

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 10th DAY OF APRIL 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. Regular meeting of March 13, 2006
 - b. Retreat of March 25, 2006
2. Miscellaneous
 - a. Approval of the First Addendum to the Special Project Service Agreement for the CVWMA's Lead-Acid Battery Recycling Program
 - b. Approval of the Second Addendum to the Special Project Service Agreement for the CVWMA's Household Hazardous Waste Program
 - c. Approval of the Fourth Addendum to the Special Project Service Agreement for the CVWMA's Propane Tank Collection Program
 - d. Approval of the Federal Aviation Administration master agreement
 - e. Consideration of Resolution R-15-06 endorsing the Captain John Smith Chesapeake National Historic Water Trail Feasibility Study
 - f. Consideration of Resolution R-14-06 acknowledging Nellie Crump's service
 - g. Approval of Road Name Additions (Patriot's Landing)
 - i. Patriot's Landing Drive
 - ii. Patriot's Landing Place
 - iii. East West Lane
 - iv. Bending Birch Lane
 - v. Leyland Cypress Lane
 - vi. American Holly Lane
 - vii. English Boxwood Lane
 - viii. Loblolly Pine Turn
3. Refunds
 - a. \$85 to Roy E. Carter, Sr. for overpayment
 - b. \$3,985.47 to 7-Eleven, Inc. for erroneous assessment
4. Appropriations FY2005-2006
 - a. Funds received in the Treasurer's Office for Discover Card fees, \$48.00
 - b. Additional funds received for utility irrigation connection fees, \$11,100.00
 - c. Funds received from insurance proceeds as the result of an Environmental Dept. vehicular accident on Feb 28, 2006, \$9,396.00
 - d. Funds received from insurance proceeds as the result of wind damage to the Airport on Jan 14, 2006, \$1,400.00

- he met with the Sheriff regarding the speed study that was conducted on Route 249

Mr. Crews reported that 14 roads had been bladed; potholes were repaired on Routes 60, 627, 638 and 30; vegetation and litter control performed throughout the County (using some labor from the Dept. of Corrections); shoulder maintenance on Routes 106 and 629; vegetation control in Brookwood Manor; brush cutting, shoulder work and ditch cleanings in Quinton Estates.

Regarding the Eltham bridge project, he advised that there was no construction activity planned that would delay traffic. He indicated that staff was looking at ways to decrease delays on Friday afternoons.

He reported that the Route 632 project was still underway and on schedule to be completed in July 2007.

Regarding the Route 686 project, he reported that they were anticipating that it would be completed in August 2006.

Mr. Burrell advised that the light on the Slatersville salt shed was glaring into oncoming traffic on Stage Road and suggested the use of a shield. He indicated that workers on the Stage Road project had advised that paving of 1 1/8 mile was anticipated within the next two months.

Mr. Davis inquired about dust control efforts. Mr. Crews reported that the State does intend to take some dust control measures, which included the application of a liquid containing magnesium chloride.

Mr. Trout thanked Mr. Crews for timely attending to the dropped pavement problem on Old Roxbury Road and I-64.

Mr. Hill reported problems with potholes along the length of Cosby Mill Road and trash along Route 249. He also inquired about shoulder work needed along westbound 249, especially near Route 612.

There was discussion regarding Mr. Crews' meeting with the Sheriff. Mr. Crews reported that the conversation centered on the speed study that was conducted along Route 249. County Administrator John Budesky reported that from his conversations with the Sheriff, he understood that Mr. Crews advised that the County could appeal VDOT's decision regarding the speed limit on Route 249, but that any such appeal would be futile. Mr. Crews indicated that if the County disagreed with the speed study, it was welcome to appeal the decision to his supervisor, Thomas Hawthorne, but that VDOT was following the same federal guidelines that were used by all the states.

Mr. Sparks clarified that that it was the 55 mph speed limit and not the speed study that he disagreed with. He indicated that the speed limit on Route 60, a four-lane divided highway, was 55 mph, and that 55 was not an appropriate speed for Route 249 which is a two-lane road.

Mr. Hill emphasized that he did not want Mr. Crews to take it personally, but he was not going to give up in his quest to have the speed limit lowered on Route 249. He suggested that the County Administrator do what needed to be done to appeal the decision and perhaps request the assistance of its legislators.

There was consensus among the Board members to move forward to try to have the speed limit lowered along Route 249, between Henpeck Road and Route 106.

Board members expressed their appreciation for the fine maintenance work being done by Mr. Crews' department. Mr. Crews reported that in addition to the requests received from the County, his office received ten times as many from the residents which they pursue as well.

Mr. Budesky thanked Mr. Crews for his assistance in the recreational grant access process.

Mr. Crews offered New Kent the opportunity to receive information through the Local Assistance Program regarding several enhancement programs that New Kent might not be aware of. He indicated that the orientation would take about 3 hours and he highly recommended it.

Mr. Burrell suggested that the County consider hiring a grant writer on commission. The County Administrator and County Attorney agreed to further research the matter.

IN RE: FARMS OF NEW KENT COMMUNITY DEVELOPMENT AUTHORITY

Chairman Sparks announced that this item would be moved to the April 24 work session. Mr. Budesky explained that in the interest of keeping to the bond financing schedule, the County would proceed to advertise a public hearing for May 8, but in the event the proposal was not approved at the work session, then the advertised public hearing would be cancelled.

IN RE: FARMS OF NEW KENT SEWER AVAILABILITY FEE AGREEMENT

County Attorney Jeff Summers advised that he had reviewed the Agreement with the attorney for the Farms of New Kent and they had been able to reconcile their differences and he was recommending approval of the Agreement. Mr. Budesky reminded that the Board had already approved the document, and in accordance with the agreement, the Farms of New Kent had made its first installment payment and delivered a signed agreement. Unfortunately it was the wrong draft of the agreement. He reported that those issues had been resolved and he just wanted to bring the Board up to date on the status.

IN RE: SOCIAL SERVICES OFFICE SPACE

Mr. Budesky reported to the Board that there was some ongoing dialogue between Social Services, Quin Rivers and Bay Transit to co-locate in office space in Providence Forge on property owned by John Kinney.

Social Services Director Michelle Lauter provided the Board with a list of the concerns she had regarding the current building that housed the Social Services office, including health, safety, inadequate space, accessibility, and security issues, for both staff and clients. She reported that the current office had 2,451 square feet for which they pay \$11.64/square feet, or \$28,536 per year. She calculated that Social Services needed 5,217 square feet. By sharing certain common areas with Quin Rivers and Bay Transit (conference room, public restrooms and lunch/break room), and receiving some federal and state reimbursements, the County's share, at \$14 per square foot, would amount to somewhere between \$8,000

and \$9,000 per year. She reported that the lease on the current office space would expire in June 2007. She indicated that she had not factored in any moving costs and hoped to be able to use volunteer labor and donated vehicles.

County Attorney Jeff Summers reported that he had reviewed the current lease and although there was no penalty provision, neither was there a buy out termination clause and the County may have to buy out the remainder of the lease.

Mr. Budesky reported that he had met with the current rental agent who did not appear to have any problem with Social Services moving out of the building; however, it may come at a cost. He indicated that there were a large number of prospects looking for that type of office space.

Mr. Hill reported that this concept was introduced to the Quin Rivers Board during the past month and was approved unanimously.

Ms. Lauter indicated that she had provided Social Services' office space requirements to the property owner's agent, Tom Vosnick of York Realty, who was working with her and Quin Rivers to develop this project. This would be new office space that would take 4 – 6 months to construct.

Mr. Budesky indicated that staff was looking for a level of support from the Board before moving forward.

Ms. Lauter commented on the benefit to the community brought about by Social Services programs, including food stamps and Medicaid dollars spent in New Kent.

There was consensus among the Board members to continue with the negotiation process.

IN RE: MISSION STATEMENT, VISION STATEMENT, CORE VALUES & KEY
PERFORMANCE AREAS

County Administrator John Budesky indicated that the proposed document was the work of the Board members and staff. He recounted how just over a year ago the Board had developed a Mission Statement to set forth what it wanted to accomplish and how, since that time, the process had produced a Vision Statement, Core Values, and Key Performance Areas. He read aloud some of the document, distributed copies and reported that it would be available on the website. He pointed out that proposed budget items had been categorized according to the Key Performance Areas and that the County was working toward becoming outcome based.

Mr. Burrell complimented the document, especially its focus on the citizens. He suggested that the County develop a definition for "rural integrity".

Mr. Davis moved to adopt the Mission Statement, Vision Statement, Core Values and Key Performance Areas, as presented. 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: PURCHASE OF DEVELOPMENT RIGHTS PROGRAM

The Board was provided with a staff proposal regarding a Purchase of Development Rights (PDR) program for their consideration. Mr. Budesky explained that it would be a two-step process wherein the Board would have to establish the program and then establish how it would be administered.

It was agreed that the Board members would review the proposal, discuss it at a future work session, and consider for adoption at a future meeting.

IN RE: ELECTED OFFICIALS REPORT

The Board members recognized and commended their Deputy Clerk, Connie Nalls, for having earned the designation of Certified Municipal Clerk.

Mr. Davis reminded that the Strawberry Hills Races would be taking place during the upcoming weekend and urged everyone to drive safely and avoid the area if they weren't attending.

Mr. Burrell suggested that the County designate the new visitors' center as the "Welcome Center".

Mr. Trout reminded that Planning staff would be available at the Cumberland Community Center the next day to answer questions and provide information on the zoning ordinance revision process. He also reminded citizens to check his community website for current events occurring in the County.

Mr. Burrell announced an upcoming open house at the New Kent Conference Center located at the forestry center in Providence Forge.

Mr. Hill and Mr. Sparks congratulated the Middle School Odyssey of the Mind team for placing second place in the State, qualifying to compete at the national level in Iowa.

IN RE: STAFF REPORTS

Mr. Budesky reported that the West Point Police Department had requested that the County donate two of its surplus Sheriff's vehicles to augment its fleet. He indicated that the County had 11 surplus vehicles, 5 of which had been promised to the School Board and 2 scheduled for auction. The two vehicles that would be donated to West Point were 2000 and 2001 models that were police-equipped.

The Board members were of the consensus that the West Point Police Department provided valuable services to New Kent and its Sheriff's Office and voiced no objections to the vehicle donations.

Mr. Budesky repeated that staff and members of the Zoning Ordinance Revision Committee (ZORC) would be available to meet with the public at Cumberland Community Center the following day, and he emphasized that the areas of focus for this phase was the property

that was designated economic development, industrial and business in the Comp Plan. The next meeting of the ZORC was announced to be on April 27.

Mr. Budesky reported that he recently had the honor of accepting an award recognizing New Kent's subdivision ordinance. He commended staff for the work on the ordinance and Planner Amanda Crocker for applying for the award.

IN RE: DISTRICT APPOINTMENTS

Mr. Sparks moved to nominate Robert F. Kay Sr. as District Two's representative to the Board of Zoning Appeals to serve a term ending December 31, 2010.

Mr. Burrell moved to appoint Brenda Snyder as District Three's representative to the Heritage Library Board of Trustees to serve a four-year term beginning July 1, 2006 and ending June 30, 2010.

Mr. Trout moved to appoint Susan Brucker as District Four's representative to the Heritage Library Board of Trustees to serve a four-year term beginning July 1, 2006 and ending June 30, 2010.

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 motions carried.

IN RE: NON-DISTRICT APPOINTMENTS

Mr. Trout moved to appoint James Tacosa as New Kent's staff representative to the Central Virginia Waste Management Authority Board of Directors to complete a four-year term ending December 31, 2006.

Mr. Trout moved to appoint James Burrell as New Kent's representative to the Richmond Metropolitan Convention & Visitors Bureau to serve a two-year term beginning July 1, 2006 and ending June 30, 2008.

The members were polled on the motions:

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 and Mr. Davis agreed to discuss prospective appointees to the Rappahannock Community College Board.

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 May 8, 2006, in the Boardroom of the County Admin Building. The next regularly scheduled work session would be Monday, April 24, 2006, at 6:00 p.m. in the Boardroom of the County Admin Building. The Board would meet for special budget work sessions on Wednesday, April 12 at 5:30 p.m. and on Friday, April 14 at 9:00 a.m. in the Boardroom of the County Admin Building.

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:

The motion carried. The Board went into closed session.

Mr. Davis 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. Hill 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:

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

The motion carried.

IN RE: ADJOURNMENT

Mr. Hill moved to adjourn the meeting. 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 meeting was adjourned at 8:34 p.m.
