

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 9th DAY OF DECEMBER IN THE YEAR TWO THOUSAND THIRTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

Chairman Davis called the meeting to order.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: ROLL CALL

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

All members were present.

IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Approval of Minutes
 - a. October 30, 2013 Work Session minutes
 - b. November 13, 2013 Business Meeting minutes
 - c. November 20, 2013 Work Session minutes
2. Miscellaneous
 - a. Resolution R-27-13 setting the Board's January 2014 business meeting
 - b. Renewal of contract with Brockwell's Septic & Service for wastewater sludge pumping and hauling
 - c. Recording of the Abstracts of Votes from the November 8, 2013 General election in the Board of Supervisors minute book
3. Refunds
 - a. \$343.88 to Leland Holmes for canceled permit
 - b. \$41.25 to Rose Braxton Williams for canceled permit
 - c. \$1,614.04 to Raymond P., Jr. & Mary Lou Wassel for erroneous assessment due to factual errors on property record
4. FY14 Carry Forward Appropriations
 - a. P&R PO#32573 – Supply, deliver and install Bermuda sprigs, practice football field, \$3,650.00

\$ 3,650.00	Total
\$(3,650.00)	From General Fund (1) fund balance
5. Supplemental Appropriations

- a. Program income received for FY14 from CDBG Plum Point grant, \$2,131.23
- b. Private donations to P&R to benefit the New Kent Youth Soccer Program, \$860.00
- c. Funds donated to support P&R park development, \$86.00
- d. Miscellaneous recovered costs – Sheriff, \$7,795.73
- e. Donations for the Animal Shelter, \$288.00
- f. Extension program sponsorship revenue, \$3,550.00
- g. Insurance recovery funds for the Sheriff's Office (\$3,040.45) and P&R (1,729.10) totaling \$4,769.55
- h. P&R sponsorship revenue, \$300.00

\$ (19,780.51)	Total
\$ 19,780.51	Total In/Out

- 6. Interdepartmental Budget Transfers
 - a. *Schools*: \$25,000 from Appropriation of Funds from Prior Years to Schools Misc Improvements/Equip
 - b. *Schools*: \$4,350 from Mobile Classroom GWES and Appropriation of Funds from Prior Years to Mobile Classroom NKES
- 7. Treasurer's Report: Cash as of October, 2013: \$24,963,933.06

Mr. Burrell 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 with the Virginia Department of Transportation (VDOT), reported on maintenance activities and construction projects on New Kent roads from the past month as well as those planned for the next thirty days. He noted that during the past month, they had received 55 drainage complaints through their Help Line, and had removed 102 dead animals and eight dead trees. He advised that the bridge work on Route 618 at the Charles City County line was 50% complete. He indicated that a Passing Zone Study along Route 106 had been completed but had not included a recommendation for any changes, and that speed limit and warning signs were being added along Route 665 (Henpeck Road). He confirmed that State forces were prepared to deal with possible inclement weather that had been predicted.

Mr. Burrell reported "wash-boarding" along portions of Stage Road, and commended VDOT staff for the work they did cutting brush around road signage. Mr. Cade explained that it was their policy to make sure that signs could be seen from between 100 feet and 150 feet away, depending on the speed limit.

Mr. Stiers had no issues to report.

Mr. Evelyn thanked Mr. Cade for the work performed in his district.

Mr. Tiller asked about a previous request to mark parking spaces at the park and ride lot in Bottoms Bridge. Mr. Cade reported that estimates had been received for the work, but it would have to wait for weather conducive to complete the project. He added that the work would require the closing of the lot and would most likely be performed on the weekends when there was less activity. It was reported that there were 47 parking spots in the lot and that users "came and went" all day during the work week.

Mr. Davis spoke about the possibility of using County-owned property on Poindexter Road as a location for another park and ride lot and asked whether it would necessitate conveying the land to the State, should the County receive a grant for which it recently applied. Mr. Cade advised that most park and ride lots were owned and maintained by VDOT but referred the Board to other VDOT staff who could provide more information.

He reported that he was not aware of any recent incidents of vandalism at the Bottoms Bridge park and ride lot.

He advised that the traffic signal study at the intersection of Eltham Road and Farmer Drive had not yet been received, but that he would check on its status.

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: HISTORIC SCHOOL PROJECT

County Attorney Michelle Gowdy reviewed that the County had recently received an unsolicited proposal, under the Public Private Education Act (PPEA), from Marengo Management to renovate the other building on the Historic School campus. She advised that after an initial review of the proposal, staff had advised Marengo Management that its proposal did not meet the PPEA requirement, and the County had subsequently received additional documents on the date of this meeting. She advised that there hadn't been sufficient time for anyone to digest the latest submittal, and it was possible that the ten-day time period for Board action had been re-set with the submittal of the additional documentation. She reviewed that the Board's options were to deny the proposal, defer action, or to accept it for advertising for 45-days for competing proposals. She indicated that ten working days from the date of the initial submittal would be December 11.

After discussion, there was consensus to defer action and continue this meeting until December 11, 2013 in order to give the Board members time to review the proposal and additional information submitted.

Mr. Evelyn moved to defer a decision regarding the unsolicited PPEA proposal received from Marengo Management on November 25, 2013, with additional information received on December 9, 2013, for the purpose of publication and conceptual phase consideration, until December 11, 2013, at 8:30 a.m. 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.

Ms. Gowdy cautioned that some of the information that the Board had for review was proprietary and not subject to release to the public under the Freedom of Information Act.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Tiller expressed his condolences to Mr. Stiers on the results of a recent college football game.

Mr. Evelyn wished everyone a safe and happy holiday season.

Mr. Stiers reported on the success of the recent Thanksgiving dinner held at the Providence Forge Community Center. He thanked the more than 200 volunteers who assisted, specifically recognizing the volunteers with the Quinton Volunteer Fire Department, Providence Forge Volunteer Fire Department, and the Lanexa Station Auxiliary, for their donation of turkeys. He also expressed holiday wishes to the community.

Mr. Burrell reported that Richmond Region Tourism was reporting tourism numbers for 2013 that exceeded those in prior years, and spoke about how New Kent was the beneficiary of spin-off business at its golf courses and wineries.

Mr. Davis asked that Mr. Stiers be applauded for his work heading up the Thanksgiving dinner, calling it "one of the best community building projects I've seen" and spoke about how it was an example of what "made New Kent special".

IN RE: STAFF REPORTS

County Administrator Rodney Hathaway reported that he had attended the November meeting of the New Kent Chamber of Commerce to provide information on proposed amendments to the zoning and subdivision ordinances that had been reviewed with the Board at its October work session. He advised that there had been no opposition to the subdivision ordinance changes; however, there had been questions about the stormwater ordinance amendments. He advised that he would be moving forward to bring the proposals to the Planning Commission for review and recommendations.

IN RE: DISTRICT APPOINTMENTS

Mr. Tiller moved to appoint Claude Baldwin as District Two's representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2014 and ending December 31, 2014.

Mr. Burrell moved to appoint Jean Street as District Three's representative to the Historic Commission to serve a four-year term beginning January 1, 2014 and ending December 31, 2017.

Mr. Burrell moved to appoint Lavonne Allen as District Three's alternate representative to the Historic Commission to serve a four-year term beginning January 1, 2014 and ending December 31, 2017.

Mr. Burrell moved to appoint James Moody, Sr. as District Three's representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2014 and ending December 31, 2014.

Mr. Davis moved to appoint E. Wayne Davis as District Five's representative to the Agricultural and Forestal District Advisory Committee to serve a four-year term beginning January 1, 2014 and ending December 31, 2017.

Mr. Davis moved to appoint Ronald Lang as District Five's representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2014 and ending December 31, 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 motions carried.

IN RE: NON-DISTRICT APPOINTMENTS

Mr. Davis moved to appoint James Talley as an at-large member of the Agricultural and Forestal District Advisory Committee to serve a four-year term beginning January 1, 2014 and ending December 31, 2017.

Mr. Evelyn moved to appoint L. Steve Miles as a member of the Farms of New Kent Community Development Authority Board to serve a four-year term beginning January 1, 2014 and ending December 31, 2017.

Mr. Tiller moved to appoint R. Ronald Jordan as a member of the Farms of New Kent Community Development Authority Board to serve a four-year term beginning January 1, 2014 and ending December 31, 2017.

The members were polled:

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

The motions carried.

Board members asked for recent attendance information for the various boards and commissions.

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 January 13, 2014 and that there would be no December work session, but that this meeting would be continued until December 11, 2013 at 8:30 a.m.

IN RE: CLOSED SESSION

Mr. Tiller moved to go into Closed Session pursuant to Section 2.2-3711A.7 of the Code of Virginia for discussion of performance of a county employee involving an annual evaluation, and moved to go into Closed Session pursuant to 2.2-3711A.5 of the Code of Virginia for discussion concerning a prospective business or industry where no previous announcement had been made of their interest in locating involving incentives and/or opportunities to assist the business in its relocation. 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. The Chairman announced that the Board did not anticipate taking any action when it returned to open session. The Board went into closed session.

Mr. Stiers moved to return to open session. 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.

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:

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: CONTINUANCE

Mr. Evelyn moved to continue the meeting until December 11, 2013 at 8:30 a.m. 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 suspended at 7:45 p.m.