 business meeting to more accurately reflect the intent of some of his comments regarding funding for the Airport. Mr. Tiller moved to approve the Consent Agenda, with the requested change to the minutes, and that it be made a part of the record. The members were polled:

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

The motion carried.

IN RE: INTRODUCTION OF NEW STAFF

Assistant County Administrator Jonathan Stanger introduced the new IT Director, Aaron Hickman, who was welcomed by the Board.

IN RE: RESIDENCY ADMINISTRATOR REPORT

Mike Cade, Residency Administrator, Virginia Department of Transportation (VDOT), reported on road issues in New Kent. He confirmed that he had moved his retirement out until July 2014.

He reviewed maintenance activities from the past month as well as those planned for the next thirty days. He advised that there was a 2014 paving project that involved adding shoulders along Route 60 from the Park and Ride Lot in Bottoms Bridge to just beyond the intersection with Route 249. He reported that the South Waterside Drive/Route 627 project was 50% complete, and that an emergency replacement of the Route 618 bridge into Charles City County had been approved and would be going out for bid, and hopefully be completed within six months to a year.

There was a discussion regarding a recent weather event that produced significant rainfall and flooding.

Mr. Burrell asked about the removal of a dangerous dead tree on Stage Road.

Mr. Tiller asked about the possibility of striping the Bottoms Bridge Park and Ride lot in order to increase capacity.

Mr. Evelyn asked again about some signage information for a local medical office.

Mr. Davis indicated that he had already spoken with Mr. Cade about a home that was having serious flooding problems. He reported that there was a farming organization that might be able to provide the spray that the State used to treat Johnson grass and asked Mr. Cade to advise as to what and how much was used.

Mr. Cade agreed to address all of those issues.

Mr. Evelyn asked about excavation work along Old River Road. Mr. Cade advised that work to replace a culvert pipe had to be halted when they discovered that that the pipe involved had multiple joints with significant separation. He indicated that due to the location of the pipe, replacement could require the closing of the road.

IN RE: CITIZENS COMMENT PERIOD

Chairman Davis opened the Citizens Comment Period.

Keith Kennedy, a resident of Four Seasons, spoke in opposition to the Wilco Hess conditional use permit (CUP) application. He remarked that a city center (as designated by a sign in the area) was not defined by hundreds of eighteen wheelers. He commented that it was "cognitive dissonance" and illogical to have Colonial Downs, golf courses and upscale residential neighborhoods in the same area as a truck stop.

Bob Greczek, also a Four Seasons resident, spoke against the CUP as well, advising that he was not opposed to trucks but was opposed to bad urban planning. He suggested that the Board members spend some time in the area to witness the traffic problems, and also remarked that it was his information that the New Kent Sheriff was opposed to approving the truck stop. He asked the Board to make good decisions for the County (mentioning the need for another fire station and a hospital) based on good planning and not on making money.

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

IN RE: WILCO HESS TRAVEL PLAZA CONDITIONAL USE PERMIT APPLICATION

Before the Board for consideration was Resolution R-11-13 approving a CUP application filed by Wilco Hess LLC to develop a travel plaza on Emmaus Church Road/Route 106, south of the Interstate 64 interchange. A public hearing was held on May 13, 2013 after which action on the application had been deferred to this meeting.

Chairman Davis announced that the applicant had requested a deferral.

Mr. Burrell moved to accept the request from Wilco Hess for a deferral of one month on its Conditional Use Application and Resolution R-11-13. The members were polled:

C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye

Thomas W. Evelyn	Aye
W. R. Davis, Jr.	Aye

The motion carried.

The County Attorney advised that staff was scheduled to meet with the applicant the following week.

IN RE: DEED TO TRANSFER SURPLUS PROPERTY

Before the Board for consideration was a request to approve execution of a deed to transfer surplus property (abandoned well lot). Mr. Evelyn removed himself from discussion and vote because of his interest in the company that was seeking to purchase the property.

County Attorney Michele Gowdy explained that the Board had voted at an earlier meeting to dispose of this surplus property by sale, and that the County had received an offer of \$20,000 from Charles City Forest Products. She confirmed that all procurement, notice and advertising requirements had been met and asked the Board to authorize the County Administrator to execute the deed and proceed with the sale.

Mr. Tiller moved to direct the County Administrator to execute the deed for Tax Map ID 19-6D. The members were polled:

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

The motion carried.

IN RE: STAGE ROAD

Mr. Davis inquired about the status of a request from VDOT to make adjustments to the State Secondary System as a result of the completed project on Stage Road. Ms. Gowdy advised the proposed abandonment, addition, and discontinuances of certain sections of the road would not require any notice or public hearing, and a resolution had been drafted for the Board's consideration at a future meeting.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Evelyn expressed best wishes to the 2013 graduating class of New Kent High School.

Mr. Burrell congratulated those students who participated in the recent Odyssey of the Mind competition, and encouraged voters to participate in the upcoming Democratic Primary Election.

IN RE: OFFICE SPACE REORGANIZATION

County Administrator Rodney Hathaway explained that, with the decision to renovate the Historic School as elementary classroom space, there had been recent consideration of the possibility of moving the School Board offices into the Historic Courthouse, and relocating the General Registrar and Electoral Board. He reviewed that the School Board's lease in its

current space was nearing its end and was costing the County \$45,000 a year for about 3,500 square feet. He advised that the Historic Courthouse would provide them with about 4,100 square feet. He indicated that a meeting was scheduled with the Electoral Board to talk about relocating to the Health and Human Services Building into offices currently housing the Fire Administration offices. He explained that a previously considered empty office building across the street had some Americans with Disability Act issues and would not be appropriate.

He acknowledged that any relocation of the General Registrar would involve seeking approval from the Department of Justice.

Mr. Davis indicated that he had invited Electoral Board Chairman Charles Moss to attend and participate in the discussions.

Mr. Moss spoke about the complications of relocating the Central Absentee Precinct and asked if it could remain in the Old Courtroom. Mr. Hathaway explained that it was his information that the School Board proposed to use part of the Old Courtroom as offices.

He also confirmed that the space in the Health and Human Services Building was not large enough for the School Board but was larger than the space currently being used by the General Registrar.

Mr. Moss admitted that he had not looked at the space in the Health and Human Services Building but reminded that General Registrars were not permitted to have their offices in the same building as a Constitutional Officer, and also needed an entrance that was visible.

Mr. Davis advised that he did not "like tearing up the Old Courtroom or putting in partitions". Mr. Hathaway advised that no final decisions had been made.

Mr. Evelyn commented that he felt that the County should use space that it owned and save the \$45,000 it was spending on rent. He indicated that if the County told the School Board that no renovations could be made to the Old Courtroom, he thought it would still work.

Mr. Moss remarked that New Kent's population was approaching 20,000, at which time the General Registrar's office would need additional staff, and asked if the new space would accommodate that growth, as well the storage of its voting equipment. Mr. Hathaway advised that he felt that it would.

Mr. Moss asked about an alternative of using some space in the rear of the Courthouse that was formerly used by the Sheriff's Office. Mr. Hathaway advised that the Sheriff's Office was still using a portion of that space.

IN RE: STAFF REPORTS

Mr. Hathaway reported that New Kent had been notified that it had received its ninth consecutive award from the Government Financial Offices Association for its Comprehensive Annual Financial Report. He invited residents to access the CAFR on the County's website if they had any questions about how the County managed its funds. He thanked the Financial Services Department and all County staff for this accomplishment.

IN RE: DISTRICT APPOINTMENTS

Mr. Tiller moved to appoint Juanita Collins as New Kent's District Two representative to the Heritage Library Board of Trustees to serve a four-year term beginning July 1, 2013 and ending June 30, 2017.

Mr. Davis moved to appoint Kim Claytor as District Five's representative to the Social Services Advisory Board to serve a four-year term beginning July 1, 2013 and ending December 31, 2017.

The members were polled:

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

The motion carried.

IN RE: APPOINTMENTS NOT DELEGATED BY DISTRICTS

Mr. Stiers moved to appoint Ellen Davis as New Kent's representative to the Arts Alive Board of Directors to serve a three-year term beginning July 1, 2013 and ending June 30, 2016.

The members were polled:

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

The motion carried.

Mr. Evelyn moved to appoint William J. Wallace III as an at-large member of the Purchase of Development Rights Committee to complete a three-year term ending June 30, 2014.

The members were polled:

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

The motion carried.

IN RE: TRANSITIONAL BUFFERS

The Board was updated on an issue dealing with transitional buffers.

Assistant County Administrator Jonathan Stanger explained that the current zoning ordinance required a 50-foot landscaping buffer between different zoning classifications.

An issue had developed where a parcel in Barhamsville was zoned Business prior to the time that the new zoning ordinance was adopted and prior to the time that homes were built around it. Now that the owner of the business parcel wanted to develop his property, the buffer requirement severely restricted the usable portion of his property because of the size and shape of the parcel. He suggested that this was likely not an isolated situation and he asked that the Board direct staff to look at some ordinance amendments that could provide some relief.

Ms. Gowdy suggested that she be allowed to look at the situation from a legal standpoint and perhaps there would be a way to resolve it without an ordinance change.

There was consensus for staff to work on the issue.

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 8, 2013, and the next work session at 9:00 a.m. on June 26, 2013, both in the Boardroom of the County Administration Building.

IN RE: CLOSED SESSION

Mr. Tiller moved to go into Closed Session pursuant to Section 2.2-3711A.7 of the Code of Virginia for consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel involving public utilities and PPEA projects. The members were polled:

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

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

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

The motion carried.

IN RE: HISTORIC SCHOOL

Taylor Moore, of Marengo Management Corporation, the contractor involved in the first phase of the renovations of the Historic School, answered questions regarding the project, and his status on meeting requirements in the contract.

He advised that final plans should be available within ten to fourteen days. He indicated that there was still some information he needed from the School Board, but there were some set-asides in various areas so that the School Board would be able to choose some of the things it wanted. He confirmed that he had not talked directly to the School Board as he had been told that his point of contact was County staff, although he did not have any problem meeting with them if requested.

IN RE: ADJOURNMENT

Mr. Evelyn moved to adjourn the meeting. The members were polled:

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

The motion carried.

The meeting was adjourned at 7:50 p.m.