

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 22nd DAY OF JANUARY IN THE YEAR TWO THOUSAND SEVEN OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: ROLL CALL

Mark E. Hill	Present
David M. Sparks	Present
James H. Burrell	Present
Stran L. Trout	Present
W. R. Davis, Jr.	Present

The Chairman called the meeting to order and explained that this was a work session and that there would be no opportunity for public comment; however, he encouraged those with comments to speak to the individual Board members during breaks.

IN RE: CREDIT/PURCHASING CARDS

Before the Board for consideration was Resolution R-02-07, approving the use of credit/purchasing cards for the County.

Financial Services Director Mary Altemus advised that staff was the process of pursuing the use of purchasing cards from Bank of America, who was requiring a resolution from the Board as evidence of approval. She explained the problems encountered with staff use of the current County credit card, including the failure by some staff to turn in receipts and recurring difficulty in determining the source of some of the charges. She indicated that purchasing cards would be assigned to specific individuals who would be pre-authorized by their respective supervisors and have specific spending limits, and that any charges made with that card would be itemized by cardholder on the billing statements. It was explained that other controls would be in place, including the blocking of inappropriate charges as well as the requirement for the cardholder to sign for the card and sign an acknowledgement that improper use could result in legal action. It was represented that this system would result in better management practices.

Mr. Budesky advised that before the cards were issued to staff, there would be training and policies in place concerning their use.

Mr. Burrell moved to adopt Resolution R-02-07, as presented. The members were polled:

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

The motion carried.

IN RE: EXTENSION OF CONTRACT OF FINANCIAL ADVISOR

Before the Board for consideration was a request to approve another one-year extension to the contract for financial advisor services with Davenport and Company LLC.

Ms. Altemus explained that the original contract with Davenport allowed for two one-year extensions and the first extension, which was approved last year, would expire on January 31, 2007. She requested the Board to approve another extension, which would carry through January 31, 2008, and indicated that a Request for Proposals (RFP) would be developed and advertised for these services thereafter.

Several Board members expressed their satisfaction with the services rendered by Davenport.

Ms. Altemus was asked if the additional staff being added to her department would be able to perform some of these services. She explained that County staff did not have the expertise that Davenport had in performing the debt management and other focused projections.

Mr. Sparks moved to approve a one-year extension of the contract with Davenport and Company LLC for the period of February 1, 2007 through January 31, 2008. The members were polled:

David M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
Stran L. Trout	Aye

The motion carried.

IN RE: FIRE, RESCUE & EMERGENCY MANAGEMENT

Fire Chief Tommy Hicks reported that he had received positive feedback on the recent Leadership Summit attended by citizens, government employees and officials. Present were representatives from the career staff, Volunteer Companies One and Two, and the Providence Forge Volunteer Rescue Squad. Chief Hicks explained that Company Three was tied up out of town and unable to attend.

Chief Hicks gave a PowerPoint presentation which included information on his department's mission, expectations, organization, firefighter safety, commitment to education, training, ambulance call statistics, efforts to increase level of EMS service, CIP expenditures, development of response districts, standardization of equipment, emergency planning, community outreach, and benefits of proposed amendments to Chapter 30 of the New Kent Code regarding emergency services.

He explained that the proposed changes in the ordinance would provide for unification of emergency services, improve the dispatch process, help the County to meet the National Incident Management System (NIMS) requirements, help to more properly document emergency assets to meet regulations to increase grant funding, provide accountability of funds and service delivery, provide an opportunity to register the outside agencies operating in New Kent, and impact the current burning regulations.

There was a review of the proposed ordinance changes. County Attorney Jeff Summers explained that staff proposed to incorporate the provisions from Chapter 34 into Chapter 30 in that it was not necessary to have two separate chapters on the same topic. Copies of the draft Ordinance O-02-07 had been distributed to the Board and the Board members were asked for feedback and comments.

There was discussion on burning. Chief Hicks admitted that the current Fire Marshall's time was mostly consumed in dealing with contractors and there was little left to monitor the illegal residential burning activities that may be taking place throughout the County. He indicated that there were proposed changes to the times when burning would be permitted in R-1 zoned areas, limiting open burning to just two specific months per year (determined with the help of the State Department of Forestry). Mr. Summers explained that the proposed penalties were the same as those in the Statewide Fire Prevention Code.

There was also discussion on the sale and discharge of fireworks. Chief Hicks indicated that anything that "left the ground" would be illegal.

Mr. Sparks commented that the proposed ordinance was "quite a document" and that he hoped that the new regulations could be enforced and effectively communicated to the public.

There was discussion regarding how best to educate the public on the changes. It was predicted that there could be a large turnout at the public hearing on this issue and Mr. Summers recommended that the Board vote at the next meeting following the public hearing in order to give Board members and staff an opportunity to further research issues that might be brought up at the public hearing and have a chance to revise the ordinance if necessary.

Chief Hicks reported that monitoring open burning was a daily challenge to his department and that they were receiving an increased number of complaints from neighbors. He emphasized the need to establish a mechanism on how to deal with situations where open burning was irritating nearby residents.

Mr. Summers advised that County ordinance could be more restrictive but not less restrictive than the State Code, and that it could not have lesser penalties than what were in the State Code.

Mr. Sparks expressed his concerns about the proposed mandatory "distances from structures and wood lines". It was reported that those distances were set forth in the State Forestry Code. It was suggested that the definition of "wood line" be added to the proposed ordinance.

Mr. Sparks expressed his concern that his neighbors might be charged with a crime for burning leaves. Mr. Trout pointed out that the regulations already existed in the State Code, which the County could not disregard. Mr. Davis noted that other localities provided leaf pick up services to their residents.

Mr. Hill asked if increased leaf disposal by homeowners would cause problems at the 618 refuse site, and staff reported that it would not.

Chief Hicks reported that the career staff was now serving 24 hours a day, 7 days a week, with everyone working a 56 hour work week, and that he was requesting a budget transfer in order to clear up some outstanding leave issues. It was noted that the funds were already in the budget and that the transfer was not expected to leave his department short in another area.

Mr. Davis moved to approve an interdepartmental budget transfer of \$14,883.65 from Machinery & Equipment to Salaries & Wages. The members were polled:

James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
David M. Sparks	Aye
Stran L. Trout	Aye

The motion carried.

The Board members congratulated Chief Hicks on the success of his recent Fire Recruit Academy and Leadership Seminar.

IN RE: FORMER VDOT HEADQUARTERS

Under consideration by the Board was a request for an appropriation of funds from the Utility Fund Contingency to pay for renovations and furnishings for the former VDOT headquarters at Route 155 and Poindexter Road for use as office space for the Public Utilities Department. This request was initially heard at the meeting on January 8 and action was postponed so that Board members could visit the site and receive additional information regarding planned improvements.

Public Utilities Director Alan Harrison stated that staff had considered other options and were still of the belief that the proposed option was the best. He indicated that they had made a few modifications based upon Board members' comments during the recent site visit, including better use of the center area of the building.

Mr. Trout clarified that these were plans to renovate the larger building on the site.

Mr. Budesky indicated that the County would not expend any funds until transfer of the property had been made, but the approved appropriation would permit staff to line up the contractors to perform the work. It was noted that the funds were not tax dollars but were existing monies within the Utility Fund.

There was some debate on the proposed cost of doors. General Services Director Jim Tacosa confirmed that the estimates included the cost of steel doors, hardware and the labor to install them, which in some instances required knocking through block walls, and that he felt that they were realistic estimates.

Mr. Davis asked if the location might not be better used to provide office space for Human Services agencies, and suggested that the Public Utilities Department could be relocated to the space within the administration building that would be vacated by the Health Department. Mr. Budesky indicated that option might be an interim solution but that the County had outgrown existing office space and needed that space for other uses, and that option would not address the equipment storage needs of the Public Utilities Department. He explained that the County could charge rent to the Public Utilities Department but any rent for County government offices would have to come from the General Fund. He indicated that it would only delay a solution to the serious problem of office space and would likely end up costing more money.

Mr. Sparks commented that he would like to see some "site planning" for the property before moving forward and that interim options would afford that opportunity. He indicated that Board members had visited the site since the last meeting because staff had not provided ample facts about what was being planned, and he felt that could have been

avoided had there been better communications. He said that he understood the need for more space but hesitated to spend \$180,000 when there were school children attending classes in trailers.

Mr. Budesky pointed out that office trailers had been suggested to the Board as an option but had generated little interest. Mr. Trout commented that trailers were expensive for a short term solution. He admitted that staff had come to the Board at the prior meeting without the necessary information but that the Board members had since visited the site and been shown by staff what was planned.

Mr. Hill commented that in a locality that was still using a school built in 1930, this was a good investment. He recognized that the County government needed space and he did not want to see County staff "stuffed into trailers". He stated that it was those "backwards thoughts" that had gotten the County in the situation where it was and that it would be his vote to spend the \$180,000 and "do it right".

Mr. Davis asked about the status of the transfer of ownership. Mr. Summers reported that the paperwork would have to be signed by the Governor, which could take five to six weeks, and, if for some reason the transfer did not take place, the money would not be spent.

Mr. Harrison indicated that there was room at the Chickahominy Wastewater Treatment Plant for an office trailer, but he did not feel that was the best option.

Mr. Trout stated that what was before the Board was an opportunity to obtain ownership of the property and the funds were not coming from the General Fund but were in the Utility Fund.

Mr. Davis asked about expenditures on renovating Quinton Community Center. Mr. Tacosa reported that those renovations had come in under budget even though the scope had been increased.

Mr. Hill moved to approve the appropriation of up to \$180,000 from Utility Fund Contingency to refinish, rehabilitate and rebuild a section of the site located on Poindexter Road, conditioned upon the County's receiving clear title to the property. The members were polled:

W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
David M. Sparks	Nay
James H. Burrell	Aye
Stran L. Trout	Aye

The motion carried.

Mr. Tacosa indicated that the County would serve as general contractor on the project and the project would be broken into parts.

IN RE: DONATION OF LAND TO HABITAT FOR HUMANITY BY NEW KENT VINEYARDS

Before the Board for consideration was whether or not land donated by New Kent Vineyards to Habitat for Humanity (HFH) could be credited against the affordable housing units required by the Development Agreement entered into between the County and the Farms of New Kent (FONK).

Both Mr. Sparks and Mr. Hill removed themselves from discussion in light of their membership in Habitat for Humanity.

Mr. Summers advised that New Kent Vineyards could donate any land it wanted to any charity, but that such donations had nothing to do with the County. He indicated that the Development Agreement with FONK called for 40 affordable dwelling units in Land Bay III, and that in order for the County to give credit for the proposed land donation, a zoning action would have to be instituted and public hearings held in order to rezone the subject property and make it part of Land Bay III. He noted that the Development Agreement also called for the land to be served by public water and sewer. He pointed out other unresolved issues, including who would pay for the rezoning application, engineering, surveys and other documents that would be required. He indicated that it could be done, but it would entail considerable cost and delays. It was noted that the property proposed to be donated was not adjacent to the Planned Unit Development (PUD) but was an outlying parcel owned by the developers. Mr. Summers advised that the PUD would have to be amended and action required by both the Planning Commission and the Board of Supervisors.

Mr. Davis commented that he did not want to see 40 HFH houses "out all by themselves". Mr. Summers agreed that it was a perception problem that they were being pushed aside to an undesirable location, and even if they were brought into the PUD, they would be an outlying parcel.

Pete Johns, on behalf of FONK, indicated that there would be no more than five units in the area, and the reason for that clustering was to reduce development costs, as recommended by the Regional Director for Habitat for Humanity.

Mr. Trout clarified that there was a current obligation for 40 affordable housing units and if the developer donated land for two HFH homes and was given credit, then it would only be obligated to build 38 more units, and that this action would not add to the total number of affordable housing units to be built.

Mr. Summers reiterated that in order to count as affordable housing units under the Development Agreement, they would have to be a part of Land Bay III, be part of a "village" concept, and be served by public water and sewer. That would require extending water and sewer to the location or the construction of a small publicly-owned system. He indicated that even if some sort of village concept was used, it would still be an outlying small "nest of homes" that would have all of the same rules and regulations that applied to the larger parcel. He emphasized that the real issue was, if donated, should these count as part of the affordable housing units.

Mr. Summers advised that the Board could amend the PUD ordinance to omit some of the requirements, but that would still need a public hearing and would not solve the problem with a perception of second class citizenry. He indicated that the developer could just donate the land, and that he wasn't sure if a donation to charity that would give some sort of credit would actually be considered a "donation".

He indicated that what was needed was a "meeting of the minds" between HFH and FONK as to whether there was going to be a donation or not. If there was, and the developer wanted a credit towards its affordable housing units, then it would have to petition the Board to amend the PUD ordinance and development agreement. The developer would also have to decide whether it wanted to donate the professional services that would be

required, and there would also have to be some determination regarding public water and sewer services and the other requirements that pertain to Land Bay III.

Mr. Summers emphasized that this was not about the merits of the HFH program, but was a question as to whether any donated land should count towards the developer's affordable dwelling unit commitments and that if the developer decided to make a straightforward donation, all of the problems would disappear.

Mr. Trout encouraged anyone who might be interested in donating land to contact HFH, who had raised funds and chosen families but were just lacking a place to build. He clarified that the issue was back in the hands of the developer and the charity.

IN RE: REFUSE ORDINANCE CHANGES

Before the Board for consideration was draft Ordinance O-03-07 to address problems with construction, demolition and land clearing debris (CDL) being disposed of at the 618 refuse site by non-resident commercial entities.

Mr. Summers indicated that the proposed ordinance would amend Chapter 58 of the Code which currently addressed solid waste, waste collection and treatment. It would also clean up some of the ordinance in preparation for an upcoming proposed blight and nuisance ordinance.

General Services Director Jim Tacosa reported that this would provide a way to control the CDL wastes dumped at the 618 site by contractors. He indicated that much of that material was large in size, which left a lot of air space in the open top containers. He reported that according to Waste Management, the open top containers from the 618 site averaged less than 3 ½ tons, where those same containers from the other three sites averaged 8 tons. He indicated that records showed there were 1,150 open top pulls from the 618 site during 2006, and if all of those were less than half full, then the County lost about \$75,000 (each pull cost \$130.97) which did not include tipping fees at the landfill. There were comments that citizens should not have to pay for the cost of disposing of CDL waste. It was also noted that there were "no real teeth" in the current ordinance to prevent commercial contractors from dumping at the site.

There was discussion on whether the County should refuse to accept CDL waste or whether to accept it at a fee. It was reported that if contractors were not allowed to dump in New Kent, they most likely would go to Charles City County or James City County, both of which had CDL disposal sites.

It was noted that the proposed ordinance would restrict dumping to no more than a level bed pickup truck and an eight-foot long trailer without sides.

It was emphasized that the ability for residents to dispose of their wastes, including construction debris, would not be affected by these changes in any way.

There was concern expressed about how these changes would be enforced. Mr. Summers explained that the refuse site workers would be responsible for enforcement and that was why the ordinance was written as it was, using an easily observed vehicle character, size and shape.

There were concerns expressed that this might increase illegal dumping.

The Board inquired about the status of the RFP for a private firm to accept site clearing debris. Mr. Budesky reported that staff was working on that process and that there may be a sole source in the County but he would not know for sure until the bids were in. There was no concern expressed about use of that proposed location in the eastern end of the County.

There was also discussion as to whether the Board wanted violations of the new ordinance to be civil or criminal offenses. Mr. Summers pointed out that if it were a criminal violation, then the Sheriff could be called and the violator's truck could be seized and towed; it would be prosecuted by the Commonwealth Attorney, would require a higher burden of proof, and if convicted, the violator would have to pay restitution. If it were a civil matter, then the County Attorney would take the matter to court, obtain a verdict and then try to collect it. In either case, court action would be required, and if a violator had no funds, then there may not be any collection. He indicated that criminal sanctions would remain in place for "midnight" dumping. There was general agreement that most contractors would refrain from dumping if there were criminal implications.

There was a discussion on compactors. It was reported that two new compactors were in the upcoming budget, as well as one for recycling, and that they would likely "pay for themselves" in savings.

Mr. Davis suggested that language be added that would lift the restrictions following a significant storm event.

Mr. Summers noted that there was a blank placeholder in the ordinance regarding recycling, and that he was working with the Virginia Department of Recycling as well as Environmental Planning Manager Chris Landgraf to obtain necessary technical details for that section, and would come back to the Board at a future date with proposals for consideration. Mr. Landgraf indicated that staff was looking at options to increase and encourage citizen recycling, including curbside pickup. Mr. Sparks commented that he felt everyone was doing a good job recycling and that he thought there was a need for more recycling containers.

There was consensus to advertise a public hearing in March on the proposed changes to prohibit construction debris. Staff was also urged to move forward with the RFP to locate a private company to handle site clearing debris.

IN RE: HUMAN SERVICES BUILDING

General Services Director Jim Tacosa was present to report on the status of the proposed Human Services building. Present were representatives from the Health Department, Social Services, Quin Rivers and Bay Transit.

Mr. Tacosa reported that an RFP under the Public Private Education Act (PPEA) was sent out and two responses were received, one in Providence Forge and one in the Courthouse area; however both were significantly over budget.

It was reported that the former VDOT site was also considered as a location and found to be incompatible.

Staff reported that it was considering another option which involved constructing a County-owned building on land adjacent to current County property in the Courthouse area.

Regarding General Assembly action, Mr. Budesky reported that the Health Department had been allocated additional money, and that there was a House bill pending wherein Social Services would be allocated additional money, both of which would help cover the increases needed for the proposed project. A handout was distributed that outlined State Social Services local agency space needs on which New Kent was listed as the top priority.

Mr. Tacosa reported that he was continuing to work with the agencies and partners. He indicated that a figure of \$11 per square foot had been determined, which would include maintenance, if the facility were built on County-owned property.

It was reported that Mental Health was originally a partner in the project but would not be able to participate if the site were located anywhere but in Providence Forge because that agency also served Charles City County and was paying only \$9 per square foot at its current location.

Mr. Budesky indicated that he had written and verbal commitments from the partners and agencies, and that the County would basically become the landlord with guaranteed rent to pay the debt service.

Mr. Tacosa advised that the project had been scaled down from 19,000 to 14,000 square feet and would be a pre-engineered building with a brick façade.

Mr. Budesky reported that there were time considerations in that the current leases for Social Services and for Quin Rivers/Bay Transit would be expiring.

It was reported that an unsolicited proposal had been received and had to be dealt with. Mr. Summers reported that the proposal did not contain all of the things that it should have, and that the proposer would be asked to resubmit and the County would have to go through the procedure regarding review and notice.

There was consensus among the Board for staff to continue to pursue construction of building on County-owned property through PPEA.

IN RE: VEHICLE MAINTENANCE FACILITY

General Services Director Jim Tacosa was present to report on the status of the proposed Vehicle Maintenance Facility.

He reported that four bids had been received in response to an RFP, all in excess of the \$2.2 million budget. He indicated that the lowest bid was \$1.25 million over budget, which was too much to negotiate. He attributed a significant part of the overage to site development costs.

He suggested to the Board that it consider a phased approach to the project. He noted that the plans included construction of a garage, wash bay, fuel station and tire shop, and also the leveling of property adjacent to the structure, which by itself was estimated to cost \$.5 million. His suggestion was to construct the priority parts of the project, beginning with the garage and the wash bay pad with oil and water separators. He noted that those parts, by themselves, would not need as much site work and storm water management as the remainder of the project. Any remaining funds could then be used toward the fueling stations, with the tire storage shop being the last on the priority list, noting the opportunity to use space at the former VDOT site for that purpose.

He noted that he was working with Transportation Department staff to identify items in the project that could be eliminated or reduced. He confirmed the need for the heavy duty lift (for fire trucks) as well as the other two lifts (for school buses).

There was discussion regarding the lifts. Mr. Tacosa advised that there were no lifts in use at the current site that could be relocated to the new site, in that pits were no longer allowed. It was reported that lifts cost about \$100,000 each, which included the machinery, electrical service and installation costs.

Mr. Davis suggested that if bio-diesel were used, there might be some grants available.

There was consensus that staff should move ahead with a phased approach. Mr. Tacosa advised that he was reviewing and revising the specifications in order to put the project back out for bid, and would come back to the Board in about six weeks with an update.

IN RE: ECONOMIC DEVELOPMENT UPDATE

Economic Development Consultant Mark Kilduff reported to the Board on economic development activities.

He advised that there had been a great deal of interest expressed in New Kent, and that he had spent considerable time supplying information on demographics, development, and growth projections to potential businesses. He noted that there was interest in all parts of the County and that it was his observation that most people were very surprised as to what was going on in New Kent. He commented that for many, New Kent was a "blank sheet of paper" between Richmond and Virginia Beach. He indicated that developers seemed very pleased but still amazed to hear what New Kent was doing with regard to public utilities. He suggested that the County needed to continue to get the facts out on what was it had to offer.

He reported that 17 managers from the Virginia Economic Development Partnership (VEDP) recently toured New Kent by bus, and he commented that the presence of the Board of Supervisors and Economic Development Authority at the tour luncheon, as well as the County Administrator's participation in the tour, had "sent the right message".

He reported that the group had been picked up in Richmond and taken through Bottoms Bridge to view the work going on there, and then back onto I-64 to the Route 33 industrial corridor. He noted that John Kinney and Tom Vosnick had given a very nice presentation on the Parham Landing flex space, and the tour members were also able to observe first-hand the road construction underway at Weir Creek.

He indicated that the group was then taken to the Farms of New Kent for a presentation by Pete Johns and a look at the construction of the winery, and the tour concluded at the Visitors' Center.

In other activity, he reported that there was significant interest in the Williams tract -- two development organizations had been given details and tours and information had been sent to investors and one out-of-state development organization.

He reported that there was significant activity at Patriot's Landing and they expected the road to be cut in at the commercial site within 45 days, with pad sites soon thereafter. He noted that the larger of the sites was already under contract. He indicated that of the 40 acres designated for commercial, only about 20 could be developed.

He advised that the Argent Group (Wimpy Isgett) was waiting for a wetlands determination by the Army Corps of Engineers on property owned at Bottoms Bridge, and that once that determination was made, it was expected that development would move quickly in that area.

He reported that there was interest in several of the smaller tracts along Route 106 south of the interstate, and that there were prospects looking at the Weir Creek site.

He indicated that the VEDP property managers recognized good possibilities along Route 33 for import distribution sites.

The Board commended Mr. Kilduff on the recent tour and for his efforts on behalf of the County.

IN RE: APPOINTMENTS

The Board continued to make appointments to committees and commissions.

Mr. Sparks moved to appoint Conway Adams as an at-large member of the Economic Development Authority to serve a two year term beginning January 1, 2007 and ending December 31, 2008.

He commented that although Mr. Adams lived in an adjacent County, it was his information that he could continue to serve and that the EDA was complimentary of the job he was doing as Treasurer.

Mr. Davis moved to appoint Thomas Garthwright as an at-large member of the Agricultural & Forestal District Advisory Committee to complete a term ending December 31, 2008.

Mr. Hill moved to appoint Charlie V. Thompson as District One's representative to the Transportation Safety Commission to serve a four year term beginning January 1, 2007 and ending December 31, 2010.

The members were polled on the motions:

Mark E. Hill	Aye
David M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Stran L. Trout	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 February 12, 2007, and the next work session at 4:00 p.m. on February 5, 2007, both in the Boardroom of the County Administration Building, New Kent, Virginia. He also announced that the Board would meet for a retreat on February 10, 2007, at a location to be determined.

IN RE: CLOSED SESSION

Mr. Burrell moved to go into Closed Session for discussion relating to business and industry development pursuant to Section 2.2-3711A.5 of the Code of Virginia involving prospective or expansion of business of industry, and for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving actual or probable litigation. The members were polled:

David M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
Stran L. Trout	Aye

The motion carried. The Board went into closed session.

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

James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
David M. Sparks	Aye
Stran L. Trout	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:

W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye

The motion carried.

IN RE: ADJOURNMENT

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

Mark E. Hill	Aye
David M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Stran L. Trout	Aye

The motion carried.

The meeting was adjourned at 9:50 p.m.