

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 13<sup>th</sup> DAY OF DECEMBER IN THE YEAR TWO THOUSAND FOUR OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

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IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

The Pastor Dave Smith of Kentwood Heights Baptist Church led the invocation, followed by the pledge of allegiance.

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IN RE: ROLL CALL

Mark E. Hill	Present
D. M. "Marty" Sparks	Present
Stran L. Trout	Present
W. R. "Ray" Davis, Jr.	Present
James H. Burrell	Present

Chairman Burrell called the meeting to order.

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IN RE: CONSENT AGENDA

Deputy Clerk of the Board Connie Nalls presented the Consent Agenda, which consisted of approval of the minutes of the November 1, 2004 work session; October 30, 2004 retreat; November 10, 2004 regular meeting; November 19, 2004 special work session; November 22, 2004 work session and November 29, 2004 joint work session with the School Board; approval of the name change from the Charles City, Hanover, Henrico, New Kent Disability Services Board to the Chickahominy Disability Services Board; Refunds: \$25.00 to Arlene Adkins for vendor's application fee to the Family Festival at Marengo; \$37.00 to Carol Gill, for balloon ride and admission tickets to the Family Festival at Marengo; \$75.00 to Richard S. Ellyson for balloon ride tickets; \$30.00 to June Teas for balloon ride tickets; \$45.00 to Pam Crosby for balloon ride tickets; \$30.00 to Arlene Gordon for balloon ride tickets; \$30.00 to Carol Witherspoon for balloon ride tickets; Appropriations FY2004-2005: funds received for reimbursement of professional services for Farms of New Kent, \$6,643.65; funds for Grant #154AL-05-51032-02 (DUI Checkpoint Project) to purchase DUI Checkpoint Equipment, \$1,500.00; funds for Grant #154AL-05-51033-07 (Operation Strike Force) to purchase DUI Checkpoint Equipment, \$3,000.09; additional funding due to increased demand for adoption services, \$880.00; actual federal awards for fiscal year 2004-2005, \$26,338; Total\$(38,361.65); Money in/money out \$ 38,361.65; from General Fund – fund bal \$-0-; Carry Forward Appropriations FY2004-2005: FEMA funds for Hurricane Isabel to Volunteer Fire Co. 1 and 2, \$24,908.10; two Virginia Dept. of Emergency Management grants, \$28,550.83; Total \$(53,458.93); Money in/money out \$-0-; From General Fund – fund bal \$53,458.93; Inter Departmental Budget Transfers: \$9,441.37 from Accounting & Budget salaries (4-1-12150-110) to Clerk of Board Salaries (4-1-11020-1100); \$772.46 from Accounting & Budget FICA (4-1-12150-2100) to Clerk of Board FICA (4-1-11020-2100); \$616.32 from Accounting & Budget VRS (4-1-12150-2210) to Clerk of Board VRS (4-1-11020-2210); \$1,143.80 from Accounting & Budget Medical (4-1-12150-2315) to Clerk of Board Medical (4-1-11020-2210); \$14.00 from Accounting & Budget Workers Comp (4-1-12150-2710) to Clerk of Board Workers Comp (4-1-11020-2710); \$11,979.23 from Child Care Assistance (3-2-33050-69) to Child Care & Development Program (3-1-24040-55); \$11,979.23 from Social Services – Quality Initiative Program (4-2-53020-550) to Parks & Rec Programs – Salaries \$10,136.57 (4-1-71500-1300); to Parks & Rec Programs – Supplies \$947.74; to Parks & Rec Programs – Other \$894.92 (4-1-71500-3200).

Mr. Burrell requested a correction to the minutes of November 10 under the Resident Engineer's Report, changing Route 608 to Route 618.

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

Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
Stran L. Trout	Aye
W. R. "Ray" Davis, Jr.	Aye
James H. Burrell	Aye

The motion carried.

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IN RE:           CITIZENS COMMENT PERIOD

Chairman Burrell opened the Citizens Comment Period.

Judith Harris addressed the Board regarding a complaint she has previously made against the office of the Commissioner of the Revenue about a business license that was fraudulently issued. She first reported this to the Board at the October 12, 2004 meeting. She maintains that the person who applied for the permit, a Mr. Van Dyke, is not the owner of the business and the license should never have been issued. She reported that Mr. Van Dyke's state contractor's license was revoked by the State and that information was readily available to the Commissioner's Office had they checked. She indicated that the Commissioner did temporarily suspend the business license but later re-instated it. She intends to file a complaint with the Virginia State Board of Contractors about the handling of this business license but would prefer to have it resolved by the County. She stated that she would appreciate receiving the Board's help to get this situation resolved.

Ken Clark spoke to the Board regarding a safety issue on Waterside Drive which is the only access to Chickahominy Shores and Turner Neck Estates. He reported that the road floods with moon tides and with storm tides, an estimated 40 – 50 times a year. He reported that school buses often have to cross the yellow line to get through the high water, emergency vehicles revert to using the railroad tracks and many cars stall when trying to cross. He indicated that he did not think enlarging the drain pipe would help. It is his understanding that this was on the Six Year Plan over 12 years ago but kept getting pushed to the bottom and was finally removed. He feels that raising about 200 yards of the road 2 feet will help alleviate the problem. He would like to see the project put back on the plan and moved up on the priority list.

R. E. Prezioso, Resident Engineer with the Virginia Department of Transportation, was on hand and indicated that he is familiar with the area and the only way to correct the problem is to considerably raise the road. He believes most of the flooding is from backwater from the river, although there is some blockage of the railroad's drain pipe. Maintenance funds cannot fix this, and the Board would have to add it to the Six Year Plan.

Mr. Davis asked whether it would be necessary to obtain any right-of-way from the railroad. Mr. Prezioso indicated that any widening of the road would be away from the railroad tracks. Mr. Clark stated that he did not believe it needed to be widened – just raised. He indicated that it is hard for a driver to see the water at night and it does create a hazard. Mr. Trout

reminded that the Board would be holding a public hearing on the Six Year Plan later in the agenda and invited Mr. Clark to sign up to speak so that his comments could be of record.

There being no one else signed up, the Citizen Comment Period was closed.

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IN RE: RESIDENT ENGINEERS REPORT

R. E. Prezioso, Resident Engineer with the Virginia Department of Transportation, reported that crews have been busy cleaning up the roads, performing ditch maintenance and paving edges. He indicated that the Route 155 bridge project was awarded today and that he anticipates that the contractor will want to close the bridge and start construction as soon as possible, maybe even as early as next week. Route 618 will be the detour. He promised to keep the Board informed as well as the media and the Sheriff's Office.

Regarding Route 607 and the temporary bridge that was installed, their engineer has determined that it is necessary to proceed to replace it with a permanent structure, and they are trying to work through that process during the next six weeks.

Mr. Prezioso reported that a contract has been awarded to Tidewater Construction to replace the Eltham Bridge. Although the schedule has not yet been set, he anticipates that work will begin the first of the year and that the first item to be done is business relocation in West Point. He promised to keep the Board advised.

Mr. Davis commented on the frequent flooding of Farmers Drive. He indicated that it floods in the same place every time it rains.

Mr. Trout indicated that the culvert pipe on the inside of the curve on Terminal Road has dropped down and is blocked. He also reported the return of a pothole at the stop sign, as well as water across the road at Old Roxbury Road, near the first entrance to Woodhaven.

Mr. Sparks asked for status of the work to be done at Quaker and Henpeck. Mr. Prezioso relayed a message from Gary Jennings that he has not forgotten about this project. Mr. Sparks reported significant debris on Henpeck Road, and suggested a ride-through along Old Roxbury with an eye to side paving.

Mr. Hill requested an update on the truck restrictions on Route 613. Mr. Prezioso indicated that Hanover County is planning to have their public hearing in January. He reported that comment solicitation signs were supposed to have been installed two weeks ago and he will check on that. Mr. Prezioso stated that the Commonwealth Transportation Board wants to handle this all together, restricting truck traffic on Route 613 in both New Kent and Hanover at one time. He anticipates that restrictions should be in place by April or May.

Mr. Burrell reported mud on Route 249 east of the post office, as well as on Route 627 at Route 33, which is creating a safety hazard.

Mr. Prezioso reported that Derrick Fields started today as a new headquarters superintendent.

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IN RE: OTHER BUSINESS

Chairman Burrell reported that a request has been made by the Parks & Rec department for an appropriation for a keypad to operate the scoreboard/time clock at the middle school gym. Mr. Davis indicated that this device has not been working which has resulted in a

hardship on the adult basketball leagues. The schools have agreed to fix it but the County will have to purchase its own keypad to operate it. This is estimated to cost about \$890.

Mr. Davis moved to appropriate funding for purchase of a keypad, not to exceed \$890. The members were polled:

D. M. "Marty" Sparks	Aye
Stran L. Trout	Aye
W. R. "Ray" Davis, Jr.	Aye
Mark E. Hill	Aye
James H. Burrell	Aye

The motion carried.

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IN RE: INTRODUCTIONS OF NEW STAFF

Permit Center Manager Darla Stanley introduced Nissa Dean, the new Environmental Programs Manager.

Building Official Clarence Jackson introduced Woodson Cotman, the new Codes Compliance Inspector.

Social Services Director Phil Quinn introduced Linda Leidy, their new Social Worker.

The Board members expressed their welcome to all of the new employees.

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IN RE: RESOLUTION IN RECOGNITION OF MARIANNE POWELL

Mr. Sparks and Janet Salmon, Social Services Board Chair, spoke about Ms. Powell's contributions and many years of service to the Department of Social Services. Mr. Sparks read aloud Resolution R-45-04 that had been adopted by the Board of Supervisors at their previous meeting. Ms. Powell received a standing ovation.

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IN RE: BAY TRANSIT

Kathy Vesley-Massey of Bay Aging reported back to the Board about the proposal to bring public transit to New Kent. She indicated that they have met with the Charles City County Board of Supervisors who was receptive to sharing a three bus system with New Kent, and applying for the experimental grant which would reduce the localities' respective shares from 27% to 5%. She'll be returning to Charles City on December 28 at which time their Board will consider adoption of a Resolution similar to Resolution R-52-04 being considered by the Board tonight. Once the Resolution is adopted, her agency will move forward to prepare the grant applications by the end of January. Award of the grants should be announced by the early spring.

Mr. Davis asked if New Kent's chances would depend on Charles City's decision. Ms. Vesley-Massey indicated that New Kent's application can be amended if Charles City decides against participating.

Mr. Trout wanted confirmation that the maximum cost to New Kent would be \$65,050. Ms. Vesley-Martin indicated that sum would be due from both New Kent and Charles City County if they were required to make the 27% match on a three-bus system. Mr. Hill moved to adopt Resolution R-52-04 as presented. The members were polled:

Stran L. Trout	Aye
W. R. "Ray" Davis, Jr.	Aye
Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
James H. Burrell	Aye

The motion passed.

Ms. Vesley-Martin agreed to keep the Board informed on this process.

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IN RE: OPERATION UPLIFT

Terri Lawler reported on Operation Uplift, a letter-writing initiative that is being undertaken by the schools. They have identified 50 New Kent High School graduates that are currently serving in the U. S. military, and Ms. Lawler gave a slide presentation picturing many of them. She described the various activities that have been held or planned, and thanked the school principals, local media and citizens for all of their help.

Ms. Lawler stated that New Kent is what has made these kids who they are today, and asked the Board to make an effort to keep New Kent the way it is. She also suggested re-naming Egypt Road in their honor, suggesting Avenue of Champions. Most importantly, she urged everyone to pick up a pen and paper and send these soldiers a letter.

The Board members thanked Ms. Lawler and the others for their dedication to this project. There was discussion among the Board about appropriating funding so that some of the out of pocket expenses could be reimbursed. County Attorney Phyllis Katz advised that the Board of Supervisors has the authority to make an appropriation to the School for the Operation Uplift Club.

Mr. Hill made a motion that the Board of Supervisors appropriate \$2,500 to the School Board for the Operation Uplift Club. Mr. Trout suggested that the Board could consider a matching funds program. It was reported that donations have already been received from the public. The members were polled on the motion:

W. R. "Ray" Davis, Jr.	Aye
Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
Stran L. Trout	Aye
James H. Burrell	Aye

The motion carried.

Chairman Burrell recognized Dr. F. W. Howard as the only World War II veteran in the audience. Mr. Trout also recognized Boy Scout Eric Von Hitricks who was attending to earn a merit badge.

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IN RE: RECYCLING – CENTRAL VIRGINIA WASTE MANAGEMENT AUTHORITY

Kelly Bartell Hope, Public Information Office with Central Virginia Waste Management Authority, reported on regional recycling. CVWMA is composed of 8 counties (including New Kent), 4 cities and 1 town, and covers 2500 square miles containing 1 million people. She reported that a minimum of 25% of a locality's wastes must be recycled and that

CVWMA has been achieving that goal, recycling over 300,000 tons, and sustaining a regional rate of about 40%. She indicated that the new collection containers have more user friendly openings. In addition to their hazardous waste collection and solid waste programs, CVWMA also has a recycling program for old tires, appliances, propane tanks, cell phones and electronic equipment, as well as a Safe Garage program. She reported that the drop-off recycling program in New Kent generated 436 tons, generating revenue from newspaper of \$8,632, cardboard \$1,683 and propane tanks \$108. She indicated that 75% of the revenue from the sale of recycled items is retained by the locality that generated the recyclables.

Mr. Burrell reminded that the County also saves money on its tipping fees when citizens recycle.

Ms. Hope indicated that there was 8,584 tons of trash disposed in New Kent, for which the County pays a "per ton" tipping fee.

Regarding cell phones and electronics, Ms. Hope indicated that they deal with national recyclers that distribute working phones and computers to shelters and charities, sell some on the international market and for parts, and recycle the broken ones.

Ms. Hope stated that she is part of the Authority's outreach program and is available to meet with the schools, scouts, or other groups.

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IN RE: REGIONAL BICYCLE/PEDESTRIAN PLAN

John Riley of Kimley Horn & Associates presented the regional bicycle/pedestrian plan to the Board. This is a tool to incorporate bicycling and walking into the transportation system. He indicated that the purpose of the regional study was to prepare a plan that could serve as a prototype for other Virginia regions, and serve as a guide for local, regional and state agencies in developing and promoting safe, convenient facilities and services oriented to bicyclists/pedestrians. He described the work of the Study Advisory Committee which included representatives from Ashland, Charles City, Chesterfield, Goochland, Hanover, Henrico, New Kent, Powhatan, Richmond, Richmond Area Bicycling Association, GRTC Transit RideFinders, Sierra Club and the Citizens Transportation Advisory Committee. He indicated that the goal summary was to "provide safe and convenient facilities and services to the people who choose to bicycle or walk". He described how the data was collected, and the determination of the bicycle level of service (BLOS), pedestrian level of service (PLOS) and latent demand analysis policies (identifying origins and destinations). They also considered supporting facilities that would enhance the activity, including parking racks, showers and racks on public transportation. They are encouraging each locality to make changes to land use and development policies to ensure that future development facilitates and encourages safe and increased levels of bicycle and pedestrian travel, and congratulated New Kent for incorporating these components into its Comp Plan. A suggestion for New Kent was to design and construct a roundabout at a Route 249 intersection in the western end of the county. He also reported that VDOT will initiate all highway construction projects with the presumption that the projects shall accommodate bicycling and walking.

Mr. Davis asked Mr. Prezioso if the new Eltham Bridge would have a bike/pedestrian component. Mr. Prezioso indicated that they had decided to incorporate wider shoulders rather than designated bike lanes.

Mr. Davis inquired how much room is needed for a safe bike lane. Mr. Riley indicated that they recommend 5 feet of shoulder.

Mr. Trout inquired who would pay to implement the plans. Mr. Riley indicated that there is federal enhancement funding available. Mr. Prezioso agreed, stating that Charles City County is paying a 20% match for the portion of the Virginia Capital Trail that is being constructed on Route 5.

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IN RE: SECONDARY ROAD IMPROVEMENT SIX-YEAR PLAN

Dan Mott, Assistant Resident Engineer with VDOT, distributed a corrected Construction Program/Estimated Allocations (the original had omitted the paving of Route 647 under Rural Rustic Roads) and reviewed each project with the Board. Priority one project is 0.4 miles on Terminal Road which is scheduled for an advertising date of December 2005. Priority two is 2.347 miles on Stage Road which is scheduled for an advertising date of February 2005. Priority three is 1.1 miles on Mt. Pleasant Road scheduled for an advertising date of July 2006, and is separate from the rural rustic road paving that will be done on another section of Mt. Pleasant. Priority four is 1.6 miles on Henpeck Road which does not yet have an ad date (is not yet fully funded) and Cosby Mill Road which was added as Priority five at the suggestion of the Board of Road Viewers.

There was discussion about adding Waterside Drive to the Six Year Plan. Mr. Mott indicated that it would be added to a future Six-Year Plan, or could be considered under Revenue Sharing, where there is a 50/50 match. It was agreed that VDOT staff would look at the area and bring a recommendation back to the Board at a future meeting.

Chairman Burrell opened the Public Hearing. Mr. Trout asked that Mr. Clark's comments made earlier in the evening during Citizens Comment be noted in this section. There being no one signed up to speak, the Public Hearing was closed.

Mr. Sparks moved to adopt Resolution R-54-04 as presented. The members were polled:

Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
Stran L. Trout	Aye
W. R. "Ray" Davis, Jr.	Aye
James H. Burrell	Aye

The motion carried.

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IN RE: WAIVER OF THE ANNUAL VEHICLE LICENSE TAX FOR MEMBERS OF VOLUNTEER FIRE AND EMS AND AUXILIARY DEPUTY SHERIFFS

County Attorney Phyllis Katz advised that she understands there has been some discussion on this issue, and Mr. Trout has done some research and is of the opinion that the Board should adopt something different from what was advertised. Under the circumstances, she suggested that this matter be continued to a later date and be re-advertised. It was determined that no one had signed up to speak and the matter was continued.

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IN RE: AGRICULTURAL AND FORESTAL DISTRICTS

Community Development Director George Homewood reported that the proposed AFD changes are the same that were discussed at a prior work session. Mr. Davis reported

that the AFD Advisory Board had worked hard to tighten up the ordinance, making it fair and still advance the AFD agenda. Commissioner of the Revenue John Crump indicated that the AFD Advisory Board had spent a lot of time trying to simplify the process and make it better for everyone, but make it clear what is required for removal.

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

Mr. Trout stated that it was his understanding that the major change is that the Code will provide particular dates by which applications must be filed, which will make the process more efficient.

Mr. Davis moved to adopt Ordinance O-26-04 as presented. The members were polled:

D. M. "Marty" Sparks	Aye
Stran L. Trout	Aye
W. R. "Ray" Davis, Jr.	Aye
Mark E. Hill	Aye
James H. Burrell	Aye

The motion carried.

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IN RE: SEWER CONNECTION AVAILABILITY FEE

County Attorney Phyllis Katz reviewed the proposed changes to the ordinance that was adopted last month by the Board, including using meter size rather than ERUs, and allowing for connection fee prepayment for properties that were under contract for sale on or before November 5, 2004 and were covered under an existing sewer service agreement, provided such connection fees are paid no later than December 30, 2004. She reported that Chuck Rothenberg, on behalf of his client Bluegreen Corporation, has also suggested two amendments - one dealing with assignments and the other with refunds.

Mr. Davis had questions about when payment is due. Ms. Katz stated that the connection availability fee must be paid within five years from the time that the fee is due, which would be at either rezoning or site plan approval. She pointed out that is a maximum of five years, not a fixed five years. The agreement must be backed by surety.

Mr. Davis inquired if this would create an accounting problem. Accounting & Budget Director Mary Altemus stated that the County's current finance software program is not set up to take payments over time.

Mr. Trout stated that this would be the equivalent of a five year note backed by surety and it should not be a problem.

Chairman Burrell opened the Public Hearing.

Chuck Rothenberg stated that Ms. Katz had explained his concerns and he had nothing to add.

David Horsley asked if this was a way to allow a business to prepay its sewer connection fee to prevent future fee increases. Ms. Katz explained that this pertains to prepayment of connection fees by those properties covered by an existing sewer service agreement.

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

Mr. Trout expressed his concerns about how the amount of connection availability fee would be determined if a developer didn't know at PUD approval exactly what businesses would be built. There was discussion on the best way to estimate connection size and usages. Ms. Katz agreed to work on an amendment that would provide for this situation prior to the time that a vote is taken. She will report back later in the meeting.

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IN RE: PLANNING COMMISSION CHANGES

Mr. Trout stated that it was his understanding that the proposed changes would not change the size of the Planning Commission, only the terms, so that they are staggered within each district. Mr. Sparks pointed out that it also requires that the appointee live in the district from which appointed. Mr. Burrell added that it also provides that if the appointee moves to another district, or the district changes by virtue of redistricting, the appointee would serve out the remainder of the term.

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

Mr. Sparks moved to adopt Ordinance O-27-04 as presented. The members were polled:

Stran L. Trout	Aye
W. R. "Ray" Davis, Jr.	Aye
Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
James H. Burrell	Aye

The motion passed.

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IN RE: BOTTOMS BRIDGE SERVICE DISTRICT

County Attorney Phyllis Katz indicated that this emergency ordinance will remove a parcel identified as tax map 30-5 from the Bottoms Bridge Service District that should not have been included. The removal will have to be advertised for Public Hearing at a future date to permanently remove it. The proposed resolution will authorize a refund of the ad valorem tax that resulted from this mistake.

Mr. Hill moved to adopt Ordinance O-28-04 as presented. The members were polled:

W. R. "Ray" Davis, Jr.	Aye
Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
Stran L. Trout	Aye
James H. Burrell	Aye

The motion carried.

Mr. Sparks moved to adopt Resolution R-53-04 as presented. The members were polled

Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
Stran L. Trout	Aye

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W. R. "Ray" Davis, Jr.                      Aye  
James H. Burrell                                Aye

The motion carried.

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IN RE:                      ELECTED OFFICIALS REPORT

Mr. Trout welcomed Connie Nalls, Deputy Clerk of the Board, to the dais, and Marilyn Mills to the Clerk's table. He reminded the community that the upcoming holidays will bring additional stress, and cautioned about drinking and driving. He wished everyone a safe holiday season. He announced that the Providence Forge Volunteer Rescue Squad will be holding a free EMT class on January 6, open to anyone over 16.

Mr. Burrell indicated that he enjoyed serving as Chairman for 2004 and wished everyone the best in the upcoming season.

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IN RE:                      SEWER AVAILABILITY FEE (continued)

Ms. Katz reviewed the proposed additions to the ordinance, incorporated Mr. Rothenberg's suggestions.

Following discussion, Mr. Trout moved to adopt Ordinance O-25-04 with the following amendments: under B.1.c., adding paragraph 4 as follows: *"for commercial and industrial properties, where the amount of the exact connection availability fee can only be estimated, the connection availability fee payment agreement shall provide for future payments of the difference between the estimated fee and the actual fee"* and on the last page, adding to the end of paragraph 2 *"or the assignee of the individual purchaser named therein provided that the assignment (a copy of which will be provided to the County) is not effected for the purpose of avoiding payment of the Connection Availability Fee, as determined at the sole discretion of the County"*. The members were polled:

D. M. "Marty" Sparks                      Aye  
Stran L. Trout                                Aye  
W. R. "Ray" Davis, Jr.                      Aye  
Mark E. Hill                                 Aye  
James H. Burrell                             Aye

The motion carried.

Mr. Sparks moved that any Connection Availability Fee paid to the County for a residential lot described in subparagraph (1) of the second Ordaining section of O-25-04 shall be refunded by the County to the payor within thirty (30) days from today. The members were polled:

Stran L. Trout                                Aye  
W. R. "Ray" Davis, Jr.                      Aye  
Mark E. Hill                                 Aye  
D. M. "Marty" Sparks                      Aye  
James H. Burrell                             Aye

The motion carried.

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IN RE: SEWER SERVICE AREAS

Subcommittee members Mr. Davis and Mr. Trout, together with Public Works Director Alan Harrison reviewed the proposed sewer service areas. Mr. Davis stated that once the plan is adopted, each region will require some "fine tuning". Mr. Harrison stated that the County needed to hire someone, maybe R. Stuart Royer, to help with coordination of the plan. Mr. Trout inquired if the plan needed to be formally adopted, or if it is only a guide. County Attorney Phyllis Katz stated that the Code of Virginia does not speak to that, but she would recommend that it be formally adopted at a public hearing as an amendment to the Comprehensive Plan. It was agreed that a Public Hearing in January would be acceptable.

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IN RE: CAPITAL IMPROVEMENT PROGRAM

There was discussion about obtaining a recommendation from the Planning Commission on the proposed CIP. Mr. Burrell stated that he understood that a public hearing is not required, or can be left up to the discretion of the Planning Commission. Mr. Trout was concerned that requiring a 60-day turn around time may apply an unreasonable burden on the Planning Commission. Community Development Director George Homewood stated that the Board can request a 60-day turn around and the Code does require a public hearing. He believes that the Planning Commission can receive the draft CIP at its December 20 meeting, have an opportunity to have a work session, have a public hearing at its January meeting, and have a recommendation to the Board prior to the February meeting.

Pursuant to authority granted under Section 15.2-2239 of the Code of Virginia, Mr. Hill moved that the proposed Capital Improvement Program be referred to the Planning Commission for its consideration and that the Planning Commission be directed to hold a public hearing and to make its recommendations to the Board within 60 days. The members were polled:

W. R. "Ray" Davis, Jr.	Aye
Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
Stran L. Trout	Aye
James H. Burrell	Aye

The motion carried.

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IN RE: COUNTY ADMINISTRATOR/CLERK OF THE BOARD

Mr. Hill moved to appoint Richard Ellyson as County Administrator of New Kent County to serve on a month to month basis. For the remaining days in December, Mr. Ellyson shall serve intermittently on an as-needed basis; beginning in January, he shall devote his full energies to this position and shall be compensated at a monthly salary of \$6,500 with no benefits. There was discussion as to whether the motion should be amended to reflect Interim County Administrator. Ms. Katz advised that it as sufficient as stated. The members were polled:

Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
Stran L. Trout	Aye
W. R. "Ray" Davis, Jr.	Aye

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Mr. Hill moved to appoint Patty Townsend as District One's representative to the Planning Commission to serve a four-year term beginning January 1, 2005 and ending December 31, 2008.

Mr. Hill moved to appoint George Tate as District One's representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2005 and ending December 31, 2005.

Mr. Hill moved to appoint John McLaughlin as District One's representative to the Transportation Safety Commission to serve a four-year term beginning January 1, 2005 and ending December 31, 2008.

Mr. Hill moved to appoint David Frank as District One's representative to the Zoning Appeals Board to serve a five year term beginning January 1, 2005 and ending December 31, 2009.

Mr. Sparks moved to appoint Charles Martin as District Two's representative to the Airport Advisory Commission to serve a one-year term beginning January 1, 2005 and ending December 31, 2005.

Mr. Sparks moved to appoint Duke Askew as District Two's representative to the Historic Commission to serve a four-year term beginning January 1, 2005 and ending December 31, 2008.

Mr. Sparks moved to appoint A. Harold Garland as District Two's representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2005 and ending December 31, 2005.

Mr. Burrell moved to appoint Eugene R. Williams as District Three's representative to the Airport Advisory Commission to serve a one-year term beginning January 1, 2005 and ending December 31, 2005.

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

Mr. Burrell moved to appoint James Moody, Sr. as District Three's representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2005 and ending December 31, 2005.

Mr. Trout moved to appoint William Jeffries as District Four's representative to the Airport Advisory Commission to serve a one-year term beginning January 1, 2005 and ending December 31, 2005.

Mr. Trout moved to appoint Robert Robertson as District Four's representative to the New Kent Clean County Committee to serve a four-year term beginning January 1, 2005 and ending December 31, 2008.

Mr. Trout moved to appoint M. Theresa Carter as District Four's representative to the New Kent Clean County Committee to serve a four-year term beginning January 1, 2005 and ending December 31, 2008.

Mr. Trout moved to appoint Melissa Dean as District Four's representative to the Historic Commission to serve a four-year term beginning January 1, 2005 and ending December 31, 2008.

Mr. Trout moved to appoint David Sisk as District Four's representative to the Economic Development Authority to serve a four-year term beginning January 1, 2005 and ending December 31, 2008.

Mr. Davis moved to appoint Jimmy Dean as District Five's representative to the New Kent Clean County Committee to serve a four-year term beginning January 1, 2005 and ending December 31, 2008.

Mr. Davis moved to appoint Terri Lindsay as District Five's representative to the Historic Commission to serve a four-year term beginning January 1, 2005 and ending December 31, 2008.

The members were polled:

Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
Stran L. Trout	Aye
W. R. "Ray" Davis, Jr.	Aye
James H. Burrell	Aye

The motions carried.

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IN RE:            APPOINTMENTS TO BOARDS AND COMMISSIONS NOT DELEGATED BY  
                      DISTRICT

Mr. Davis moved to appoint George Fisher as an at-large member of the Agricultural and Forestal District Advisory Committee to serve a four-year term beginning January 1, 2005 and ending December 31, 2008.

Mr. Davis moved to appoint William E. Mountcastle as an at-large member of the Agricultural and Forestal District Advisory Committee to serve a four-year term beginning January 1, 2005 and ending December 31, 2008.

Mr. Burrell moved to appoint Fred Bahr and Mr. Davis moved to appoint Paul Robinson as an at-large member of the Economic Development Authority to serve a four-year term beginning January 1, 2005 and ending December 31, 2008.

Mr. Burrell moved to appoint Barbara Moss as one of New Kent's representatives to the Hanover Health Advisory Board to serve a two-year term beginning January 1, 2005 and ending December 31, 2006.

Mr. Burrell moved to appoint Jean Street as one of New Kent's representatives to the Hanover Health Advisory Board to complete a two year term ending December 31, 2005.

Mr. Sparks moved to appoint Pam Hill as New Kent's representative to the Quin Rivers Community Action Board to serve a four-year term beginning January 1, 2005 and ending December 31, 2008.

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There was discussion about the nominations to the at-large position on the Economic Development Authority. Mr. Davis indicated that he had spoken with Paul Robinson and he is willing to be re-appointed as long as he does not have to serve as chairman. There was consensus to table this nomination to the January meeting.

The members were polled on the remaining motions for appointments:

D. M. "Marty" Sparks	Aye
Stran L. Trout	Aye
W. R. "Ray" Davis, Jr.	Aye
Mark E. Hill	Abstain
James H. Burrell	Aye

The motions carried.

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IN RE: STAFF REPORTS

Chairman Burrell announced the Treecycling program being sponsored by the Clean County Committee. There are two sites in the County that will accept live Christmas trees, free of charge, between December 26, 2004 and January 31, 2005.

Ms. Katz announced that letters will be going out to affected property owners regarding easements for the sewer trunk line. A copy of the letter and a list of recipients will be provided to the Board.

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IN RE: MEETING SCHEDULE

The next regular meeting of the Board of Supervisors will be held at 6:00 p.m. on Monday, January 10, 2005, in the Boardroom of the County Administration Building. There will be no December work session.

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IN RE: CLOSED SESSION

Mr. Sparks moved go into closed session for discussions relating to real property pursuant to Section 2.2-3711A.3 of the Code of Virginia involving acquisition of real property for public purpose, and for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving pending litigation. The members were polled:

Stran L. Trout	Aye
W. R. "Ray" Davis, Jr.	Aye
Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
James H. Burrell	Aye

The motion carried. The Board went into closed session. Mr. Sparks moved to emerge from closed session. The members were polled:

W. R. "Ray" Davis, Jr.	Aye
Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
Stran L. Trout	Aye
James H. Burrell	Aye

Mr. Trout made the following certification:

Whereas, the New Kent County 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 Burrell whether there was any member who believed that there was a departure from the motion. Hearing none, the members were polled on the certification:

Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
Stran L. Trout	Aye
W. R. "Ray" Davis, Jr.	Aye
James H. Burrell	Aye

The motion carried.

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IN RE:           ADJOURNMENT

Mr. Davis moved for adjournment. The members were polled:

D. M. "Marty" Sparks	Aye
Stran L. Trout	Aye
W. R. "Ray" Davis, Jr.	Aye
Mark E. Hill	Aye
James H. Burrell	Aye

The motion carried. The meeting was adjourned at 10:31 p.m.

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