

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 11th DAY OF APRIL 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 Evelyn 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: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Approval of Minutes
 - a. February 23, 2011 work session
 - b. March 14, 2011 business meeting
2. Miscellaneous
 - a. Adoption of Resolution R-08-11 recognizing April as *National County Government Month* in New Kent County
 - b. Adoption of Resolution R-09-11 recognizing May 2011 as *Building Safety Month* in New Kent County
 - c. Adoption of Resolution R-11-11 declaring May 12, 2011 as *Fibromyalgia Awareness Day* in New Kent County
 - d. Adoption of Resolution R-13-11 recognizing May 2 – 6, 2011 as *Business Appreciation Week* in New Kent County
 - e. Award of contract to provide Aluminum Sulfate, MicroCGlycerin & unspecified treatment chemicals as needed to Univar, Inc.
 - f. Award of contract to provide Sodium Polyphosphate & unspecified treatment chemicals as needed to Coyne Chemical Company, Inc.
 - g. Award of contract to provide Sodium Hypochlorite, Citric Acid & unspecified chemicals as needed to Dominion Chemical Company
 - h. Award of contract to provide Biocarb DN & unspecified treatment chemicals as needed to Suffolk Sales & Service Corporation
 - i. Award of contract to provide Industrial Services to Arrowhead Environmental Services
 - j. Approval of Reclaimed Water Use Agreements with The Tradition Golf Club at Royal New Kent and The Tradition Golf Club at Brickshire

- k. Approval of Resolution R-12-11 forwarding the 2011 AFD applications and district renewals to the Planning Commission for its May 16, 2011 meeting
 - l. Approval of payment of compensation of \$400 to Julian Lipscomb for a claim of livestock damages on March 21, 2011
 - m. Approval of a Utility Agreement form regulating the placement of private utilities in Utility Service areas
 - n. Release of the cash surety posted for the Farms of New Kent Equine Barn Erosion and Sediment Control
3. Refunds
- a. \$610 to New Dominion Contractors, inc. for unissued Land Disturbance permits
 - b. \$6,747 to New Kent LLC for cash surety for the Farms of New Kent LLC Equine Service Barn
4. FY11 Supplemental Appropriations
- a. Funds for supplemental security for basketball games and for reimbursement for a concealed weapons class, \$387.55
 - b. Funds received from vending machine sales for employee Christmas parties, \$108.66
 - c. Funds received for gifts and donations, \$4,552.12
 - d. Funds received for insurance process for various accidents, \$7,145.00
 - e. Additional Social Services funds, \$4,000.00
 - f. Funds received for DMV stop fees in the Treasurer's Office, \$500.00
 - g. Funds received for charge card fees in the Treasurer's Office, \$757.45
 - h. Program income received to date for FY11 from CDBG Plum Point grant, \$1,088.20
 - i. Funds received by Extension from outside sources for sponsorship of programs, \$350.00
 - j. Funds to purchase new MICR laser printers, \$10,758.00
 - k. Funds to purchase Airport fuel, \$38,250.00
 - l. Vehicle Maintenance Garage remaining funds, \$13,370.00
 - m. Funds for restitution in Commonwealth v. Elves Todd Landrum, \$521.00
- Total Supplemental Appropriation:
\$(81,787.98) Total
\$ 19,209.98 Money In / Money Out
\$ 200.00 From Gen Fund Fund Bal
\$ 38,250.00 From Fund 97 Fund Bal
\$ 13,370.00 From Fund 3 Fund Bal
\$ 10,758.00 From Fund 800 Fund Balance
5. FY11 Inter-Departmental Budget Transfers
- a. *Schools:* \$15,000 from School Contingency to Parts & Sup-Vehicle Maint
 - b. *Schools:* \$2,826 from Travel Impr of Inst RegEd Elem, Professional Dev-NKES RegEd Elem, and Professional Dev-GWES RegEd Elem to M&S Impr of Inst RegEd Elem and Prof Dev Impr RedEd Elem
 - c. *Schools:* \$5,240.62 from Office Supplies-Transp Vehicle Ops to Pars & Sup-Vehicle Maint
 - d. *Schools:* \$2,420 from Architect Fees-Design Services to Prior Yr Lottery/Construction
 - e. *Schools:* \$16,500.76 from Textbook adoption gwes reg ed, Textbook replacement nkes reg ed, Textbook replacement gwes reg ed, Textbook

replacement nkhs reg ed, Textbook replacement nkms reg ed, Textbook replacement nkes sp ed, Textbook replacement nkms voc ed, and Matls & supplies nkms reg ed middle to Textbook adoption nkes reg, Textbook adoption nkhs reg, Textbook adoption nkms reg, Textbook replacement nkhs, and Mat & Sup nkms voc ed mid

- f. *Elections & Voter Registration*: \$17,140.00 from Meeting Compensation to Part-time Poll Workers
- g. *Community Development*: \$6,757.00 from Reserve for Contingency to process Cash Escrow Surety
- h. *Board of Supervisors*: \$3,000 from Reserved for Contingency to Redistricting

6. Treasurer's Report: Cash as of February, 2011: \$43,898,772.23

Mr. Evelyn requested correction of his vote on one of the motions in the minutes from the March 14 business meeting. Mr. Burrell commented about the price of chemicals reflected in the public utilities contracts under consideration.

Mr. Trout moved to approve the Consent Agenda, with the requested correction to the minutes, and that it be made a part of the record. 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: 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: PRESENTATION

Mr. Davis, on behalf of Delegate Chris Peace, presented a General Assembly Resolution to Eagle Scout Josh Eckert. Present were Mr. Eckert's family and scoutmaster. Mr. Davis explained that Josh's project involved dismantling some old gym bleachers for recycling, which had resulted in a substantial savings to the County. It was also noted that Josh, at the age of 13, was the youngest in the State to earn Eagle Scout ranking.

Board members commented on Mr. Eckert's accomplishment and thanked him for his service.

IN RE: REDISTRICTING

Assistant County Administrator Bill Whitley and IT Director Jonathan Stanger updated the Board on the Redistricting process.

Mr. Whitley reviewed that all localities were required to redistrict every ten years after the Census figures were received in order to evenly distribute the population among the voting

districts. He indicated that the 2010 Census reflected New Kent's population to be 18,429, with significant growth in District Five. He reviewed the Redistricting Goals previously adopted by the Board, and advised that Plan 4 best met those goals. He reviewed that four community informational meetings had been held in different parts of the County, with sparse attendance, and that he had met twice with community African-American leaders to review the plans and receive input. He reported that the plans had also been reviewed with the School Board and had been available on the County's website. He advised that most of the comments received had been in favor of Plan 4, and that staff was recommending that the Board move forward to advertise Plan 4 for a public hearing to be held on May 3, 2011.

He explained that the proposed precinct lines in Plan 4 would enable the County to continue to use all existing polling places, with Ebenezer Baptist Church and Providence Force Recreation Center switching between Districts Four and Five.

He cautioned that should the Board make any significant change to the Plan at the May 3 public hearing, then an additional public hearing would be needed which would affect the County's ability to meet the tight time schedule and would delay submission of the adopted Plan to the Justice Department for pre-clearance under the Voting Rights Act, which could take up to 60 days.

He updated the Board on the current status of the State redistricting process by the General Assembly and confirmed that those plans also required pre-clearance by the Department of Justice.

He thanked Mr. Stanger and his staff, as well as the County Administrator, County Attorney, and Administration staff for their assistance, thanked the Board for the opportunity to work on this project, and asked that the Board take action to authorize staff to advertise Plan 4 for public hearing on May 3.

Mr. Burrell moved to authorize staff to advertise Redistricting Plan 4 for public hearing on May 3, 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 motion carried.

Board members thanked Mr. Whitley and Mr. Stanger, and other staff for their work on this process.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Davis reported that the Virginia Department of Transportation (VDOT) had marked numerous dead trees for removal by one of its contractors, adding that some of the trees had fallen in the interim. He also reported that VDOT would be paving the first 200 feet of all dirt State roads, starting during the upcoming week.

Mr. Trout reported that he had attended the recent Substance Abuse Program at Ebenezer Baptist Church, and congratulated members of that congregation as well as the students

who had participated in the essay contest. He also announced details of upcoming events in New Kent.

Mr. Burrell reported that he had attended a meeting of the Colonial Community Criminal Justice Board and was working to obtain pretrial services for New Kent in order to save the County some money. He also indicated that he would be working to move New Kent into first place in recycling among the localities in the Central Virginia Waste Management Authority, and he provided tips on better recycling practices. He also asked staff about improvements to the Boardroom dais.

Mr. Sparks noted that residents using the Route 612 convenience center were "recycling like crazy" and he thought residents were doing a great job and saving the County money.

Mr. Evelyn reported that it was a "humbling experience" to participate in a recent "Meals on Wheels" event, and how it was good to see so many New Kent County volunteers in the program.

IN RE: STAFF REPORTS

County Administrator Cabell Lawton reported that responses to the solicited Public Private Education Act (PPEA) project at the Historic School had been received, and would be released once the evaluation was complete, but that Board members could review them individually in the interim. He also provided information on upcoming community information meetings on the Comprehensive Plan update.

County Attorney Michele Gowdy thanked Mr. Whitley, Mr. Stanger and GIS Manager Matthew Forbes for their help in making the redistricting project a "smooth process".

IN RE: DISTRICT APPOINTMENTS

There were none.

IN RE: NON-DISTRICT APPOINTMENTS

There were none.

The Board took a short break and resumed its meeting at 7 p.m.

IN RE: AMENDMENTS TO THE SOCIAL SERVICES ORDINANCE

Before the Board for consideration was Ordinance O-04-11 amending Chapter 54 of the New Kent County Code to name the County Administrator as the Local Board and to provide for the Social Services Advisory Board.

Mr. Lawton explained that the proposed ordinance would amend what the Board had adopted six years earlier, when it had dissolved the Policy Board and named the Social Services Director as the Local Board. He reviewed that in recent discussions it has been determined that those arrangements should be changed so that there was supervision over the Director, and that most other localities appointed the County Administrator to serve as the Local Board. He confirmed that the Social Services Advisory Board supported this change, and that he would be bringing to the Board for its consideration a proposed charter for the Social Services Advisory Board that would contain many of the recommendations requested by that body.

The Chairman opened the Public Hearing.

Kim Bevan of Lanexa spoke about her experience as a former social worker with the New Kent Department of Social Services and her problems with the Director, and urged the Board to adopt the proposal so that there would be some accountability.

Janet Crooms of 10405 Pine Warbler Drive spoke about the delay on the part of the New Kent Department of Social Services in the handling of a complaint against a local day care provider, and was in favor of the proposal.

Mr. Davis, the Board's representative to the Social Services Advisory Board, explained that these changes were intended to improve those issues and others.

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

Mr. Davis moved to adopt Ordinance O-04-11 amending Chapter 54 of the New Kent County Code to name the County Administrator as the Local Board and to provide for the Social Services Advisory Board. 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: AMENDMENTS TO THE HEALTH AND SANITATION (PUBLIC UTILITIES)
ORDINANCE

Before the Board for consideration was Ordinance O-05-11 amending Chapter 38 of the New Kent County Code to include a change in billing frequency for water and wastewater services, to add emergency conservation measures, to authorize real property liens for unpaid utility bills, and to update the County Code due to changes in State regulations.

Public Utilities Director Larry Dame explained that the proposed changes would provide for monthly billing; provide a procedure for mandatory connections; allow the County to place liens on property for unpaid utility bills, thereby eliminating the need for deposits; provide for after-hours reconnections; provide for emergency water conservation when required by the State; provide pump and haul provisions under the County's permit; provide requirements for private wells in the service areas; set up regulations to address specific issues when there were changes in the State Code; provide pre-treatment regulations; and provide controls for construction meters.

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

There was discussion regarding the proposed change from quarterly to monthly billing. Mr. Dame explained that the delay in billing resulted in an increase in delinquent accounts but admitted that the difference in the cost for monthly billing compared to quarterly billing was estimated at \$15,000. It was confirmed that delinquent bills were sometimes collected when homes were sold, and that the County's current billing software could not bill some

customers monthly and others quarterly. Mr. Sparks indicated that he could not support monthly billing but would agree to a compromise of bi-monthly (every other month) billing.

There was discussion regarding agreements with developers for deferred payment of connection and availability fees. Staff suggested that the Board should keep that option available so that it would have the flexibility to have such an agreement in certain circumstances. Mr. Evelyn was opposed to the suggested four-year time frame and indicated he'd prefer a two-year maximum. The Board was reminded that any agreement would have to come to the Board for approval. Mr. Trout was opposed to limiting the term to two years when the Board would have the right to determine the term of any proposed agreement.

There was discussion regarding proposed amendments to the ordinance and it was agreed that each amendment should be considered individually, and then the amended ordinance as a whole.

Mr. Sparks moved to amend proposed Ordinance O-05-11 to change the billing frequency from monthly to bi-monthly, meaning every two months. 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.

Mr. Evelyn moved to amend proposed Ordinance O-05-11 so that the term of any agreement for deferral of fees was no more than two years.

The members were polled:

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

The motion carried.

Mr. Trout moved to adopt Ordinance O-05-11 as amended, with an effective date of July 1, 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 motion carried.

IN RE: DRAFT FY12 BUDGET

Mr. Trout asked staff to provide for use at the April 19 budget work session, some figures on his suggestion made earlier at the Joint Meeting with the School Board for a 1% raise and 1% bonus for employees.

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 May 9, 2011, and the next work session at 3:00 p.m. on Tuesday, April 19, 2011, both in the Boardroom of the County Administration Building, New Kent, Virginia.

IN RE: ADJOURNMENT

Mr. Sparks moved to adjourn the meeting. 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.

The meeting was adjourned at 7:44 p.m.