

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 11<sup>th</sup> DAY OF FEBRUARY IN THE YEAR TWO THOUSAND EIGHT OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

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IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

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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

The Chairman called the meeting to order and welcomed the larger-than-normal crowd, commenting that "government worked better when citizens became involved".

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IN RE: CONSENT AGENDA

County Administrator John Budesky presented the Consent Agenda as follows:

1. Approval of Minutes
  - a. Special meeting of January 8, 2008
  - b. Regular meeting of January 14, 2008
2. Miscellaneous
  - a. Renaming Clark Road to Clarke Road
  - b. Chesapeake Bay Small Watershed Grant application
3. Refunds
  - a. \$625 to St. Elizabeth Ann Seton Catholic Parish for site plan fee paid twice
4. Appropriations
  - a. Funds donated to the New Kent Animal Shelter, \$540.00
  - b. Insurance funds received for Sheriff's vehicles that struck deer on Jan 2 08, \$3,150.00
  - c. Grant funds awarded from the Dept. of Criminal Justice for the Law Enforcement Terrorism Prevention Program grant, \$4,200.00
  - d. Funds donated to Parks & Recreation for the Scholarship Program, \$600.00
  - e. Funds received for security at Dec 07 and Jan 08 high school basketball games, \$1,017.00
  - f. Funds donated for Jamestown 2007 activities, \$175.00
  - g. Funds received from Colonial Downs for Sheriff's personnel coverage for Dec 07, \$362.00
  - h. Funds received from Judy H. Bailey for the New Kent Fire Department, \$50.00
  - i. State/Federal Social Services funds for AFDC Foster Care, \$27,905.39
  - j. Funds received for burn permits, \$830.00

- k. Funds donated to Parks & Rec for co-sponsorship facility improvements, \$500.00
- l. Insurance funds received for a utility vehicle accident occurring on Nov 1 07, \$500.00

Total Supplemental Appropriation:                   \$ (39,829.39) Total  
  \$ 39,829.39 Money-in/Money-out

- 5. Inter-Departmental Budget Transfers
  - a. *Social Services*: \$149 from Vehicle & Powered Equipment and Salaries & Wages to Dues & Association Memberships and Fuel & Crisis Administration
  - b. *Utilities*: \$83,035.00 from Domestic Meter Supply, Backhoe/Trailer/ Dump-truck, Insurance-Fire/Property and Vehicle Insurance to Permits & Testing, Permit Renewals and Professional Services
  - c. *Fire-Rescue*: \$20,000 from LEMPG to Part-Time Salaries
  - d. *Board of Supervisors/Clerk/County Attorney*: \$2,508.00 reverse prior budget transfer for lease of equipment
- 6. Treasurer's Report: Cash in Bank of December 2007: \$28,208,350.33

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

The motion carried.

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IN RE:                   CITIZENS COMMENT PERIOD

Chairman Burrell opened the Citizens Comment Period.

John Montgomery, member and immediate past president of the Game and Inland Fisheries Board, provided information regarding the Hunting with Hounds Study which he described as "a way forward" that grew out of a concern about the increasing number of comments and complaints regarding the use of dogs for hunting in Virginia and how that might adversely impact the hunting tradition. He explained that the Department of Game and Inland Fisheries (DGIF) had engaged Virginia Tech to conduct the study in order to determine the extent of any problem and spoke about how important it was for hunters to participate. He emphasized that the DGIF was committed to preserving the tradition of hunting, including hunting with hounds, and to come up with some good "best practices". He stated that the study was designed to be open and inclusive, and to allow sportsmen, landowners and interested individuals to work together to determine the future of hunting in Virginia. He advised that there was no pre-ordained outcome of the study and that, at the end of the day, hunting with hounds would be preserved in Virginia. He reported that there had been sixteen meetings across the State, whose sole purpose had been to provide an opportunity to visit with those who supported and those who opposed hunting with hounds. Mr. Montgomery did not have information as to where the closest meeting to New Kent had

been held but he did indicate that he was going to try to make arrangements to have an information-sharing session in this area. He advised that a stakeholders group would come out of the study that would be comprised of individuals committed to hunting with hounds and well as some landowners, who would develop some good "best practices". He invited everyone to take one of the brochures he brought with him and to visit the Study's website to determine the timetable as well as obtain more information.

James M. Adams spoke on behalf of individuals and hunt clubs who supported hunting with hounds in New Kent (those in the audience were asked to stand), to ask the Board to protect hunting with dogs by adopting a resolution similar to those adopted by other Virginia counties, which he identified to be Charlotte, Mecklenburg, Lunenburg, Caroline, Spotsylvania and Charles City. He spoke about how many New Kent families used venison as food, and encouraged the Board to support and protect New Kent's heritage and tradition of hunting with dogs by adopting the following resolution:

*WHEREAS, New Kent County has a tradition of hunting with dogs and specifically with hounds that is as old as the County itself; and*

*WHEREAS, the New Kent County tradition of hunting with dogs provides significant economic benefit to the County and its people; and*

*WHEREAS, the New Kent County tradition of hunting with dogs significantly contributes to public safety by controlling excess wildlife populations that would otherwise increase automotive collisions, crop and other property damage, and disease control; and*

*WHEREAS, the New Kent County tradition of hunting with dogs contributes a substantial amount of venison to the Hunters for the Hungry; and*

*WHEREAS, the New Kent County tradition of hunting with dogs, especially hounds, is practiced on the majority of land in New Kent County and is a source of revenue and major resource management tool; and*

*WHEREAS, the New Kent County tradition of hunting with dogs is a wholesome family-oriented heritage that teaches self-reliance, individual responsibility, and the values of community and stewardship of our God-given natural resources;*

*NOW, THEREFORE, BE IT RESOLVED that the New Kent County Board of Supervisors supports the heritage of hunting with dogs, especially hounds.*

*BE IT FURTHER RESOLVED that the New Kent County Board of Supervisors in support of its heritage of hunting with dogs, especially hounds, hereby calls on the Virginia Department of Game and Inland Fisheries to work to increase communication with hunters and their hunting organizations and to increase enforcement of the existing laws.*

Kirby Burch spoke on behalf of the Virginia Hunting Dog Alliance (VHDA), indicating that the proposed resolution was fundamentally about a culture and a perceived threat to it. He commented that many actions had taken place over the past year that had caused every hunter in Virginia to "take a hard look" and that many saw the study as a threat to hunting. He reported that the resolution evolved in Brunswick County and similar versions were being considered by 24 counties during the month of February. He said that seven Boards had unanimously adopted similar resolutions and he reviewed the variations between what had been adopted in other localities and what was being proposed in New Kent. He stated that the resolution was a statement of belief that hunting with hounds, and dogs in general, was as old as New Kent itself, was vital to the County and its traditions, and for that reason, he was asking the Board to adopt it. He reported that VHDA started with 59 members,

had a current membership over 18,000, and was under consideration for endorsement by the bear hunters. He referred those interested to their website for more information.

Becky Clarke Philbates thanked the Board for correcting the spelling of Clarke Road, commenting that she still lived in the "home place" which had been passed down through the Clarke family for at least 300 years, and that her family was proud of their name and its spelling.

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

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IN RE: HUNTING WITH DOGS

The Board addressed the issue of hunting with dogs that had been raised during the Citizens Comment Period.

Mr. Davis spoke about his lifelong participation and love of hunting with dogs, but conceded that times had changed and that there were owners of acreage who did not want hunting dogs on their property and "who were not leaving. He spoke about the loss of acreage upon which dogs could run and about how hunting helped to control the increasing deer population. He commented that although the hunt clubs did a good job, they could do a better job by having more catch boxes and being better neighbors. He urged everyone to work together to make New Kent a better place in which to hunt and for better relations with the people who owned the lands onto which the dogs ran. He commended Hunters for the Hungry for having donated between 12,000 and 13,000 pounds of venison to the Central Virginia Food Bank in the last year as well as those who paid to have it processed.

Mr. Trout asked Mr. Montgomery about the timeline for the study. Mr. Montgomery advised that the study was in the twelfth month of a twenty-four month process and once the meetings had been concluded, Virginia Tech would qualify and quantify the results, and thereafter bring recommendations to the DGIF, which would offer additional opportunities for public comment. He emphasized that the study was not intended to limit hunting with hounds but to preserve or expand it, and that it was undertaken last year after some "pretty onerous" bills were introduced in the General Assembly from some rural areas that were experiencing some competing interests between development and hunting. He said that the object was to determine the extent of the problem, if any. He advised that the study covered all kinds of hunting with dogs and ways to best maintain it. He confirmed that foxhunting with dogs was included, and noted that there was also a multi-state investigation underway involving fox pen hunting. He spoke about bear hunting, advising that there was some legislation pending that would allow a hunter to chase with dogs (not hunt) during bear chase season.

Mr. Evelyn asked if there was any legislation pending in the General Assembly regarding hunting with dogs, to which Mr. Montgomery responded that he was not aware of any. Mr. Trout noted that there was a Senate bill pending (sb263) that dealt with penalties for retrieving dogs from private property while armed. Mr. Montgomery commented that the referenced bill appeared to deal with penalties for an existing crime. He reported that he regularly attended a weekly sportsmen's caucus that met to review pending bills and that he did not think that any hunting-related legislation, other than the "bear chase after dark" bill stood a chance of being passed.

Mr. Sparks asked about the types of information that the study was looking for. Mr. Montgomery indicated that they were looking to come up with a series of "best practices" and common sense recommendations from a consensus between hunters and landowners,

so that in the event legislation was introduced in the General Assembly that would impact hunting, then the DGIF would be in a position to counter such legislation by showing that it had already done the studies and developed "best practices".

Mr. Burrell commented that man had been hunting with dogs since dogs were first domesticated, and thanked Mr. Montgomery for sharing information about the study.

Mr. Evelyn shared information he had obtained regarding the number of hounds picked up in New Kent by the Animal Protection Unit between January 2007 and January 2008, which reflected that only a small percentage of the total dogs picked up had been hounds, and those could not be confirmed to be hunting dogs. He commented that he felt those statistics reflected that the hunters in New Kent were doing a good job of retrieving their dogs. He indicated that he was in support of the proposed resolution, commenting that one of the County's goals was to keep New Kent rural and asked what was more rural than hunting deer with dogs. He then moved to adopt the resolution in support of heritage of hunting with dogs, as presented.

Mr. Burrell suggested that the Board members might want to look at the resolutions passed in some of the other counties and come up with something better. Mr. Sparks asked Mr. Burch to address the differences between the various resolutions. Mr. Burch indicated that the first five adopted were identical to the one passed in Brunswick, which contained a statement that the Board was opposed to the study being conducted by DGIF and Virginia Tech and did not make any reference to Hunters for the Hungry.

Mr. Trout commented that it appeared to him that the best method would be for the Board to develop its own resolution and then consider all versions at the next work session, and he then moved to postpone consideration of the matter.

Mr. Burrell agreed that such action might result in a version that was even stronger and asked Mr. Evelyn if he would like to restate his motion. Mr. Evelyn declined.

Mr. Trout indicated that waiting would enable the Board to have several versions of the resolution to look at and that it would be better done in a work session.

Mr. Evelyn commented that the proposed resolution stated only that the Board supported hunting with dogs in New Kent County. Mr. Trout disagreed, indicating that it was important that the Board consider a resolution that "would say what we want it to say". Mr. Burrell pointed out that time was not critical and that it would not hurt to wait, adding that the Board was in support of hunting with hounds in Virginia and would not change its mind.

Mr. Davis stated that there were about 125 people who had attended the meeting for a reason, and he felt that the wording of the proposed resolution did not bind the Board to anything except to say that the law on the books should be enforced. He added that he felt that the Board should support the study that was underway, and noted that the proposed resolution did not include the language that was in the Brunswick resolution opposing the study.

Mr. Montgomery advised that he had no problem with the proposed resolution and asked that the Board not oppose the study.

Mr. Trout reminded that his motion to postpone the matter until the next meeting was still on the floor and if the matter was not postponed, then he had a substitute motion to make.

Mr. Burrell commented that in light of Mr. Montgomery's comments, he would have no objection to considering the resolution at this meeting.

The members were polled on Mr. Trout's motion to postpone:

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

The motion failed.

Mr. Trout moved to adopt a substitute version of the resolution as follows:

*WHEREAS, hunting is an important recreational activity in New Kent County, and*

*WHEREAS, deer hunting with dogs and fox hunting with dogs have long been practiced in New Kent County; and*

*WHEREAS, in some localities such hunting is limited or prohibited; and*

*WHEREAS, it is the desire of the citizens of New Kent County to continue these traditional activities;*

*NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of New Kent County that deer hunting with dogs and fox hunting with dogs continue as recreational activities in New Kent county; and*

*BE IT FURTHER RESOLVED that this resolution is not intended to support or oppose any issue before the Virginia General Assembly, the Virginia Department of Game and Inland Fisheries, or another government entity.*

Mr. Trout pointed out that his version made it clear that the Board supported deer and fox hunting with dogs but that it wasn't telling DGIF to do or not to do something. He continued that the Board was not aware of any issues that "were out there" and that the Board could not support or oppose a recommendation that might be made after a two-year study when it didn't even know what that recommendation would be. He indicated that he felt his version would show the Board's support of hunting with dogs but could not be used to oppose or support any action at the General Assembly or DGIF.

The members were polled on Mr. Trout's substitute motion:

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

The motion failed.

Mr. Trout advised that he needed more time to review the proposed motion to see if it was something that he could support and could be satisfied that it was the right decision for the County.

Mr. Sparks asked Mr. Summers if he had any concerns about the proposed resolution. Mr. Summers advised that the resolution contained nothing legislative in nature and was a policy matter that was up to the Board.

The Board took a short break and then resumed the meeting, at which time Mr. Trout advised that although he felt there was a better way to handle the matter, he would support its adoption.

The members were polled on Mr. Evelyn's original motion:

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

The motion carried.

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IN RE: RESIDENCY ADMINISTRATOR'S REPORT

Torrence Robinson, Residency Administrator with the Sandston Residency of the Virginia Department of Transportation, reported on some of the issues raised at previous meetings.

He advised that crack sealing had been performed along Route 60 between Toe Ink Wayside and Mountcastle Road.

Regarding the roundabouts to be installed at I-64 and Route 106, he indicated that the Residency had scheduled a meeting with the developer to review comments and concerns about the maintenance of traffic flow and the ability of trucks to maneuver the roundabouts, and he would report back to the Board on that issue at the next meeting.

He advised that a traffic engineering study had been completed at the intersection of Routes 106 and 607 and, based on the findings of adequate sight distance and no significant crash history, the request for flashing lights had been denied.

He reported that the right-of-way fence along I-64 between mile markers 220 and 219 was being repaired.

There appeared to be some confusion as to the location of the requested guardrails on Egypt Road. Mr. Davis clarified that he had suggested guardrails were needed near the elementary school gym, approximately 50 yards in from the intersection of New Kent Highway, and Mr. Robinson advised that he would look into that.

Mr. Robinson advised that it was his understanding that the grade on the new Eltham Bridge did not meet the requirements for "steep grade" signs.

He indicated that he would meet with the Board at its next work session to discuss Revenue Sharing and the Secondary System Six-Year Plan.

He reported brush clearing was underway in the Five Lakes subdivision.

Mr. Sparks inquired about the speed study on Route 249 in front of the Food Lion. Mr. Robinson advised that the Residency had appealed the results of the study and asked for Traffic Engineering to look at the area again. Mr. Sparks noted that the area was busiest in the mornings and afternoons and that a new business had recently opened there, which had increased the amount of traffic. Mr. Robinson indicated that he would try to accompany the development manager and point out the concerns.

There was discussion regarding the Eltham Bridge. Mr. Torrence clarified that the request for "steep grade" signs had been denied and that there were no plans to change the speed limit on the bridge. Mr. Burrell commented on the inconsistency of the speed limits along that stretch of road, noting that the speed limit through Eltham was 45 mph, 40 mph on the Eltham Bridge, 25 mph in West Point, and 45 mph on the Lord Delaware Bridge. Mr. Davis added that he had no problem with the 40 mph limit on the Eltham Bridge but would like to see it extended up Route 33 to the intersection with Farmers Drive. He stated that it made little sense for the two bridges to have different speed limits and that he understood that both bridges were under the control of another residency, but it would make residents of Eltham happier if the speed limit through Eltham were lowered to 40 mph. Mr. Burrell asked that the "Entering King William County" sign be moved to the correct location and advised that the "Pamunkey River" sign on the Eltham Bridge was incorrect and should say "Thoroughfare Creek". Mr. Davis advised that he still had concerns about operators of heavily loaded trucks who were unfamiliar with the close proximity of the stoplight at the bottom of the bridge going into West Point, and he wanted to be "on record" as having recommended "steep grade" signs or some other kind of sign warning truckers to check their brakes. Mr. Robinson advised that they could look at some alternatives to address those concerns.

Mr. Trout expressed his appreciation for work done on Rescue Drive. He commented about the continuing safety concerns with South Waterside Drive. He reminded that South Waterside Drive was the only ingress and egress for some residential developments. He suggested some method of electronic measurement of the water level might be installed, and said that corrective measures were needed soon in that it was a "disaster waiting to happen".

There was discussion regarding Terminal Road. Mr. Robinson confirmed that they had received a report about the lack of a speed limit sign near the Airport and were taking care of it. He advised that he was unaware of a traffic count being conducted, as reported by Mr. Trout. Mr. Trout reviewed some of the problems generated by the existing two-way stop at the intersection of Airport Road and Terminal Road, suggesting that a three-way stop or some other alternative be considered.

Mr. Sparks thanked Mr. Robinson for his "sense of cooperation" in working with the Board on their areas of concern. He commented that he was "holding his breath" that there would be some unused snow removal funds with which to pave Route 613 in the spring.

Mr. Evelyn asked about his request for truck restrictions on Old Church Road. Mr. Robinson advised that he would provide the Board with the procedures and criteria for establishing those restrictions.

Mr. Evelyn asked about the timetable for the road work at Routes 249 and 106. Mr. Budesky advised that it was his understanding the construction at that intersection would begin the next day and would impact traffic for a couple of months.

Mr. Burrell thanked Mr. Robinson for his quick response to items brought to his attention. He spoke about the confusing pavement markings at the interstate exit ramps onto Route 155. Mr. Robinson advised that Traffic Engineering had found that the existing markings met VDOT policy for similar exit ramps but that the Residency had asked them to look at the area again, and he would keep the Board apprised of the outcome.

Mr. Burrell reported potholes along I-64 eastbound near the rest area, and also reported some severe erosion close to the edge of the pavement along Stage Road. He commended VDOT staff for their efforts in removing fallen trees resulting from recent high winds.

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IN RE:                    CARSWELL/TRINITY REZONING

Before the Board for consideration was Ordinance O-01-08 regarding an application filed by members of the Carswell family and Trinity Contractors to rezone approximately 3.65 acres from *B-1, Business* to *M-1, Warehousing and Limited Industrial*, for the purpose of constructing an office, shop, parking area and storage shed on property located approximately 500 feet south of the intersection of South Courthouse Road and Boulevard Road in Providence Forge, and identified as Tax Map Parcel 41 A1/2/24.

Planner Kelli Le Duc explained that Trinity Contractors planned to remove the existing dilapidated structure and to build a business office, a shop to house and maintain work vehicles, a parking area, and a storage shed for equipment. She reported that the remainder of the lot would be graveled except for designated green space. She advised that staff found the proposed use to be marginally consistent with the Comprehensive Plan; however, given the existing character of development in the surrounding area, the proposed use was deemed compatible with the adjacent parcels. She reported that no negative comments had been received from any of the reviewing agencies nor had any public comment been received. She indicated that an updated sketch and signed proffers had been received from the applicants, noting that the proffers included provisions for landscaping, parking and buffers.

She summarized that the proposed use appeared to be consistent with the future village designation, Comprehensive Plan, and the surrounding property in Providence Forge; that the use would create positive fiscal impact; and that the proffers would prevent any adverse impact to surrounding property. She noted that the application had been considered by the Planning Commission, whose members had voted 8:0 with 1 abstention (Mr. Burrell) in favor of approval. She pointed out that Phil Davidson and Dale Cava, principals of Trinity Contractors, were present to answer any questions.

Mr. Cava explained that their business worked mainly for Dominion Virginia Power, doing steel repair and replacement, and grounding lines on transmission towers throughout Virginia. He reported that they currently had fifteen employees but anticipated increasing that number by two or three and capping it at twenty.

Mr. Cava addressed his business' impact on County roadways, which he predicted would be minimal. He indicated that two or three employees would be at the site full time and they would generate about twelve trips per day. He advised that the other employees normally would drive to the business, park their personal vehicles and leave in company vehicles, returning in the late afternoons. He noted that some employees would leave in company trucks on Monday mornings for other areas of the State and not return until Thursday evenings.

He represented that he and his two partners were "men of integrity" and he spoke about their determination and commitment to project a positive image in the community by properly maintaining their grounds and having late model trucks and equipment. He advised that they liked Providence Forge better than any of the other sites that they had considered.

Mr. Trout asked about plans to remove trees on the parcel. Mr. Cava advised that they did not plan to disturb any of the trees in the area of the existing drainage ditch and intended to maintain a buffer of trees along the back and side of the property.

Mr. Sparks questioned if the proposed site was a part of the village area. Mr. Homewood confirmed that it was.

Mr. Evelyn commented that he had seen some of Trinity's equipment around the County, approved the plan for the site, was in favor of anything that would support business in New Kent, and was happy that Trinity wanted to locate in the County. Mr. Davis commented that he had seen Trinity's vehicles working in Eltham and confirmed that they had some nice equipment. Mr. Burrell stated that he felt that the proposed use was consistent with what was in the area.

The Chairman opened the Public Hearing.

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

Mr. Davis spoke about problems with a contracting business in Providence Forge that "didn't do what they said they were" and he thanked the staff for having "cleaned that one up". He cautioned Mr. Cava that the County would likewise hold his company to its promises.

Mr. Trout moved to adopt Ordinance O-01-08 as presented. The members were polled:

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

The motion carried.

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IN RE: EASEMENT

Before the Board was a request from Resource International to approve the granting of an easement across County property to provide power to Pump Station #4, in Land Bay IV at New Kent Vineyards.

Mr. Davis moved to approve the proposed Right of Way Permit Agreement with Virginia Electric and Power Company granting a 15-foot right of way across tax map parcel J12-3842-2487. The members were polled:

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

The motion carried.

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IN RE: ELECTED OFFICIALS' REPORTS

Stacy Simmons, District One's School Board member, indicated that she would be representing the School Board at the Board of Supervisors meetings and that although she was not prepared to give a formal report, she could advise that the School Board was currently working on its budget.

Mr. Davis spoke about the final report received from New Kent's Jamestown 2007 Committee and suggested that the Board adopt a resolution recognizing that Committee's hard work and effort. The other Board members agreed and staff was asked to develop something for the Board's consideration and presentation at a future meeting.

Mr. Trout reported on his recent attendance of VML/VACo Legislative Day and his visit to the General Assembly. He congratulated Fire Company No. 2 on its 50<sup>th</sup> anniversary. He spoke about the recent Fire Academy graduation, congratulating the graduates as well as the Fire Chief and his staff for the highly successful program. It was noted that there were attendees from three other jurisdictions. Mr. Trout reminded about the upcoming history lecture by Dr. Selig who was conducting the study on the Washington Rochambeau Route, to be followed by a reception in honor of George Washington's birthday hosted by the Martha Dandridge Women's Cub. He also encouraged everyone to vote in the upcoming Presidential Primary.

Mr. Sparks thanked Fire-Rescue and the Sheriff's Office for their work in tending to the brush fires and other problems caused by recent high winds.

Mr. Evelyn advised that he had received several calls asking about the status of the Heritage Library (Library). Mr. Budesky reported that over 3,000 boxes of books had been packed up for the move to the Library's temporary New Kent location at the end of the week and that he had offered County staff resources to assist in the move. He advised that there would be a delay in opening the Library until the beginning of March because Cox Communications would need about three weeks to get cable to that location. He spoke about the "tremendous commitment" Cox was making to help the community by installing about two miles of line to serve the new facility, and how so many of the Library's systems were dependent upon internet connection. He advised that the Library would be holding a reception before its official opening, to which all of the Board members would be invited. He talked about the "groundswell of support" from the community and local businesses, recognizing IT Cooperative (donation of technology work), Mark Daniels (donation of U-haul vehicles for the move), John Wilson (owner of New Kent Commons for the renovations and help with the parking lot) and Henderson Construction (donation of services and gravel), who were just some of the contributors.

Mr. Burrell commended Fire Chief Tommy Hicks for the fine job in successfully controlling the recent brush fires. He reported that he had attended a recent meeting of the Board of Directors of the Richmond Metropolitan Convention and Visitors Center but had nothing to report that affected New Kent. He advised that Board members had attended the Richmond Times-Dispatch *Listening Tour* at Jasmine Plantation earlier in the day, an effort by the newspaper to learn more about its localities and what it could do to provide better service, noting that he felt that it was well worth the time and effort.

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IN RE:           STAFF REPORTS

Mr. Budesky spoke about his attendance at the VML/VACo Legislative Day the previous week where he and others were able to meet with Senator Norment and later speak with Delegate Chris Peace regarding New Kent's 2008 legislative agenda. He noted that most of the items on the County's legislative agenda would not "move much further along". He reported that there was some concern about Senate Bill 768 dealing with proffers and impact fees. He indicated that the pending legislation had changed in form during the past week and although there was some attempt at compromise "in the works", he felt it would be best if the bill was postponed in order to allow more time for study. He advised that, from the County's perspective, the proposed bill would have a major impact on development and growth in New Kent, pointing out that Chesterfield County would have lost about \$50 million on just one development under the proposed new guidelines. He indicated that he had conveyed New Kent's concerns to Senator Norment, who was supporting the bill.

Mr. Trout added that he understood that the bill would adversely affect New Kent's ability to use development agreements.

Mr. Burrell thanked Mr. Trout for his vigilance and updates regarding pending General Assembly legislation. He reported that he had talked to a senator at a recent Juvenile Justice meeting, who seemed surprised to learn about how local officials felt about the bill and he urged everyone to communicate their concerns to the State legislators as quickly as possible. Mr. Burrell agreed with Mr. Budesky's recommendation that the bill should be postponed and studied further.

Mr. Budesky spoke about the shortfall in State revenues and the probability of more State budget cuts, which might impact revenue for New Kent. He advised that the budget cuts had not yet extended to the increase for teachers' pay but if they did, it would be an issue for New Kent.

He reminded that roadwork at the intersection of Route 249 and Route 106 would require a reduction in the speed limit and would be an adjustment for local drivers, and reported that only half of the roundabout would be constructed until the illuminating lights had been installed. He asked for patience during the construction.

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IN RE:           DISTRICT APPOINTMENTS

The Board continued to make appointments delegated by district.

Mr. Evelyn moved to appoint W. O. Isgett as District One's representative to the New Kent Economic Development Authority to complete a term ending December 31, 2009.

Mr. Burrell moved to nominate Thomas R. Minor, Sr. as District Three's representative to the Board of Zoning Appeals to serve a term ending December 31, 2011.

The members were polled:

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

The motions 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 March 10, 2008, and the next work session at 8:30 a.m. on February 26, 2008, both in the Boardroom of the County Administration Building, New Kent, Virginia. He also announced that the Board would hold its semi-annual lunch meeting with Senior Staff on February 15, 2008, at 12 noon at Fire Station No. 1 in Providence Forge.

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IN RE: CLOSED SESSION

Mr. Sparks moved to go into Closed Session for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia concerning actual or probable litigation and specific legal matters that required advice. The members were polled:

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

The motion carried. The Board went into closed session.

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

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

David M. Sparks	Aye
Stran L. Trout	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. Davis moved to adjourn the meeting. The members were polled:

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

The motion carried.

The meeting was adjourned at 8:25 p.m.