

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON
THE 11TH DAY OF SEPTEMBER IN THE YEAR TWO THOUSAND OF OUR LORD
IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00
P.M.

IN RE: CERTIFICATION OF CLOSED WORK SESSION

Mrs. Ringley certified the earlier closed work session of the Board of Supervisors with the following:

Whereas, the New Kent County Board of Supervisors has convened a closed meeting 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 2.1-344.1 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law;

Now, therefore, 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 meeting requirement by Virginia law were discussed in closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

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

Mr. Burrell stated the Board had been in a closed session for discussion of non-controversial personnel matters.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: ROLL CALL

Julian T. Lipscomb	Present
Rebecca M. Ringley	Present

Dean E. Raynes	Present
W. R. "Ray" Davis Jr.	Present
James H. Burrell	Present

IN RE: CONSENT AGENDA

Mr. Emerson presented the Consent Agenda, which consisted of the following: Approval of the Minutes from the August 7, 2000 work session and the August 7, 2000 regular meeting; Mr. Burrell asked that Resolution R-20-00 be pulled until the next meeting of the Board of Supervisors; Resolution R-29-00 regarding adoption of a local business and employment plan for New Kent County; Resolution R-30-00 regarding adoption of a non-discrimination policy for New Kent County; Resolution R-31-00 regarding adoption of a Section 504 grievance procedure as required under Housing and Urban Development Regulations 24 CFR Part 8.53(b); Resolution R-32-00 regarding adoption of a non-discrimination policy on the basis of handicap regulations as required under Housing and Urban Development Regulations; Resolution R-33-00 regarding accessibility via TDD; Resolution R-35-00 regarding fair housing each grant year during the life of the Commercial Carrier project funded with CDBG funds; Resolution R-36-00 regarding adoption of a residential anti-displacement and relocation assistance plan for activities related to Commercial Carrier; Resolution R-37-00 regarding renewal of the Mountcastle AFD; Resolution R-38-00 regarding renewal of the Pamunkey River Valley AFD; Resolution R-39-00 regarding fair housing each grant year during the life of the Basic Construction project funded with CDBG funds; Resolution R-40-00 regarding adoption of a residential anti-displacement and relocation assistance plan for activities related to Basic Construction; Resolution R-41-00 regarding support for St. Peter's Church's bid for a Tercentennial stamp; refund to William F. Nunnally, Jr. of \$35.13 for personal property taxes; refund to John Borron of \$151.33 for BPOL taxes; refund to Hilmar G. Murphy of \$74.06 for personal property taxes; refund to Robert J. Neuman of \$254.03 for personal property taxes; appropriation of an adjustment of FY 2001 Office on Youth budget to the amount allocated by the grant award of \$4,207; appropriation of funds of \$1,592.57 for selective traffic enforcement projects for the Sheriff's Department; appropriation of \$3,495 for grant funds from the Department of Criminal Justice Services Enhancing Community Policing grant; appropriation of additional funds of \$6,483 for the Department of Social Services for foster children with disabilities who have been adopted and for daycare for children meeting eligibility requirements; total supplemental appropriation \$15,777.57, a total of \$14,078.57 from money in/money out, a total of \$1,699.00 from the General Fund Balance, Finance Report showing monthly expenditures for August 2000 of \$2,116,916.31; and Treasurer's Report showing total cash as of July 31, 2000 of \$11,495,341.84. Mr. Lipscomb made a motion to approve the consent agenda with Resolution R-20-00 removed.

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

IN RE: CITIZEN'S COMMENT PERIOD

Mr. Burrell opened the Citizen's Comment Period. The first person to speak was Mr. George Philbates. Mr. Philbates expressed his concern over the ordinance pertaining to businesses in homes, in particular, one run by Mr. Ed Turner. Mr. Philbates said Mr. Turner had been operating his business out of his home for 50 years and that Mr. Philbates felt Mr. Turner's business should be grandfathered into the ordinance.

IN RE: ELECTED OFFICIALS REPORTS

Mr. Herb Jones, Treasurer, reported that his office is preparing for tax season. They have been trying to consolidate the billing system wherein customers will receive one combined statement from the Treasurer's Office for decals and personal property tax. They are working on a few problems but should have it operational by tax season. The Treasurer's Office is also preparing to have an after hours drop box for payments. The box should be ready for use by the end of the month.

Mr. Lipscomb reported that the County Fair had been a success in its new location at Colonial Downs. Colonial Downs had been a great place to have the fair. Mr. Lipscomb said attendance at the fair had been very good. Mr. Lipscomb also urged the County people to attend the meeting/flying demonstration of the Young Eagles, which will be held at the New Kent Airport on Saturday, September 16, 2000. In 1999, New Kent flew the most children of any locality in Virginia.

Mrs. Ringley agreed with Mr. Lipscomb on the County Fair stating she had received very positive comments regarding the fair. Mrs. Ringley inquired about the historic site survey the Board had discussed from time to time. Mrs. Ringley stated she thought there was some grant money available to locate historic sites within the County and she felt the Board needed to look at this issue, decide what the historic sites in New Kent were and make further inquiries and attempt to get some grant money for New Kent County. Mr. Lipscomb reported this had been discussed at a Historic Commission meeting. He also said that the Historic Commission had been urged to review all zoning and conditional use permits and to begin meeting monthly in order not to hold up the review by the Board of Supervisors. Mr. Emerson reported there was a form recently developed by the Planning Department that an applicant has to fill out and give to the Commission for review. It was Mr. Emerson's understanding the form was well received by the Commission. Mr. Emerson added the grant Mrs. Ringley was speaking of was through Conservation and Recreation Department of Historic Resources. It is a \$10,000 dollar-for-dollar match, i.e., if you put in \$10,000, it could be worth \$20,000 and it would survey sites of local importance. It would not necessarily have to be a site that would gain federal or state significance but would be locally significant. It would be protected by a local ordinance or at least be sensitive to it so when development comes in, they have to comply with the regulations. If the Board wants the staff to move forward and make application, this would be in keeping with the Comprehensive Plan update for the County.

Mr. Raynes reported he and Mr. Davis had met with the Subdivision and Zoning Ordinance Review Committee twice and he feels some good things will come out of these committee meetings.

Mr. Davis reiterated the good work the Subdivision and Zoning Ordinance Committee was doing and thanked the citizens who were volunteering their time on the Committee. Mr. Davis also reported the he, Mrs. Ringley, Mr. Burrell and Mr. Emerson had attended the LGOC meeting recently in Charlottesville, Virginia and had come away from the meetings with some good information.

Mr. Burrell reported he would be meeting on Friday with the Central Virginia Waste Management Authority and will present a report at the October Board of Supervisors meeting. Mr. Burrell is also hoping to get New Kent County more involved in the Richmond Visitors and Tourism Bureau.

IN RE: STAFF REPORTS

Larry Gallaher, Director of Public Safety, reported on the public safety radio replacement project. The contract has been signed. Mr. Gallaher stated the completion date was set at December 31, 2000, but he feels the work may be complete by November.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Rob Preziosi, Assistant Resident Engineer from VDOT, updated the Board of Supervisors on projects which have been accomplished within New Kent County and other tasks which are scheduled to be completed. VDOT is in the midst of mowing, removing trees and re-surfacing various roads in the county. There was discussion regarding the need for new VDOT equipment for New Kent County. Mr. Davis inquired as to whether the Board needed to address the issue of new equipment, in particular a new ditcher, with VDOT. Mr. Preziosi stated that may be a good idea. VDOT has not bought new equipment in three years due to budget constraints. Mr. Preziosi stated it may be a good idea for him to take a ride with Mr. Davis and see Mr. Davis' particular areas of concern. Mr. Preziosi also reported that any time VDOT does anything disturbing land, they have to fill out a special request due to recent environmental concerns by the State. This, too, causes a slow down in response time to problem areas. Turnaround time on some of these requests is several months long. Mr. Preziosi went over a checklist and tried to explain some of the problems he faces when attending to the checklist.

Mrs. Ringley requested that VDOT take a look at the condition of the Park & Ride area in Bottoms Bridge. It may need some potholes repaired.

Mr. Lipscomb asked Mr. Preziosi to have someone take another look at the potholes on Route 606. They have been filled but not properly.

The survey could be paid for from the budgeted funds for Old Towne. Mr. Emerson suggested the possibility of contacting Charles City and see if they are interested in participating in the survey. He also reported that along these lines, the Parks and Recreation Department is sponsoring a Senior Café, a gathering time and place for senior citizens to socialize, play cards, bingo, etc., which may be an avenue for collection of information.

IN RE: PUBLIC HEARING - Ordinance 0-07-00; An Ordinance repealing Section 14-102(g) of the New Kent County Code and adopting an ordinance changing the tax imposed by the County on an electric utility supplier.

James E. Cornwell, Jr., County Attorney, presented a detailed explanation of the request. Mr. Cornwell suggested adoption of the ordinance with a few changes. He believes the General Assembly will re-visit this issue at the upcoming session as there were some problems with the bill. In the meantime, New Kent needs to adopt some type of ordinance with regard to a consumer utility tax or the money collected will go to the State rather than New Kent County.

Mr. Burrell opened the public hearing. No citizens signed up to speak.

Mr. Burrell closed the public hearing.

Mr. Lipscomb made a motion to approve Ordinance 0-07-00 in order to comply with the provisions of Section 58.1-3814 of the Code of Virginia as follows: (g)

Electric utility suppliers. Effective with the first bill for electric energy rendered for meter readings on or after January 1, 2001 by an electric utility supplier, supplying electric energy delivered to an ultimate consumer in New Kent County, Virginia, there is hereby imposed a tax on such electric energy rates as follows:

Residential customer- \$.70 per month plus \$0.07436 per kilo watt-hour (kwh) delivered by a service provider not to exceed a maximum tax of \$1.50 per month.
Commercial customers- \$1.15 per month plus \$0.007640 per kilowatt-hour (kwh) delivered by a service provider not to exceed a maximum tax of \$10.00 per month.

Industrial customers- \$1.15 per month plus \$0.007040 per kilowatt-hour (kwh) delivered by a service provider not to exceed a maximum charge of \$10.00 per month..

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

IN RE: PUBLIC HEARING - Ordinance 0-08-00; An Ordinance of New Kent County allowing correction and refund of erroneous assessment pursuant to Section 58.1-3981 of the Code of Virginia.

James E. Cornwell, Jr., County Attorney, presented a detailed explanation of the request. Mr. Cornwell explained that Section 58.1-3981 of the Code of Virginia allows Treasurers of Counties in Virginia to approve and issue refunds of up to \$2,500 due any taxpayer as a result of erroneous assessment upon certification of the Commissioner of Revenue that such assessment was erroneous and direction to the Treasurer by the Commissioner of Revenue to refund the excess to the taxpayer with interest be authorized. There was discussion about the amount being a bit high at \$2,500. Mrs. Ringley suggested the amount be lowered to \$500 for this process. She also suggested that a requirement be added to the ordinance that the Commissioner provide a quarterly report of the refunds. Mr. Davis stated he had not seen a refund of over \$500 in his year of service on the Board. He suggested the refund amount limit be set at \$1,000.

Mr. Burrell opened the public hearing. No citizens signed up to speak.

Mr. Burrell closed the public hearing.

Mr. Davis made a motion to adopt an Ordinance of New Kent County allowing correction and refund of erroneous assessments pursuant to Section 58.1-3981 of the Code of Virginia, 1950, as amended, whereby the Treasurer of New Kent County is hereby authorized to approve and issue any refund up to One Thousand Dollars (\$1,000.00) due any taxpayer as a result of an erroneous assessment, upon certification of the Commissioner of Revenue of New Kent County that such assessment was erroneous and direction to the Treasurer by the Commissioner of Revenue to refund the excess to the taxpayer with interest if authorized pursuant to 58.1-3981 or as otherwise authorized, with quarterly reports furnished to the Board of Supervisors with the receipt(s) and amount of all refunds.

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

IN RE: APPOINTMENTS – The Board will continue to make appointments to various committees.

Mrs. Ringley made a motion to appoint Karen Schureman as District Two's representative to the New Kent Youth Services Commission for a four-year term ending June 30, 2001.

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

Mr. Lipscomb made a motion to appoint James H. Burrell as the New Kent representative to the Colonial Community Criminal Justice Board for a two year term beginning January 1, 2000 and ending December 31, 2001.

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

IN RE: MEETING SCHEDULE – The regular meeting of the Board of Supervisors will be held Monday, October 9, 2000 at 6:00 P.M. A work session will be held on Monday, October 9, 2000 at 4:00 p.m., prior to the regular meeting.

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

IN RE: ADJOURNMENT

Mrs. Ringley made a motion to adjourn.

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

The Board adjourned at 7:30 P.M.