

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 15th DAY OF OCTOBER 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. August 21, 2013 special meeting minutes
 - b. September 9, 2013 special meeting minutes
 - c. September 9, 2013 business meeting minutes
 - d. September 25, 2013 work session minutes
2. Miscellaneous
 - a. Acceptance of Forestry grant and appropriation of funds
 - b. Contract for On-call services with Heritage Electrical Corporation
 - c. Resolution R-21-13 opting out of the Virginia Local Disability Program
 - d. Voting credentials for the VACo 2013 Annual Business Meeting
 - e. Resolution R-22-13 recognizing Earthquake Shakeup Day
3. Refunds
 - a. \$464.62 to A. O. Sitter for canceled permit
 - b. \$715.31 to Ryan Homes for canceled permit
4. FY14 Carry Forward Appropriations
 - a. Airport fund projects not completed in FY13, \$470,107.30
 - b. Utility fund project not completed in FY13, \$1,210,407.31
 - c. Various County capital projects not completed in FY13, \$4,598,749.58
 - d. Various County computer replacement fund projects not completed in FY13, \$65,079.76
 - e. Funds for New Kent Fire-Rescue operations, \$32,810.44
 - f. Public Education donations – Fire & Emergency Management, \$3,225.44
 - g. State Fire Program grant funds, \$29,747.45
 - h. Virginia Power funds – Fire & Emergency Management, \$19,102.79
 - i. Four for Life grant funds – Fire & Emergency Management, \$26,091.88
 - j. VDEM Local Emergency Management performance grant – Fire, \$14,650.00

- k. Extension Program sponsorship revenue, \$5,461.56
- l. Funds from vending machine sales, \$3,278.95
- m. Honor Guard supplies – Sheriff, \$1,490.59
- n. Auxiliary funds donations – Sheriff, \$100.00
- o. Veterinarian services – Sheriff (funds donated when animals are adopted), \$21,149.72
- p. Funds specifically tied to the Commissioner of the Revenue software upgrade, \$6,648.07
- q. GIS PSAP grant E-911 funds to be used for software and equipment, \$94,371.20
- r. Selective Enforcement Occupant grant – Sheriff, \$1,281.03
- s. Selective Enforcement – Alcohol grant – Sheriff, \$4,502.11
- t. Selective Enforcement – Speed grant – Sheriff, \$2,336.01
- u. Data Modeling Enhancements funds related to PO#32524 – IT, \$6,262.40
- v. Miscellaneous donations for Parks & Recreation, \$125.00
- w. Scholarship funds for Parks & Recreation, \$8,605.05
- x. State funds received for Animal Friendly and Spay/Neuter, \$576.12

\$ 6,626,159.76	Total	
\$ (521,702.60)	Total In/Out	
\$ (179,897.11)	From General Fund (1) fund balance	
\$(4,598,749.58)	From Co. Capital Fund (7) fund balance	
\$ (50,323.40)	From Airport Fund (97) fund balance	
\$(1,210,407.31)	From Utilities Fund (98) fund balance	
\$ (65,079.76)	From Computer Fund (800) fund balance	

- 5. Supplemental Appropriations
 - a. Program Income received for FY14 from CDBG Plum Point grant, \$815.27
 - b. Miscellaneous recovered costs, \$1,045.93
 - c. Donations for the Animal Shelter, \$889.08
 - d. Public Education donation funds – Parks & Recreation, \$800.00
 - e. Parks & Recreation sponsorship facility improvement funds, \$300.00
 - f. Funds received for defibrillators (St. Peters & PUM Church), \$1,612.65

\$ (5,462.93)	Total	
\$ 5,462.93	Total In/Out	

- 6. Treasurer’s Report: Cash as of August, 2013: \$27,726,200.17

Mr. Tiller 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 and construction projects. He advised that modifications had been made to the guardrail installed along the project area on South Waterside Drive/Route 627 at

Fanny's Creek, and that pavement markings would soon be completed, depending on the weather.

Regarding the pipe replacement project planned for Cosby Mill Road/Route 639, he reported that all bids had been rejected and the project would be re-advertised for a fixed completion date of May 20, 2014.

Mr. Stiers noted that he had been working with New Kent VDOT Superintendent Chad Baker to resolve pothole problems in his district.

Both Mr. Burrell and Mr. Tiller indicated that they had reported their issues to VDOT staff prior to the meeting.

Mr. Evelyn reported that he had received inquiries regarding surveying work underway at the intersection of New Kent Highway/Route 249 and Tunstall Road/Route 612 as to whether that was related to the planned installation of the roundabout in that location. Mr. Cade confirmed that VDOT was surveying for rights-of-way and utilities. He indicated that the right-of-way process would take about a year and that the electric and telephone lines in the area would have to be moved before construction could begin. He also remarked that there was a public utilities waterline project in that area as well.

Mr. Davis asked about the guardrail placement along South Waterside Drive. Mr. Cade explained that the reconstruction project had to remain in a 30-foot easement because of the wetlands and railroad tracks, and he detailed the reasons why the guardrails were installed the way they were, but noted that the travel lanes in that area were actually wider than they were prior to construction.

Mr. Davis asked about shoulders in areas along Route 33. Mr. Cade advised that shoulders would be added to portions of Route 33 when those sections were repaved.

There were questions regarding the timing review of the traffic signal at Eltham Road and Farmers Drive. Mr. Cade explained that they had received complaints about the timing and requests to lengthen the yellow light for Eltham Road traffic in order to give trucks more time to stop, and that their Traffic Engineering staff would determine what that timing should be.

IN RE: CITIZENS COMMENT PERIOD

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

IN RE: METROPOLITAN PLANNING ORGANIZATION CHANGES

Robert A. Crum, Jr., Executive Director of the Richmond Regional Planning District Commission reviewed with the Board anticipated changes in the Metropolitan Planning Organization (MPO).

He explained that the MPO was the federally designated entity for cooperative transportation decision-making for the Richmond region, encompassing nine jurisdictions, and allocating \$24 million per year on regional investments. He indicated that a four-step plan had been initiated by the MPO Executive Committee to elevate the standing and effectiveness of the MPO.

The first step involved expanding the use of the consent agenda at MPO meetings to reduce the time spent on "process and technical issues" so that more time could be spent on regional policy conversations. Mr. Crum explained that elected officials were too busy to be bogged down with things that could be handled by staff and approved with one vote on a consent agenda.

The second step would transform the MPO so that it was comprised entirely of elected officials and Richmond's Commonwealth Transportation Board member, rather than staff. He reported that the current MPO voting members consisted of 15 from large localities, 8 from small localities and 5 from "other" entities.

He identified the third step as the expansion of the MPO Study Area to the entire Richmond region, including those rural areas in New Kent, Goochland, Powhatan and Charles City Counties, which were currently excluded. He spoke about how the current Study Area was confusing and hard to explain, and that expansion would provide flexibility to fund projects in the rural areas that had regional impact (such as Interstate 64). He conceded that the annual revenue of \$58,000 for rural planning projects would be lost but he did not feel that was a good reason not to expand the Study Area.

The final step was to change the name of the MPO to the Richmond Regional Transportation Planning Organization.

Mr. Crum asked for comments and input from the Board on the proposed changes. He indicated that he was making the presentation to all of the localities in the area, and was soliciting feedback to bring to the November meeting of the MPO, after which time he anticipated a timeline would be established.

There was discussion regarding the proposed expansion. Mr. Crum agreed that the larger localities might not want the expansion as it made the funding process more competitive; however, he anticipated that projects in the larger localities would continue to receive the majority of the allocations and reported that the expansion would only increase the population of the Study Area by 3.5%. He indicated that the expansion would have to be approved by 70% of the population, and admitted that it would be difficult if one of the larger jurisdictions were to vote against it.

Mr. Evelyn commented that he did not think that the expansion would hurt New Kent but he felt the larger jurisdictions would not support it. He suggested that the port off of Route 33 would have regional impact and would be a good candidate for funding should the MPO expansion be approved.

Mr. Tiller remarked that the expansion would be a "great benefit" for New Kent as it would provide more opportunities for project funding.

Mr. Davis suggested that the expansion might lead to an earlier widening of Interstate 64 between Richmond and the Peninsula since that section of interstate highway would then be in one of two Transportation Study Areas.

Mr. Burrell agreed that expansion "made sense" and that the use of the consent agenda would shorten the meetings.

Mr. Stiers suggested that the funding should be divided between the nine localities and allow each locality decide how to use it. Mr. Crum explained that federal regulations would not allow the funds to be allocated in that manner.

Board members were asked to relay any additional feedback to Mr. Tiller to bring to the next MPO meeting.

IN RE: HISTORIC SCHOOL RENOVATION

Under consideration by the Board was a request made by the School Board (with action having been deferred by the Board) at the October 8, 2013 joint special meeting, that the Board reconsider a previous decision that it would manage the next phase of the Historic School renovation project, rather than the School Board.

Mr. Burrell advised that he had received calls and emails and, although he understood the School Board's position, in the interest of bringing the project in at a cost the County could afford, he felt the Board could do a better job of managing the renovation, with input from the School Board.

There was discussion regarding a suggestion by Mr. Evelyn to create a subcommittee of the Board and School Board.

Mr. Burrell then moved to create a subcommittee of the School Board, school staff, Board of Supervisors, and County staff to handle the day-to-day decisions on the next phase of the Historic School renovation project, with the Board of Supervisors managing the project with input from the School Board. The members were polled:

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

The motion carried.

IN RE: CLOSED SESSION

Mr. Tiller moved to go into Closed Session pursuant to §2.2-3711A.1 of the Code of Virginia for discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or County employees involving the County Attorney; pursuant to §2.2-3711A.5 of the Code of Virginia for discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community involving warehousing and distribution; and pursuant to §2.2-3711A.7 of the Code of Virginia for consultation with legal counsel and briefings by staff members or consultants 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 General Services and Public Utilities. The members were polled:

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

W. R. Davis, Jr. Aye

The motion carried. The Board went into closed session.

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

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

The motion carried.

Mr. Tiller made the following certification:

Whereas, the New Kent County Board of Supervisors has convened in a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed session was conducted in conformity with Virginia law;

Now there be it resolved that the Board hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open session requirements by Virginia law were discussed in closed session to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board.

The Chairman inquired whether there was any member who believed that there was a departure from the motion. Hearing none, the members were polled on the certification:

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

The motion carried.

IN RE: ROUTE 249 WATERLINE

The Board held a public hearing on the Environmental Review of the Route 249 Waterline project, as required by the funding offer from the Virginia Department of Health.

Public Utilities Assistant Director Mike Lang reviewed that the project would extend the waterline from Watkins Elementary School to the neighborhoods of Quinton Estates, Kenwood, Greenwood and Deerlake, and would eliminate some pumping stations and operational costs. He indicated that 12 new fire hydrants would be installed along the route and would hopefully help with homeowners insurance rates for homes in that area.

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

IN RE: COUNTY CODE AMENDMENT REGARDING BOARD OF ZONING APPEALS

Before the Board for consideration was Ordinance O-07-13 amending the *New Kent County Code, Section 98-1023, Appeals*, with changes that resulted from the 2012 General Assembly session relating to procedures of the Board of Zoning Appeals and Zoning Administrator.

County Attorney Michelle Gowdy explained that the proposed ordinance would strike from New Kent's Code the language that had been struck from the State Code. She reported that the change had been reviewed and approved by the attorney for the Board of Zoning Appeals.

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

Mr. Evelyn moved to adopt Ordinance O-07-13 as presented. The members were polled:

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

The motion carried.

IN RE: COUNTY CODE AMENDMENT REGARDING MUZZLE LOADING RIFLE HUNTING

Before the Board for consideration was Ordinance O-11-13 amending the *New Kent County Code, Section 46-225, Hunting With Muzzle Loading Rifle*, by replacing the word "deer" with the words "big game" in order to comply with directives of the Virginia Department of Game and Inland Fisheries (DGIF) regarding a bear hunting season in New Kent County.

Ms. Gowdy explained that a call from a resident brought to her attention that the DGIF allowed bear hunting with muzzle loading rifles, and that the proposed ordinance would amend New Kent's Code to add "big game" which would include bear and deer. She reported that the 2013 bear hunting season would run from December 2 through December 7, and confirmed that nothing else changed in the Code that would allow a hunter to use anything other than a muzzle loading rifle.

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

Mr. Evelyn moved to adopt Ordinance O-11-13 as presented. 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.

IN RE: ELECTED OFFICIALS' REPORTS

There were none.

IN RE: STAFF REPORTS

County Administrator Rodney Hathaway reported on details of an upcoming earthquake drill in which the County and Schools would be participating.

Ms. Gowdy reported that she would be bringing proposed ordinance amendments to the Board to review at its next work session that pertained to the Land Use Table and conditional use permits.

IN RE: APPOINTMENTS

There were none.

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 November 13, 2013, and the next work session at 9:00 a.m. on October 30, 2013, both in the Boardroom of the County Administration Building.

IN RE: ADJOURNMENT

Mr. Tiller moved to adjourn the meeting. 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 meeting was adjourned at 7:31 p.m.