

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 12th DAY OF JUNE 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The Chairman called the meeting to order, and announced that the Fixed Base Operator proposal for the Airport had been withdrawn and that item had been removed from the Agenda.

IN RE: CONSENT AGENDA

County Administrator John Budesky presented the Consent Agenda as follows:

1. Approval of Minutes
 - a. Special budget work session of April 14, 2006
 - b. Regular meeting of May 9, 2006
 - c. Regular work session of May 22, 2006
2. Miscellaneous
 - a. Resolution R-21-06 in honor of John J. McLaughlin, Sr.
 - b. Approval of Addendum 1 to Services Agreement with Virginia Interactive
 - c. Award of contract to R. R. Snipes in the sum of \$29,950 for construction of a bypass line at the Parham influent mag meter, as well as approval of the transfer of \$4,000 from Parham Landing operational budget for FY06
 - d. Award of contract to Hurricane Fence in the sum of \$92,325.31 for construction of fencing at County well houses
 - e. Award of contract to E-Merge Systems, Inc. in the sum of \$274,485 for construction of SCADA system as part of the Bottoms Bridge project
 - f. Acceptance of Fund 20 Meals Tax and Fund 40 Debt Service, to allow transactions to be more easily administered and monitored
 - g. Road name additions for Farms of New Kent
 - i. Robert Dinwiddie
 - ii. George Wythe
 - iii. Norbone Berkele (*corrected to Norborne Berkeley*)
 - iv. Thomas Ballard
 - v. James Blair
 - vi. Lyon Tyler
 - vii. Peyton Randolph
 - viii. Roderick Dew
 - ix. Benjamin Ewell
 - x. Francis Wyatt
 - xi. Clifton Fordge (*corrected to Clifton Forge*)
 - xii. Edwin Sandy's
 - xiii. Thomas Dale
 - xiv. Samuel Argall

- xv. Edward Digges
3. Refunds
- a. \$1,502 to Kentlands Investment for site plan application error
3. Appropriations FY2005-2006
- a. Additional funds received for utility irrigation connection fees, \$1,350.00
- b. Funds received from Jamestown 2007 activities through May 2006 to Jamestown 2007 projects, \$1,185.00
- c. Funds received from the State Fair of Virginia, Inc. for law enforcement services for the Strawberry Hill races on April 5, 2006, \$25,468.42
- d. Funds reimbursed by Social Services for lease and rental of office space, \$1,945.56
- e. Funds to School Capital received from a VPSA 2003 bond refunding, \$879.19
- f. Additional funds expected and received from the State Comp Board for office supplies and equipment for the Commonwealth Attorney's Office, \$2,427.86
- g. Funds for DMV Grant #CP-2006-52432-2401 for child safety seats to be purchased by the Sheriff's Office, \$500.00
- h. Funds for DMV Grant #52453 for *Click it or Ticket* program to be administered by the Sheriff's Office, \$1,500.00
- i. Funds for DMV Grant #CP-2006-52422-2784 for a *Safe Routes to School* program to be administered by the Sheriff's Office, \$500.00
- j. Reverse original appropriation for meals tax and re-appropriate to the newly created Fund 20 (meals tax) and Fund 40 (debt service), \$117,500
- k. Reverse original appropriation for real estate reserve and Vinton off-track betting and re-appropriate to the newly created Fund 40 (debt service), \$0
- | | | |
|-----------------------------------|-----------------|--------------------|
| Total Supplemental Appropriation: | \$ (153,256.03) | Total |
| | \$ 153,256.03 | Money-in/Money-out |
4. Inter-Departmental Budget Transfers
- a. Animal Control: \$1,500 from Part-time overtime to Full-time overtime
- b. CSA: \$1,800 from Salaries & Wages to Office Supplies & ADP equipment
- c. Economic Development: \$11,363 from Part-time salaries & wages to Professional Services, Promotional Materials and Furniture & Fixtures
- d. Social Services: \$1772.00 from Hospital/Medical Plans to ADP equipment and office supplies
- e. School Capital: \$631,771.00 from Real Estate Reserve School Capital Projects to Debt Service Fund
- f. Reorganization: \$10,000 from Building Inspections machinery & equipment to Special Project – reorganization of office space
5. Treasurer's Report: Cash in Bank as of April 2006: \$23,440,816.01

Mr. Davis expressed his concern about the unusual spelling of some of the proposed road name additions. There was consensus that the Deputy Clerk would verify the spellings and make appropriate corrections.

Mr. Davis moved to approve the Consent Agenda, with a request that the spellings of the proposed new road names be verified, 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.

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, reported on issues raised at the last meeting:

- trash and debris had been picked up along Route 249
- their traffic engineering department was in the process of looking at the acceleration ramp from Route 249 onto I-64
- pavement repairs were made at Route 1206/Route 60
- lane markings had been applied to the lanes exiting I-64 at Bottoms Bridge
- CSX would be making repairs to the train crossing into The Colonies and no lane closures were anticipated
- their Research Council had reviewed the traffic pattern in Eltham and determined that there may be some functional lighting control problems in West Point; have contracted the contractor to resolve

Mr. Davis interjected that moving the construction barrels had worked in the past and requested that VDOT try moving them past the light to see if it would reduce the Friday afternoon traffic problems. Mr. Crews agreed to check to see if that could be accomplished.

- a large hole on the Route 600 bridge between New Kent and James City County had been repaired
- the westbound I-64 rest area would be closing for repairs in October of 2006 and would reopen in late spring or early summer of 2007.

Mr. Trout commented that it was critical that the rest area be open during the summer of 2007 in order to accommodate the large number of tourists for the Jamestown 2007 events.

- during the past month, crews had been repairing potholes, improving shoulders and mowing
- regarding the drainage problems reported on Route 607, regulations required that an environmental review be performed prior to any clean-out, and that process was underway
- asphalt repair along Route 611 (edges only) was scheduled for July

Mr. Hill shared the concerns he'd received from some of his constituents who could not understand why some roads were repaved and others that were in worse shape were only patched. Mr. Crews admitted that there were a "litany" of roads that needed repair and that with their "short" budget, it was their intention to address those that were in the worst shape.

- shoulder repair work had been completed along both sides of Route 249, from Route 612 to Route 613
 - traffic count study on the intersection of Route 155 and 110 had been completed and indicated that a traffic light was not yet warranted
 - traffic count study was being conducted on Route 620
 - Stage Road project was still on schedule and due for completion in November 2007
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- latex overlay project was still on schedule
- Terminal Road project was still scheduled to be completed in August 2006
- Commonwealth Transportation Board had approved New Kent's application for recreational funding, and Mr. Rider would be contacting the County's Community Development Director to discuss the next step and set up some timelines.
- confirmed receipt by the County of a letter from the Commissioner regarding Route 106 roundabouts; he indicated that Mr. Rider would be contacting the County's Community Development Director after the new data had been analyzed
- confirmed receipt by the Chairman of a letter from Mr. Hawthorne regarding the speed limit on Route 249

Mr. Hill reported that the road sign for Sherwood Drive needed a new post. He indicated that Route 611/Cosby Mill Road would need patching on both sides again. He described the problems along Steel Trap Road with the advent of warm weather and increase in vehicles pulling boats down to the boat ramp, and referred to a request for a speed study.

Mr. Burrell thanked Mr. Crews for taking care of a situation in Quinton Estates. He reported complaints from citizens about high grass that was impeding line of sight when entering Route 60 from the Route 647 transfer station, as well as numerous instances around the County of signs being obscured by tree branches. He reported a missing sign on Hill Farm Road/Route 625.

Mr. Trout thanked Mr. Crews for the continuing work on the Terminal Road project as well as the attention to the train crossing at The Colonies. He referenced a recent newspaper article regarding the reversal of the flow of traffic along eastbound I-64 in a hurricane evacuation which would require ramp closures in New Kent. Mr. Crews reported that he was familiar with plans to install gates at the ramps that could be more easily closed to prevent traffic from entering the interstate in such an event. He indicated that his office was in the process of reviewing all emergency plans and would be contacting the Sheriffs' departments and fire departments in the localities to obtain their feedback and to generally raise the awareness of emergency procedures. Mr. Crews indicated that he was not aware where the lane reversals would begin, but would obtain that information and provide it to the Board.

There was also some concern expressed by the Board regarding the problem that New Kent would have in dispatching emergency vehicles onto the interstate if the ramps were gated off.

Mr. Trout reported on the effort underway by the Richmond Regional Planning District Commission and radio station WCVE to provide emergency communications.

Mr. Davis shared problems that resulted from large tractor trailers that leave the Stonehouse Industrial Park and mistakenly take the Route 600 bridge. He asked Mr. Crews to request the James City County office to install some "no through truck" signs in the area.

Mr. Sparks referenced a list of problems that he had previously given to Mr. Crews and inquired about the status of tree trimming operations. Mr. Crews reported that crews were working on that and, because of the scope of the problem, would be hiring a contractor to assist State forces. He indicated that obstructed signs and leaning trees were priorities.

Mr. Budesky reported that County staff had recently learned about an opportunity to access some federal funding for a collector road project, which would require the Board to modify

its Secondary Six Year Plan. He indicated that there were a limited number of collector roads in New Kent, but that Route 618 had been proposed as a road that would qualify. Improvements would include two 12-foot lanes and 8-foot shoulders (four feet of which would be paved). He indicated that if the Board agreed to identify Route 618 as the proposed project, then the local VDOT office would submit an application. It was reported that Charles City County had also planned to improve its end of Route 618.

There was consensus among the Board members to identify Route 618 for these federally-funded improvements.

County Attorney Jeff Summers was directed to determine if it was necessary to have a public hearing to add this project to the Secondary Six Year Plan.

IN RE: ACCEPTANCE OF WATER TOWER SITE

Under consideration by the Board was the acceptance from the New Kent County Economic Development Authority of a parcel of land containing a County water tower and communications facility.

County Attorney Jeff Summers explained that during the process of the sale of the EDA property to a third party, it was discovered that a portion of the parcel was the site of a County water tower and communications facility. He indicated that the proposed deed would return that property to County control and custody. It was reported that there was operational equipment on the structures.

Mr. Burrell moved to accept the conveyance from the New Kent County Economic Development Authority of a 2.240 acre parcel of land more particularly described in Schedule A of the Deed dated May 19, 2006. 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: ELECTED OFFICIALS REPORT

Mr. Burrell announced that Board members would be receiving invitations to attend a meeting of the Richmond Metropolitan Convention & Visitors Bureau in July which would be held at Colonial Downs.

Mr. Trout commented on the well-attended *Young Eagles* event held at the Airport on the previous weekend where children were given free airplane rides. He congratulated the recent graduates from New Kent High School. He provided details of the upcoming *Taking Root Farm Tour* and Farmers Market.

Mr. Hill announced that New Kent's Habitat for Humanity was in the process of securing a donated parcel of land in Eltham on which it hoped to construct its first home. He reported that one-half of its \$50,000 goal had been raised and the first family had been approved.

He identified and thanked those groups in the County that had contributed to fundraising efforts.

Mr. Sparks joined in congratulating recent graduates, commenting on the high SAT scores.

IN RE: STAFF REPORTS

County Administrator John Budesky reported that the County had again received the Government Financial Officers Association award for financial reporting, and he recognized Accounting & Budget Director Mary Altemus and her staff for their hard work and dedication.

He advised that at the June work session, the Board would be presented with a revised site plan and proposed improvements for the Route 618 transfer station, which included improved traffic flows, collections and additional compactors (including one for cardboard). He reported that fencing would soon be installed and that staff was considering lease options which would increase capacity. He reported that measures were also being considered to deal with illegal dumping by contractors. He indicated that collection of batteries, propane tanks and used oil was generating revenue for the County and that staff was working diligently on a plan to better serve the residents and encourage recycling, including a more user-friendly container for recycling cardboard. He reported that the recommendations may include ordinance changes.

Mr. Burrell spoke about the savings that would be realized by having another compactor, and the revenue that was generated by recycling of corrugated cardboard, newspaper and aluminum cans.

Mr. Davis recommended that a recycling center be considered for Brickshire (which has trash pick-up).

Mr. Budesky announced that staff expected to present a School Facilities Use policy for the Board's review at the next work session.

IN RE: DISTRICT APPOINTMENTS

Mr. Davis moved to appoint Jim Wallace as District Five's representative to the Purchase of Development Rights Committee to serve a term ending June 30, 2009.

Mr. Trout moved to appoint Richard Harris as District Four's representative to the Purchase of Development Rights Committee to serve a term ending June 30, 2007.

Mr. Burrell appointed James Talley as District Three's representative to the Purchase of Development Rights Committee to serve a term ending June 30, 2008.

Mr. Hill appointed Sarah Richardson as District One's representative to the Purchase of Development Rights Committee to serve a term ending June 30, 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.

IN RE: NON-DISTRICT APPOINTMENTS

Mr. Burrell appointed Lt. Charles Gardner as New Kent's representative to the Middle Peninsula Juvenile Detention Commission to serve a four-year term beginning July 1, 2006 and ending June 30, 2010.

Mr. Burrell appointed Linwood Throckmorton as an at-large representative to the Purchase of Development Rights Committee to serve a term ending June 30, 2008.

Mr. Davis appointed Will Wallace as an at-large representative to the Purchase of Development Rights Committee to serve a term ending June 30, 2007.

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: AIRPORT REVENUE BOND

Before the Board for Public Hearing was Resolution R-22-06 authorizing the issuance, sale and award of an airport revenue bond for New Kent County, Virginia, and providing for the form, details and payment thereof.

Airport Manager Bill Kelly indicated that this loan had been previously approved by the Board and that the bond attorney, Russ Singer, was present to answer any questions. It was confirmed that a little over 80% of the hangar project would be funded with federal and state funds, and the County's portion of just under 20% would be secured by a 10 year loan. He reported that the hangar project would be "cash positive" the first year and he distributed a spreadsheet outlining projections of rental income, personal property tax revenues and loan payments over a 20-year period.

Chairman Sparks opened the Public Hearing.

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

Mr. Trout moved to adopt Resolution R-22-06 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.

Mr. Kelly questioned whether or not the funds needed to be appropriated. Ms. Altemus indicated that she would review the situation and if an appropriation was needed, it could be done at a later date.

IN RE: CLOSED SESSION

Mr. Trout moved to go into Closed Session to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia, for discussions relating to real property pursuant to Section 2.2-3711A.3 of the Code of Virginia, for discussions relating to business and industry development pursuant to Section 2.2-3711A.5 of the Code of Virginia, and for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving pending litigation. 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. 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:

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: PENDING LITIGATION

Mr. Burrell moved to authorize the County Administrator to negotiate and finalize a settlement in the matter of *Board of Supervisors v. Board of Zoning Appeals*. 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: 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 July 10, 2006, in the Boardroom of the County Admin Building. The next regularly scheduled work session would be Monday, June 26, 2006, at 6:00 p.m. in the Boardroom of the County Admin Building.

IN RE: ADJOURNMENT

Mr. Davis moved to adjourn the meeting. 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 meeting was adjourned at 8:31 p.m.
