

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 8th DAY OF DECEMBER IN THE YEAR TWO THOUSAND FOURTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

Chairman Evelyn called the meeting to order.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: ROLL CALL

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

All members were present.

IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Approval of Minutes
 - a. November 12, 2014 regular meeting minutes
 - b. November 19, 2014 work session minutes
2. Miscellaneous
 - a. HR Policy 2.16 Annual Leave revision
 - b. Setting the Board's January 2015 meeting date for January 12, 2015 (R-44-14)
 - c. Recording of the Abstracts of Votes from the November 4, 2014 General Election in the Board of Supervisors minute book
 - d. Approving the purchase of a tractor and mower for use at the New Kent County Airport
 - e. Approving adjustment of compensation for County Attorney and County Administrator
3. Refunds
 - a. \$601.13 to Ryan Homes for canceled permit
 - b. \$779.63 to Southern Traditions for canceled permit
4. FY15 Supplemental Appropriations
 - a. Program income received for FY15 from CDBG Plum Point Grant Participants (November 2014), \$469.00
 - b. Donations for the Animal Shelter, \$185.00
 - c. Recovered Miscellaneous Revenue, \$6,725.01
 - Sheriff's Department reimbursement from New Kent High School – Powder Puff Game (\$96.89)
 - Sheriff's Department reimbursement from New Kent High School – Homecoming Dance (\$226.07)
 - Rockahock Campgrounds, Inc. (\$380.47)
 - Rockahock Campgrounds, Inc. (\$264.67)

- Brickshire Community Association (\$231.59)
- Scott M. Lipscomb – Rodeo event (\$785.32)
- Town of Urbanna (\$4,740.00)
- d. Extension program sponsorship revenue, \$620.00
- e. Additional Social Services Foster Care Respite Funds, \$280.00
- f. F/R Emergency Services Hazardous Materials Emergency Preparedness Grant for the purpose of developing local hazardous materials emergency response plan annex and transportation related GIS overlays, \$22,800.00
- g. Funds from vending machine sales, \$477.71
- h. DMV Selective Enforcement Grant Funds for Alcohol (\$28,300), Speed (\$10,500), and Occupant (\$5,250) Grant and local funds (\$3,346.88) to cover FICA/Medicare, \$47,396.88
- i. Additional Highway Safety Grant Funds due to an Agreement Amendment Number 1 to the DMV Selective Enforcement Alcohol Grant. These funds will be used to purchase two 2K Sirocco balloon lights with stands and sandbags to provide lighting to the checkpoints by providing safe and approved scene lighting, \$5,120

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| \$ 84,073.60 | | Total |
| \$ (8,476.72) | | Total In/Out – General Fund |
| \$ (71,970.00) | | Total In/Out – Grant Fund |
| \$ (280.00) | | Total In/Out – Social Services Fund |
| \$ (3,346.88) | | From General Operating (1) fund balance |

5. FY14 Carry Forward Appropriations
 - a. Legal Professional Services Funds – Co. Attorney, \$3,990.69

6. Interdepartmental Budget Transfers
 - a. *Board of Supervisors/County Administration*: \$697.16 from Reserved for contingency to Advertising
 - b. *Sheriff*: \$1,503.20 from Sel Enforcement-Alcohol-Travel/Conv to Sel Enforcement-Alcohol-PT Salary (\$1,496.25) and Estimated Fund Balance (\$6.95)

7. Treasurer’s Report: Cash as of October 2014, \$25,470,675.83

Mr. Burrell requested clarification regarding Item 2.d. Approving the purchase of a tractor and mower for use at the New Kent County Airport. Mr. Hathaway reported that recent tree clearing had resulted in a larger area requiring mowing and this equipment would replace existing equipment. He further reported that the total cost of the tractor and mower would be \$60,000 and all purchases of \$50,000 or more required Supervisor approval. He added that the FAA would be paying half of the cost.

Mr. Tiller noted that he had not been present at the November 19, 2014 work session and requested that the minutes for this meeting be pulled from the consent agenda and be approved by separate vote.

Mr. Burrell moved to approve the Consent Agenda as presented with the exception of the November 19, 2014 work session minutes and that it be made a part of the record. The members were polled:

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

The motion carried.

Mr. Burrell moved to approve the November 19, 2014 work session minutes and that they be made a part of the record. The members were polled:

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

The motion carried.

IN RE: RESOLUTION R-41-14 HONORING THE HONORABLE THOMAS B. HOOVER,
CIRCUIT COURT JUDGE FOR THE NINTH JUDICIAL CIRCUIT

Board members reminisced about their personal experiences over the years with Judge Hoover. They congratulated him on his impending retirement and thanked him for his years of service. Mr. Evelyn noted that it had been an honor and a blessing for the citizens of New Kent to have him serve as judge. Mr. Evelyn read Resolution R-41-14, previously adopted by the Board on November 12, 2014, and presented a framed original to Judge Hoover.

Judge Hoover thanked the Board and all the previous boards for the support they had given him over the years. He noted that it had been 35 years since he had been first elected as Commonwealth's Attorney and that the years had been fast and enjoyable. He stated that the County was blessed with an excellent Board, County Administrator and County Attorney and that it had been a privilege to be here and to work with each of them. He expressed his thanks for the resolution and noted that it meant a lot to him. The Board paused for a moment for photographs with Judge Hoover.

IN RE: RESIDENCY ADMINISTRATOR REPORT

Chad Baker, Maintenance Superintendent with the Virginia Department of Transportation (VDOT), reported on maintenance activities and construction projects on New Kent roads from the past thirty days as well as those planned for the next thirty days.

Mr. Baker reported that a contract for the Route 249 and Route 612 roundabout project would soon be awarded and the project was scheduled to be completed by November 4, 2015. He also reported that surface treatment on Route 607, Route 619, Route 628 and Route 647 would begin closer to the spring when the weather conditions would be more favorable. He provided an update on the Route 638 (Cosby Mill) project and noted that the road remained closed and the detour in place. He noted that high water and the location of power lines had caused a slight delay. As requested, VDOT would continue to provide weekly updates on this project. Mr. Baker also reported that the I64 paving project would be on hold until spring.

Mr. Baker provided a status report on several requests received from Supervisors at the November business session. Concerns raised by Mr. Stiers including beaver activity on Route 155 (Courthouse Road) and dead trees along Route 618 (Adkins Road) had been addressed. In response to Mr. Burrell's requests, Mr. Baker reported that a dead tree in the area of 14434 Stage Road was well beyond the thirty foot right-of-way and there appeared to be no eminent danger of the tree falling into the roadway. He also reported that a sign was being prepared to mark the intersection of Route 155 and Route 249 as "Carey's Corner". Plans were in the works for scheduling the milling and repaving of a section of

Route 60 where Mr. Tiller and Mr. Stiers had noted previous asphalt patching had resulted in a very rough surface. Mr. Baker also reported that issues raised by Mr. Evelyn including honeysuckle at the corner of Firethorn Lane and Dispatch Road and low hanging trees on Route 609 had been addressed.

Mr. Davis noted that VDOT had done a very good job with road surface and shoulder repairs on Farmers Drive. He asked for an update on the Poindexter Road "Park and Ride" facilities. Mr. Hathaway reported that the County and VDOT were working on this project which was currently in the design phase. He also reported that he was not sure VDOT had the go ahead in regard to project funding.

Mr. Stiers reported drainage issues at Route 155 and Route 60 as well as near the railroad tracks along Boulevard Road and he thanked VDOT for clearing the trees along Route 618.

Mr. Tiller reported a pothole near 7472 Pinehurst Drive.

Mr. Evelyn reported that there had been approximately thirty in attendance at a recent community meeting regarding the partial closure of Cosby Mill Road. He thanked Mr. Baker for his attendance and for his commitment to keep the Board updated so that timely information could continue to be provided to the community.

IN RE: CITIZENS COMMENT PERIOD

Chairman Evelyn opened the Citizens Comment Period.

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

IN RE: PRESENTATION OF THE FY14 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)

Anne B. Wall, CPA/Member, Robinson Farmer Cox Associates, presented the Comprehensive Annual Financial Report (CAFR) resulting from the recent audit of Fiscal Year 2014. She explained that local governments were required to undergo an audit each year, and that New Kent's report reflected "unmodified" or clean opinions in all three areas. The first opinion was that New Kent's financial statements were materially correct and presented within generally accepted accounting standards; the second was compliance with internal controls; and the third was compliance with standards required in connection with federal program dollars received. She reviewed various portions of the Report, which she confirmed had been submitted to the Auditor of Public Affairs before the November deadline and posted on the County's website.

She reported that the Financial Services Department had greatly assisted in the preparation of the Report and that they had received excellent cooperation from all staff, including but not limited to the Treasurer's Office, School Board, Commissioner of Revenue, and Social Services.

She spoke about new reporting requirements for FY16 relating to VRS census data, which would appear as a liability when reporting.

IN RE: UNDERGROUND UTILITIES FOR INDUSTRIAL ZONED PROPERTY

Community Development Director Mr. Matthew Smolnik reported that he had worked with the County Attorney regarding proposed revisions to New Kent Code Sections 91-128 and

98-871 and guidance received at the November work session had also been given consideration. He noted that the recommendation had been to go with a legislative rather than an administrative process to allow for the granting of waivers under certain circumstances to the requirement for underground utilities in areas zoned as industrial. Mr. Smolnik reported that tentatively these recommendations would be scheduled to go to the Planning Commission for a public hearing in January and to the Supervisors for approval in February.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Davis reported that there had been several big community events since the November meeting. He noted that there had been a very well attended tree lighting event at the historic courthouse and he hoped it would become an annual event. He also asked that we remember those who were less fortunate during the Christmas holiday. He deferred to Mr. Stiers for a report on the annual Thanksgiving meal.

Mr. Stiers reported that there had been approximately 800 meals served at the Fifth Annual Great Thanksgiving Feast held at the Providence Forge Recreation Center and he thanked the 200 or so volunteers who had made this event possible. He also reported that the December 7th Providence Forge Christmas Parade had contained approximately 75 entries and that he had recently taken approximately 200 photographs with Santa for the New Kent Junior Women's Club. He reminded citizens that New Kent had recently received a new ISO insurance rating and suggested that everyone should contact their insurance companies and inquire about a possible reduction in premium.

Mr. Burrell wished all the staff and citizens a very joyous holiday.

Mr. Tiller wished all a Merry Christmas and a Happy New Year.

Mr. Evelyn thanked all who had attended the recent community meeting with Delegate Peace regarding the partial closure of Cosby Mill Road. He noted that this would be the last meeting for Deputy Board Clerk Connie Nalls who would be retiring at the end of the month. He thanked her for everything she had done to support the Board over the years and noted that he looked forward to working with incoming Deputy Board Clerk Wanda Watkins. Mr. Evelyn also noted that Receptionist Betty Duckworth would also be retiring at the end of the month. On behalf of the Board, he thanked her for her years of service to the County and noted how nice it had been to come in and see a smiling face at the front desk. The Board paused for a moment for photographs with Mrs. Nalls and Mrs. Duckworth.

Commissioner of Revenue Laura Ecimovic noted that she did not have a Commissioners Report but stated that Mrs. Nalls had been the go to person because she knew everything and would be greatly missed.

IN RE: STAFF REPORTS

County Administrator Rodney Hathaway reminded members of the Board of the Economic Development Authority's invitation to attend its breakfast meeting scheduled for 8:30 a.m. on Thursday, December 18th at the Royal New Kent Golf Clubhouse. He reported that Mr. Robert McClintock, Senior Vice President of Research with the Virginia Economic Development Partnership, would be the guest speaker. Mrs. Debbie Easter, Executive Director of the Virginia Thoroughbred Association, would also be present to provide an update on horse racing efforts for 2015.

Mr. Hathaway also provided an update on a bond refinancing and reported that the sale had taken place on December 3rd. He noted that when the refinancing had been discussed approximately six weeks ago the savings had been estimated to be 2.6 million dollars or \$170,000 per year. He noted his pleasure in reporting that conditions had improved and the savings had actually been 3.4 million dollars or \$245,000 per year. The sale was scheduled to close on Friday, December 12th.

IN RE: DISTRICT APPOINTMENTS

Mr. Evelyn moved to appoint Laura Rose as a District One representative to the Planning Commission to serve a four-year term beginning January 1, 2015 and ending December 31, 2018.

Mr. Evelyn moved to appoint George Tate, Jr. as District One's representative to the Board of Road Viewers to complete a one-year term beginning January 1, 2015 and term ending December 31, 2015.

Mr. Tiller moved to appoint Mike Salmon as District Two's representative to the Parks and Recreation Advisory Commission to serve a four-year term beginning January 1, 2015 and ending December 31, 2018.

Mr. Tiller moved to appoint Michael B. Lane, Sr. as a District Two representative to the Planning Commission to serve a four-year term beginning January 1, 2015 and ending December 31, 2018.

Mr. Tiller moved to appoint Claude Baldwin as District Two's representative to the Board of Road Viewers to complete a one-year term beginning January 1, 2015 and term ending December 31, 2015.

Mr. Burrell moved to appoint Charles Moss as District Three's representative to the Agricultural and Forestal District Advisory Committee to serve a four-year term beginning January 1, 2015 and ending December 31, 2018.

Mr. Burrell moved to appoint James Moody, Sr. as District Three's representative to the Board of Road Viewers to complete a one-year term beginning January 1, 2015 and term ending December 31, 2015.

Mr. Burrell moved to appoint Patricia Paige as District Three's representative to the Wetlands Board/Chesapeake Bay Preservation Board/Dunes and Beaches Board to serve a five-year term beginning January 1, 2015 and ending December 31, 2019.

Mr. Stiers moved to appoint Bobby Weagley as District Four's representative to the Board of Road Viewers to complete a one-year term beginning January 1, 2015 and term ending December 31, 2015.

Mr. Davis moved to appoint Doris Cheeks as District Five's representative to the Clean County Committee to serve a four-year term beginning January 1, 2015 and ending December 31, 2018.

Mr. Davis moved to appoint Farron Cowles as District Five's representative to the Historic Commission to serve a four-year term beginning January 1, 2015 and ending December 31, 2018.

Mr. Davis moved to appoint Craig Pierce as District Five's representative to the Parks and Recreation Advisory Commission to serve a four-year term beginning January 1, 2015 and ending December 31, 2018.

Mr. Davis moved to appoint Jack Chalmers as a District Five representative to the Planning Commission to serve a four-year term beginning January 1, 2015 and ending December 31, 2018.

Mr. Davis moved to appoint Ronald Lang as District Five's representative to the Board of Road Viewers to complete a one-year term beginning January 1, 2015 and term ending December 31, 2015.

Mr. Davis moved to appoint David Ward as a District Five representative to the Transportation Safety Commission to serve a four-year term beginning January 1, 2015 and ending December 31, 2018.

The members were polled:

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

The motions carried.

IN RE: APPOINTMENTS TO REGIONAL BOARDS AND COMMISSIONS

Mr. Burrell moved to appoint Charles Moss as a New Kent representative to the Colonial Community Criminal Justice Board to serve a four-year term beginning January 1, 2015 and ending December 31, 2018.

Mr. Davis moved to appoint Deputy Ryan Shobe as New Kent's representative to the Tri-River Alcohol Safety Action Program local policy board to serve a three-year term beginning January 1, 2015 and ending December 31, 2017.

The members were polled:

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

The motions carried.

Mr. Evelyn noted that Public Hearings were not scheduled to begin until 7:00 p.m. therefore he called for a five minute recess at 6:55 p.m.

The Board reconvened at 7:05 p.m.

IN RE: PUBLIC HEARING – ORDINANCE O-14-14 AMENDING SECTION 66-82 OF THE
NEW KENT CODE REGARDING TAX RELIEF FOR THE ELDERLY AND DISABLED
PROGRAM

Before the Board for consideration was Ordinance O-14-14 amending County Code Section 66-82 to increase the net combined financial worth limit in the Tax Relief for the Elderly and Disabled program.

Commissioner of Revenue Laura Ecimovic reported that she and her staff had come to the Board on several occasions for discussion on amending this Code Section. COR Staff Members, Jeremy Adams and Devin Caldwell had noted that the County's financial worth limit had fallen significantly behind limits set by surrounding localities. Ms. Ecimovic also reported that several individuals who had qualified for tax relief for many years were no longer eligible under the current provisions.

Chairman Evelyn opened the Public Hearing.

Donald Dean, a Barhamsville property owner, addressed the Board. He noted that it had been a difficult year for him and although he had qualified for tax relief for many years, he was no longer eligible because his financial worth had exceeded the limit by only a small amount. He expressed his appreciation to the Board for any consideration they may give to increasing the limit.

There being no other individuals wishing to speak, Mr. Evelyn closed the Public Hearing.

Mr. Davis noted that there were many citizens like Mr. Dean who had lived in New Kent all their lives. He agreed that the amount eligible for relief should be increased. Mr. Evelyn thanked Mr. Dean for his comments and Ms. Ecimovic and her staff for looking out for the citizens of the County.

Mr. Burrell moved to approve Ordinance O-14-14 amending Section 66-82 of the New Kent Code as presented. The members were polled:

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

The motion carried

IN RE: PUBLIC HEARING – ORDINANCE O-15-14 AMENDING SECTION 66-32 OF THE
NEW KENT CODE REGARDING ATTORNEY'S FEES FOR COLLECTION OF
DELINQUENT TAXES

Before the Board for consideration was Ordinance O-15-14 amending County Code Section 66-32 to allow the charging of fees to cover administrative costs associated with the collection of delinquent taxes by an attorney or collection agency.

County Attorney Michelle Gowdy reported that the New Kent Treasurer's Office had an agreement with an attorney to provide services for the collection of delinquent taxes. The attorney had approached Ms. Gowdy several months ago noting that the New Kent Code did

not include provisions allowed by State Code for the charging of fees to cover administrative costs associated with the collection of delinquent taxes. She reported that the recommended revisions would allow for the charging of reasonable attorney's fees and penalties up to \$35.00. Ms. Gowdy reported that the attorney received payment on a percentage basis on the total of delinquent taxes collected.

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

Mr. Davis moved to approve Ordinance O-15-14 amending Section 66-32 of the New Kent Code as presented. The members were polled:

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

The motion carried.

IN RE: MEETING SCHEDULE

The Chairman announced that the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, January 12, 2015 in the Boardroom of the County Administration Building. He also announced there would be no December work session.

On behalf of the Board, Mr. Evelyn wished all the citizens of New Kent a Merry Christmas and a Happy New Year and encouraged them to be careful over the holidays. He reiterated Mr. Davis' earlier comment to remember those who were less fortunate. He thanked staff and citizens for their support. He noted that it had been a long year which was ending on a good note with the savings of over three million dollars mentioned earlier.

Mr. Stiers also asked that we remember our four-legged friends when we were out shopping and pick up a bag of dog or cat food for the animal shelter.

IN RE: ADJOURNMENT

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

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

The motion carried. The meeting was adjourned at 7:15 p.m.