

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 8th DAY OF JULY 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. Tiller 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 29, 2013 Special Meeting minutes
 - b. May 29, 2013 Work Session minutes
 - c. June 10, 2013 Business Meeting minutes
2. Miscellaneous
 - a. Resolution R-13-13 recognizing services of Karen Cameron to the Social Services Advisory Board
 - b. Contract for On-Call Services with Sydnor Hydro, Inc.
 - c. Contract for On-Call Services with Electrical & Mechanical Resources, Inc.
 - d. Contract for On-Call Services with Atlantic Pump & Equipment Company
 - e. Contract for On-Call Services with William E. Britton Electrical Contracting
 - f. Contract for On-Call Services with Virginia Electrical Services, LLC
 - g. Contract for On-Call Services with Water Well Solutions, LC
 - h. Resolution R-15-13 requesting abandonments, additions and discontinuances in the State Secondary System of certain sections of Stage Road
 - i. Abstracts of Votes from the June 11, 2013 Democratic Primary Election for recording in the Order Book
3. FY13 Carry Forward Appropriations
 - a. Insurance proceeds related to Hurricane Irene for fence repair at the Airport, \$1,100.00
 - b. DMV SEL Enforcement Alcohol grant fund, \$1,925.38
 - c. Civil War – Step Into 1862, \$727.32

\$ 3,752.70	Total
\$(1,827.32)	From General Fund fund balance
\$(1,925.38)	From Grant 6 fund balance

4. FY13 Supplemental Appropriations
- a. FY12 revenue for the DMV SEL Enforcement Alcohol Grant was posted to an incorrect revenue code and was overlooked as an FY12 Receivable. This appropriation is to correctly display the amount of the FY13 Revenue that remains to be collected, \$8,755.41
- | | |
|--------------|---------------------------|
| \$ 8,755.41 | Total |
| \$(8,755.41) | From Grant 6 fund balance |
5. FY13 Supplemental Appropriations
- a. Program income received for FY13 from CDBG Plum Point grant participants, \$937.36
- b. Funds received from insurance proceeds – Sheriff, \$4,157.60
- c. Miscellaneous recovered costs – Sheriff, \$2,899.87
- d. Four-For-Life grant funds, \$20,748.00
- e. Donations to the Animal Shelter, \$720.00
- f. SAFER grant funds – volunteer retention, \$106,675.00
- g. Funds from the sale of various fire apparatus noted as Unit 933, 935, 936 and 934, \$19,502.02
- h. Funds reimbursed by the Commonwealth of Virginia for extradition of prisoners, \$3,118.92
- i. Funds for the Smart Drive Virginia grant (CMV), \$33,541.67
- j. Additional FY13 funds for the purchase of jail space, \$221,380.00
- k. FY13 funds for charge card fees/processing, \$20,000.00
- l. FY13 funds for unemployment compensation, \$35,000.00
- m. FY13 funds for General District Court – appointed attorneys fees, \$3,500.00
- n. Additional FY13 funds for Registrar’s Office due to additional elections, \$36,638.00
- o. Additional FY13 funds for the Electoral Board due to additional elections, \$396.00
- p. LEMPG Federal Grant (CFDA #97.042), \$27,932.00
- q. Technology Trusts funds received – Circuit Court, \$39,005.00
- | | |
|----------------|--------------------------------|
| \$ 576,241.44 | Total |
| \$(286,432.44) | Total In/Out |
| \$(289,809.00) | From General Fund fund balance |
6. Interdepartmental Budget Transfers
- a. *Parks & Recreation*: \$1,695 between various line items for end of year reconciliation
- b. *Circuit Court Clerk*: \$420 between various line items for end of year reconciliation
- c. *Fire & Emergency Management*: \$57,000 from Pre-Eng Radio Infrs. Sys Study to Replace Engine #1
- d. *Fire & Emergency Management*: \$38,000 from Salaries & Wages and Maintenance Service Contracts to Replace Engine #1
- e. *School Board*: \$20,000 from Contingency Fund – health insurance to Textbook Adoption
- f. *Financial Services*: \$3,300 from between Financial Services and Central Purchasing for Forms Printer Supplies
7. Treasurer’s Report: Cash as of May, 2013: \$36,443,693.06

There were questions regarding the supplemental appropriation for the Voter Registration Office budget. Financial Services Director Mary Altemus explained that it was her information that additional costs were incurred as a result of the Democratic Primary election in June and it had been decided during budget planning not to include those in the budget but to instead cover them under a supplemental appropriation once the costs had been determined.

Electoral Board Chairman, Charles E. Moss, Sr., provided additional information regarding extra elections in general, and suggested that some of the extra costs may have been related to Redistricting.

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

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

The motion carried.

IN RE: RESIDENCY ADMINISTRATOR REPORT

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

He reviewed maintenance activities from the past month as well as those planned for the next thirty days, along with a synopsis of the plans reviewed and permits issued. He advised that work on the South Waterside Drive/Route 627 project at Fanny's Creek was still progressing and paving should soon be underway, weather permitting. He reported that a traffic signal warrant study completed at the intersection of New Kent Highway/Route 249 and Dispatch Road/Route 613 reflected that the current conditions at that intersection did not meet the requirements for a signal.

Mr. Tiller asked about whether a guardrail was needed along a section of Longview Road that had a significant drop-off. Mr. Cade explained that because of the 25 mph speed limit and the fact that there was a wide shoulder there with no water at the bottom of the drop-off, the area did not warrant a guardrail.

Mr. Burrell spoke about the continuing problem with dead trees along the roadways, and complimented the work done so far on the South Waterside Drive project.

Mr. Evelyn asked if Mr. Cade or one of his staff could attend an upcoming meeting in the Essex Hills neighborhood to educate some new residents on the process for adding a private road into the State system for maintenance. He also expressed his appreciation for the maintenance being performed on the non-paved roads in his district.

Mr. Stiers spoke about some concerns raised by the Transportation Safety Commission. The first was the interstate exit ramp at Route 155 and how the current lane markings were confusing to motorists and were resulting in traffic violations being issued. Mr. Cade agreed to have VDOT's traffic engineering staff look at the ramp again.

The other concern was the intersection of Kentland Trail and Courthouse Road, and how there continued to be a number of "close calls" at that non-signalized intersection. Mr. Cade described the many safety measures that were in place for that intersection and advised that the average cost of a traffic signal for a two-lane intersection was \$250,000.

Mr. Davis reported low-hanging trees along roads in his district that were affecting sight distance as well as vehicle travel.

Mr. Cade advised that he would be meeting with VDOT's environmental staff to determine where in the County they could use their rotary ditcher in order to help with some of the drainage problems.

IN RE: CITIZENS COMMENT PERIOD

Chairman Davis opened the Citizens Comment Period.

J. Narparlo, the owner of a proposed Burger King at the Route 106 interstate interchange, spoke about how it was the Board's responsibility to make the right decision on the Wilco Hess conditional use permit application, based on current and future traffic conditions. He suggested that there were still many unanswered questions about the project and the traffic patterns, all of which needed to be answered before a decision was made.

Greg Will, a Four Seasons resident, commented that he did not think that the Route 106 interchange was the right location for the Wilco Hess truck plaza, and asked the Board to keep in mind that the nearby Four Seasons age-restricted community would continue to bring revenue to the County without burdening the school system.

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 the Wilco Hess Travel Plaza conditional use permit (CUP) application. A public hearing had been held on May 13, 2013, at which time the Board deferred action until June 10. At the June 10 meeting, the applicant requested another 30 day deferral.

Planning Manager Kelli Le Duc reviewed changes that had occurred since the public hearing that were encompassed in several new conditions in the resolution regarding traffic improvements, as well as a map from the applicant showing traffic improvements if the CUP was approved.

Derrick Johnson, of the Timmons Group, spoke on behalf of the applicant, commenting that they had worked hard with staff on these changes and appreciated the opportunity to defer the application in order to "work this out". He confirmed that the applicant was willing to accept all 18 conditions, in particular those conditions that set forth what they were doing to alleviate the traffic generated by their development, to include performing additional studies after the project was completed as well as two additional traffic signal warrant analyses. He advised that should it be determined that a traffic signal was warranted, the \$100,000 bond the applicant was posting could be used to pay for it. He reviewed that their Chapter 527 Traffic Impact Analysis identified the improvements that were needed, and they had "gone beyond those recommendations". He confirmed that the new access road would not be a private road, but would be a dedicated public right-of-way that would be taken over by VDOT.

There were questions regarding the potential for a four-lane highway in the future and existing rights-of-way along Route 106. Mr. Johnson advised that there was 110 feet of right-of-way in front of their site, but it was only 80 – 85 feet in front of the Pilot station. Mr. Cade of VDOT advised that 110 feet was enough to add another lane if needed, as long as it did not have a very wide median. He added that 85 feet of right-of-way could support

an undivided four-lane road, but he felt that the new storm water regulations would be more difficult to meet with that amount of right-of-way.

There were questions regarding the access road being stubbed into the adjacent parcel. Property owner Alan Shaia confirmed that the access road was stubbed at where one of the main entrances into the rest of their property would be, and explained that they owned property on the other side of the access road in the event that it needed to be expanded in the future.

Mr. Johnson pointed out that should Route 106 be widened and a new bridge constructed at the interstate interchange, then the widening would be done on the west side of Route 106.

It was clarified that the four-year period for the \$100,000 bond would start when the project was completed.

Mr. Evelyn commented that he had "been doing his homework" and had found that there were high-end housing developments in the vicinity of many truck stops in other areas, so he did not feel that the project would be a detriment to nearby housing developments. He referenced past complaints that New Kent was not "business friendly" and he felt that if the Board did not start supporting business development, then the tax burden would remain on residential real estate taxes. He suggested that the project would spur other business development, and that Travel Plaza patrons "would stop, spend money, and leave the County". He reminded that consumer goods were moved by tractor trailers and advised that he had talked with his constituents and most supported the project. He indicated that he was in that area four or five times a day and he felt that what would impede traffic trying to enter the Burger King site was not traffic backed up coming off interstate, but trucks waiting to get into the Pilot because there was not enough staging area. He suggested that the Wilco Hess travel plaza would provide another place for trucks to go, and he felt it was a great business opportunity. He said that New Kent could not keep turning down businesses, this was a good plan, VDOT supported the traffic plans, and he supported approval.

Mr. Stiers remarked that part of Route 106 was in his district and he had gone "door to door" in the area and found no opposition to the project. He also referred to travelers pulling into the truck plaza, buying fuel and food and then leaving. He indicated that VDOT approved the plan and if there were problems in the future, they could be addressed at that time.

Mr. Tiller advised that his biggest concern was traffic and he referenced a memorandum from one of the deputies to the Sheriff regarding how many trucks it took to back up traffic on Route 106. He reported that there was mixed support from District 2.

Mr. Davis commented that Mr. Williams had 40 other travel plazas and he didn't think that he would build this one if he didn't have confidence that customers could get to the site. He said that New Kent should put something other than housing developments at its four interstate interchanges, and he felt that the traffic problems would be alleviated if there was another place for the truckers to go. He called this a "good plan" and warned that there might be an application for a third truck stop. He admitted that he had some concerns with the interstate and the impact from increased truck traffic that would result from port improvements in Hampton Roads.

Mr. Evelyn moved to approve Resolution R-11-13(R). The members were polled:

C. Thomas Tiller, Jr. Nay

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

The motion carried.

IN RE: APPOINTMENTS

Mr. Davis moved to appoint Larry Clark as the Board's representative to the Community Policy and Management Team to serve a one-year term beginning July 1, 2013 and ending June 30, 2014.

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.

Mr. Davis moved to appoint Becky Ringley as New Kent's representative to Senior Connections, The Capital Area Agency on Aging 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.	Aye

The motion carried.

IN RE: EXTENDED INDEPENDENCE DAY HOLIDAY

Before the Board for consideration was Resolution R-16-13 memorializing its decision the previous week to close offices on Friday, July 5, 2013, extending the Independence Day holiday for County employees.

After reading the resolution aloud, Mr. Stiers moved to adopt Resolution R-16-13 closing County Offices on July 5, 2013. 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: ELECTED OFFICIALS REPORTS

Mr. Burrell provided details of an upcoming event of the Richmond Region Tourism Board of Directors to be held at the New Kent Winery.

Mr. Davis urged residents to be careful in their travels with the increased interstate summer traffic.

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

IN RE: LEASE OF COUNTY-OWNED PROPERTY ON PINE FORK ROAD

Before the Board for consideration was a request to enter into a lease of eight acres owned by the County, identified as tax map number 21-91 and located on Pine Fork Road, for farming purposes.

Mr. Evelyn disclosed that the proposed lessee was his uncle and, even though he had no business relationship with his uncle's farming business, he would remove himself from discussion and vote, and then left the dais.

County Administrator Rodney Hathaway explained that the proposed agreement would lease eight acres of park land recently acquired by the County for farming for the current growing season with Charles H. Evelyn, Jr., who also farmed an adjacent parcel. He indicated that at the end of the year, the County would re-evaluate the current status of park planning for this parcel.

There was discussion regarding the lease amount and benefits of this arrangement. Mr. Hathaway proposed a lease amount of \$25 per acre, but pointed out that this was not a revenue issue but an opportunity to maintain property, estimating that it would cost between \$100 and \$125 each time the parcel was cut.

Staff also explained that a lease was required for several reasons, the most important of which was liability.

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

Mr. Burrell moved to authorize the County Administrator to enter into a lease agreement on behalf of New Kent County with Mr. Charles H. Evelyn, Jr. for the purpose of farming eight acres of land on tax map parcel 21-91. The members were polled:

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

The motion carried. Mr. Evelyn rejoined the Board.

IN RE: OFFICE RELOCATIONS

Mr. Hathaway reported that staff had met with the General Registrar and Electoral Board, along with Mr. Evelyn and Mr. Burrell, to try to address some of their concerns about being relocated to the Health and Human Services Building in space currently occupied by Fire Administration, so that the School Board could move into the Historic Courthouse. He indicated that the two major concerns continued to be their request for their own entrance into the facility and the mingling of populations being served in that facility. He advised that although he understood some of those concerns, he could find nothing in the Code to legally prevent them from being moved to that location. He explained that curbside voting for the handicapped and elderly could be accomplished with the use of a video camera when needed.

Mr. Hathaway reported that an option suggested by the Electoral Board would involve the Voter Registration Office moving into the space currently occupied by Quin Rivers, which had a side door that could serve as their entrance. He explained that in that scenario, Quin Rivers would move into the Fire Administration suite; however, there would be significant costs because a driveway and parking area would have to be added, and a storm water feature and fence would have to be relocated, which he estimated would cost in the range of \$50,000 to \$60,000, and that those figures did not include any internal remodeling that would need to be done. He confirmed that none of these items were required to be done by law.

It was also confirmed that the existing handicapped parking spaces and building access at the Health and Human Services Building met all requirements of the Americans with Disabilities Act (ADA).

Mr. Evelyn acknowledged the "excellent" work of the Electoral Board and Voter Registrar, commenting that New Kent's elections always ran smooth and without complaint, and said he knew that they did not want this relocation. However, he remarked that the County was limited on office space and was paying \$45,000 a year to rent space for the School Board in a building that was not suitable for its needs. He pointed out that the Voter Registration Office would be moved into a newer building and he did not think that the concern about comingling was an issue when such offices in many other localities had similar comingled use. He said he felt that this was a temporary fix of space problems that had to be addressed and he was going to ask the Board to make a decision at this meeting.

Mr. Burrell asked about a proposal recently received for another space for the School Board. Mr. Hathaway confirmed that the County had received a formal proposal earlier in the day that involved construction of a long-term leased space for the School Board in the Maidstone development. However, the proposal was just a concept and it would be eighteen months or two years at the earliest before that space might be available.

Mr. Burrell asked about the offer by the landlord of the current School Board space to reduce the annual rent to \$25,000. Mr. Hathaway explained that offer was contingent upon the County's committing to a three-year lease on the building.

Mr. Burrell spoke about the possibility of the County building something designed to meet the needs of the School Board office instead of trying to renovate existing space, and suggested that any decision be deferred until the next work session.

County Attorney Michele Gowdy reminded the Board that while it had a proposal from a prospective new owner of Maidstone, it would have to advertise for competitive bids and comply with all procurement laws.

Mr. Davis pointed out that the proposal was for leased space, and the County already owned the Health and Human Services Building and Historic Courthouse. He also reminded that rent being collected from Quin Rivers was being used to pay the debt service on the Health and Human Services Building, and any reduction in its space would result in a reduction in its rent. There was discussion regarding the lease with Quin Rivers.

Electoral Board member Bill Jeffries explained that they had suggested trading spaces with Quin Rivers so that the Voter Registration Office would have better access for the public. He also spoke about their concerns for the location and accessibility of the Central Absentee Precinct (CAP). He did confirm that it would be necessary to develop a parking lot for the side access door for the Voter Registration Office.

Mr. Evelyn questioned their need for their own entrance. Voter Registrar Karen Bartlett explained that on Election Day, they needed to have a handicapped accessible spot for voters to use for curbside voting, and they would have no way of knowing if someone was there to be served if their office was in the space currently occupied by Fire Administration. It was explained that the CAP needed to be available 45 days before each election for early voting, as well as on the day of the election. Ms. Bartlett reported on the number of voters who voted by absentee ballot in the 2012 General Election (both in person and by mail) and the number who used curbside voting. It was explained that curbside voters normally called before they came in, and then either sounded their car horn or had their drivers come into the office to announce that they were there.

Mr. Evelyn asked Mr. Hathaway if the current circle in front of the main entrance to the Health and Human Services Building could accommodate curbside voting. Mr. Hathaway confirmed that it could, and advised that the current handicapped parking spaces were right in front of the building, around 20 or 30 feet from the door.

It was noted that there were only two handicapped parking spaces at the Historic Courthouse and five or six at the Health and Human Services Building.

Mr. Evelyn reiterated that he was trying to find a temporary solution to a problem and determine if what had been proposed was compliant with the regulations of the Department of Justice (DOJ) and State Board of Elections (SBE).

Ms. Gowdy advised that Ms. Bartlett had requested and received some guidelines from the SBE which set forth that the Voter Registration Office needed a "clearly marked and suitable office" that was "adequately furnished" with "telephone service, internet connectivity, and security" – all items that would be provided, and she could not find any reason why either the DOJ or the SBE would oppose the move, adding that in light of the recent Supreme Court on the Voting Rights Act, the County would need to notify DOJ of the move but would no longer need to get preclearance.

Electoral Board member Charles Moss asked if any of the tenants in the Health and Human Services Building were private businesses, noting that Section 24.2-310.1 of the Code of Virginia stated that no polling place could be located in a building of any private organization, and he felt that was a good reason why the Voter Registration Office should not be moved there. Ms. Gowdy advised that after a full review of that section, she did not think that it applied to any of the entities in that building.

Ms. Bartlett stated that her office was required to honor the provisions of the Virginians with Disabilities Act, the Voting Accessibility for the Elderly and Handicapped Act, and the American with Disabilities Act, which she felt were the main issues for her office in being at that location.

Mr. Evelyn remarked that if the Board was not going to approve the relocations, then there was no need to spend any more time on it and he wanted to get a decision made. He indicated that there were no ADA compliance issues that he could find, this was just a temporary fix, and he wanted to stop wasting taxpayer money.

Mr. Burrell commented that the School Board could stay in its current space for a reduced rent of \$25,000 a year, and it would cost \$60,000 to \$80,000 to retrofit the current spaces. He indicated that his biggest concern was the "voting public" and he felt the relocation of the Voter Registration Office would make it more difficult for voters to register to vote.

Mr. Burrell indicated that he also had concerns about the intermingling of clients. Mr. Evelyn dismissed that concern, noting that those clients were voters as well and represented a broad section of the community.

Mr. Moss then made reference to another section of the Virginia State Code which stated that "unless the state board has approved the use of the building because no other building meeting the accessibility requirements of this title is available", pointing out that they had a building available that they were using. Ms. Gowdy indicated that she could take time to look at the case law but she did not think that the section was applicable.

School Superintendent Robert F. Richardson, Jr., was asked for input. He remarked that he preferred that it not be an issue of "us v. them" but wanted to set forth why the School Board Office would be very proud to take occupancy of the Historic Courthouse. He reported that he had taken all eleven School Board Office employees through the building and had nothing but good responses and enthusiasm about the possibility of moving there. He explained how the move would be an upgrade for them and an improvement in efficiencies. He indicated that staff had to share offices in their current space in areas that were designed as bedrooms, and that there were significant ADA issues. He described how it was impossible for a handicapped person to navigate the narrow steep stairs to the second floor of the building and that the one handicapped accessible restroom opened into the Human Resources Office. He indicated that the Historic Courthouse would provide more parking for the constant visitors to their office, would provide better access, more than adequate storage and office space, with no need to include any renovations or modifications to the Courtroom. He did indicate that they would ask permission to use the Courtroom for meetings or hearings but they had no plans for its use other than that. He pointed out that the \$45,000 they were currently spending in rent could be better spent elsewhere. He also commented that from an historical perspective, it seemed fitting that the Historic Courthouse would be the building occupied by the School Board in the county that was a party to the second most significant Supreme Court case addressing desegregation. He asked that the Board consider their needs and give this decision its best consideration as it would be a huge improvement for them and they were ready to move.

Mr. Evelyn commented that he felt there was enough room in the Health and Human Services Building for the Voter Registration Office and he had not been convinced that they were being moved into a worse space than what they had.

Mr. Davis remarked that it was the newest building the County had and he felt this was a temporary solution.

Dr. Richardson explained that the offer currently "on the table" from their landlord was that they would pay their current rent through the end of 2013, at which time the rent would be reduced to \$25,000 per year with a three-year commitment, which would be another \$75,000 that would have to be paid by the taxpayers.

Mr. Stiers asked about renovations that would be needed to the Historic Courthouse for the School Board Offices. Dr. Richardson advised that they would put in some temporary walls and dividers in some of the larger rooms, but there would be no permanent structure changes and no changes to the Courtroom at all.

Mr. Stiers remarked that he was aware of the reduced rent offer but did not know that it was contingent on a three-year lease. Ms. Gowdy confirmed that the landlord had been clear that there would need to be a three-year commitment to reduce the rent.

Mr. Burrell commented that he understood the needs of the School Board Office, but he did not think money was the issue. He indicated he was trying to accommodate the School Board and trying to keep the Registrar's Office where it would be compliant with state and federal law, and suggested that either the County could negotiate with the landlord or perhaps look at the empty bank building at Maidstone. Mr. Hathaway confirmed that the School Board had some earlier discussion with Colonial Virginia Bank but that property was in a different "situation" and he was not sure of its status.

There was discussion regarding square footage in both the Health and Human Services Building and the Historic Courthouse. Mr. Hathaway reported that there was approximately 1,231 square feet in the Fire Administration suite and 1,261 square feet in the space allotted to the Voter Registration Office in the Historic Courthouse. Mr. Jeffries disputed those figures, stating that he had measured twice and had computed 1,030 square feet in the Fire Administration suite and 1,480 in their current office. Mr. Hathaway explained that the difference was in the hallway space, which was a shared space and not allocated to them.

There was discussion regarding the possibility of obtaining some space from Quin Rivers.

Mr. Burrell commented that this was a "tough decision", that he still had concerns with DOJ and the SBE, and he wished the Board had more time.

Mr. Evelyn moved to approve the relocation of the following offices for a period of two years and then re-evaluate the situation further:

- 1- To move the Registrar's Office to the Fire Department space in the Health & Human Services Building and/or look at the potential of adding additional space with Quin Rivers;
- 2- To move the Fire Department to the old County Attorney's space; and
- 3- To move the School Board Administration to the Historic Courthouse with the agreement that the Historic Courtroom will not be physically altered in any way.

The members were polled:

James H. Burrell

Nay

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

The motion carried.

IN RE: CLOSED SESSION

Mr. Stiers 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 PPEA projects. 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. The Board went into closed session.

Mr. Evelyn moved to return to open session. 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.

Mr. Stiers 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:

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: MEETING SCHEDULE

The Chairman announced that the next meeting of the Board of Supervisors would be held at 6:00 p.m. on August 12, 2013, and the next work session at 9:00 a.m. on July 31, 2013, both in the Boardroom of the County Administration Building.

IN RE: ADJOURNMENT

Mr. Tiller moved to adjourn the meeting. 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 meeting was adjourned at 8:49 p.m.