

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 9th DAY OF DECEMBER IN THE YEAR TWO THOUSAND TWO OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:04 P.M.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: ROLL CALL

Julian T. Lipscomb	Present
Rebecca M. Ringley	Present
James H. Burrell	Present
Dean E. Raynes	Present
W. R. "Ray" Davis, Jr.	Present

Chairman Davis called the meeting to order.

IN RE: CONSENT AGENDA

Mr. Christie presented the Consent Agenda, which consisted of the following: approval of the minutes of the November 4, 2002, work session and regular meetings, as well as the November 26, 2002 meeting with Senator Thomas Norment; road name additions: Falling Pines Lane; Abstracts of Votes prepared by the New Kent Electoral Board for recording in the record book of the Board of Supervisors; authorization to sign Memo of Understanding with Richmond Regional Planning District Commission regarding services in connection with the Comprehensive Plan; refund of \$94.50 to Brenda L. Snyder for reimbursement of payment for non-requested FOIA information; Appropriations for FY2002-2003: to appropriate additional funds for CSA, \$53,000.00; to appropriate additional SOL Online Funds, \$84,571.00; to appropriate additional E-Rate Funds \$3,322.00; to appropriate Sliver Grant Funds, \$8,086.00; to appropriate additional E-911 Wireless funds, \$37,199.00; to appropriate grant funds for DMV Highway Safety Mini-Grant, Radar Speed Enforcement/Occupant Protection, \$1,500.00; Total Supplemental Appropriation \$187,678.00; Money-in/Money-out \$134,678.00, and \$53,000.00 from the General Fund Balance; Appropriations for FY2002-2003: to reduce the carry forward funds for Virginia Department of Fire Programs Funds to Aid Localities, \$1,980.20; to carry forward unspent school funds for prior year and FY02 to Capital Budget (School), \$544,264.00; Total Supplemental Appropriation, \$542,283.80; -0- Money-in/Money-out; \$542,283.80 from General Fund Balance; budget transfers for the month of November, 2002; monthly revenues during November 2002 - \$4,382,622.12; monthly expenditures during November 2002 - \$2,339,451.97; Treasurer's Report - total cash as of October, 2002 - \$11,896,488.44.

In response to an inquiry from Mr. Davis, Mr. Christie explained that Ms. Snyder had filed a request under the Freedom of Information Act, for copies of credit card statements. County staff provided her with copies of the receipts as well and she did not feel she should have been charged for copies of information she did not request.

Mr. Burrell moved to approve the Consent Agenda as presented. The members were polled:

Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

Chairman Davis opened the Citizens Comment Period.

Steve Miles addressed the Board on behalf of Meals on Wheels and urged each member, as a County leader, to make a delivery in the spirit of the holidays. He thanked Mr. Christie and Mr. Burrell for considering a position on their Advisory Board. He applauded the joint efforts of the Board of Supervisors and School Board to move forward with the School Facilities Plan. He requested that special priority be given to replacement of the roof at the Elementary School.

There being no one else signed up to speak, Chairman Davis closed the Citizen Comment period.

IN RE: ELECTED OFFICIALS REPORTS

Mr. Crump had no report, but did state that there were very few problems with the recent tax season, and thanked the citizens for their help.

Mr. Burrell reported that there was no quarterly meeting of the Colonial Community Justice Board, and he would report on the Central Virginia Waste Management Authority later on in the work session. Regarding the letter dated November 19 from the School Board Chairman, he is not in favor of hiring Moseley Associates for the architectural study because of that company's prior opinion that the schools could not or should not be renovated. He concurs with Mr. Miles' concern about the Elementary School.

Mrs. Ringley reported on proposed changes to the bylaws and charter of the Richmond Regional Planning District Commission, which will require unanimous approval by all of the nine member localities. One proposed change is that only four full commission meetings will be held each year, and in the other months, only the Executive Committee would meet. There is also a proposal to add chief administrative officials to the Commission. These changes will be discussed at the upcoming meeting of the RRPDC on Thursday, December 12, and will thereafter be forwarded to the localities for review.

Mrs. Ringley encouraged the Board to adopt a Resolution that supports the Preamble to VACo's 2003 Legislative Program, and the development of a public awareness strategy to inform the citizens of Virginia that the reason why real estate taxes are increasing is that the State continues to mandate programs that it is either underfunding or not funding. Mrs. Ringley made a motion to adopt the VACo statement. After discussion, Mrs. Ringley withdrew her motion, with the understanding that the issue will be discussed in the work session that will continue after conclusion of the regular meeting.

Mrs. Ringley suggested that Fee Schedules be reviewed by staff in order to make sure that the users are bearing the cost of the staff time involved in each process.

Mr. Lipscomb reported on Colonial Downs' application for a Conditional Use Permit to hold motorcycle races in April. It was his understanding that application could be made for any use not permitted in the blanket permit previously issued, to be heard by the Planning Commission and the Board for Public Hearing, and not decided by administrative staff. It was Mrs. Ringley's understanding that motorized racing was excluded as an allowable use in the PUD. Mr. Homewood, Planning Director, explained that the language in the cultural events permit and the PUD specifically excluded motorized racing from the list of allowed uses; however, there is some discussion whether Colonial Downs is zoned for planned unit development or A-1. However, if he, as zoning administrator, denies the application, any appeal would be heard by the Board of Zoning Appeals and then by the Circuit Court, not by the Planning Commission or the Board of Supervisors. It is Colonial Downs' position that motorized racing was excluded as a use only in the blanket cultural events permit, and feels that since they have the permission of Delmarva, the property owner, it should be allowed. After discussion, it was the consensus of the Board that the appeal of any denial shall be heard by the Board of Zoning Appeals.

Mrs. Ringley thanked the Horticulture Club at the High School Club for the poinsettias decorating the Boardroom given as gifts to the Board members and Mr. Christie and his staff.

Chairman Davis relayed a message from the Electoral Board and Registrar's office, thanking all those that assisted with the November 4 election. New Kent enjoyed the third highest turnout in the state. Mr. Moss thanked everyone for their help and support, and reported that the new voting machines were well received by the voters, even the senior citizens. The only problems were long lines, and he warned the Board that they may be asking for additional voting equipment.

Chairman Davis reported that as a result of the closing of the County offices for bad weather on December 5, the deadline for paying taxes without penalty was extended to December 6. He then read aloud Resolution R-54-02 which officially extended that deadline. Mr. Burrell moved to adopt Resolution R-54-02. The members were polled:

Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
Julian T. Lipscomb	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion carried.

IN RE: STAFF REPORTS

Mr. Christie reminded that the water restrictions have been lifted, but urged the community to continue water conservation. He announced that there is a Dry Well Replacement program and those interested should contact either Quin Rivers or the Administrator's Office for information. The County has received notice of its eligibility for a new Department of Justice grant for emergency preparedness and response uses in the amount of \$3,772.72 in 2003, and \$26,762.19 in 2004.

Staff has been meeting with VDOT and Virginia Tourism officials concerning the new rest area along eastbound I-64, which will not have much space for regional marketing space.

The Aguilar property at Plum Point has been sent to the Court for condemnation.

Bids for generators for water systems at Five Lakes, Woods Edge, and Sherwood Estates came in under budget, and are currently under review.

He reminded everyone about the food collection for the Christmas Mother program which distributes needy families in the community.

Chairman Davis announced the recent death of a former employee, Dale Bahrns. He also congratulated the high school football team who is advancing to the state championship finals.

IN RE: RESIDENT ENGINEERS REPORT

R. E. Prezioso, Resident Engineer with VDOT, reported successful efforts by their staff to timely clear the roads after the recent storm. Other work performed in the County included installation of driveway pipes, ditching, mowing, blading of dirt roads, and significant tree removal. Work on the project on Route 60 at Bottoms Bridge is presently limited because of the weather, but the contractor is working as he can, and anticipates that once the weather breaks, the job can be completed in 45 - 60 days.

Mr. Burrell commended the VDOT crews for their good job in keeping the roads cleared during and after the recent bad weather.

Mr. Lipscomb asked Mr. Prezioso to check with the landowner at the corner of Airport and Terminal in order to address the bamboo problem.

Chairman Davis asked Mr. Prezioso to clarify whom a resident should call to report a tree that has fallen onto a power line. Mr. Prezioso indicated that VDOT should be called if a tree is down over a roadway. If a power line is involved, VDOT will notify Dominion Virginia Power.

IN RE: HUMANE SOCIETY

Ruth Hopke addressed the Board as a concerned citizen and on behalf of other county residents who have expressed an interest in the formation of a Humane Society. Her group would like to remove the burden of animal care and adoption efforts from Animal Control and place that responsibility with a Humane Society. According to the national average, there are 1.7 dogs and 2.1 cats in four out of five homes in America.

The current animal shelter is designed to hold 18 dogs; she reported that 15 dogs are picked up each week by the two animal control officers. Length of stay varies from 5 days to 5 weeks, resulting in either the animals being euthanized or being taken in by local rescue agencies. She reported that the shelter has no regular hours, the shelter conditions may not comply with state law, and there are no provisions to care for puppies or abused animals. There is a lack of resources to place animals with new owners, and the present \$10 adoption fee does not discourage adoption of animals for resale for medical testing. A humane society would assume the burden of working to unite animals with their owners, place adoptable animals in responsible homes, create incentives for spaying and vaccinating, and be proactive in education and obedience programs. She cited the Heritage Humane Society, which has a 98% adoption rate, as an example of a successful public/private partnership between a non-profit organization and the animal control departments of James City and York County. Heritage will soon no longer be able to accept animals from New Kent without charging a fee.

She asked the Board to consider what resources it can offer to meet this need. If the County could provide a facility and allocate some funds, manpower would be provided by their network of volunteers. Another consideration could be a joint effort with Charles City County to combine efforts and save money for both localities. Once the Board provides comments regarding its involvement and they have received a copy of the budget for Animal Control, her group will provide a more detailed plan with associated costs.

IN RE: 4-H

Marcia Meador, the 4-H agent for New Kent and Charles City County, along with Virginia Talley, a 4-H member, and John Godsey, volunteer and shooting team coach, addressed the Board. Ms. Meador reported that 4-H is celebrating 100 years of serving the youth in the nation. Mr. Godsey presented each board member with a commemorative mug designed by cartoonist Jim Davis (Garfield comic strip) as thanks for the Board's continued support. He also reported that the Virginia 4-H team won the national shooting contest in New Mexico. Virginia Talley presented the Board with a framed certificate of recognition for its continued support.

IN RE: COX COMMUNICATIONS

Tom Prevette from Cox Communications reported to the Board that the upgrade in New Kent should be completed no later than the end of June of 2003, maybe sooner. This upgrade will offer different levels of basic service, enhanced services, digital cable, pay per view, music channels, sporting packages, entertainment on demand, and high speed internet. Later in 2003, there will be equipment in place to service those in the County who have high definition TV. He is also optimistic that the new equipment

will result in reduced outages. There will also be more slots available in which to air the Board of Supervisors meetings.

Mr. Lipscomb inquired about the possibility of pre-wiring new subdivisions. Mr. Prevette described how those decisions are made and offered to work with anyone who is interested in having an analysis done.

Mr. Prevette indicated that he felt some of the equipment used in recording of the Board meetings need to be upgraded in order to improve the quality of those broadcasts.

At Chairman Davis' request, Mr. Prevette will provide a current map of service areas in New Kent.

IN RE: EXTENSION SERVICES

Extension Agent Paul Davis asked the Board to approve a proposal to share services with the James City County Extension Service. In this arrangement, James City County will retain a Home Horticulture professional who will work 30 hours per week, and render home horticulture services in James City County and New Kent, as well as run the Master Gardener program. James City County will pay \$20,000 towards this position and New Kent will pay \$8,000, which is the amount already budgeted for its share of the salary of Sylvia Hathaway, who has now retired.

Mr. Davis is the only agricultural agent currently providing Ag services in New Kent, James City and Charles City.

A similar arrangement had been discussed with Charles City County, which they have rejected at the present time. That arrangement would have required Charles City County to hire a Family Services professional, who would work 30 hours per week rendering traditional services in New Kent and Charles City.

In neither of these proposals are any of the localities required to spend more than what is currently budgeted.

By consensus, the Board approved the proposal with James City County. Mr. Davis will advise officials in James City County and will get back with the Board if further action is required.

IN RE: SIX-YEAR PLAN FOR 2003/2004

R. E. Prezioso reviewed the proposed Six-Year Plan, which includes

1. reconstruction of .4 miles of Terminal Road
2. paving of 2.347 miles of a gravel portion of Stage Road,
3. paving of 1.1 miles of Mt. Pleasant Road
4. engineering & design work to widen & improve 1.6 miles of Henpeck Road
5. paving of .5 miles of Higgins Road (under Rural Rustic Roads program)

He explained the requirements and procedures involved in Rural Rustic Road program, and indicated that VDOT will need a resolution from the Board when it is time for the work on Higgins Road, in which the County agrees to "deter" further development on that road.

Mr. Prezioso reported that funds are still available from the Recreation Access Fund and Industrial Access Fund. He offered to meet with the County Administrator and Planning Director to see if there are any roads in New Kent which will qualify.

Chairman Davis opened the Public Hearing.

Jennifer Caldwell declined to speak, as Mr. Prezioso had already addressed her concerns.

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

Mr. Burrell moved to adopt Resolution R-53-02 approving the proposed Secondary Improvement Six-Year Plan and the Secondary Improvement Budget Priority List, as presented. The members were polled:

James H. Burrell	Aye
Dean E. Raynes	Aye
Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion passed.

IN RE: ARTICLE II, CHAPTER 82 (ENVIRONMENT) OF THE NEW KENT COUNTY CODE

Environmental Planner, Courtney Jones, reviewed this proposal with Board. She explained that in November 2001, the Board adopted civil penalties which were later omitted by Municipal Code Corporation. The proposed ordinance with re-establish those penalties, as well as expand the section to include a schedule of the violations and penalties. Another addition is the authority of the Administrator to enter upon any property in the County when he has reasonable cause to believe that a violation exists.

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

Mrs. Ringley moved to adopt Ordinance O-29-02 as presented. The members were polled:

Dean E. Raynes	Aye
Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion passed.

IN RE: APPOINTMENTS

The Board will continue to make appointments to various committees.

Mr. Lipscomb moved to appoint Phillip Felts as District One's representative to the Airport Advisory Commission to serve a one-year term beginning January 1, 2003 and ending December 31, 2003.

Mr. Lipscomb moved to appoint Debbie Downs as District One's representative to the Historic Commission to serve a four year term beginning January 1, 2003, and ending December 31, 2006.

Mr. Lipscomb moved to appoint George Tate as District One's representative to the Board of Road Viewers to serve a four-year term beginning January 1, 2003 and ending December 31, 2006.

Mrs. Ringley moved to appoint William Jeffries as District Two's representative to the Airport Advisory commission to serve a one-year term beginning January 1, 2003, and ending December 31, 2003.

Mrs. Ringley moved to appoint Maria Wilder as District Two's representative to the Heritage Library Board of Trustees to complete a four-year term ending December 31, 2005.

Mrs. Ringley moved to appoint Harold Garland as District Two's representative to the Board of Road Viewers to serve a four-year term beginning January 1, 2003, and ending December 31, 2006.

Mr. Burrell moved to appoint Eugene Williams as District Three's representative to the Airport Advisory Commission to serve a one-year term beginning January 1, 2003 and ending December 31, 2003.

Mr. Burrell moved to appoint Dr. Leland Myers as District Three's representative to the Comprehensive Plan Advisory Board to complete a one-year term ending June 30, 2003.

Mr. Burrell moved to appoint James Moody, Sr. as District Three's representative to the Board of Road Viewers to serve a four-year term beginning January 1, 2003, and ending December 31, 2006.

Mr. Burrell moved to appoint Thomas Minor, Sr. as District Three's representative to the Zoning Appeals Board to serve a five-year term beginning January 1, 2003, and ending December 31, 2007.

Mr. Burrell moved to appoint Linda Myers as District Three's representative to the Clean County Committee to complete a four-year term ending December 31, 2003.

Mr. Raynes had no appointments for District Four.

Mr. Davis had no appointments for District Five

The members were polled:

Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye

The motions carried.

Appointments to Boards and Commission not delegated by district:

Mr. Burrell moved to appoint Julian Lipscomb as the Board's representative to the Airport Advisory Commission to serve a one-year term beginning January 1, 2003, and ending December 31, 2003.

Mr. Lipscomb moved to appoint Thomas Evelyn, Sr. as countywide representative to the Industrial Development Authority to serve a four-year term beginning January 1, 2003, and ending December 31, 2006

Mrs. Ringley re-appoint Conway Adams as countywide representative to the Industrial Development Authority to serve a four-year term beginning January 1, 2003 and ending December 31, 2006.

Mr. Lipscomb moved to nominate Patsy Fox as New Kent County's representative to the Capital Area Health Advisory Council to complete a three-year term ending on September 30, 2004.

Mr. Lipscomb moved to appoint James Burrell as New Kent County's representative to the Central Virginia Waste Management Authority to serve a four-year term beginning January 1, 2003, and ending December 31, 2006.

Mr. Burrell moved to appoint Charles Loving as New Kent County's representative to the Central Virginia Waste Management Authority to serve a four-year term beginning January 1, 2003, and ending December 31, 2006.

Mr. Burrell moved to appoint Charles Moss as New Kent County's representative to the Colonial Community Criminal Justice Board to serve a four-year term beginning January 1, 2003, and ending December 31, 2006.

Mr. Lipscomb moved to appoint Robin McLaughlin as New Kent County's representative to the Colonial Community Criminal Justice Board to serve a three-year term beginning January 1, 2003, and ending December 31, 2005.

Mr. Burrell moved to appoint Barbara Moss as New Kent County's representative to the Hanover Health Advisory Board to serve a two-year term beginning January 1, 2003, and ending December 31, 2004.

Mr. Burrell moved to appoint Rebecca Ringley as New Kent County's representative to the Hanover Health Advisory Board to serve a two-year term beginning January 1, 2003, and ending December 31, 2004.

Mr. Burrell moved to appoint Norman Anderson as New Kent County's representative to the Local Disability Services Board to serve a one-year term beginning January 1, 2003, and ending December 31, 2003.

The members were polled on all motions except for the motions of Mr. Lipscomb and Mrs. Ringley for the position of countywide representative to the Industrial Development Authority:

Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
Julian T. Lipscomb	Aye
W. R. "Ray" Davis, Jr.	Aye

The motions carried.

In that Mrs. Ringley's motion was last to be made, the members were polled on her motion to appoint Conway Adams as countywide representative to the Industrial Development Authority:

James H. Burrell	Aye
Dean E. Raynes	Nay
Julian T. Lipscomb	Nay
Rebecca M. Ringley	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion passed.

IN RE: MEETING SCHEDULE

The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on Monday, January 13, 2003, following a work session at 4:00 p.m. in the Courtroom of the Old Courthouse.

IN RE: ADJOURNMENT

There being no further business, the meeting was suspended at 8:09 p.m.; a short break was taken before resumption of the work session.
