

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 12<sup>th</sup> DAY OF MAY 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. Burrell gave the invocation and led the Pledge of Allegiance.

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IN RE: ROLL CALL

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| 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.

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IN RE: CONSENT AGENDA

County Administrator John Budesky presented the Consent Agenda as follows:

1. Approval of Minutes
  - a. Special work session of April 3, 2008
  - b. Special work session of April 14, 2008
  - c. Regular meeting of April 14, 2008
2. Miscellaneous
  - a. Annual merit increase for County Attorney
  - b. Road Name Additions:
    - i. ~~Blue Heeler Lane~~
    - ii. ~~Thomas Brown Lane~~
    - iii. Cooks Mill Retreat Lane
3. Refunds
  - a. \$1,048 to Patricia & Peter Johns for duplicate payment of commercial land disturbance permit fee
  - b. \$3,589.99 to Style Craft Homes, Inc. for erroneous BPOL assessment
4. Appropriations
  - a. Funds donated to the New Kent Animal Shelter, \$389.00
  - b. Funds for revenue received for extra security detail performed by the Sheriff's Office, \$2,337.00
  - c. Funds for Fire-Rescue for funds donated from the Fellowship Church Egg Hunt, \$100.00
  - d. Funds received for restitution for Feb 10 08 fire incident, \$300.00
  - e. Insurance proceeds for roof repair at the Airport for storm damage on Feb 21 08, \$1,594.00
  - f. Virginia Power grant funds received on Apr 21 from the Dept. of Emergency Management, \$20,500.00
  - g. Reduce appropriations for Social Services funds returned to the State for discontinued programs, \$6,358.00
  - h. Parks & Recreation program revenue received in excess of budget, \$15,000.00
  - i. Funds received for burn permits, \$540.00
  - j. Charge card fees collected in excess of budget for offsetting expenditures associated with charge card fees, \$353.00

Total Supplemental Appropriation: \$ (34,755.00) Total

- \$ 34,755.00 Money-in/Money-out
5. Inter-Departmental Budget Transfers
    - a. *Sheriff's Office*: \$5,000 from Jail Space to Marine Patrol
    - b. *Circuit Court Clerk*: \$874 from Overtime to Part-time
    - c. *Fire-Rescue*: \$1,850.03 from Salaries & Wages, VSRS and Group Life to Part-time Salaries & Wages
    - d. *Court Services*: \$61,500 from Maintenance Service Contracts (\$590), Telecommunications/Local (\$900), Telecommunications/Upgraded (\$1,000), Lease/Rent Buildings (\$3,600) and Reserved for contingency (\$55,410.00) to Non-Secure Detention (\$30,000) and Secure Detention (\$31,500)
    - e. *Schools*: \$5,715.00 from Improv of Instruction materials and supplies elementary and secondary, to Instruction materials and supplies elementary and secondary
    - f. *Schools*: \$5,850 from Classroom Instruction Paraprofessional Salaries to Classroom Instruction Materials & Sup
    - g. *Schools*: \$96,424.00 from Appropriation of Funds from Prior year and Transfer from Capital to the School Fund to Vehicle Op-Vehicle & Power Equip Fuel and Transfer to Schools fro Capital Fund
    - h. *Circuit Court Clerk*: \$7,925 from Salaries & Wages to Unemployment Compensation
    - i. *Fire-Rescue*: \$1,935 from Tower Repair/Maint to Education
    - j. *Sheriff's Office*: \$150 from Other Operating Supplies to GREAT Supplies
    - k. *General Services*: \$18,265 from Contracted Refuse Collection to Vehicle Acquisition
  6. Treasurer's Report: Cash in Bank as of March 2008, \$24,507,247.61

There was discussion regarding the request to approve two names proposed for the same road. Mr. Burrell explained that the name "Thomas Brown Lane" was proposed to honor the person who first owned the land, which had remained in the same family for many years, and that he would support approval of that name. Planning Manager Rodney Hathaway advised that the need for a name was necessitated by the construction of a third home to be served by the driveway, and it was that third homeowner who had proposed the name "Thomas Brown Lane". It was confirmed that a descendant of Thomas Brown still lived on the roadway. Mr. Hathaway explained that it was County practice to notify the affected property owners of any road name proposals and ask for comment, and he reported that they had only heard back from the property owner who had proposed the alternate name "Blue Heeler Lane". He confirmed that a delay in the road name approval process by the Board would not present any problems, explaining that final approval of the name would be made by the Planning District Commission.

Following further discussion, it was the consensus of the Board to remove the road name approval requests for "Thomas Brown Lane" and "Blue Heeler Lane" from the Consent Agenda and to wait until the issue was resolved among the property owners.

Mr. Davis moved to approve the Consent Agenda, after removing road name additions of Blue Heeler Lane and Thomas Brown Lane, and that it be made a part of the record. The members were polled:

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| 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: COMMENTS FROM THE COUNTY ADMINISTRATOR

Mr. Budesky reported that the Board had agreed on an equalized rate of 67 cents and an advertised real estate tax rate of 75 cents, and would hold public hearings on the equalized rate, fee changes, tax levies and the proposed budget on May 28, 2008, at 7 p.m. in the Boardroom. He encouraged those who had concerns about the assessed values of their individual properties to schedule a hearing with the Board of Equalization and he provided information on how to make those appointments.

Regarding Walkers Dam and the impact of the repairs upon local businesses and economic development, he advised that staff from Newport News Waterworks had been invited to attend the Board's work session on May 27 to give an update on the project and a scope of the planned improvements. He indicated that it was his understanding that the project was currently out for bid and it was possible that the results could be available by the date of the work session.

Mr. Budesky addressed some of the concerns that had been expressed regarding the zoning ordinance rewrite process. He advised that although the members of the Zoning Ordinance Rewrite Committee (ZORC) were appointed by both the Board and the Planning Commission, major direction to the ZORC came from the Board of Supervisors. He commented that some of the confusion arose as a result of the establishment by the Planning Commission of a "Scenic and Historic Subcommittee" to address issues that were scheduled to be considered by the ZORC, and he clarified that although the Planning Commission had the authority to do so, neither staff nor the Board had directed the Planning Commission to set up that subcommittee. He indicated that understandably there had been some concerns expressed by ZORC members about their role and authority in that process as well as the future of ZORC itself. He confirmed that it remained staff's understanding that ZORC would meet to work on Phases 3 and 4 of the project (which included "villages"), and that the only concern that the Board had expressed about ZORC's work had pertained to a timeline for completion of the process. Mr. Budesky expressed that ZORC's work on the revision had been valuable to the process and he requested that the Board provide clear direction to both staff and the ZORC members in the event that they wanted any changes.

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IN RE: CITIZENS COMMENT PERIOD

Chairman Burrell opened the Citizens Comment Period.

James Watts, a member of ZORC, advised that Mr. Budesky had covered the items he had intended to address, with the exception of the rumor that ZORC was going to be disbanded. He indicated he felt comfortable that the County Administrator would handle the problem.

David Adams, also a member of ZORC, advised that Mr. Budesky had answered many of the questions that he had. He spoke about "villages" and how he and others in Providence Forge were concerned and "wanted to have a say" in the process. He commented about the slow repairs at Walkers Dam and how it was negatively impacting fishing and related retail sales in the County. He advised that the State was considering a moratorium on herring fishing, which would be very detrimental to his business and others, and he encouraged people to attend an upcoming meeting in Charles City County with the Marine Resources Commission to show opposition to any moratorium.

Bobby Weagley indicated that Mr. Adams had covered his concerns.

Pete Carlson spoke about the recent Reassessment, reminding that the State Constitution and the Code of Virginia required that that the goal of the process was to reach fair market value. He reported that in his neighborhood and other subdivisions, there was a "magic number" of \$50,400 that appeared for the land value, and he disputed how such amount could possibly even come close to being correct. He expressed his concern that the reassessment was not proper and suggested that in the event the Commonwealth's Attorney did not appeal the tax proposed to be levied, he would circulate a petition to force him to do so. He urged the Board to take an opportunity to review the process and "get it straight before it gets that far."

Wayne Hogge expressed his dismay over the Reassessment as well as the proposed real estate tax increase in a year where taxpayers were facing inflation, unemployment and a decline in home sales. He spoke about inaccuracies and inconsistencies in the assessments of certain waterfront properties that ignored variations in size, elevation, slope and setbacks. He referred to faulty reassessments that had taken place in other localities, where reassessments had been rescinded and assessors discharged. He encouraged the Board to reconsider and have the recent Reassessment "thrown out".

Anita Otey, a teacher at New Kent Middle School, spoke about the accreditation of all of the schools, the awards received, how New Kent Schools had been the first school division to volunteer for the Governor's efficiency study and had been commended for its ability to "stretch dollars", and how the Schools continued to be good stewards of County funds. She commented upon New Kent's low ranking in teacher salaries, despite the community's high ranking in ability to pay. She reviewed the pay rates for New Kent's teachers, and asked that the Board take all of the information under consideration when adopting the budget.

Kenneth Otey, another teacher from the Middle School, asked the Board to restore funds to the proposed School budget. He described the certification process required of teachers. He noted that New Kent was the 14<sup>th</sup> highest locality in the State in ability to pay, but at the bottom of the scale when it came to teacher salaries. He related that some teachers were not returning next year because the proposed salary would not offset the increased cost of commuting. He stated that New Kent had "great public schools" and asked the Board to take a pledge to support the Schools and "those that make them great".

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

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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 issues raised at previous meetings.

Mr. Robinson advised that maintenance activities during the past month included the grading of and repairs to graveled roads, driveway repairs, ditch cleaning, culvert clearing, stop sign and speed limit sign repairs, and that the tree contractor would be returning in May to remove hazardous trees.

He indicated that the numerous potholes reported by Mr. Sparks had been filled and that the drainage issues along Route 60 were still under review. Mr. Sparks remarked about the problems caused by the recent heavy rains, and Mr. Budesky reported that staff had recently met with VDOT to address some of those issues.

Mr. Robinson advised that the speed study along Route 106 previously requested by Mr. Evelyn had been completed and it had been determined by their Traffic Engineering staff that the primary cause of accidents in that area was not the speed limit and therefore the request for a decrease in the limit had been denied.

He indicated that the wash-out at Routes 617 and 604 had been accepted as emergency repair work and would be repaired in about 60 days but would require a road closure.

He reported that a hazardous tree reported on Terminal Road had been determined to be on private property and they were in process of contacting the owner to have it addressed.

He advised that a recent hurricane evacuation drill along I-64 had been successful and asked Board members to pass along any comments they might have received.

Mr. Evelyn pointed out problems along Waterloo Road, where scraping of the roadway had resulted in clogged ditches and the flooding of nearby cropland.

Mr. Sparks reported debris in the road "in the bottom" of Henpeck Road as well as some ditch issues. He indicated that he would coordinate a meeting later in the week to look at some other areas of concern.

Mr. Sparks asked about the status of culvert repairs on Longview Drive. Mr. Robinson promised to look into the matter and report back.

Mr. Trout asked about the location of the traffic count taken on South Waterside. Mr. Robinson reported that the count had been taken in the area of Fannie's Creek.

Mr. Trout reported bent pole markers at Routes 640/60 that needed to be straightened.

Mr. Budesky indicated that at a previous meeting with VDOT staff, there had been mention of some other alternatives for improvements of South Waterside Drive in the area of Fannie's Creek. Mr. Robinson reported that although they were willing to look at other methods, he was not aware of any other feasible alternatives and the Residency was "standing behind" the previous estimates.

Mr. Trout asked about the timeline for the three revenue sharing projects scheduled to be performed this year. Mr. Robinson confirmed that the projects were still on track to be completed by the fall.

Mr. Davis reported that rain was undermining sections of both Route 600 and Stage Road.

Mr. Davis asked about any grass height criteria for mowing, noting that mowers were tearing up the medians along Rt. 60 while trying to cut grass in the rain. Mr. Robinson reported that grass was cut periodically and he would check to see if there were any criteria in place with the new contractors, who were beginning mowing operations. Mr. Davis commented that he hoped they planned to cut grass along the secondary roads more than once this year.

Mr. Davis pointed out continuing problems with tractor trailers headed for the paper mill in West Point following bad directions obtained off the internet and turning left onto Rt. 249. He complained that Mr. Robinson's predecessors knew about this problem and rather than install a large directional sign provided by the mill, they had installed a small "West Point" sign that was clearly not working. He spoke about the problems that these tractor trailers

were causing while trying to find a place to turn around, often blocking traffic along Rt. 249. He asked Mr. Robinson to look into the situation and consider installing the sign offered by the paper mill.

Mr. Davis complained about the many broken promises made by VDOT regarding the paving of Homestead Road, and how he had recently learned from some of his constituents that again VDOT was not keeping its word that the road would be paved this year. He spoke about how it was not fair that the overruns and bad management of the Stage Road project had impacted the County's road construction funds, and asked if the Board amended its plan to add Homestead Road to the revenue sharing program, would Mr. Robinson promise that Homestead would be paved in 2008. Mr. Robinson indicated that in that event, they would make Homestead Road one of their priorities and if approved by the Commonwealth Transportation Board, the road would be paved this fall at the same time as the other three scheduled projects. He confirmed that the project would be performed by State forces and that they "had a good handle on the costs".

Mr. Burrell reported erosion problems along Stage Road, between Rt. 33 and Polish Town Road.

Mr. Davis moved to adopt Resolution R-09-08 to amend the designation of funds for VDOT revenue sharing [*to pave Homestead Road under Rural Rustic Roads*] in the amount of \$140,000, which is \$70,000 County and \$70,000 VDOT share. The members were polled:

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

The motion carried.

Mr. Robinson clarified that VDOT's paving season ran through November.

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IN RE: SHERIFF'S ANNUAL REPORT

Sheriff Howard presented his annual report on the Sheriff's Office. He reported that his office had received 34,910 calls for service; served 1,288 criminal warrants and 6,500 pieces of civil process; transported 980 court-related prisoners with four out-of-state extraditions; spent 188 days in Court; and fielded over 211,000 telephone calls of which 8,000 were 911 wireless calls.

He reviewed crime rate statistics, making comparison to rates in Goochland County, which had similar demographics. He acknowledged a drop in the crime rate, but warned that historically when the economy worsened, the crime rate increased. He attributed the higher crime rate in New Kent, compared to Goochland, to the fact that the portion of I-64 that traversed New Kent County was a part of the Tidewater Corridor and had more activity than the part of the interstate that ran through Goochland.

Sheriff Howard reviewed the crime prevention activities in which they were involved, as well as highway safety and occupant protection awards received by his department and staff during the year.

He credited his staff for his department's perfect assessment during the reaccreditation process, noting that New Kent was the first agency in the State to have that distinction.

He reported that they had starting moving staff into the Sheriff's Annex and were anticipating that the 911 Center would be transferred within a couple of weeks. He commended and thanked the County Administrator and General Services Director for their effort, hard work and talent expended on the project.

He reported that the Sheriff's Honor Guard had participated in the Godspeed Festival and was scheduled for several upcoming events at Colonial Downs. He reminded that the uniforms and supplies for the Honor Guard were purchased with donations.

Sheriff Howard advised that they had established a motor unit after obtaining a used motorcycle from the Richmond Police Department, and that one of his officers had just successfully completed the Virginia State Police motorcycle school. He gave examples where the motor unit had been used and how it could be used.

He spoke about the support received from other localities, notably Henrico County who had allowed them to participate in training and also lent its Air Unit for searches for missing persons and runaways from Cumberland Hospital, and how New Kent reciprocated.

He reviewed his department's mission statement, as well as the diverse areas of law enforcement, civil process, court security, jail, and communications that his staff covered. He spoke about the challenges resulting from the unique demographics of New Kent, with having three major roadways.

He reviewed some of the many programs offered, pointing out that some of them were grant-funded and available at no costs to the citizens.

Regarding the Child Safety Seat Program, he reported that twelve of his staff were certified as technicians and one certified as an instructor; that they had participated in 38 coordinated seat check events; had checked a total of 722 seats; and had taught 36 classes. He welcomed any resident who had concerns with their child safety seats to stop by his office where staff was always on hand to render assistance.

He reviewed the community service events in which his office participated, as well as efforts in school bus light enforcement.

Sheriff Howard reported on upcoming campaigns regarding drunk driving and seat belt use, and noted that they would continue their efforts on Rt. 33 with the upcoming summer season and the resulting increase in traffic.

He advised that three members of his investigative staff were graduates of the Virginia Forensic Academy and all were sworn with the Virginia State Police and were members of the Twin Rivers Drug Task Force, with some being general and specialized instructors.

He spoke about the increased demand in court security and civil process, noting almost 1,000 court-related prisoner transfers. He advised that five of his court staff were patrol certified as well, and that he was fortunate to be able to hire retired police officers to fill these part-time roles.

Sheriff Howard spoke about the School Resource Officers and Drivers Education Classes.

He advised that the Animal Protection Unit (APU) handled domestic animals, with wildlife issues being referred to the Game Commission or other authorities. He reported on statistics for the past few years, noting that in 2007, 70% of the 609 animals picked had been adopted. He explained that animals were sometimes transferred to rescue organizations where chances for adoption were increased, and that the APU's adoption rate had improved with the help of a full-time pound attendant. He indicated that they were still operating under the Save Our Shelters agreement wherein a local veterinarian visited the shelter twice a month to administer lethal injections to those animals that were not adoptable – a determination made by the veterinarian. He reported that so far for 2008, they had picked up 162 dogs and 121 cats and as of May 12, only 19 dogs and 9 cats were at the shelter.

Mr. Evelyn advised that the last time he checked, of 140 dogs that had been picked up, only 10 had been euthanized, which he felt was a good record.

Mr. Burrell asked about the increase in the number of pickups. Sheriff Howard attributed that increase to growth in the community and more citizens reporting strays. Mr. Davis noted that because of the worsening economy, many homeowners who were losing their homes were abandoning their pets.

Mr. Burrell suggested that the Board might want to look at the license fee for those who had their animals neutered. Sheriff Howard advised that the APU had a program that also helped with that.

Sheriff Howard described the duties of his Communications and Administrative staff. He also reviewed the continuous training that all of his staff had to undergo, including in-service and firearms qualifications. He advised that he encouraged educational opportunities to those interested, and advised that he had two Department of Transportation certified staff who would be involved in commercial vehicle enforcement, in light of the increase in truck traffic in the County.

The Board members congratulated Sheriff Howard on the success of his office and thanked him and his department for their hard work and dedication.

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IN RE: INTRODUCTION OF NEW STAFF

Sheriff Howard introduced new employees Stan Belback, Mark Domnick, Randy Douglas and Robert Tucker, who were all filling vacancies in his department.

The Board members welcomed the new staff.

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IN RE: ELECTED OFFICIALS' REPORTS

Chairman Burrell acknowledged the presence of School Board members Dr. Gail Hardinge and Stacey Simmons.

Mr. Davis commented about the proposed moratorium on fishing, noting that fish were plentiful in the rivers this year and he felt that New Kent, being surrounded by three rivers and with fishing bringing in tourist dollars, should consider a resolution supporting the right to fish.

Mr. Trout announced details on the upcoming Relay for Life event in New Kent, noting that as of May 11, there were 39 teams and 413 participants, who had raised \$23,898.19.

Mr. Evelyn announced an upcoming District One constituents' meeting at George Watkins Elementary to meet with both himself and District One's School Board member.

Mr. Burrell suggested that the Board look at mandatory recycling of corrugated cardboard, a lucrative commodity that would save on landfill costs and would be the "right thing to do for the environment". Mr. Davis agreed, but suggested that the County first needed to make it easier for residents to recycle corrugated without having to break it down. Mr. Burrell reported that it was his understanding that the General Services Director was working on a proposal. Mr. Budesky confirmed that there were funds budgeted for a cardboard compactor at the Route 618 site only.

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IN RE: STAFF REPORTS

Mr. Budesky again encouraged those citizens with concerns about their assessments to contact the Board of Equalization.

He acknowledged receipt of several telephone calls regarding preparation for tornadoes and hurricanes and invited Fire Chief Tommy Hicks to address the issue. Chief Hicks spoke on how to be better prepared, suggesting that residents follow three steps: identify a safe location to seek shelter, preferably in an interior room or basement; assess and prepare for family needs to cover 72 hours after an event, to include food, water, batteries and flashlights; and the purchase of an alert radio to awaken families in the middle of the night when a warning had been issued. He commented that there were some events where there was opportunity for warning, but noted that tornadoes formed rapidly and it was difficult to warn residents. He spoke about the new Reverse 911 system operating in the County where messages could be sent out to cell and home telephones in a specific geographic area, and confirmed that the database captured users from all of the telephone companies providing service in New Kent.

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IN RE: 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 June 9, 2008, the next work session at 8:30 a.m. on May 27, 2008, and a special meeting for public hearings on fees, tax rates and the FY09 budget at 7 p.m., all in the Boardroom of the County Administration Building, New Kent, Virginia.

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IN RE: CLOSED SESSION

Mr. Davis moved to go into Closed Session to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia involving a performance evaluation of an employee. The members were polled:

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| 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 Board went into closed session.

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

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

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| 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:           ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 9:34 p.m.