

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 13th DAY OF FEBRUARY IN THE YEAR TWO THOUSAND SIX OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING 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 9, 2006 regular meeting
 - b. January 17, 2006 joint public hearings
 - c. January 19, 2006 special meeting
 - d. January 23, 2006 work session
 - e. January 28, 2006 work session/retreat
2. Miscellaneous
 - a. Abstract of Votes from the Election held on January 24, 2006, for recording in the Order Book
 - b. Resolution R-08-06 Regarding the Development of a Regional Plan to Address Homelessness
3. Refunds
 - a. \$400.00 to Mountcastle Homes, Inc. for two land disturbing permits
3. Appropriations FY2005-2006
 - a. Funds received from insurance proceeds as a result of a Sheriff's vehicle accident on November 20, 2005, \$1,145.00
 - b. Funds received for reimbursement of professional services for Patriot's Landing – Invoice No. PL-10, \$542.00
 - c. Funds received for Colonial Downs law enforcement services performed at the race track for live racing and simulcast for harness racing in November 2005, \$3,61.00
 - d. Funds received from the high school for security administered at the December 3 and 10, 2005, and January 4 and 7, 2006 basketball games and December 6, 2005 music concert, \$632.00
 - e. Funds received for reimbursement of professional services for Schiminoe Meadows Waste Management Facility, invoice SMDW-04, \$11,400.00
 - f. Funds received from the Va. Dept. of Fire for a training grant to be used by the Dept of Fire & Emergency Management, \$5,606.00
 - g. Funds received from the Economic Development Authority for reimbursement of ADP equipment, \$1,509.00
 - h. Additional State Fire Program funds received from the State over the amount budgeted for FY06 – previously appropriated to an inactive expenditure lien item, \$8,499.00

- i. Funds for Operation Strikeforce DMV Grant #52442-02 to be used by the Sheriff's office for checkpoints, \$3,000.00
 - j. Additional funding due to increased demand for View Transitional Day Care – Mandated and View AFDC Working Day Care – Mandated, \$20,700.00
 - k. Additional funds received for utility irrigation connection fees, \$6,750.00
- | | | |
|-----------------------------------|--------------|--------------------|
| Total Supplemental Appropriation: | \$ 63,544.00 | Total |
| | \$ 63,544.00 | Money-in/Money-out |
4. Inter-Departmental Budget Transfers
- a. \$2,300 from reserved for contingency to Social Services Fund for local share of VIEW-AFDC Working Day Care and VIEW Transitional Day Care
 - b. \$5,886.00 from reserved for contingency to water and wastewater line items for on-call pay
 - c. \$229.00 from Internal Services (4-11-68100-4000-9) to Travel (4-11-68200-5500-9) for lodging for State Technology Conference
 - d. \$1,546.00 from Lottery & Construction (4-11-064200-3000-9) to Technology Hardware – New (4-11-68100-8210-9) for purchase of Renaissance Place software
 - e. \$286.00 from Staff Development (4-11-68100-4000-9) to Travel (4-11-68200-5500-9) for State Technology Conference travel expenses
 - f. \$2,500.00 from reserved for contingency to CDBG Plum Point Grant – Street Improvements
 - g. \$341.00 from Medical Examinations (4-1-21070-3110) to Hospital/Medical Plans (4-1-21070-2315)
 - h. \$1,000.00 from Overtime (21060-1400) to Part Time (21060-1300)
 - i. \$10,000.00 from Appropriation of Funds Prior year (4-7-92000-9920) to various line items for relocation costs for School Board
 - j. \$1,900 from professional services (4-1-12200-3120) to Overtime (4-1-12200-1400)
5. Treasurer's Report: Cash in Bank as of December 2005, \$27,604,426.97

Mr. Burrell moved to approve the Consent Agenda as presented. The members were polled:

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

The motion carried.

IN RE: PRESENTATION TO PAULINE PEMBERTON ON THE OCCASION OF HER 100TH BIRTHDAY

Mr. Burrell presented Pauline Pemberton with a framed copy of Resolution R-05-06 adopted by the Board at its January meeting, honoring her on the occasion of her 100th birthday. Members of Ms. Pemberton's family were introduced and the family was congratulated for its longevity.

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 ENGINEER'S REPORT

John Crews, Resident Administrator with the Sandston Residency of the Virginia Department of Transportation, distributed reports on the speed study conducted on Route 249, and reported on previous requests from Board members as follows:

- Culvert work was performed along Routes 623 and 624
- Phase II of the roads in Brickshire should be accepted into the State system within the next several months (was unsure of the number of miles but will obtain that information)
- The traffic engineer has consented to review the traffic flow on the Eltham Bridge but thinks current flow is good
- The estimate to pave Homestead Road was \$435,000
- Has notified the Williamsburg Residency about problems on Route 621 at the James City County line
- Had not been able to locate the reported pavement cave-in on Route 33 in Eltham
- The speed study on Route 249 had been completed and two advanced warning signs were installed at the Route 612 and Route 630 intersections; however, the speed study did not support lowering the speed limit from 55 mph
- On Quaker Road, a sign was reinstalled and potholes were repaired
- In The Colonies, the problem with the undermined pavement and storm drains was corrected and would be monitored
- Work on a driveway pipe on Route 619 at Lebanon Baptist Church was to be completed within two weeks
- Stone added to the turnaround on Route 6101
- Pavement repairs on Old Roxbury will be completed as soon as weather permitted
- Maintenance crews had been working on shoulder repairs, asphalt paving, tree removal, bridge sweeping, pipe and ditch cleaning, cutting high shoulders and laying stone on low shoulders
- Maintenance work was underway on roads in Plum Point
- There were no plans for construction activity on the Eltham Bridge that would delay traffic
- All projects were on schedule

Mr. Davis asked about the truck restrictions on Farmers Drive. Mr. Crews reported that the Commonwealth Transportation Board had approved that request at its December meeting and that signs should have been in place. He agreed to check on the status.

At Mr. Davis' request, Mr. Crews agreed to order a traffic count on Homestead Road.

Mr. Davis provided Mr. Crews with the exact location of the pavement problem on Route 33 in Eltham and offered to meet VDOT staff to help them locate the site. Mr. Davis reported that the heavy truck traffic involved in the bridge work was contributing to the deterioration in the area.

Mr. Trout thanked Mr. Crews for the work in The Colonies. He inquired about the Terminal Road project. Mr. Crews indicated that bids were received on January 25 and they anticipated issuing a notice to proceed on March 25.

Mr. Burrell reported two dead pine trees in Providence Forge near the car dealership which could threaten the flow of traffic along Route 155 if they fell.

Mr. Hill asked for clarification on the Route 249 speed study, and inquired about his request for additional "school bus stop ahead" signs. Mr. Crews reported they had determined that there were too many school bus stops along Route 249, and that drivers tended to ignore signs when there are so many, which would defeat their purpose. Mr. Hill asked if there were special speed zones that could be applied to churches. Mr. Crews explained that there were not, and that speeds were determined according to a formula and federal guidelines.

Mr. Sparks indicated that perhaps the Board hadn't been clear in what it had requested. He explained that Board members, the Sheriff and some of his deputies were of the opinion that the speed limit along Route 249 between Bottoms Bridge and Route 106 was too high. Mr. Crews indicated that under current mandated guidelines, the current conditions of Route 249 met the 55 mph speed limit. Mr. Sparks indicated that still did not address the Board's concerns with getting the speed limit lowered. There was additional discussion regarding the speed study, and it was noted that it appeared that the speed samples may have been conducted east of the Route 106 intersection, rather than in the requested area. It was noted by Board members that the crash rate for this section of highway of 184 crashes per 100 million VMT was significantly greater than the State average of 127 crashes per 100 million VMT.

Mr. Crews agreed to follow up with the traffic engineering department and to speak with the Sheriff and his deputies regarding their concerns.

IN RE: RURAL ADDITION PROGRAM

Ken Smith, Senior Policy manager with the Virginia Department of Transportation, was present to provide information to the Board regarding the Rural Addition Program.

The Board members shared with Mr. West the dilemma facing the residents along Shooters Run Road, a private road that had been deemed to be a public right-of-way by a local judge.

Mr. West reviewed the history of the State's road program, and reported that he encountered similar problems all over the State. He defined a "public road" as "any road used by the public for more than 20 years and maintained with public resources". He talked about the Dillon Rule and the Byrd Act (which relieved counties of their secondary road system and established the Secondary System of State Highways). He indicated that a board of supervisors continued to have executive authority over establishment of any road in its county that is a part of the Secondary System, but worked in a cooperative arrangement with the State where the county decided what roads would be improved and the State provided the allocation. He advised that all roads established prior to 1949 were eligible to be improved by the State; roads established after that date would not be accepted for maintenance if they were not built to VDOT standards.

There was discussion regarding New Kent's subdivision ordinance as it pertained to large lot subdivisions, and the fact that it does not meet the State's requirement for use of Rural Addition funds. The Board members explained their rationale and reluctance to require the owners of large parcels to be required to pave roads to their property. Mr. West commented upon the misconceptions of many landowners who purchase property along private roads and indicated that it cost less per square foot to pave a road than it did to carpet a room. He also described the advantages of requiring all roads to be built to State standards in order to avoid problems similar to those of Shooters Run.

There was also discussion regarding the bills pending in the General Assembly regarding changing the State's Code as it dealt with this issue.

Mr. West indicated that Rural Addition would not be a solution to the problem on Shooter's Run until New Kent's subdivision ordinance was brought into conformance with the State Code. He indicated that revenue sharing would be an option, with the State paying 50%.

IN RE: INTRODUCTION OF NEW EMPLOYEES

The Board welcomed

- James Tacosa, General Services Director
- David Bednarczyk, Maintenance Supervisor
- Kim Turner, Recreational Programmer
- Donna Thompson, Legal Assistant

IN RE: WELL INSPECTION & MAINTENANCE CONTRACT

Before the Board was a request to award a well inspection and maintenance contract.

Public Utilities Director Alan Harrison reported that a bid from Sydnor Hydro was the lower of two bids received for a three-year well inspection and maintenance contract, with an option of up to two (2) one-year renewals. He explained that he expected to spend about \$40,000 in the current year (already budgeted) to have inspections performed on five of the County's wells. He described the inspections to include pulling of the pumps for inspection and cleanup, testing amperage, and looking for potential problems. He indicated that one of the goals was to be able to anticipate and budget for maintenance and repairs. He explained that new regulations require that the County know where the pumps are set in relation to the aquifer, and this would help with that. He indicated that he planned to have another five wells inspected next year, and then three or four each year thereafter.

Mr. Trout moved to award the three-year well inspection and maintenance contract to Sydnor Hydro in the sum of \$141,885, with an option of up to two one-year renewals. The members were polled:

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

The motion carried.

IN RE: INCREASE IN IRRIGATION METER INSTALLATION FEES

Before the Board was consideration of Ordinance O-01-06 to increase the connection charges for irrigation meters.

Public Utilities Director Alan Harrison reported that a CIP request had been made to convert all water meters from touch-read to radio-read, and the subject request would increase the fees for irrigation meters for new customers only, effective upon adoption.

Mr. Davis indicated that there were homeowners in the Bel Green section of Brickshire who had been waiting for some time for the developer to return to install the irrigation meter box, and he did not feel that it was fair for them to have to pay an increased fee because of a delay caused by another.

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

County Administrator John Budesky suggested that the County notify the affected homeowners in Bel Green that they have until March 1 to prepay for an irrigation meter at the prior rate.

Mr. Davis moved to adopt Ordinance O-01-06 with the following changes: the residents of Bel Green in Brickshire will have until March 1, 2006 to prepay for irrigation meters at the old rate. The members were polled:

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

The motion carried.

IN RE: ELECTED OFFICIALS REPORT

Sheriff Howard presented his Annual Report to the Board. He provided a summary of statistics for 2005 which included 19,987 calls for service; 1,169 criminal warrants served; 7,172 civil process served; 23 mental patient transports; 63 inmate transport other than court; 4 extraditions; 91 Circuit Court days; 61 General District Court days; 34 Juvenile & Domestic Relations Court days; 486 property checks; 96 directed patrols; 12,217 business and 911 calls answered; 1,698 STAR program contacts (senior citizen daily contract program). He reported an increase in "double court dates" to 43, and described the number of deputies required when court was in session (2 at the door and 3 in each courtroom), which does not take into account the personnel needed for inmate transfer and transport. He reported that in 2005, 1,018 inmates were transferred a total of 23,731 miles.

Regarding the recent school bus bomb threat, Sheriff Howard reported that the dispatcher answered 314 calls that day between 7:30 a.m. and 1 p.m.

He indicated that the priorities of his deputies were to answer calls, perform investigation and routine patrols, followed by requests to set up radar and perform directed patrols, and it was becoming more difficult to perform the latter two because of the increase in calls. Sheriff Howard asked that the Board members still communicate their areas of concerns to him but wanted them to be aware of the reason for any delay in responding to requests for directed patrols. He reported that his 14 patrol deputies wrote 2,690 traffic summons in 2005, and made 176 DUI arrests (DUI arrests can take up to 3.5 hours to process).

There was discussion regarding the recent school bus bomb threat. Mr. Trout thanked the Sheriff for the response and actions taken by his department, as well as the School Board and its staff. Sheriff Howard indicated that the threat was the first of its kind in Virginia

and one which was never planned for -- however, his department had worked hand-in-hand with the School Board Office to protect the safety of the students and be prepared for a repeat threat if it materialized. He admitted that they "did some things right and some wrong", but emphasized that the safety of the students was and always would be the number one priority.

Mr. Hill indicated that New Kent had asked the General Assembly to increase the amount of fees allowed to be collected by localities through court costs to help defray the cost of courthouse security and maintenance, which he surmised was probably the second biggest consumer of taxpayer dollars. He commented that he hoped the County could find more ways to recoup expenses from offenders. Sheriff Howard concurred, reporting that the County's bill for jail space continued to increase, costing \$63,000 the previous month and about \$600,000 per year.

Mr. Hill advised Sheriff Howard that he had requested VDOT staff to consult with him and his deputies regarding the request for a speed limit reduction along Route 249.

Mr. Burrell announced the telephone number for those needing information on the public transportation services. He indicated that there would be a town hall meeting on February 25 at 5 p.m. at Emmaus Baptist Church regarding the pending landfill application.

Mr. Trout provided information to those interested in tracking General Assembly legislation, and invited citizens to visit Delegate Chris Peace or State Senator Tommy Norment during the session.

Mr. Hill thanked staff, applicant representatives and citizens who attended the February 4 town hall meeting on the landfill. He reported an attendance of 75-100.

Mr. Hill invited interested individuals to attend the next meeting of Habitat for Humanity on February 22, and indicated that meetings would continue to be held on the fourth Wednesday of each month at Quinton Community Center. He reported that New Kent HFH was well on its way to its goal of building a Habitat home in New Kent in 2006. He indicated that 40 – 50 people have attended the previous three meetings, with 38 having signed on to be committee members and assigned to three sub-committees. He announced upcoming orientations on March 11 and March 14 for those interested in purchasing a Habitat home.

Mr. Sparks announced that he and Mr. Trout had attended the VACo Legislative Day, and that the County's new delegate, Chris Peace, seemed very interested in working with New Kent and would like to help it develop its legislative agenda for next year.

IN RE: PROCESS FOR REVISION OF THE ZONING ORDINANCE

Mr. Sparks thanked the staff for its efforts on the process for revising the zoning ordinance and invited the County Administrator to review the information with the Board. He also recognized Planning Commission Chairman Howard Gammon who was in attendance.

Mr. Budesky reported that staff, consisting of himself, the County Attorney and members of the Community Development Department, had worked together to provide options and recommendations regarding the revision process. He stated that they had taken into consideration all of the comments and feedback received from the citizens and at the public hearings.

Mr. Budesky summarized the purpose and goals for the revision process which included

- that it was mandated by the comp plan
- to implement specific strategies, such as mixed use districts, buffers & overlays, and combining single category districts
- the current zoning ordinance had not been fully revised since it was written in the 1960s
- there were few opportunities for variances in the current ordinance
- to provide less restrictive zoning classifications than in current ordinance
- to include provisions mandated by State code that are currently omitted
- to provide "Smart Growth" principles to allow the County to grow without constricting infrastructure or reducing open space, and to control sprawl
- to improve clarity
- to better serve the citizens

He described the impacts of the revision:

- would stipulate clear requirements and performance standards for land use categories
- would provide more flexibility through increased variances
- would provide more options through broader zoning classifications
- would enable faster decision-making processes by establishing clear guidelines
- would place an emphasis on attractive commercial development in designated locations (identified as a key part of the comp plan)
- would provide more by-right options
- would enable landowners to respond more quickly and effectively to market forces and changes
- would provide a concentration of growth to prevent sprawl and protect the County's rural character
- would contain clearer guidelines and stipulated deadlines for staff and agency reviews, resulting in faster permitting

Mr. Budesky indicated that the new process would allow for citizen input upfront, rather than after a document had been prepared.

He indicated that staff was recommending that the process be broken into phases. The village overlay classification would be reviewed by separate appointed committees for each designated village overlay area for analysis of impact, and each subcommittee would make recommendations to the Blue Ribbon Committee. Each of the phases would be reviewed and acted upon using the following:

1. staff would be available at several locations throughout the County during posted hours to answer questions from the public and address individual issues and concerns, in an informal setting
 2. outreach to large property owners affected by the proposed ordinance
 3. the Blue Ribbon Committee (the key guiding board of the process), appointed by the Board of Supervisors and Planning Commission, would meet at advertised times to review the proposed amendment (meetings would be open to the public)
 4. a subcommittee for each designated village overlay area, consisting of residents and property owners within the designated overlay area, would be appointed to review the proposed overlay classification.
 5. each subcommittee would make its recommendation to the Blue Ribbon Committee, who will incorporate the recommendation into the overall zoning amendment
 6. the Blue Ribbon Committee would present proposed amendments to the Planning Commission and Board of Supervisors at a joint work session (not a public hearing)
-

7. the Planning Commission would hold a public hearing, and thereafter make a recommendation to the Board of Supervisors
8. The Board of Supervisors would hold a public hearing and take action.

He indicated that each Phase would review one or two sections of the Zoning Ordinance and the definitions pertinent to those sections. Phases are recommended to be:

Phase I: economic opportunity, industrial and business zoning classifications, and corresponding definitions and performance standards

Phase II site development standards

Phase III: hamlets, village overlays (not zoning districts), and corresponding performance standards and non-conforming situations and appeals

Phase IV: scenic/reservoir overlay districts

Mr. Budesky also reviewed other options for the process. In Alternative A, only a Blue Ribbon Committee would be appointed, which would focus on county-wide rather than narrow geographic interests. In Alternative B, the process would be broken down into six geographic locations of Bottoms Bridge, Providence Forge, Courthouse, Eltham, Barhamsville and Lanexa, and there would be no Blue Ribbon Committee.

Mr. Budesky reviewed the advantages and disadvantages of each proposal, and indicated that staff was not recommending Alternative B because the process would be too fragmented and difficult to administer.

A Table of Land Uses was distributed, which identified the estimated 15 areas where the proposed ordinance was more restrictive than the current ordinance, and it was reported that there were more areas where the proposed ordinance was less restrictive.

Mr. Trout presented an alternative proposal, similar to Alternative B, which would eliminate the Blue Ribbon Committee and use focus groups instead, with one appointed for the geographic areas of Bottoms Bridge, Providence Forge, Courthouse, Eltham, Lanexa, Tallevsille, the interstate interchanges at Route 33 and Route 155, and the Reservoir Overlay, as well separate groups on the subjects of horse keeping in residential districts, economic opportunity, transition for existing landowners and businesses, and the scenic corridor overlay.

Mr. Budesky indicated that staff felt that Mr. Trout's proposal would result in a fragmented process, although it did have some merits.

Mr. Sparks commented that "focus group" may not be the correct terminology, and Mr. Trout agreed that "subcommittee" might be more suitable.

Planning Manager Rodney Hathaway outlined staff's concerns with Alternative B and Mr. Trout's recommendation, indicating that the narrow focus on geographical areas might result in different zoning district standards from village to village, and cause problems with enforcement as well as create a fairness issue. He emphasized that zoning descriptions should be uniform, and the flexibility should be in the overlay districts which could be tailored to each geographic location. He indicated that there may be some disputes among the subcommittee or committee members, and having a "board of their peers" to make

recommendations, as opposed to staff, would be more acceptable to the citizens and be more representative of the County as a whole. He admitted that the committee members wouldn't agree on everything and he anticipated that there would likely be a great deal of compromise involved.

There was discussion among the Board members regarding the proposals and the merits of each, as well as whether having a Blue Ribbon Committee would create an unnecessary extra step and delay in the process.

Mr. Hathaway offered a compromise suggestion wherein the chairman of each subcommittee would comprise the Blue Ribbon Committee that ultimately would make a recommendation to the Planning Commission.

Mr. Hill stated that the citizens were more concerned with having input than a speedy process and he saw nothing wrong with having a Blue Ribbon Committee that would take the input from the subcommittees and use it to draft the ordinance. He stated that the Board had publicly announced that it would create a Blue Ribbon Committee of 15 people, and to back away from that might instill another layer of distrust with the citizens. He expressed his concern about a lack of checks and balances that might result if there was no Blue Ribbon Committee.

There was discussion among the Board members regarding the name "Blue Ribbon Committee" and one member recommended that a better name might be the Zoning Ordinance Rewrite Committee.

It was suggested that Mr. Gammon take the proposals back to the Planning Commission for discussion and comments, and the Board members could continue to consider the alternatives and recommendations over the next couple of weeks.

Members of the audience including George Philbates, Nancy Garthwright, Isabel White, and Wayne Hayden, were invited to give their comments regarding the process. None objected to the proposals, and suggestions from them included an emphasis on citizen input and diversity on the committee(s). Commissioner of the Revenue John Crump commented that he felt that the Board was "on the right track" and that the revised document needed to be more concise and easier to read.

Chairman Sparks asked that staff continue to work on the process.

IN RE: DISTRICT APPOINTMENTS

Mr. Trout moved to appoint Joann Howard as District Four's representative to the Historic Commission to complete a term ending December 31, 2008.

Mr. Trout moved to appoint Sara Dydak as District Four's representative to the Clean County Commission to complete a term ending December 31, 2008.

Mr. Sparks moved to appoint Carl Kogler as District Two's representative to the Board of Road Viewers to complete a term ending December 31, 2006.

Mr. Davis moved to appoint James Wooten as a member of the Affordable Housing Advisory Board.

The members were polled on the motions:

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

The motion carried.

Mr. Trout indicated that he had created information on non-district appointment vacancies available on his website and for emailing.

IN RE: MEETING SCHEDULE

Chairman Sparks announced that the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, March 13, 2006, in the Boardroom of the County Administration Building. The next regularly scheduled work session would be February 27, 2006, at 6:00 p.m. in the Boardroom of the County Admin Building.

IN RE: CLOSED SESSION

Mr. Burrell moved to go into Closed Session for discussions relating to real property pursuant to Section 2.2-3711A.3 of the Code of Virginia involving acquisition of real property for public purpose, and for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving a zoning amendment. The members were polled:

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

The motion carried. The Board went into closed session.

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

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

The motion carried.

Mr. Burrell made the following certification:

Whereas, the New Kent County Board of Supervisors has convened 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.

Chairman Sparks 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:

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

The motion carried.

IN RE: ADJOURNMENT

There being no further business, Mr. Davis moved to adjourn the meeting. The members were polled:

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

The motion carried.

The meeting was adjourned at 10:02 p.m.
