

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 9th DAY OF MAY 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	Absent (arrived at 6:32 p.m.)
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. Work session of March 29, 2006
 - b. Special session of April 6, 2006
 - c. Regular meeting of April 10, 2006
 - d. Special session of April 12, 2006
 - e. Special session of April 17, 2006
 - f. Work session of April 24, 2006
2. Miscellaneous
 - a. Road name additions:
 - i. Cherokee Pines Trail
 - ii. Kenthurst Road
 - iii. Kentmere Road
3. Refunds
 - a. \$125.92 to Adams Electrical & Security Systems, Inc. for 2 electrical permits (\$64.87 and \$61.05)
 - b. \$45.00 to J. M. Clements Plumbing for 2 plumbing permits (\$22.50 each)
 - c. \$431.25 to Life style Buildings & Developers, inc. for a single family dwelling permit
3. Appropriations FY2005-2006
 - a. Additional funds received for utility irrigation connection fees, \$6,900.00
 - b. Funds received from insurance proceeds as a result of Sheriff's vehicle accident on April 1, 2006, \$1,817.00
 - c. Funds received for reimbursement of professional services for Schiminoe Meadows Waste Management Facility invoices SMDW-09 & 10, \$4,121.00
 - d. Funds for reimbursement of professional services for New Kent Farms LLC invoices 2FNK-25, 26, 27 & 28, \$8,556.00
 - e. Additional funds expected from the State Board of Elections for reimbursement of Registrar's expenditures – funds needed to cover the June 13, 2006 Democratic Primary expenses, \$4,864.00
 - f. Funds for a Dept. of Justice Bullet Proof Vest grant OMB #1121-0235, \$2,636.00
 - g. Funds for Assistive Technology Federal funds to be used to help meet the technology needs of Special Needs students, \$4,702.00
 - h. Reduce appropriation of FY06 funds for the Virginia Dept. of Emergency Management Disaster Preparedness Equipment Grant, \$94,195.00

- i. Reduce appropriation of FY06 funds for the CDBG Plum Point Grant to better reflect the budget approved by the Department of Housing & Community Development, \$9,250.00
 - j. Carry-forward meals tax revenue collected in FY05 in the General Fund to the new Meals Tax Revenue Fund, \$65,427.69
- | | | |
|-----------------------------------|---------------|------------------------------|
| Total Supplemental Appropriation: | \$ 4,421.31) | Total |
| | \$(69,949.00) | Money-in/Money-out |
| | \$ 65,427.69 | From General Fund – fund bal |
4. Inter-Departmental Budget Transfers
- a. Schools: \$354 from Tech Elem-Purchased Services to Tech Sec-Purchased Services
 - b. Schools: \$2,005 from Lottery & Construction to Tech Hardware support new for purchase of laptops
 - c. Circuit Court Clerk: \$1,198.96 from overtime, telecommunications, furniture & fixtures, and dues & membership to office supplies
 - d. Va. Juvenile Crime Control Act: \$7,502.00 from reserved for contingency
 - e. Fire Dept.: \$4,225 from Building Repairs/Maintenance and Uniforms & Apparels to Vehicle Repairs & Maintenance and Overtime
 - f. Treasurer's Office: \$1,484 from Overtime, Advertising & Postal Services to Professional Services, Office Supplies and ADP Equipment
 - g. Extension Office: \$210 for Workers Compensation shortage
 - h. CSA: \$1,600 from salaries to furniture & fixtures, offices supplies and telecommunications equipment
 - i. Social Services: \$9,242 from salaries to building rent, postage, telephone and office supplies
 - j. Schools: \$1,100 from Media-Cap Outlay to Tech Elem-Tech Hardware-Additions
 - k. Schools: \$829 from Textbooks to Technology-Software/on-line content
 - l. Schools: \$40,000 from Exec Admin-Purchases to Health Insurance
 - m. Voter Registrar: \$3,136 from Contingency to fund the 6/13/06 Democratic Primary
 - n. Building Inspections: \$137 from Books & Subscriptions to Overtime
 - o. Schools: \$21,300 for office space for School Board
5. Treasurer's Report: Cash in Bank as of March 2006: \$26,832,442.75

Mr. Davis asked that a correction be made to the minutes of April 24, 2006, on page 6, to reflect 45,000 acres of lost farmland and 22,000 acres of lost forest.

Mr. Burrell moved to approve the Consent Agenda, subject to the correction to the minutes. The members were polled:

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

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

Chairman Sparks opened the Citizens Comment Period.

Kevin Eddowes spoke about budgeting for costs to defend lawsuits, whether future landfill applications were granted or denied, if the Board was not going to consider Mr. Trout's earlier motion to limit certain uses in the County.

There being no one else 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, reported on issues raised at the last meeting:

- VDOT building and grounds staff had been requested to remedy the glare problem from the lights at the Slatersville building
- potholes had been repaired along Cosby Mill Road and crews were continuing to monitor and repair others as they develop
- trash pickup had been performed along the eastern end of Route 249 and inmates would be picking up trash the following week along the entire roadway
- repairs were made to the drop-offs reported along the eastside Route 249 and similar work was scheduled for the west side
- a speed study on Homestead Road was in progress
- calls were made but had not been returned from CSX regarding pot holes at the railroad crossing into The Colonies; some temporary work would be done by VDOT until arrangements could be made with CSX

Mr. Crews indicated that during the past month, crews had bladed some of the dirt roads; installed culverts at Quinton Park; performed vegetation control performed along Routes 60, 629 and 628; repaired potholes and shoulders; and performed sign maintenance. He further reported that inmates had cut brush and picked up trash along Route 60.

He advised that a number of dead trees had been removed but acknowledged that there were many more than needed to be removed.

Mr. Crews reported that there was no bridge construction activity planned that would impact traffic in Eltham.

He indicated that the Route 632/Stage Road project was 33% complete and proceeding on schedule, although it might be impacted by the budget.

He reported that there was a District latex overlay project planned for 2006 which included 18 miles of Interstate 64 in New Kent County.

Mr. Crews reported that the Route 686/Terminal Road project was on schedule and no problems were anticipated other than some potential funding issues.

He indicated that there were several projects planned under the 2006 New Kent plant mix schedule, and he anticipated work to start in early June on Route 33. He expressed his hope that these projects would not be affected by the budget.

Mr. Sparks asked Mr. Crews to look at the length of the entrance ramp onto westbound I-64 in Bottoms Bridge to determine if it could be extended in order to address some safety issues. Mr. Trout concurred, stating that this would most likely be part of a future major project to increase the size of the entire cloverleaf.

Mr. Sparks asked Mr. Crews to look at some pavement problems and road debris at Route 1208 and Route 60.

Mr. Burrell thanked Mr. Crews for his prompt attention to the Board's requests. He asked that VDOT consider adding lane markings to separate the two turn lanes from I-64 onto Route 249 east at Bottoms Bridge.

Mr. Sparks indicated that along Route 249 at Bottoms Bridge in the area of the Food Lion, the lane markings had not been re-applied after recent pavement repair.

Mr. Trout commended the contractor for the work that was being performed on the Terminal Road project. He provided a history of the problems at the railroad crossing at the entrance to The Colonies. He pointed out a longstanding problem with tidal flooding along Waterside Drive and noted deteriorating edges and dangerous ditches. He suggested the need for a turn lane on Route 60 east at Route 640/Old Roxbury Road north.

Mr. Davis asked about the timetable for closing the westbound I-64 rest area for repairs. Mr. Crews indicated that he would obtain that information and provide it to the Board. Mr. Trout suggested that with expected influx of tourists for the Jamestown 2007 activities, it would not be a good time for the State to close down the rest area for repairs and encouraged a delay of the project.

Mr. Davis asked about the status of the traffic pattern study in Eltham. Mr. Crews reported that the study had been completed and it was determined that the best pattern was the one currently in place. Mr. Davis stated that he and the Sheriff disagreed with that determination and suggested that it might help to relocate the construction cones. He described problems with entering and exiting Farmers Drive. Mr. Crews agreed to meet with Traffic Engineer Travis Bridewell and Mr. Davis on a Friday afternoon to observe the traffic.

Mr. Davis clarified that he had requested a traffic count and not a speed study for Homestead Road.

Mr. Davis reported a large hole in the New Kent bridge on Route 600 at the James City County line. Also in that same area, someone had discarded nearly 40 tires in the VDOT right-of-way.

There was discussion regarding the conversion of a portion of the Eltham Bridge into a fishing pier. Mr. Burrell indicated that he could not understand why the County was being asked to pay \$120,000 for the project if the State would be saving over \$300,000 in demolition costs. Mr. Crews explained that the earlier figures were just estimates, and the current project price of \$478,000 included provisions for drainage and all necessary infrastructure including a divider wall and bike trail. He stated that if this was approved by the CTB at its May 17 meeting, recreational funding would pick up everything except \$120,000.

Mr. Davis related that New Kent was advised some 3 – 4 years earlier that VDOT would save an estimated \$330,000 if the County retained a portion of the bridge and roadway for a fishing pier, and that the State would give that money to the County to use to maintain the road. The Attorney General later ruled that an exchange of funds would not be permitted. The County was then advised that there was grant money available for the project. Mr. Davis complained that every time the Board turned around, there was another hurdle. He stated that it was an important project and would be a good thing for VDOT and other agencies, including Game & Inland Fisheries and Virginia Marine Resources. He emphasized that he did not want the County to be blindsided again.

IN RE: INTRODUCTION OF NEW STAFF

General Services Director James Tacosa introduced Debra White, new custodian, who was welcomed by the Board.

IN RE: STAFF REPORTS

Mr. Budesky reported that due to an advertising error on the part of one of the local newspapers, the public hearings on the CUP application filed by Rockahock Campground and the Purchase of Development Rights program had been postponed until the May 22 work session.

IN RE: CLOSED SESSION

Mr. Burrell moved to go into Closed Session to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia. Mr. Trout amended the motion to include consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving zoning. 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. The Board went into closed session.

Mr. Davis moved to return to open session. 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.

Mr. Davis 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: SPECIAL ASSESSMENT FOR THE FARMS OF NEW KENT COMMUNITY
DEVELOPMENT AUTHORITY

Before the Board for consideration was Ordinance O-03-06 to establish a Special Assessment for the Farms of New Kent Community Development Authority and to authorize a Memorandum of Understanding.

CDA counsel Dan Siegel explained that this was essentially the same document that was discussed and reviewed with the Farms of New Kent Community Development Authority at the recent joint work session. He reported that both he and Financial Advisor Ted Cole were comfortable with the documents. It was reported that there had been one change in the Rate and Methodology of Apportionment of Special Assessment, which raised the number of equivalent units that would require prepayment from 2,158 to 3,000. Ron Jordan, Chairman of the CDA, reported that the only changes to the MOU were ones made to reflect the discussion at the work session.

Chairman Sparks opened the Public Hearing.

Sam Snyder commented that at a previous public hearing before the Planning Commission, developer Pete Johns had indicated that he would not be applying for a CDA for infrastructure needs.

There being no one else signed up to speak, the Public Hearing was closed.

Mr. Trout moved to adopt Ordinance O-03-06 as presented. The members were polled:

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

The motion carried.

IN RE: FEES, TAX LEVIES AND FY06/07 BUDGET

Before the Board for public hearing was Ordinance O-06-05 amending Appendix A to change certain fees; Ordinance O-05-06 establishing tax levies; and the proposed FY06/07 Budget. It was reminded that voting would not take place until the May 22 work session.

County Administrator John Budesky reviewed the proposed budget by PowerPoint presentation. He advised that the proposed budget provided for a 12¢ increase in the real estate tax rate (6¢ for capital and 6¢ for operations) and possibly an additional 2¢ in the event that the LEOS legislation pending in the General Assembly was enacted.

Mr. Budesky encouraged those who qualified for the tax exemption program should apply and that applications were due by May 1 each year.

It was reported that it was still unknown as to what funding would be forthcoming from the State.

Chairman Sparks opened the Public Hearing on Ordinance O-06-05.

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

Chairman Sparks opened the Public Hearing on Ordinance O-05-05.

Kim Durnett commented that an increase of 12¢ - 14¢ was a lot when neighboring localities were lowering their real estate tax rates.

There being no one else signed up to speak, the Public Hearing was closed.

Chairman Sparks opened the Public Hearing on the proposed FY0607 budget.

Sam Snyder reported that New Kent had shortchanged funding for the Heritage Library in recent years, and she urged the Board to provide full funding. She noted that in four years, the County's budget had increased from \$40 million to \$100 million, and expressed her concerns that many of the elderly homeowners would have difficulty paying an increase in real estate taxes. She also suggested that the County upgrade its recording equipment and broadcast all of the Board's meetings.

Chairman Sparks acknowledged that the Boardroom equipment needed improvement and that funding for upgrades was included in the proposed budget.

Van McPherson stated that although he was not fond of tax increases, he was not present to complain about the rising tax rate but to express his admiration for the courage and foresight of the majority of the Board and to thank them for doing the right thing for the citizens of New Kent. He commented that with double digit growth, the County could not afford to wait to build the necessary infrastructure. He stated that everyone came to New Kent from somewhere else, looking for something better, and it was the County's obligation to make things better for those that follow.

Jay Hubbard thanked the Board for its services, but also expressed his displeasure with the proposed budget. He talked about the Comp Plan's purpose of keeping New Kent's rural identity, and stated that the budget didn't "look rural but like big time government".

Sarah Barber stated that other localities were having similar problems with their budgets, and she felt that the Board would be making the right choice to move forward with construction of a new high school and approving the budget. She stated that costs would continue to increase and that New Kent needed to keep pace with the rest of Virginia and continue to deliver high quality education to its children.

Michael Lamb expressed his thanks to the Board, stating that he was in support of the School Board's budget and the increase in teacher compensation. He commended the teachers for remaining in New Kent with limited affordable housing and modest pay. He stated that he felt New Kent's most valuable assets were its children, faculty and staff. He also expressed his approval of funding a full-time economic development director.

Isabel Davis White stated that school children were not the only ones in New Kent that needed to be considered and expressed her concern that the increase in taxes would result in many of the elderly landowners having to sell their homes to pay their taxes. She commented that the Board had created hardships during its term.

Lynn McPherson spoke in support of the proposed budget and the priority that it was placing on the schools. She thanked Mr. Hill, Mr. Trout and Mr. Sparks for their commitment to fund a new high school and thanked them for striving for better pay for New Kent's teachers whose pay still lagged behind the State average. She conceded that the Board member had had to make tough and unpopular decisions and she called them dedicated public servants, indicating that there was a silent majority who supported them.

Steve Miles thanked the Board for its continuing support of the Meals on Wheels program, noting that the \$3,090 provided by the County would provide help provide daily hot meals to 32 elderly citizens. Regarding school funding, he acknowledged that the Board had made some really tough decisions that "were long overdue". He stated that he was pleased with the Board's support of the proposed operating budget and its effort to improve the facilities.

James Potts thanked the Board for all its hard work and long hours. He admitted that he shared many of the same concerns regarding the tax rate increase and hoped that the Board could "work that down". He talked about those residents on fixed incomes. He stated that the County seemed to be headed in the right direction and even though the new school would be expensive, he was glad that the Board had decided to move forward. He commented that New Kent had always been a "Ford-Chevy" kind of County as opposed to a "Cadillac-Lexus", and although that might be changing, the Board needed to make sure that it didn't find itself in a situation where it would be forced to look at a landfill from a financial standpoint. He stated that he did not believe that voters in the 2002 school referendum had voted against a new school but against higher taxes. He cautioned the Board about any "high dollar" items in any of the projects. He expressed his hope that the County would have the growth it was expecting but urged the Board to "keep an eye on what it was approving".

Ed Hayes stated he respected Mr. McPherson and others for their support of the high school and other projects in the budget. He commented that he found it ironic that the Board continued to act "under the auspices of concern for growth" but had approved 400 – 500 new homes with the argument that the homes were needed in order to keep taxes from increasing. He alleged that since the Board had taken office, taxes had gone up more than 40%, and with the anticipated and obligated capital improvement plan, taxes would nearly double by the time the Board left office. He commended Mr. Budesky for the budget presentation but pointed out that every dollar of local revenue was "a dollar out of someone's pocket" and that the proposed budget was "loaded with fat". He talked about self-fulfilling prophecies and built-in contradictions in the Board's efforts to maintain rural nature while at the same time aggressively pursuing growth and bureaucracy inflation.

Karen Cameron, as Executive Director of the Central Virginia Health Planning Agency, distributed copies of their Annual Report, and talked about some of the efforts to meet the

health care needs of New Kent. As a citizen, she stated that when she moved to New Kent a few years earlier, she had been "shocked" at the condition of the middle school. She expressed her appreciation of the Board's decision to build a new school. She stated that often the populace would not vote for a tax increase but wanted education and services. She said that children were the County's assets and future. She pointed out that New Kent was among the lowest in the State in spending per pupil. She thanked the Board and stated that she felt that the majority of the people in the County felt the Board was doing the right thing.

Allease Christian asked for clarification on the deadline for applications for tax relief. That deadline was confirmed to be May 1.

There being no one else signed up to speak, the Public Hearing was closed.

Mr. Trout indicated that it had been pointed out that some of the proposed increases in Community Development fees might affect potential businesses and that the Board might want to gauge any adverse effects and reconsider those increases.

IN RE: ELECTED OFFICIALS REPORT

Mr. Davis announced that a new mayor had been elected in West Point which he hoped would result in better relations between the two localities.

Mr. Trout announced that The Colonies would be hosting its annual neighborhood yard sale and that Quinton Fire and EMS would be hosting its annual firemen's stampede. He also announced the details regarding the upcoming high school production of "Grease".

Mr. Burrell suggested that the County look into the possibility of holding citizen academies as a method of explaining how government functions. It was agreed that the County Administrator would research that and report back to the Board.

Mr. Sparks announced the next meeting of Habitat for Humanity, stating that there was still work that need to be done to reach the goal of raising \$50,000 to build the first HFH home in New Kent in October. It was reported that \$10,000 had been raised in cash, as well as \$10,000 in kind. Mr. Hill announced details of an upcoming golf tournament with proceeds benefiting Habitat for Humanity.

Mr. Burrell announced that he had attended a recent concert through *Arts Alive* and commented that he was glad that New Kent was supporting that effort.

Sheriff Howard spoke about the recent shootings of law enforcement officers in other localities and asked the Board and the citizens to keep the officers and their families in their prayers.

Mr. Hill reported on the current condition of John Teets, New Kent native recently injured while on military duty in Iraq.

IN RE: DISTRICT APPOINTMENTS

There were no district appointments.

IN RE: NON-DISTRICT APPOINTMENTS

Mr. Trout moved to appoint Carolyn Ito as a New Kent representative to the Chickahominy Disability Services Board to complete a one-year term ending December 31, 2006.

Mr. Davis moved to appoint Pam Nixon as New Kent's representative to the Rappahannock Community College Board to serve a four-year term beginning July 1, 2006 and ending June 30, 2010.

The members were polled on the motions:

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

The motions carried.

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 June 12, 2006, in the Boardroom of the County Admin Building. The next regularly scheduled work session would be Monday, May 22, 2006, at 6:00 p.m. in the Boardroom of the County Admin Building.

IN RE: ADJOURNMENT

Mr. Burrell moved to adjourn the meeting. 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.

The meeting was adjourned at 8:41 p.m.
