

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 13<sup>th</sup> DAY OF MARCH IN THE YEAR TWO THOUSAND SIX OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

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IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

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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.

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IN RE: CONSENT AGENDA

County Administrator John Budesky presented the Consent Agenda as follows:

1. Approval of Minutes
  - a. February 13, 2006 regular meeting
  - b. February 27, 2006 work session
2. Miscellaneous
  - a. Resolution R-09-06 recognizing MS Awareness Week in New Kent County
  - b. Resolution R-12-06 proclaiming National Volunteer Week
  - c. Resolution R-13-06 recognizing National County Government Week
3. Refunds
  - a. \$4,595.20 to Farm Credit Leasing Services Corp. for personal property taxes paid on farm equipment
  - b. \$326.25 to P. D. Sweet for building permit for single family dwelling
3. Appropriations FY2005-2006
  - a. Funds received for reimbursement of professional services for Patriot's Landing – Inv. PL-11, \$293.00
  - b. Funds received for reimbursement of professional services for Patriot's Landing – Inv. PL-12, \$165.00
  - c. Funds received from the high school for security administered at the Jan 13, 20, 27 and Feb 3 basketball games, \$471.00
  - d. Funds received from the EDA for reimbursement of ADP equipment, \$3,185.00
  - e. Additional funding due to increased demand for AFDC Working Day Care – Mandated, \$2,880.00
  - f. Funds received for reimbursement of professional services for Schiminoe Meadows Waste Management Facility invoices SMDW-04, 05, 06, 07 & 08, \$14,470.00
  - g. Funds received in the Treasurer's Office for Discover Card fees, \$191.00
  - h. Additional funds received for utility irrigation connection fees, \$7,050.00

|                                   |                |                    |
|-----------------------------------|----------------|--------------------|
| Total Supplemental Appropriation: | \$ (28,705.00) | Total              |
|                                   | \$ 28,705.00   | Money-in/Money-out |
4. Inter-Departmental Budget Transfers
  - a. Utilities: \$9,500 for advertising costs, \$50,000 for land acquisitions and \$200 for office supplies
  - b. Utilities: \$15,000 from permits & testing to engineering
  - c. Social Services: \$320 from contingency for local share of the AFDC Working Day Care

- d. General Services: \$1,500 from programs to ADP equipment
  - e. Permit Center: \$320 from part-time wages to overtime
5. Treasurer's Report: Cash in Bank as of January 2006: \$26,357,096.26

Mr. Burrell moved to approve the Consent Agenda as presented, and that it be made a part of the record. 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.

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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.

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IN RE: RESIDENT ENGINEER'S REPORT

John Crews, Resident Administrator with the Sandston Residency of the Virginia Department of Transportation, reported on issues raised at the last meeting as follows:

- 12± miles of roads remain in Brickshire to be accepted into the State system for maintenance, which will require a Board resolution
- they were able to identify the problem area on Route 33 at the short bridge and a permanent repair was scheduled to be done as soon as weather permitted
- truck restriction signs were installed on Route 273 (Mr. Davis questioned this and Mr. Crews agreed to inspect the area)
- he understood that a speed study had been requested for Kentland Trail at Route 155; he indicated that this request would need to be confirmed before the study could begin
- the problem with the storm drains in The Colonies had been corrected
- the crossings work performed by CSX had been found to be up to State standards
- CSX promised to advise VDOT before scheduling any crossings work that would impact traffic flow (Mr. Trout emphasized that any such work would also need to be coordinated with County EMS and Sheriff's Office)
- two dead trees were removed from Route 155 near the car dealership
- potholes were repaired on Route 249, between Routes 623 and 651

Mr. Crews indicated that work completed in the past month included the blading of roads; pothole repairs on Routes 60, 627 and 638; sign maintenance on Routes 249 and 651; shoulder work on Route 249; pipe cleaning on Routes 631, 639 and 249; and culverts installed on Route 619. He also reported that there was no construction activity planned on the Eltham Bridge that would delay traffic.

Mr. Crews advised that rough grading was underway on the Route 632/Stage Road project, and the project remained on schedule. Regarding the Route 686/Terminal Road project, he indicated that they anticipated issuing a notice to proceed on March 25. He reported that the Courthouse sidewalk improvement project "should be on its way".

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Mr. Burrell expressed his concern about the dangers posed by numerous dead trees throughout the County. Mr. Crews indicated that the situation was widespread throughout the area and that, due to the limited size of the State crews, they would be hiring contractors to help remedy the problem as soon as possible.

There was discussion regarding the Brickshire subdivision streets that had not yet been accepted into the system. Community Development Director George Homewood indicated that he would look at the original subdivision plan to see if the right-of-way was dedicated to the County or to VDOT, and that would determine whether a Board resolution would be needed. He explained that in the past, VDOT would advise the County when roads were ready to be accepted into the system. Mr. Crews agreed to review this further with Bobby Campbell.

Mr. Davis clarified that he had not requested a traffic study for Kentland Trail at Route 155, but had expressed a need for someone to determine if the time had come for the developer to install a traffic signal at that busy and hazardous intersection.

Mr. Crews agreed to review dust control measures that could be taken regarding the non-paved roads.

Regarding the Terminal Road project, Mr. Trout requested that VDOT notify the County if construction activities would delay or impede traffic, and pointed out that section of Terminal Road was the only entrance into the Airport and was the main entrance into the Woodhaven Shores subdivision.

Mr. Sparks asked about replacement of the rumble strips along I-64 that were removed during recent paving work. Mr. Crews reported that the strips would be replaced.

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IN RE:           ROUTE 249 SPEED STUDY

Travis Bridewell, Manager of VDOT's Traffic Engineering Department, addressed the Board regarding the setting of speed limits. He reported that speed limits were set in Virginia and throughout most of the country based upon the 85<sup>th</sup> percentile speed (defined as the speed at which 85% of the vehicles were traveling) of free flowing traffic. He indicated that it was a common misconception that reducing speed limits would slow the speed of traffic, decrease the accident rate and/or increase safety. He reviewed the 85<sup>th</sup> percentile speeds determined by the recent speed study on Route 249 and he maintained his opinion that the study did not warrant the reduction in the speed limit that had been requested by the Board.

Mr. Sparks disagreed, stating that 55 mph was too fast for that densely populated section of Route 249, and that his opinion was shared by the Sheriff and his deputies.

Mr. Hill spoke about teen traffic fatalities and other accidents that had occurred on Route 249 and asked about measures to lower the speed limit in the area of Providence United Methodist Church, noting that the suggested safe speed for a curve near that area to be 35 mph. Mr. Bridewell pointed out that the 35 mph suggested safe speed was a warning and not a speed limit, but offered to conduct sampling in that area. He indicated that he could only give his recommendation as a traffic engineer and admitted that there was little or nothing that the Board could do to lower the speed limit.

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On a different subject, Mr. Davis commented on the problems with Friday afternoon traffic congestion in Eltham. Mr. Bridewell agreed to look into Mr. Davis' suggestion of relocating the merge area farther from the bridge.

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IN RE: APRIL AS ALCOHOL, DRUG, TOBACCO & HIV/AIDS AWARENESS MONTH

Carter Perry, Substance Abuse Coordinator with Ebenezer Baptist Church, addressed the Board regarding the events involved with *April as Alcohol, Drug, Tobacco and HIV/AIDS Awareness Month*. He announced a kick-off/rally on Friday, March 24 on the steps of the County Admin building, as well as a graded essay contest for middle and high school students, wherein the ten finalists will share in cash and other prizes to be awarded at Ebenezer Baptist Church on Sunday, April 2.

Mr. Perry thanked Alan Chamberlain of the Charles City/New Kent Chronicle for his help in the past in publicizing their efforts to increase awareness of substance abuse problems in the community. He announced that although Governor Kaine would not be able to attend the kick-off event, the Governor had agreed to refer to his Constituent Services Office Mr. Perry's request that the designation be made statewide. Mr. Perry invited County leaders and staff to participate in and help promote the events.

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IN RE: RE-ZONING APPLICATION FILED BY THE NEW KENT ECONOMIC  
DEVELOPMENT AUTHORITY

Before the Board was consideration of application ZM-02-06 filed by the New Kent Economic Development Authority to reclassify approximately 30 acres from A-1 Agricultural to M-2 Heavy Industrial, in order to develop the property as an industrial park. The property was reported to be located in the northeast quadrant of the intersection of Route 33 and Route 249 and identified as a portion of tax map parcel 27-6J.

County Administrator John Budesky reported that the remaining 120 acres owned by the EDA was already zoned M-2 and that approval of this request would re-zone some small fragments of property that border the Wahrani Nature Trail. He indicated that staff had found the request to be in conformity with the Comp Plan and the Planning Commission had recommended approval.

Community Development Director George Homewood recounted that in 2001, the County had reclassified a large amount of property for Chesapeake Corporation and part of that reclassification included a proffer of industrial land now known as Weir Creek Commerce Park, as well as the adjacent Wahrani Nature Trail property. Since that time, land had been traded between the County and EDA in an effort to even up the boundary line between the properties, and the pending action would reclassify the fragments that were received by the EDA from the County. He predicted that the property traded to the County from the EDA would most likely have to be reclassified as well at some time in the future.

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

Mr. Davis moved to adopt Ordinance O-02-06 as presented. The members were polled:

|                  |     |
|------------------|-----|
| James H. Burrell | Aye |
| Stran L. Trout   | Aye |
| W. R. Davis, Jr. | Aye |

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Mark E. Hill  
David M. Sparks

Aye  
Aye

The motion carried.

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IN RE: PUBLIC TRANSIT SYSTEM

Before the Board for consideration was Resolution R-11-06 in support of a grant application to the Department of Rail and Public Transportation.

Mr. Budesky reported that since Bay Transit staff reported to the Board at its last meeting and the Board decided to consider its funding commitment as part of the upcoming budget process, County staff had learned that a Board resolution was required as part of the application for next year's grant. He advised that officials at Bay Transit had confirmed by e-mail that adoption of the resolution would not commit the Board to continue or fund the program.

Some of the Board members expressed their concern that the resolution would represent a commitment, whereupon the County Attorney recommended an addition to the language in the resolution in order to address that concern.

Mr. Burrell moved to adopt Resolution R-11-06 with the following addition in the second line of the second paragraph: "that New Kent will *use its best efforts to provide funds*". The members were polled:

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

Aye  
Aye  
Aye  
Aye  
Aye

The motion carried.

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IN RE: VEHICLE MAINTENANCE FACILITY

Before the Board for consideration was a request to award a contract for design and contract administration of the vehicle maintenance facility project.

Mr. Budesky reported that the firm of Boynton Rothschild & Rowland Architects had been hired previously for the project through a competitive bid process (the bids had come in over budget). He indicated that continuing to use that firm for the project would dramatically reduce costs, and that the funding for the contract was within the budget.

Mr. Davis commented that he and Mr. Burrell had previously been through this process, the facility needed to be built, and contracting with the prior architect would save a lot of money.

General Services Director James Tacosa reported that he had reviewed all of the original drawings, and that it was to the County's benefit to stay with this firm.

Mr. Burrell agreed that the facility needed to be constructed as soon as possible.

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Mr. Davis moved to award a contract for design and contract administration of the Vehicle Maintenance Facility to Boynton Rothschild Rowland Architects, Inc. in the sum of \$104,500. 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.

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IN RE:           CLOSED SESSION

Mr. Hill 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 actual or probable litigation. 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. Burrell 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.

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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.

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IN RE:           QUINTON COMMUNITY CENTER

It was announced that the New Kent Ruritan Club had offered to donate the Quinton Community Center to New Kent County for use as a community center.

Mr. Davis moved to authorize staff to proceed with the acquisition of the donation of the Quinton Community Center and, upon successful negotiations, to appropriate the sum of \$125,000 from Fund 7 Fund Balance for improvements to the facility.

Mr. Trout indicated that although he was a member of the New Kent Ruritan Club, he would not benefit financially or otherwise from this transaction, and he would be abstaining from any vote.

Mr. Sparks stated that he was also a member and likewise had no financial interest in the property transfer nor would he benefit in any way. He explained that the New Kent Ruritan Club had approached the County to make a donation of the building and land. He indicated that the Ruritan Club had no funds with which to make the substantial repairs needed to the building.

Mr. Burrell clarified that the facility was a donation, and that the \$125,000 would be used to upgrade the premises and would not be paid to the Ruritan Club.

The members were polled on Mr. Davis' motion:

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

The motion carried.

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IN RE:           ELECTED OFFICIALS REPORT

Mr. Trout announced that the General Assembly had not finished its business and would be reconvening to continue deliberations on budget and transportation issues. He urged citizens to communicate any comments or concerns to Senator Norment and/or Delegate Peace.

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Mr. Trout announced that the Second Annual Basketball Tournament hosted by the New Kent Educational Foundation would be held on the following Saturday at the high school gym.

Mr. Trout announced that Virginia's Secretary of Agriculture would be the guest speaker at the March 21 meeting of the New Kent Chamber of Commerce.

Mr. Burrell announced that a Town Hall meeting had been scheduled for March 18 at Emmaus Baptist Church regarding the landfill application.

At Mr. Burrell's suggestion, staff was asked to prepare a resolution of appreciation for the Board's consideration in recognition of Nell Crump's many years of service to the Electoral Board as both a poll worker and a board member.

Mr. Sparks announced that the Board of Supervisors would hold a retreat on Saturday morning, March 25, at Royal New Kent.

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IN RE: STAFF REPORTS

County Administrator John Budesky thanked all the departments for their hard work on the budget, a draft of which would be presented to the Board at its next work session. He indicated that the County's financial advisor would be at the work session to answer questions regarding debt service projections and utilities.

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IN RE: ZONING ORDINANCE REVISION COMMITTEE

Chairman Sparks solicited appointments to the Zoning Ordinance Revision Committee, and asked Mr. Budesky to work with staff to come up with guidelines and expectations for this committee.

Mr. Davis moved to appoint Paul Robinson.

Mr. Trout moved to appoint John Jones.

Mr. Hill moved to appoint Julian Lipscomb.

Mr. Sparks moved to appoint Mark Daniel.

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 motions carried. Mr. Burrell indicated that he would make his appointment at the work session.

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IN RE: DISTRICT APPOINTMENTS

Mr. Trout moved to appoint Robin Schureman to the Affordable Housing Advisory Committee.

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.

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IN RE: NON-DISTRICT APPOINTMENTS

Mr. Burrell appointed Spencer Cheatham as Coordinator of Emergency Management, as required by Virginia Code Section 44-146.19.

Mr. Trout moved to appoint Lisa Guthrie as New Kent's representative to the MPO Citizen Transportation Advisory Committee to serve a four-year term ending December 31, 2009.

Mr. Trout moved to appoint Dr. Nina Burrell as New Kent's representative to the Charles City, New Kent, Henrico Mental Health & Retardation Board to serve a three-year term ending December 31, 2008.

The members were polled on the motions:

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

The motions carried.

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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, April 10, 2006, in the Boardroom of the County Administration Building; the next regularly scheduled work session would be held on Wednesday, March 29, 2006, at 6:00 p.m. in the Boardroom of the County Administration Building; and that the Board would hold a Retreat on Saturday, March 25, beginning at 8:30 a.m. at Royal New Kent Golf Club.

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IN RE: ADJOURNMENT

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

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|                  |     |
|------------------|-----|
| 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 8:34 p.m.

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