

- d. Funds for Refuse for a recycling pavilion project at Route 618 not completed in FY06, \$2,700.00
 - e. Funds for reorganization of the Administration Building including purchase orders #26301 and #26302 to The Supply Room not completed in FY06, \$24,056.31
 - f. Grant funds for various DMV and Dept. of Criminal Justice grants not completed in FY06, \$37,988.08
 - g. Capital funds for the ISTE A grant not completed in FY06, \$155,925.00
 - h. Meals Tax funds for Schools, Economic Development and Parks & Recreation not used in FY06, \$195,537.31
 - i. Debt Service funds for contingency school debt reserve not used in FY06, \$1,601,580.06
 - j. Bottoms Bridge construction funds for the financial reserve not used in FY06, \$31,875.92
 - k. Bottoms Bridge construction funds for Bottoms Bridge utilities not used in FY06 (construction, 8400 line item, carry forward requested at August BOS meeting), \$58,119.82
- | | | |
|-----------------------------------|-------------------|-------------------------------------|
| Total Supplemental Appropriation: | \$ (2,119,906.18) | Total |
| | \$ 156,328.08 | Money-in/Money-out |
| | \$ 36,879.99 | From General Fund – fnd bal |
| | \$ 37,585.00 | From Fund 7 – Capital fnd bal |
| | \$ 195,537.31 | From Fund 20 – Meals Tax fnd bal |
| | \$ 1,601,580.06 | From Fund 40 – Debt Service fnd bal |
| | \$ 89,995.74 | From Fund 198 - BB Const fnd bal |
- 7. FY05-06 Inter-Departmental Budget Transfers
 - a. Sheriff's Court: \$109 from Merit Pay Contingency to salary and FICA
 - b. Wetlands Board: \$20 from uniforms & apparels to postal service
 - c. Utilities: \$682 from Salary & Wages to Over Time, On-call Pay and FICA/Medical
 - d. Treasurer: \$543 from salary line items and Maintenance Service Contracts to Part-time salary & wages and Overtime
 - e. General Services: \$8,000 from Salaries & Wages to Spec. Project-Reorganize office space
 - f. Vehicle Maintenance Facility: \$4,400,000 from Fund 7 to Fund 3
 - g. Commonwealth's Attorney: \$516 from Office Supplies to Part time Salaries & Wages
 - h. Sheriff: \$3,400 from Vehicle supplies, police supplies and 3rd area dispatch to part time salaries & wages
 - 8. FY06-07 Inter-Departmental Budget Transfers
 - a. Commissioner of Revenue: \$1,000 from Salaries & Wages Part time to Professional Services
 - b. Board of Supervisors, Clerk of the Board and County Attorney: \$2,506 from various line items to Lease/Rental of Equipment
 - 9. Treasurer's Report: Cash in Bank as of July 2006: \$27,094,621.85

Mr. Davis 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.

IN RE: CITIZENS COMMENT PERIOD

Chairman Sparks opened the Citizens Comment Period.

Ron Lang, District 4 member of the Board of Road Viewers, reported to the Board regarding flooding on South Waterside Drive. He indicated that the situation was becoming more frequent and he described problems in the area as a result of the recent storm. He related how high water on the road closed access to and from the Chickahominy Shores and Turners Neck neighborhoods, and he requested that the Board work with the Department of Transportation to find a solution to this very serious problem. He suggested that federal funds might be available to help pay for this work.

V. F. Walsh, Sr., a resident of Chickahominy Shores, described the frequent flooding and other problems with South Waterside Drive and commented on the large number of elderly and disabled residents in his neighborhood who would not be able to evacuate during an emergency if the road was flooded. He indicated that the alternate route along the railroad tracks was not safe or appropriate for residents to use. He expressed his concern about the safety of children in the neighborhood. Mr. Walsh submitted a list of citizens who shared his concerns about the situation, which was submitted for the County's records.

Terry Lawler brought the Board up to date on *Operation Uplift*. She reported that some of the funds donated by the County had been used to pay for a flight for the wife of an injured soldier from New Kent to visit her husband at a hospital in Germany, and she displayed an appreciation plaque received in connection therewith. Ms. Lawler encouraged the public, especially New Kent Veterans, to attend the Veterans Day event to be held at the New Kent Middle School on November 10, and requested that the event be publicized on the County's website.

Clinton Lee Baker described how flooding on South Waterside Drive had prevented him from getting to his job and indicated that the problem was worsening. He explained the work that he believed would fix the problem. He reported that access was a problem for everyone, including the firemen and policemen who lived in his neighborhood.

Cheryl A. Riley, a resident of Riverside Drive, spoke about the frequent flooding along South Waterside Drive and expressed her fears that those with health issues were in grave danger when the road was closed because of flooding. She appealed to the Board to have the road fixed.

Karrie A. Propst, a resident of Chickahominy Shores, described a harrowing experience for her daughter who was home alone during the recent flood and how her husband had to help clear trees that were blocking the railroad access road.

Charles Allen Propst described how long it took him to arrive home on the day of the recent storm because trees were blocking the railroad access road. He spoke about the numerous elderly residents in Chickahominy Shores and how there was no way for emergency vehicles to reach the area when the road was flooded. He described how the road was not level, which contributed to cars ending up in the creek.

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

Mr. Trout thanked the speakers and noted the numerous other residents from his district who were present but had not signed up to speak. He commented about the danger to residents in several neighborhoods, including Chickahominy Shores/Turners Neck, The Colonies, and Rockahock Campground in having its sole access blocked not only by high waters but by activity on the railroad tracks.

Sheriff Howard reported that members of his department were on South Waterside on the morning of the recent storm and confirmed that, by mid-morning, high water had made the road impassable. Regarding the alternate route along the railroad access road, he indicated that it was private property and was not a safe alternative for either residents or emergency vehicles. He agreed that it was a dangerous situation that needed to be corrected.

Fire Chief Tommy Hicks reported that when the situation came to his attention, he contacted CSX who agreed that their access road could be used for emergency access.

John Crews, Resident Administrator with the Sandston Residency of the Virginia Department of Transportation, reported that his department was aware of the situation on South Waterside Drive and he emphasized his commitment to find a solution and to partner with the County to locate funding. He indicated that their hydraulic engineer was already looking at this longstanding but worsening situation. He stated that "almost any problem could be fixed" and that he would be working on locating some resources and exploring all avenues, and would report back to the Board with some possible solutions. Mr. Trout reiterated that it was not just a flooding problem, but an access problem because there was no acceptable alternative route. Mr. Crews indicated that once he had identified some options, he would contact Mr. Budesky and Mr. Trout in order to schedule a meeting. Mr. Hill asked that Mr. Crews make this project his top priority.

A member of the audience requested information as to an interim emergency plan and was referred to the Fire Chief for information.

The members of the Board and Mr. Crews emphasized to those in attendance that they were aware of the seriousness of the situation on South Waterside Drive and would work together for a speedy solution.

IN RE: RESIDENT ADMINISTRATOR'S REPORT

Mr. Crews reported to the Board regarding projects and work performed in New Kent. He indicated that crews had been busy clearing out drains, blading roads, repairing pavement and shoulders, ditching and mowing. He advised that the Stage Road project was still on schedule for completion in November 2007 and that there were no anticipated delays in the Eltham Bridge replacement project.

He reported that as soon as they could bring their sweeping equipment back into service, they would make arrangements to sweep and remove grass along the sides of the roads in Eltham.

He indicated that right-of-way markers would be installed from I-64 onto Route 249.

Regarding the request for ditching along Route 206, he reported that the project was still on hold because of an issue with nesting eagles in the vicinity.

He advised that "Watch for Children" signs had been installed as requested, as well as "No Parking" signs along Route 106 (although owner of property adjacent to the truck service center had objected).

Mr. Davis mentioned that when crews mowed on Homestead Road/Route 620, they had neglected to mow along the unpaved portions. Mr. Crews agreed to check on that.

Mr. Trout asked about reinstallation of the rumble strips along I-64. It was reported that once the surfacing project was completed, rumble strips would be reinstalled all at one time.

Mr. Trout commented that it was his understanding that CSX would again be working at the crossover into The Colonies and repeated his concern about the sole access being blocked.

Mr. Burrell reported a downed stop sign at Route 632 and Route 33.

Mr. Burrell commended Mr. Crews and his staff for the amount of work that they are able to accomplish with a smaller work force.

Mr. Hill expressed his concern that school buses could not travel onto Quaker Woods Road because the road had not yet been accepted into the State system. Planning Manager Rodney Hathaway reported that the developer had addressed the few minor concerns that had been raised by VDOT and requested a final inspection. Once the inspection had been performed and the road approved, he indicated he would prepare a resolution for the Board's consideration, asking that the road be accepted into the State system. Mr. Crews agreed to check into the matter.

There was mention of an issue with the pond of Gary Green. Mr. Crews advised that he was aware of the issue which had some pending litigation. Mr. Hill asked that he be kept advised of the status.

There was some discussion regarding VDOT's handling of downed trees. Mr. Crews indicated that VDOT crews would remove trees from power lines once power had been turned off. He further explained that after an event, his crews routinely rode along the roads looking for downed trees and will eventually check every road in the County. He indicated that they hoped to deal with the remaining debris as soon as possible, but may have to look to hire contractors to help.

Members of the Board thanked Mr. Crews and his staff for their work in the County.

IN RE: INTRODUCTION OF NEW STAFF

Sheriff F. W. Howard, Jr. introduced two new full-time road deputies, Eric Benninger (former game warden) and Andrew Norman (former part-time court security). He identified other new staff who were unable to be present: Danny Gray, part-time road deputy; Sarah McClaughlin, full-time dispatcher; and Melissa Mozeleski, full-time animal shelter attendant. He reported that Ms. Mozeleski would be attending the Animal Protection program at Crater Academy so that she could be certified and sworn in as an Animal Protection Officer.

Mr. Burrell congratulated Sheriff Howard on his appointment by the Governor to the Forensic Science Board.

IN RE: PRESENTATION OF PUBLIC SAFETY AWARDS

Frank Kowaleski, Special Projects Director of the Virginia Chiefs of Police Association, was in attendance to present local awards and gave a brief history of the awards and the programs.

To Deputy Gay, he awarded a "Saved by the Belt" award for surviving a collision where he was hit broadside during a pursuit. Citizen John Woo was also named as a recipient but could not be in attendance.

He presented to Sheriff Howard and the New Kent County Sheriff's Office the first place award in the Virginia Law Enforcement Challenge, as well as the Occupant Protection Award and Child Passenger Safety Award, and announced that New Kent had also won first place in the National Law Enforcement Challenge which would be presented later in the year.

Mr. Kowaleski commended Sheriff Howard and his department for their efforts in highway safety.

Sheriff Howard attributed his department's success in these efforts to Sgt. Lee Bailey who did the paperwork, wrote the grants and kept everyone focused.

IN RE: ASSISTANT COMMONWEALTH'S ATTORNEY POSITION

Before the Board for consideration was a request from Commonwealth's Attorney Linwood Gregory for local funds needed for fringe benefits for a new full-time Assistant Commonwealth's Attorney position approved by the State Compensation Board.

Mr. Gregory explained that the Comp Board would contribute a base salary of \$41,961 and \$5,740 towards benefits, but that an additional \$8,607 per year would be needed in local funds to completely fund the benefits. He indicated that local funding needed for the position for this year, beginning October 1, would only be \$6,455.25.

Mr. Hill moved to approve a budget transfer of \$6,456 from General Fund contingency and to appropriate \$35,776 in Compensation Board revenue to cover the funds needed for the Assistant Commonwealth's Attorney position approved by the Compensation Board. 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: PROFFER POLICY

County Administrator John Budesky indicated that the need for a proffer policy had been raised on a number of occasions and that this was the beginning of the process to determine whether or not the Board wanted staff to move forward with development of a policy.

Community Development Director George Homewood briefly reviewed the advantages and disadvantages of having a proffer policy, the different variations possible in a proffer policy, and how some of the other localities handled proffers. He advised that the three options open to the Board would be to establish a formalized cash proffer policy with a set amount per unit; the Board could leave things as they were and consider each proffer statement individually; or the County could analyze its capital needs and assign costs, using the information as a guide but not create a formal policy. He also provided a sample policy from another locality for the Board's consideration, and emphasized that proffers were not "impact fees" and only applied to re-zonings.

Several of the Board members suggested that they would prefer that the costs be determined, and that the Board be able to use that information as a tool in making their decisions. Mr. Trout expressed his concern that there was lack of consistency between developments, that the proffers had often already been negotiated by the time the issue reached the Board, and that there had been no update of costs since 2001.

There was consensus among the Board members that staff would work on updating the County's costs as it related to development and proffers, and bring the matter back to the Board at a future work session. Mr. Budesky recommended that the determination be done by an outside source rather than staff so as to be better able to justify the figures, and he would exhaust all avenues of having the work done at no cost before obtaining estimates for the work.

IN RE: CAPTAIN JOHN SMITH WATER TRAIL

Before the Board for consideration was a request by Mr. Trout for approval of a proposed letter of support for the Chickahominy River portion of the Captain John Smith Water Trail.

Mr. Trout advised that the County, at some point in the future, might be approached for funding but that would be determined later. He explained how the project might increase tourism in New Kent and help some of the County businesses that were located along the route.

Mr. Hill commented that he would prefer that New Kent compose its own letter rather than just copy that of another locality.

Mr. Trout moved that the New Kent County Board of Supervisors approve a proposed letter to the Director of Grants and Public Programs supporting the Chickahominy River Trail. 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: ELECTED OFFICIALS' REPORTS

Mr. Davis thanked all of the residents for their patience and for helping their neighbors during the recent storm and its aftermath. He commended Dominion Virginia Power and the crews brought in to restore power, as well as VDOT for its hard work in clearing the roads. He also complimented the Fire, Rescue & Emergency Management staff and the volunteers, as well as other County employees for their diligence and round-the-clock work to serve the County's citizens.

Mr. Trout commended the Sheriff's Office for its handling of approximately 864 calls during the storm, and the dedication exhibited during the recent event. He also commended Fire Chief Tommy Hicks for his handling of the situation.

Mr. Trout announced the details of an upcoming Planning and Zoning Law seminar hosted by the Citizens Planning Education Association of Virginia which he suggested would be of valuable assistance to the members of the Board of Supervisors and Planning Commission.

Mr. Burrell echoed the comments of others regarding the storm, and complimented Fire Chief Hicks for his handling of events.

Mr. Burrell also spoke about the need to encourage more recycling, and inquired whether the County could mandate recycling. County Attorney Jeff Summers agreed to look into that issue and report back to the Board at a future meeting.

Mr. Sparks commented that the recycling bins were often full at the refuse site that he used, and he felt that New Kent citizens were doing a good job in that respect. He suggested that perhaps the Clean County Commission could do some marketing at the sites to increase participation before the County considered a mandate.

Mr. Burrell requested that the Sheriff look into "Unity Days" which are held in other jurisdictions.

Mr. Hill welcomed back local and new media representatives. He expressed his appreciation to Fire Chief Hicks for the "phenomenal" job he did in keeping officials and staff advised during the storm and recovery. He also suggested that the County Administrator, Sheriff and Fire Chief work together to develop a standard operating procedure that could be distributed to the residents to explain who they should call to report trees down, power out, etc. He also reported that he would be meeting with representatives from Dominion Virginia Power to try to improve its response to events in New Kent.

Mr. Hill announced that an application filed by Habitat for Humanity (HFH) would be heard by the Board of Zoning Appeals regarding the lot where the first HFH home would be constructed. He also announced details of an upcoming golf tournament/auction being held as an HFH fundraiser. He encouraged all volunteers interested in working on the first house to attend the next HFH meeting.

Mr. Sparks extended his thanks to Fire and Emergency Management staff, the Sheriff's Office, water system employees, school staff and others for their hard work during the storm.

Sheriff Howard echoed the comments made by others regarding efforts during the storm. He reported that he had attended a meeting with the Virginia State Police regarding the I-64 inversion plans. He indicated that reports were that 700,000 residents of Tidewater would be impacted by a tidal surge, 400,000 of which would be anticipated to evacuate, with 50,000 needing public shelters. He indicated that he had been assured that the State planned to end the inversion at Exit 200 (I-295) rather than at Exit 205 (Bottoms Bridge), unless there was an accident that caused a back up, at which time they would direct traffic off at Bottoms Bridge and onto westbound Route 60. He indicated that early in the event, his deputies would assist the State Police in manning exists and crossovers but thereafter would be dedicated to the citizens of New Kent, focusing on the tremendous backup that was expected on Route 60.

Sheriff Howard also reported on rumors that Colonial Downs would serve as a shelter for evacuees at the request of the State. He indicated that Colonial Downs was tentatively being considered as a shelter of "last resort" after spaces were filled at the Fairgrounds and

Kings Dominion. There was discussion as to how that might conflict with the equine shelter that was normally operated at Colonial Downs.

IN RE: STAFF REPORTS

County Administrator John Budesky announced details of the upcoming *State of the County* breakfast being hosted by the Rotary and Chamber of Commerce that will be open to the public.

IN RE: DISTRICT APPOINTMENTS

There were none.

IN RE: NON-DISTRICT APPOINTMENTS

Mr. Burrell, as Director of Emergency Services, moved to appoint Tommy Hicks as Coordinator of Emergency Management, as required by Virginia Code Section 44-146.19. 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.

IN RE: MEETING SCHEDULE

The Chairman announced that the next meeting of the Board of Supervisors would be held at 6:00 p.m. on Tuesday, October 10, 2006, and the next work session at 6:00 p.m. on Monday, September 25, 2006, both in the Boardroom of the County Administration Building, New Kent, Virginia.

IN RE: CLOSED SESSION

Mr. Hill moved to go into Closed Session to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia, 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. 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. Burrell made the following certification:

Whereas, the New Kent County Board of Supervisors has convened in 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.

The Chairman 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.

IN RE: ADJOURNMENT

Mr. Hill moved to adjourn the meeting. 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.

The meeting was adjourned at 9:34 p.m.