

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 12th DAY OF FEBRUARY 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: INVOCATION AND PLEDGE OF ALLEGIANCE

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

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.

IN RE: CONSENT AGENDA

County Administrator John Budesky presented the Consent Agenda as follows:

1. Approval of Minutes
 - a. January 8, 2007 regular meeting
 - b. January 16, 2007 joint public hearing with the Planning Commission
 - c. January 22, 2007 work session
2. Miscellaneous
 - a. Adoption of amended bylaws
 - b. Abstract of Votes from the Special Election held on January 10, 2007, for recording in the Order Book
 - c. Adoption of Resolution R-03-07 in support of the National Liberty Memorial
 - d. Authorization to proceed with Comprehensive Agreement for Sheriff's Annex
 - e. Acceptance of well lot at Farms of New Kent
3. Refunds
 - a. \$76.31 to Green Knight Electric Co. (Plum Point rehab project)
 - b. \$245.00 to Mitchell R. & Carolyn V. Felts for withdrawn boundary line adjustment application
 - c. \$50.00 to Kenneth B. Proffitt for unnecessary Certificate of Zoning application
 - d. \$50.00 to Janice Mazzetti for unnecessary Certification of Zoning application
 - e. \$9,765 to Parsley Brothers for sewer connection and availability fee
4. Appropriations FY2006-2007
 - a. funds received as donations for the Animal Shelter, \$489.00
 - b. registration funds received for the Spirit of New Kent 5K Run and Health Expo, \$43.00
 - c. fund received for sponsorship of new Parks & Rec programs, \$625.00
 - d. funds received for co-sponsorship for new Parks & Rec programs, \$500.00
 - e. funds received for participation in the Eltham Bridge 5K Run, \$100.00
 - f. insurance proceeds for the Dec 5 2006 accident involving a deer striking one of the pool cars as a Planning employee was traveling to a training workshop, \$576.00
 - g. insurance proceeds for the Dec 28 2006 accident involving a Sheriff's vehicle striking a deer, \$1,425.00

- h. funds received from clean up of hazmat incident on Sep 27 – 28, 2006 with Johnson Logging Company, \$3,116.00
- i. funds received from the high school for security administered at the Dec 8 & 13 2006 and Jan 3 & 12 2007 basketball games, \$775.00
- j. funds donated by the Rotary Club to Fire Station No. 1, \$1,200.00
- k. funds received over the original anticipated amount for sale of Animal Friendly license plates, \$7.89
- l. funds received from the State Compensation Board for office expenditures in the Commonwealth's Attorney's Office, \$3,673.00
- m. additional State grant funds and loan proceeds (borrowing approved at the Jan 23 2006 Board of Supervisors' work session) for the T-hangar project at New Kent Airport, \$394,359.00
- n. funds received in the Treasurer's Office for DMV collection fees, \$40.00
- o. funds received in the Treasurer's Office for Discover Card fees, \$73.00
- p. additional funds received for utility irrigation connection fees, \$4,950.00

Total Supplemental Appropriation:	\$ (411,951.89)	Total
	\$ 411,951.89	Money-in/Money-out

5. Appropriation FY2006-2007

- a. funds for Reverse 911 program system, \$35,464.00

Total Supplemental Appropriation	\$(35,464.00)	Total
	\$ 24,000.00	Money-in/Money-out
	\$ 11,464.00	Capital fund - Fund balance

6. Inter-Departmental Budget Transfers

- a. *IT*: \$5,000 from Telecommunications to MIS-PBX/VoIP Telephone Switch
- b. *Reassessment*: \$12,000 from Hospital/Medical Plans to Vision Conversion
- c. *Commissioner of Revenue*: \$340 from part-time salaries to professional services
- d. *Environmental*: \$351 from Professional Services to Part time salaries & wage
- e. *Circuit Court Clerk*: \$1,375.00 from Overtime, Furniture & Books to Part-time and Telephone
- f. *Legal*: \$122,179.00 from various line items to litigation expenses

7. Treasurer's Report: Cash in Bank as of December 2006: \$37,779,798.18

Mr. Burrell requested that Resolution R-03-07 be removed from the Consent Agenda and considered separately.

Mr. Davis moved to approve the Consent Agenda and that it be made a part of the record, after removing Resolution R-03-07 for separate consideration. 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: NATIONAL LIBERTY MEMORIAL

It was explained that R-03-07 was a resolution in support of the National Liberty Memorial – a monument proposed to be built in Washington, D.C. to honor black soldiers who fought in the American Revolutionary War. Mr. Trout noted that New Kent was the home of a famous black soldier, James Armistead Lafayette, a former slave whose activities as a spy contributed to the outcome of the Battle of Yorktown and led to a testimonial to the Virginia Legislature by General Lafayette praising James and requesting that he be granted his freedom.

Mr. Burrell moved to adopt Resolution R-03-07 as presented. 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: CITIZENS COMMENT PERIOD

Chairman Sparks opened the Citizens Comment Period.

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

IN RE: RESIDENT ADMINISTRATOR'S REPORT

John Crews, Resident Administrator with the Sandston Residency of the Virginia Department of Transportation, reported on issues raised at previous meetings.

He reported that limited funding and current traffic data would not support the installation of raised pavement markers on Route 33 in Eltham.

He advised that work had been performed on St. Peter's Lane in order to improve drainage.

He reported pothole and pavement repairs on Crosby Mill Road and Ranch Acres.

He reported ditch cleaning along Route 607/Waterloo and vegetation control along Route 606.

He advised that the environmental application to clean ditches along Route 665/Henpeck Road had been approved and he expected that work to be completed within two weeks.

He advised that barrels had been placed along portions of Stage Road and that his department was investigating the feasibility of installing guardrails. He clarified that guardrails had not been a part of the project. Mr. Burrell commented that he felt guardrails were needed along those portions of Stage Road where there were large drop offs and only about 3 feet of soft shoulder. Mr. Crews agreed to again look at the area.

Mr. Crews reported cross over delineators had been installed along Route 33.

He reported cross drains had been opened along Route 627 and pot holes repaired along Route 649.

He advised that other work performed during the past month included establishing a turn at a church on Route 628; road blading; pipe cleaning; delineator installations; and sweeping of intersections.

He reported that the Stage Road project remained on schedule for completion in November 2007 although at a deficit. He advised that the westbound I-64 rest area project was on schedule for completion in June 2007.

He advised that the Eltham Bridge was ahead of schedule and should be finished prior to November 2007. Mr. Trout noted that the bridge dedication was scheduled for April 7 although construction may not have been completed.

Mr. Crews advised that he had given the County Administrator information to distribute regarding roads that had been discussed during the previous work session as well as revised handouts relating to the Six Year Plan.

Mr. Burrell thanked Mr. Crews for VDOT's help in addressing some issues identified at a recent Transportation Safety Commission meeting. He expressed his concerns with the number of dead and leaning trees throughout the County. Mr. Crews admitted that dead trees were a problem and advised that they were taking inventory and had been given some funding to obtain help to address the problem.

Mr. Davis expressed his disbelief that VDOT did not support the need for raised pavement markers in Eltham, commenting that it was a narrow, highly traveled highway in the "foggiest" part of the County. He suggested that VDOT reconsider the request and advise him personally of the outcome so that he could contact others in the State on the issue and have the Sheriff appeal it as well. Mr. Crews indicated that he would send Mr. Davis a copy of the report and would also make an appeal of the decision.

Mr. Trout asked Mr. Crews to investigate the reports of fallen trees and branches along Terminal Road. He noted that it appeared that the problem resulted from the recently completed road improvement project.

Mr. Crews advised that he was not aware of any transportation developments in the General Assembly.

IN RE: INTRODUCTION OF NEW STAFF

Commonwealth's Attorney Linwood Gregory introduced Assistant Commonwealth's Attorney, Randolph DelRossi.

Mr. DelRossi was welcomed by the Board members.

IN RE: UPDATE ON UTILITY PROJECTS

Public Utilities Director Alan Harrison reported on the status of various utility projects in the County.

He advised that the bid opening on the Bottoms Bridge Well Phase 2 project had been delayed in order to address some comments from the Office of Drinking Water but that he anticipated asking the Board to award that contract at its February 26 work session.

Regarding the Courthouse water tank project, he reported that bids were opened on February 6 and that the sole bid had been deemed to be "non-responsive" and the project had been re-advertised for February 27. He indicated that he anticipated asking the Board for an award of contract at its March 12 meeting.

Regarding the Courthouse well project, he reported that he anticipated putting the project out for bid on February 25 and asking the Board for an award of contract at its work session on March 28.

He advised that the two Phase II Force Main projects were advertised on February 4 for opening on March 6, and the Chickahominy pump station was anticipated to be advertised on March 4 for opening on April 3, with a recommendation for award on April 9.

Regarding the Courthouse utility project, he reported that bids were opened on February 6 and he was recommending an award of contract to the low bidder, Godsey & Son, in the amount of \$2,460,530.70. He explained that this project included all sewer and water line work in the Courthouse area, with the exception of the wells and elevated tank, noting that installation of the line across I-64 was a part of the Phase II force main project. Mr. Budesky pointed out that the bid came in substantially under the engineering estimate of \$2.968 million.

Mr. Davis moved to approve a contract with Godsey & Son in the amount of \$2,460,530.70 for the Courthouse utility project.

Mr. Harrison reported that the contractor had 300 days from the Notice to Proceed within which to complete the project. It was also reported that the Health Department was aware of the timeline and had expressed no objection.

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.

IN RE: APRIL AS ALCOHOL, DRUGS, TOBACCO AND AIDS/HIV PREVENTION MONTH

Carter Perry, Substance Abuse Coordinator with Ebenezer Baptist Church, reminded the Board that April was designated as Alcohol, Drugs, Tobacco and AIDS/HIV Prevention Month in New Kent County. He described the effects of substance abuse on the youth and young adults in the community as well as the efforts of their ministry and others to educate and promote awareness. He announced the details of the campaign kick-off and essay awards program.

Mr. Perry pointed out that the Board had previously adopted a resolution designating each April between 2002 and 2007 as "Alcohol, Drugs, Tobacco and AIDS/HIV Prevention Month"

and suggested that the Board consider adopting a new Resolution to continue this designation.

He advised that last year the Governor had shown interest in the program and Mr. Perry had hoped that the program would become a statewide project. He asked that the Board members and County staff assume a leadership role in promoting the project. There was a consensus among the Board members that staff should assist in the promotion of the campaign.

Following further discussion, Mr. Burrell moved to perpetually designate April as "Alcohol, Drugs, Tobacco and HIV/Aids Prevention Month" in New Kent County and that a copy of the resolution be sent to the Governor and the State legislators with a request that it be made a statewide designation. The members were polled:

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

The motions carried.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Burrell announced an upcoming meeting of the Central Virginia Waste Management Authority at which time he would obtain and provide recycling statistics for New Kent.

Mr. Davis advised that Board members had been visiting State legislators and the General Assembly in an effort to stay abreast of pending legislation that would affect New Kent. He emphasized that it was important for citizens to call or visit their legislators.

Mr. Trout echoed those comments, asking that citizens advise the County about pending legislation that might impact New Kent so that timely and appropriate comments could be communicated to State representatives.

Mr. Trout announced that the Eltham Bridge would be dedicated on April 7, with a 5K run and other activities. He also encouraged the citizens to participate in the brand development survey that was being conducted.

IN RE: STAFF REPORTS

Mr. Budesky mentioned that the Board had recently met for a Retreat and would be meeting with the School Board the next evening to review its upcoming budget requests. He commented that the Board had been clear in its message that staff was to do whatever it could to restrict spending and hold down expenses. He commended the Public Utilities Department for its management over the numerous utility projects underway. He also commended Public Utilities staff and the County Attorney for the easement acquisition work in Phase II and their efforts in educating and working with property owners in order to facilitate the process. He advised that staff was working on a proposal for the Board's consideration at a future meeting to set parameters whereby he could execute Change Orders under certain circumstances in order to save time and money on some of the projects.

IN RE: DISTRICT APPOINTMENTS

There were none.

IN RE: PARKS & RECREATION ADVISORY COMMISSION

Mr. Sparks suggested that the size of the Parks & Recreation Advisory Commission be increased to include two at-large members in order to allow more citizens to be involved.

Mr. Burrell said that he would not support two at-large appointments and although he felt that the current size of the Commission was sufficient, he would consent to increasing the size to allow for two appointments from each district, noting that not every district had the same needs.

Mr. Davis observed that such requests should come from the body in question and not the Board. He expressed his concern that a commission of ten members might be too large.

Mr. Burrell agreed that the request should come from the Commission and advised that, as Board representative to the Parks & Recreation Advisory Commission, he would bring up the issue at its upcoming meeting.

Mr. Sparks indicated that the County Attorney had made it clear at the recent Retreat that the committees, boards and commissions were set up and given direction by the Board but, although he did not agree that the request had to come from the Commission, he agreed that Mr. Burrell should bring the matter up for discussion at the next Commission meeting.

Mr. Trout also agreed that Mr. Burrell should bring up the proposal to the Parks & Recreation Advisory Board at its next meeting and commented that it was important to maintain a balance in the County and serve the differing needs of the districts.

IN RE: NON-DISTRICT APPOINTMENTS

Mr. Burrell moved to appoint Chief Tommy Hicks as Coordinator of Emergency Management to serve a one-year term ending December 31, 2007 as required by Virginia Code Section 44-146.19.

Mr. Burrell moved to appoint Carter Perry as a New Kent representative to the Chickahominy Disability Services Board to serve a one-year term ending December 31, 2007.

Mr. Davis moved to appoint Calvert T. Smith, Jr. as a representative to the Building Code Appeals/Board of Fire Prevention Code of Appeals to complete a term ending December 31, 2009.

Mr. Davis moved to appoint Robert Greczek as a representative on the Board of Building Code Appeals/Board of Fire Prevention Code of Appeals to complete a term ending December 31, 2010.

Mr. Davis moved to appoint Alan Newman as an alternate member of the Wetlands Board to serve a term ending December 31, 2009.

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 motions carried.

Mr. Trout mentioned that there had been a request to add a representative from the Extension Service to the Purchase of Development Rights Committee which he would bring up for discussion at a future meeting.

IN RE: MEETING SCHEDULE

The Chairman announced that the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on March 12, 2007, and the next work session at 6:00 p.m. on February 26, 2007, both in the Boardroom of the County Administration Building, New Kent, Virginia. It was announced that the Board would also be meeting with the School Board at 6 p.m. on February 13, 2007, in the Boardroom, and with senior staff on Friday, February 16, 2007, at 12 noon at Fire Station No. 1.

IN RE: CLOSED SESSION

Mr. Davis moved to go into Closed Session 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. Chairman Trout announced that the Board may conduct more business after coming out of closed session. 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. Burrell 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: SPF LITIGATION

Chairman Trout announced that the County had agreed to enter into settlement negotiations with SPF regarding its suit against the County.

IN RE: ADJOURNMENT

There being no further business, Mr. Davis 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 7:34 p.m.