

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 10th DAY OF JANUARY IN THE YEAR TWO THOUSAND ELEVEN OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

Chairman Sparks called the meeting to order.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: ROLL CALL

Thomas W. Evelyn	Present
David M. Sparks	Present
James H. Burrell	Present
Stran L. Trout	Present
W. R. Davis, Jr.	Present

All members were present.

IN RE: ANNUAL REORGANIZATION – ELECTION OF OFFICERS FOR 2010

The Board's first meeting of the year is designated as the annual reorganization meeting.

Nominations were opened for the office of 2011 Chairman.

Mr. Davis nominated Thomas Evelyn for Chairman of the Board of Supervisors for a term of one year. There were no other nominations.

Mr. Sparks moved to close nominations for Chairman of the Board of Supervisors. There being no discussion, the members were polled:

Thomas W. Evelyn	Abstain
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye

The motion carried.

Mr. Davis moved to elect Thomas Evelyn as Chairman of the Board of Supervisors for a term of one year. There was no discussion and the members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Abstain
David M. Sparks	Aye

The motion carried.

Chairman Evelyn accepted the gavel and presented Mr. Sparks with a plaque in appreciation of his service as 2010 Chairman.

Nominations were opened for the office of Vice Chairman.

Mr. Burrell nominated Stran Trout for Vice Chairman of the Board of Supervisors for a term of one year. There were no other nominations.

Mr. Davis moved to close nominations for Vice Chairman of the Board of Supervisors. There was no discussion and the members were polled:

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Thomas W. Evelyn	Aye

The motion carried.

Mr. Sparks moved to elect Stran Trout as Vice Chairman of the Board of Supervisors for a term of one year. There was no discussion and the members were polled:

W. R. Davis, Jr.	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Abstain
Thomas W. Evelyn	Aye

The motion carried.

IN RE: ANNUAL REORGANIZATION – REGULAR MEETING SCHEDULE FOR 2011

Before the Board for consideration was Resolution R-01-11 setting the Board's 2011 meeting schedule.

Mr. Trout indicated that he would be out of town on the last Wednesday of April and, after discussion, it was agreed that the April work session would be held on Tuesday, April 19.

Mr. Davis moved to adopt Resolution R-01-11, with the April work session changed to Tuesday April 19 instead of Wednesday April 27. The members were polled:

David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: ANNUAL REORGANIZATION – BYLAWS

There was discussion regarding proposed changes to the bylaws.

Mr. Burrell moved that the Bylaws be amended as discussed and that a vote be taken at a future meeting that was no less than 30 days from the date of the meeting. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Approval of Minutes
 - a. Special meeting of November 30, 2010
 - b. Regular meeting of December 13, 2010
2. Miscellaneous
 - a. Award of wastewater sludge hauling contract to Brockwell's Septic & Service, Inc.
 - b. Courier Services Agreement with Mobile One Courier Services, Inc.
3. Refunds
 - a. \$315 to Gooding Construction Company for withdrawn land disturbance permit
 - b. \$586.69 to Gooding Construction Company for withdrawal of building permit
4. FY11 Appropriations
 - a. Funds for supplemental security from Sheriff's Office and Fire-Rescue for October, \$4,517.64
 - b. Funds donated to the New Kent Animal Shelter, \$392.00
 - c. Funds received from vending machine sales for employee Christmas parties, \$186.01
 - d. Funds received for gifts and donations, \$1,097.50
 - e. Insurance proceeds for a damaged windshield (Fire and Emergency Management) and damage to Engine 2, \$1,815.56
 - f. Federal grant for Fire & Emergency Services (BT for local match), \$10,691.20
 - g. Additional Social Services funds, \$14,013.00
 - h. Program income received to date for FY11 from CDBG Plum Point grant participants, \$1,296.53
 - i. Donated funds to Parks & Recreation Scholarship Program, \$25.00
 - j. Adjust FY11 appropriation for the Virginia Department of Health – less than previously requested, \$4,574.00
 - k. Funds received by Extension from outside sources for sponsorship of programs, \$1,050.00
 - l. Funds received from the DEQ-Water Quality Improvement WWTP grant, \$769,279.70

Total Supplemental Appropriation:
\$(799,790.14) Total
\$ 798,627.14 Money In/Money Out
\$ 1,163.00 From General Fund fund balance

5. FY11 Inter-Departmental Budget Transfers
 - a. *Fire-Rescue*: \$2,672.80 from Grant contingency to VDEM-Hazardous Materials Preparedness
6. Treasurer's Report: Cash as of November 2010: \$36,167,292.96

Mr. Trout moved to approve the Consent Agenda as presented and that it be made a part of the record. The members were polled:

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

Chairman Evelyn opened the Citizens Comment Period.

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

IN RE: INTRODUCTION OF NEW STAFF

Parks & Recreation Manager Kim Turner introduced new Recreation Programmer, Shelley Bordner, who was welcomed by the Board members.

IN RE: EMERGENCY SERVICES PROGRAM FUNDS

Social Services Advisory Board member Karen Cameron reviewed a request of the Department of Social Services (DSS) for additional funds for its Emergency Services Program. She explained that DSS had nearly depleted the \$5,000 appropriated for this program for the current fiscal year, which had resulted in the denial of three qualified applications. She explained that these funds were used to prevent the cut-off of utilities, eviction, and emergency food assistance, and the budgeted funds were usually enough, but that there had been an increase in applications because of the economy and unemployment. She indicated that DSS had requested an additional \$4,000 to cover the remainder of the fiscal year.

She reviewed the requirements for the program, explaining that an applicant can only apply one time per year and can receive no more than \$250 for utilities, food, and shelter – in instances where they do not qualify for any other kind of assistance. She reported that in FY10 there were 89 requests, with 24 being approved for an average payment of \$116.41. She noted that so far for FY11, 41 requests had been received (5 during the first week of January) and that the average payment had risen to \$182.69. She reviewed how New

Kent's statistics compared with some of the other localities in the state, noting that the funds budgeted for this program in New Kent were generally less than in other localities.

Board members commented on the cold weather and the economy, and agreed that this request should be approved.

Mr. Davis moved to appropriate \$4,000 from General Fund contingency for additional Emergency Services Program Funds. The members were polled:

W. R. Davis, Jr.	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: PUBLIC UTILITY PROJECTS

Public Utilities Director Larry Dame updated the Board on public utility construction projects.

He reported that the upgrade of the Parham Landing wastewater treatment plant was 85% complete, with substantial completion scheduled for the end of March. He noted that the new plant was already being used to treat wastewater and he was pleased with the progress and results. He explained that the demolition of the existing plant was underway.

He indicated that the Reclaimed Water Main project was 90% complete, with a large portion of the line having been installed and tested, and installation of the remaining lines underway on Colonial Downs property. He advised that the project was scheduled for completion at the end of February, with the contractor returning in the spring for final grading and seeding. He projected that the lines would be in use by April 1, 2011.

Mr. Dame reported that the Chickahominy Reclaimed Water Facility was 95% complete, with start-up testing scheduled for the next week and final completion by the end of February, with final grading and seeding in the spring.

He confirmed that the plans to close the Chickahominy wastewater treatment plant had been submitted to and approved by the Department of Environmental Quality (DEQ) and he planned to perform the work in-house. He explained that once the Chickahominy Reclaimed Water Facility was in operation, it would be remotely monitored and that staff would only have to visit the facility to obtain samples when it was in operation.

He indicated that there was a change order on the Parham Landing upgrade project that was less than 2% of the project costs, which he felt was fairly reasonable, and he reminded that the project had originally been estimated at \$32 million but had been done for \$22 million, and paid for with existing funds and no borrowing.

IN RE: ELECTED OFFICIALS' REPORTS

Treasurer Herb Jones, Jr., recently back from an Army Reserve tour in Iraq, presented the Board and New Kent citizens with an American flag that had been flown in Iraq, for their support of him and others who are serving in the military.

Board members welcomed Mr. Jones back and thanked him for his service.

Mr. Jones then reported on the recent tax collection season, advising that the overall collection rate had been 76%, with personal property collections at 83%, public service collections at 98.4%, and real estate collections at 74%. He admitted that the collection rates were low and advised that delinquent collection procedures would begin the week of January 18. He indicated that with the help of DMV stops and State tax set-offs, he felt that the personal property tax collections rate would increase. Regarding the real estate tax collections, he indicated that there was one large landowner who had not paid its taxes but added that negotiations with that entity were ongoing and he would speak with the Board members individually if any of them wanted more information.

There was discussion regarding the reasons for the lower-than-normal collection rates.

Mr. Davis complimented residents for their handling of the last snow event and spoke about predictions of more bad weather to follow. He asked about the possibility of someone from the Virginia Department of Transportation (VDOT) appearing regularly at meetings to address road issues. County Administrator Cabell Lawton advised that VDOT staff had indicated that they could appear quarterly but had yet to fulfill that commitment. He reminded that County staff met with VDOT staff on a monthly basis and would be happy to pass on any concerns from the Board members. Mr. Burrell spoke about the numerous dead trees that were safety hazards to the motoring public, as well as an intersection in Eltham where a recent collision had occurred as a result of a line-of-sight issue. Mr. Sparks noted that the repeatedly requested speed limit reduction in Quinton had again been denied but that he and the Sheriff were going to visit the VDOT District Director about the issue, and he wanted citizens to understand the problems that the Board was having in trying to work with VDOT to address some of these issues.

Mr. Trout reminded that the General Assembly would be starting its session the following Wednesday and he asked residents to advise the Board if they were aware of any pending legislation that would impact New Kent. He also encouraged residents to visit the County's state legislators during the General Assembly session, and he distributed copies of the Legislative Agenda from the Richmond Regional Planning District Commission.

Mr. Trout asked that the Board discuss the trash transfer stations at the next session and the possibility of resuming 7-day operations at the 612 site because of the heavy use. He spoke about problems with trash disposal after the holidays when the transfer station was closed because of bad weather on top of being closed one-day a week as a cost savings measure.

Mr. Burrell urged residents to use caution with kerosene and space heaters, and also recognized the presence of Chief Magistrate M. Virginia Muñoz in the audience.

Mr. Sparks also spoke about the situation with the trash transfer station and reminded residents that sometimes it was necessary to close the sites because of dangerous weather conditions. He also encouraged residents to watch out for others and notify Social Services if they knew of someone who was in desperate need, noting that there were a lot people in New Kent too proud to ask for help when they needed it.

Mr. Evelyn thanked General Services Director James Tacosa and his staff for the recent removal of the awning in front of the Historic School.

It was suggested that the Board set a special meeting to focus on the Historic School, and agreed that the Board would meet on January 19, 2011 at 3 p.m. in the Boardroom, and Mr. Tacosa was asked to attend. The Board members debated the format and expected outcome of the upcoming special meeting on the Historic School, and it was agreed that no public participation would be involved but that interested parties were welcome to attend.

IN RE: STAFF REPORTS

Fire Chief E. Thomas Hicks reported on a projected weather system that might affect New Kent. Board members thanked him for timely and informative weather update emails.

Mr. Lawton spoke about some suggested changes to County ordinance regarding the Social Services Board, which would require a public hearing. It was suggested that the ordinance changes be reviewed with the Social Services Advisory Board prior to a public hearing being scheduled.

Mr. Lawton advised that at the Board's March 18 lunch meeting with Senior Staff, he would like to present the goals of the organization and obtain Board feedback. Mr. Davis advised that he did not feel that the last meeting with Senior Staff "turned out like it should have" and he would like to keep those meetings a dialogue with staff as it had been in the past. Mr. Sparks added that he did not want to wait until March 18 to know what the County was going to do over the next year and a half and that the Board needed to think about what it wanted to do now. It was suggested that the Board schedule a Retreat between now and then, and be able to give the County Administrator some input that he could share with staff. A Board Retreat was tentatively scheduled for February 18 at 2 p.m. at a location to be determined at a later date.

Mr. Lawton advised that if the Board wanted to resume 7-day a week operations at all transfer stations, it would cost between \$12,000 and \$15,000 for the remainder of the fiscal year. Mr. Davis commented that closing the sites one day per week was done as a cost-savings measure but that he did not feel that the 618 main site should have been included in the closings. Mr. Trout pointed out that the 612 site served over half of the County's population and he would like a report from General Services on the activity at the site as well as what happened over the holidays. Mr. Evelyn agreed that the Board needed to look closer at that again.

Mr. Lawton announced that there was some interest in locating a regional career and technical center at the Historic School, and he asked that the Board keep that in mind as it deliberated about space and use at the Historic School. He indicated that he would share information about the project with the Board as it was received.

Mr. Trout pointed out that the Magistrate had also requested space in the Historic School.

Mr. Burrell asked that during the upcoming budget, consideration be given to reconfiguring the Boardroom dais so that it was curved. Mr. Lawton advised that it had been hoped that there would be funds left over from the building renovation project to cover that reconfiguration but there wasn't, and he would obtain the preliminary estimates prepared by Mr. Tacosa and provide them to the Board.

IN RE: DISTRICT APPOINTMENTS

Mr. Trout moved to appoint William E. Mountcastle as District Four's representative to the Agricultural and Forestal District Advisory Committee to serve a four-year term beginning January 1, 2011, and ending December 31, 2014.

Mr. Trout moved to appoint Richard Weyant as a District Four representative to the Transportation Safety Commission to serve a four-year term beginning January 1, 2011 and ending December 31, 2014.

Mr. Sparks 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, 2011 and ending December 31, 2014.

Mr. Sparks moved to appoint Ashley Ohlschlager as District Two's representative to the Social Services Advisory Board to complete a term ending June 30, 2014.

Mr. Evelyn moved to appoint Fred Kuester as District One's representative to the Airport Advisory Commission to serve a four-year term beginning January 1, 2011 and ending December 31, 2014.

Mr. Evelyn moved to appoint Marion Shackford as District One's representative to the Clean County Committee to serve a four-year term beginning January 1, 2011 and ending December 31, 2014.

Mr. Evelyn moved to appoint George Gregory, Jr. as a District One representative to the Planning Commission to serve a four-year term beginning January 1, 2011 and ending December 31, 2014.

Mr. Evelyn moved to appoint Larry Gallaher as a District One representative to the Transportation Safety Commission to serve a four-year term beginning January 1, 2011 and ending December 31, 2014.

The members were polled:

David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye

The motions carried.

IN RE: NON-DISTRICT APPOINTMENTS

There were none.

IN RE: OTHER APPOINTMENTS

Mr. Burrell moved to appoint W. R. Davis, Jr. as the Board representative to the Agricultural and Forestal District Advisory Committee to serve a one-year term ending December 31, 2011.

Mr. Burrell moved to appoint D. M. Sparks as the Board representative to the Airport Advisory Commission to serve a one-year term ending December 31, 2011.

Mr. Burrell moved to appoint Stran Trout as the Board representative to the Historic Commission to serve a one-year term ending December 31, 2011.

Mr. Burrell moved to appoint Thomas Evelyn as the Board representative to the Parks and Recreation Advisory Commission to serve a one-year term ending December 31, 2011.

Mr. Sparks moved to appoint James Burrell as the Board representative to the Planning Commission to serve a one-year term ending December 31, 2011.

Mr. Sparks moved to appoint James Burrell as New Kent's representative to the Smart Beginnings Leadership Council to serve a one-year term ending December 31, 2011.

Mr. Sparks moved to appoint W. R. Davis, Jr. as the Board representative to the Social Services Advisory Board to serve a one-year term ending December 31, 2011.

Mr. Sparks moved to appoint James Burrell as the Board representative to the Transportation Safety Commission to serve a one-year term ending December 31, 2011.

Mr. Sparks moved to appoint Thomas W. Evelyn as New Kent's Board representative to the Consortium Board of the Capital Region Workforce Partnership to serve a one-year term ending December 31, 2011.

Mr. Burrell moved to appoint D. M. Sparks as New Kent's Board representative to the Chickahominy District Health Advisory Board to serve a one-year term ending December 31, 2011.

The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye
Thomas W. Evelyn	Aye

The motions carried.

Mr. Burrell moved to appoint Thomas Evelyn as the Director of Emergency Management pursuant to Code of Virginia Section 44-146-19 and as Director of Emergency Services pursuant to County Code Chapter 30-161. The members were polled:

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Thomas W. Evelyn	Abstain

The motion carried.

Mr. Evelyn moved to appoint E. Thomas Hicks as the Coordinator of Emergency Management pursuant to Code of Virginia Section 44-146.19 and as Coordinator of Emergency Services pursuant to County Code Chapter 30-162. The members were polled:

W. R. Davis, Jr.	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
Thomas W. Evelyn	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 February 14, 2011, and the next work session at 3:00 p.m. on January 26, 2011, both in the Boardroom of the County Administration Building, New Kent, Virginia. He noted that this meeting would be continued to January 19, at 3 p.m. to discuss the future of the Historic School.

He also indicated that the Board would take no action after its closed session.

IN RE: CLOSED SESSION

Mr. Davis moved to go into Closed Session to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia involving assignment of personnel and potential litigation. The members were polled:

David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried. The Board went into closed session.

Mr. Burrell moved to return to open session. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye
Thomas W. Evelyn	Aye

The motion carried.

Mr. Davis 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
David M. Sparks	Aye
James H. Burrell	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: CONTINUATION OF THE MEETING

The meeting was continued until January 19, 2011, at 3 p.m. in the Boardroom of the County Administration Building. The meeting was suspended at 7:31 p.m.