

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 11th DAY OF AUGUST IN THE YEAR TWO THOUSAND FOURTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

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IN RE: CALL TO ORDER

Chairman Evelyn called the meeting to order.

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IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

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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.

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IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Approval of Minutes
  - a. Regular Business Meeting on July 14, 2014
2. Miscellaneous
  - a. Contract with GovDeals
  - b. Renewal of service contract with William E. Britton Electrical
  - c. FY15 and FY16 Community Services Board performance contract
3. Refunds
  - a. \$353.06 to Ryan Homes for canceled permit #19325-2014
  - b. \$65.00 to Clifford & Debrah Whitehouse for canceled permit amendment #19397-2014
  - c. \$754.69 to Ryan Homes for canceled permit #19060-2103
  - d. \$410.81 to Ryan Homes for canceled permit #19254-2014
  - e. \$49.50 to Scott O'Donnell for canceled electrical permit
4. FY14 Supplemental Appropriations
  - a. Funds received from the Commonwealth of Virginia for Prisoner Extradition, \$2,221.81

\$ 2,221.81	Total
\$ (2,221.81)	Total In/Out
5. FY15 Supplemental Appropriations
  - a. Program income received for FY14 from CDBG Plum Point grant participants (July 2014), \$663.00
  - b. Extension program sponsorship revenue, \$400.00
  - c. Additional funds to the Victim Witness grant (15-R9597VW14). The FY15 Adopted Budget reflects \$45,173 but the final grant totaled \$46,528, \$1,355.00

- d. Donations for the Animal Shelter, \$253.00
- e. State funds – Grant 15-B2896AD11 - SRO Grant (Salary & benefit expenditures were approved in the FY15 Adopted Budget. The \$12,768 reflects the County's match to the grant), \$12,768.00
- f. Additional State and Federal funds to Social Services for AFDC Foster Care, \$65,000.00
- g. New Kent University sponsorship funds from Davenport & Co., LLC, \$1,400.00

\$ 67,716.00	Total
\$ (107,372.00)	Total In/Out
\$ 39,656.00	From General Fund fund balance

- 6. FY 14 Interdepartmental Budget Transfers
  - a. *Sheriff's Office*: \$2,592 from Trash Removal to Uniforms
  - b. *Sheriff's Office*: \$1,767 between various line items to cover end-of-year overages
  - c. *Sheriff's Office*: \$36,741 between various line items to cover end-of-year overages
  - d. *Sheriff's Office*: \$8,149 between various line items to cover end-of-year overages
  - e. *Commissioner of the Revenue*: \$10,002 between various line items to cover end-of-year overages
  - f. *Water & Sewer*: \$1,300,000.00 from Route 249 Waterline Project to Construction, Easement Acquisition, Construction Contingency, Clearing-Grubbing-Seeding Contingency, and Intercon Larger/Small Water Sys-on Loan
- 7. Treasurer's Report: Cash as of June, 2014: \$32,512,522.73

Mr. Tiller moved to approve the Consent Agenda as presented and that it be made a part of the record. The members were polled:

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

The motion carried.

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IN RE: INTRODUCTION OF NEW STAFF

Chief Technology Director Jonathan Stanger introduced new Technical Support Specialist, Tanger James-Brown, who was welcomed by the Board.

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IN RE: RESIDENCY ADMINISTRATOR REPORT

Chad Baker, New Kent Superintendent 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 the culvert replacement project on Cosby Mill Road would be delayed for two to three months so that Verizon could relocate one of its lines. He advised that there were still trucks violating the four-ton weight limit on the bridge. He confirmed that he would communicate this timetable change to the School system.

He reported that a speed study recently conducted on Cosby Mill Road did not support a change in the speed limit.

He advised that final completion date of pavement repairs along Route 60 was November 2014.

He indicated that an evaluation of pedestrian crosswalks on Kentland Trail had been completed and a new crossing would be provided at Kingshire Road.

Mr. Davis reported that there were still some traffic signs that were down on Farmers Drive.

Mr. Davis then asked Mr. Hathaway about the status of the proposed park and ride project on Poindexter Road. Mr. Hathaway advised that the project had not been approved in the first round of funding by the Metropolitan Planning Organization (MPO) but he hoped that it would be approved for funding in the next round of consideration.

Mr. Stiers expressed his appreciation for the work performed on Mt. Pleasant Road. Mr. Baker explained that crews would perform some paving work on that road within the next two weeks.

Mr. Stiers spoke about a drainage pipe at the corner of Route 60 and North Courthouse Road that was going to be replaced with maintenance funds after the shoulder improvement project along North Courthouse Road was completed. He reported that it was his information that the shoulder project would be completed by August 18 and asked Mr. Baker to follow up on that.

Mr. Burrell asked about guardrails along the area of the shoulder project on North Courthouse Road and Mr. Baker assured that guardrails would be installed where needed.

There were comments regarding litter pickup being completed before mowing was started. Mr. Baker explained that was VDOT's policy and agreed that there was a continuing litter problem in New Kent.

Mr. Burrell asked about dead tree removal and Mr. Baker confirmed that they had a contract in place for that.

Mr. Tiller reported problems with an asphalt patch on Route 60.

Mr. Burrell reported a bad pothole on Interstate 64.

Mr. Evelyn asked for an update on the roundabout project at New Kent Highway and Route 612. Mr. Baker advised that it was his information that it was to start in spring 2015. Public Utilities Director Larry Dame advised that the work currently underway in that intersection was related to the waterline project which would be completed before VDOT started the roundabout construction.

There was discussion regarding inmate litter pickup. It was explained that VDOT's inmate crews were obtained from the State Prison System and was not voluntary on the part of the inmates but part of the requirement for their release. The inmate crews coordinated by the Sheriff's Office involved volunteers from Henrico Jail East and had been more difficult to schedule in recent months because of the lack of interest on the part of Henrico deputies to supervise the crews as well as lack of inmates eligible for the program.

Mr. Davis asked about repairs to the section of North Waterside Drive that washed away in a recent storm. Mr. Baker advised that the drainage work that had been done was a permanent fix and it would be repaved in the area of the repairs before school started.

Mr. Evelyn asked about some tree debris in his district and Mr. Baker reported that had been addressed.

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IN RE:           CITIZENS COMMENT PERIOD

Chairman Evelyn opened the Citizens Comment Period.

Ty Elliott, a Brickshire resident, thanked and commended the Board for working with VDOT on the safety improvements on Kentland Trail, at its intersection with North Courthouse Road.

Tyla Matteson spoke in opposition to the proposal by Synagro for a permit to apply industrial wastes to land in New Kent and surrounding counties. She provided information regarding posts on social media sites and recent newspaper articles, as well as a petition currently under circulation by a group of citizens for transmission to the State opposing the permit. She requested the Board to join the governing bodies of King William County and King and Queen County to request the State to deny the permit.

James Poole shared points he had gathered from a review of the material that included the fact that the Department of Environmental Quality (DEQ) had no standards for the application of industrial waste; that studies showed that landowners would still have to apply commercial fertilizer to get the nutrients needed to enhance their crops; that there were waiting periods for allowing people to walk on fields where the material had been applied, as well as waiting periods for planting and harvesting crops for livestock and human consumption; that DEQ allowed applicants to "cherry pick" the samples submitted with the application and ignored other samples that showed higher heavy metal contamination; that the paper mill sludge study used corn as its test crop even though it was pointed out that corn was a bad test crop to use; and that the paper mill sludge study never said that the sludge improved the land on which it was applied and he felt that the farmers would not get what they were looking for. His last point was related to the site that was proposed for application.

Russ Beyer agreed with the comments made by a previous speaker regarding safety improvements on Kentland Trail but noted that the intersection would never be as safe as it could be until there were some lane realignments. He then spoke in opposition to the Synagro permit, remarking that it should be a very easy decision for the Board. He predicted that if the Board supported the permit and "it goes badly", then it would be difficult to live with; if the Board opposed the permit and it was denied, then it would have avoided the difficulty of trying to remedy the damage. He went on to say that it would be hard to balance the Board's support of a stormwater management plan against the support of this permit, and he hoped that the Board would vote to oppose its issuance. He said that it would take more work and study to convince him that this application was something that the County needed.

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

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IN RE:           SYNAGRO APPLICATION

Before the Board for consideration was a request to oppose an application filed by Synagro for a permit allowing that company to apply industrial residuals on property in New Kent. The Board received this request at its July 15 business meeting from both residents and citizens of surrounding counties, and received follow-up information at its July 30 work

session (at which Mr. Davis was absent), where it had been decided to wait until all members were present before making a decision.

Mr. Evelyn commented that the Board had “beaten this to death” at the work session and reminded that it would be up to the State Water Control Board to make a decision.

Mr. Davis remarked that he did not feel that the Board had been shown anything to prove that this application would be good for the County. He spoke about how the studies used were 20 – 25 years old. He admitted that the paper mill in West Point provided jobs and supported the economies of New Kent and neighboring localities, but until more information was received about any positive effects of the application, he did not want it in New Kent. He spoke about how he would prefer that someone come up with a use for the material where it wouldn't hurt anything, rather than keep dumping it in landfills. He then moved to send a letter that it not be put in New Kent.

Mr. Stiers referenced discussions from the previous work sessions, noting that one of the key points was that if the Chesapeake Bay Foundation said it was not safe to dump in the Bay, he didn't feel it was safe to dump on County land. He pointed out that the West Point paper mill had to stop burning the waste because it was too dangerous to breathe. He commented that it would take a generation to determine the effects and also spoke about how the site where the application was proposed was along the Pamunkey River, which fed into the Bay. He advised that it was his understanding that Goochland County's Board of Supervisors was sending in a letter of opposition and if the State approved the application despite the opposition of all of the localities involved, then he would like for New Kent to join those other localities in an action against DEQ to stop the permit.

Mr. Burrell remarked that there was not “enough science” about the effect on the environment, predicting that it would affect wildlife and micro-organisms in the soil. He agreed that the County should strongly oppose it.

Mr. Evelyn indicated that he agreed with Mr. Davis that New Kent should write a letter to DEQ opposing the permit until there was some positive effects shown from the materials.

The members were polled on Mr. Davis' motion:

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

The motion carried.

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IN RE: APPROVAL OF THE MINUTES

Before the Board for approval were the minutes from the June 23, 2014 joint meeting with the Planning Commission and the June 25, 2014 work session. These minutes were not included in the Consent Agenda since Mr. Burrell was absent from both meetings.

Mr. Stiers moved to approve the minutes from the June 23 and June 25, 2014 meetings. The members were polled:

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

The motion carried.

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IN RE: ELECTED OFFICIALS' REPORTS

Mr. Davis spoke about the upcoming work to improve the dais area in the Boardroom and reminded everyone of an upcoming motorcycle race event at Colonial Downs as well as urged motorists to be mindful of the opening of school and the return of school buses to the roadways.

Mr. Burrell reported that he had attended a recent MPO meeting and that a vote had not yet been taken on proposed changes to membership.

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IN RE: STAFF REPORTS

County Administrator Rodney Hathaway distributed a proposed Request for Proposals (RFP) for completion of the South Building on the Historic School campus. It was explained that there had been minor changes regarding asbestos abatement but if there were no further revisions or concerns from the Board members, it would be advertised as early as the next day, with a mandatory pre-bid conference on August 18. It was noted that the RFP provided for leaving the cafeteria/kitchen area as a shell, with just some cleanup of wiring, electrical and piping. Mr. Hathaway advised that once a use for that area had been determined, then it could then be completed separately.

Mr. Evelyn noted that there would be liquidated damages of \$500 per day if the project were not completed within 90 days.

There was discussion regarding the sprinkler system for the cafeteria/kitchen area. It was explained that portion of the sprinkler system would be plugged rather than have heads installed in order to allow flexibility once a use was determined.

Mr. Davis moved to move forward to advertise a Request for Proposals to complete the South Building on the Historic School Campus. The members were polled:

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

The motion carried.

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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 September 8, 2014, in the Boardroom of the County Administration Building, and that there would be no August work session.

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IN RE: CLOSED SESSION

Mr. Tiller moved to go into Closed Session pursuant to Section 2.2-3711A.6 of the Code of Virginia for discussion or consideration of the investment of public funds where competition or bargaining was involved, where if made public initially, the financial interest of the County would be adversely affected involving Farms of New Kent, and pursuant to Section 2.2-3711A.7 of the Code of Virginia for consultation with legal counsel and briefing by staff members 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 involving Rock Creek Villas. The members were polled:

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

The motion carried. The Chairman advised that he did not anticipate the Board taking any action after the Closed Session. The Board went into closed session.

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

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

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

The motion carried.

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IN RE: BOARD RETREAT

The Board tentatively scheduled a retreat at 1:00 p.m. on October 3, 2014.

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IN RE: ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 7:11 p.m.