

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 29<sup>TH</sup> DAY OF JUNE IN THE YEAR TWO THOUSAND ELEVEN OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 3:06 P.M.

---

IN RE: CALL TO ORDER

Chairman Evelyn called the meeting to order.

---

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: CLAIM FOR REFUND BY JOAMARK, INC.

Before the Board for consideration was a claim filed by Joamark, Inc. for a refund of \$269.28 paid to restore water service.

Mr. Mark Daniel expressed his concern over a current Public Utilities policy in which unpaid water bills were passed on to new owners when property was sold. He stated that he became aware of this issue after purchasing property in the Brickshire community and attempted to have water turned on at the site only to be told there was an outstanding utilities bill at the property. His concern was that this issue would get bigger and that the County might have to return thousands of dollars to citizens who had paid on behalf of another. He questioned why anyone renting a house should pay their obligations under such a policy.

Mr. Burrell said that he had thought about this issue and asked if the renter would be responsible if a Virginia Dominion Power or Virginia Natural Gas bill was outstanding.

Mr. Evelyn mentioned that it might help in instances such as this if the County had monthly utility billing.

Mr. Daniel said that as he understood State law, a reasonable effort needed to be made to let someone know their debt. He stated that the former owners of the property filed bankruptcy and did not list New Kent County as a debtor, and he speculated that they might not have been aware of the bill.

Mr. Evelyn stated that a new utilities ordinance effective July 1, 2011 would clear up many problems concerning this issue. He thanked Mr. Daniel for bringing this to the Board's attention and indicated that the Board would make a decision regarding Mr. Daniel's request at a later date.

---

IN RE: REGIONAL TRANSPORTATION PRIORITIES AND LONG-RANGE  
TRANSPORTATION PLAN

Bob Crum, Executive Director with the Richmond Regional Planning District Commission, and Principal Planner Barbara Nelson presented the Richmond Metropolitan Planning Organization's (MPO) regional transportation priorities and long-range transportation plan.

Mr. Crum talked about activities of the MPO, its regional transportation priorities, and explained how New Kent County could be included in the process to update the long-range transportation plan.

Ms. Nelson spoke about the bicycle signage in New Kent County being one of the Region's completed projects. As far as upcoming priorities, she suggested that the Interstate 64 Improvement/Widening project from Richmond to Hampton Roads might be of particular interest to the County. Mr. Sparks asked if it was necessary to include that project as a New Kent need if it was already on the MPO's priority list and Ms. Nelson indicated that it did not hurt to identify it as a need within the County.

Mr. Trout asked if it would be appropriate to include the issue with flooding on South Waterside Drive and Mr. Crum answered that this was the opportunity to define New Kent County projects, such as South Waterside Drive.

Ms. Nelson identified several projects in New Kent that had been funded and it was mentioned that Virginia Department of Transportation was slowing down some of the projects and priorities.

The possibility of high speed rail within the County was discussed as well as improvements to the existing train service from Richmond and through Hampton Roads.

Mr. Crum agreed to send the County Administrator a current list of projects to be reviewed, after which time new needs could be identified by New Kent.

The Board thanked Mr. Crum and Ms. Nelson for their presentation.

---

IN RE: VISION FOR 2040 COMPREHENSIVE PLAN UPDATE

Planner Kelli Le Duc outlined the process thus far for the 2040 Comprehensive Plan update mentioning the series of five public comment sessions as well as a public hearing before the Planning Commission. She confirmed that the Planning Commission had forwarded the Plan update to the Board with a favorable recommendation.

Mr. Trout stated that he believed there should be another public hearing and then an additional work session concerning this matter.

Mr. Evelyn referred to the update as "too green", stating that several citizens were not satisfied with the draft as written.

Mr. Sparks said he believed the draft needed to go back to the Planning Commission because it reflected the attitude of one individual and not the attitudes of the citizens, with too many outside influences. "It was written for a different county," he said, "not New Kent."

Mr. Davis made a motion to appoint a subcommittee with Mr. Evelyn and Mr. Sparks as Board of Supervisors representatives to work with staff on the draft Comprehensive Plan.

Ms. Le Duc stated that she had not received any public input, that no one has come into the office with concerns, and that she needed to get the information that the Board members had received from their constituents.

Following discussion, it was decided that a public hearing would be held July 20 and then a work session would be scheduled at a later date, and Mr. Davis withdrew his motion.

Mr. Evelyn requested information on all changes that had had been made to the Vision 2020 document for the proposed update.

---

IN RE: FINANCIAL ADVISOR CONTRACT

Before the Board for consideration was a request to extend the contract with the County's Financial Advisor, Davenport & Company LLC, for a period of one year.

Mr. Trout asked if there were any significant changes to the contract and asked if staff was satisfied with Davenport's performance over the past two and a half years. Financial Services Director Mary Altemus answered that the only change was the time period of the contract and she confirmed that the County was satisfied with Davenport & Company.

Mr. Burrell moved to extend the contract with Davenport & Company LLC for one year – July 1, 2011 to June 30, 2012. 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: GASB 54 FUND BALANCE POLICY

Before the Board for consideration was Resolution R-20-11 establishing a policy for fund balance reserve requirements in order to conform to the recent issue of Statement 54 from the Government Accounting Standards Board (GASB).

Assistant Director of Financial Services Larry Clark explained that this item was being brought to the Board due to new accounting standards and that it had already been approved by the County's auditors. He reviewed the Balance Sheet from June 30, 2010 showing the current two components used to break down funds: reserved fund balance and unreserved fund balance. With the GASB 54 Fund Balance policy, there would be five components:

- o non-spendable fund balance (which would include prepaid items)
- o restricted fund balance (such as E-911 Wireless, Litter Control and School Construction)
- o committed fund balance (including the computer fund, airport operations, debt service and capital improvements)
- o assigned fund balance (which would include meals tax)
- o unassigned fund balance

Mr. Davis asked if these actions would have any repercussions in how the Treasurer invested funds. His question was answered with a "no" from Treasurer Herb Jones.

Mr. Sparks asked if this method would be easier on staff and Mr. Clark answered that it would not be easier, it would just bring more accountability to the way New Kent County handled its fund balances.

Mr. Davis moved to adopt the GASB 54 Fund Balance Policy Resolution R-20-11, as presented. 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:           FY11 SUPPLEMENTAL APPROPRIATIONS AND INTER-DEPARTMENTAL BUDGET TRANSFERS

Before the Board for consideration was a request for approval of the following FY11 Supplemental Appropriations and Inter-departmental Budget Transfers:

1.    FY11 Supplemental Appropriations:
  - a.   Funds received for AFD Applications, \$500.00
  - b.   Reimbursement from the Health Department for a security system, \$4,058.00
  - c.   Additional funds to the General District Court, \$2,500.00
  - d.   Funds to cover the unbudgeted expense of unemployment, \$20,000.00
  - e.   Funds to cover payroll for the Equalization Board, \$28.00

\$ (27,086.00)	Total
\$ 4,558.00	Money In/Money Out
\$ 22,528.00	From Gen Fund Fund Bal

2.    FY11 Inter-Departmental Budget Transfers
  - a.   *Fire-Rescue*: \$96,120 from salary line items, contingency-special events, operating supplies SCBA shop, turn out gear, travel, and Electrical Service to various salary line items
  - b.   *Schools*: \$200,000 from School Contingency to Textbooks line items
  - c.   *Schools*: \$126,893.83 from Prior Year Lottery/Construction to IT Infrastructure New-Tech

Ms. Altemus explained that this item for the Board was basic cleanup and accountability in closing out FY11.

County Administrator Cabell Lawton did clarify that budget transfers for Fire-Rescue were some full-time salary savings that were being moved to part-time salaries.

Mr. Sparks moved to approve the FY11 Supplemental Appropriations and FY11 Inter-departmental Budget Transfers, as presented. 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.

The Board took a short recess and then resumed the meeting.

---

IN RE: OFF-STREET PARKING, DRIVEWAYS, AND LOADING

Before the Board for consideration was Ordinance O-03-11, to amend, restate and re-adopt Chapter 98, Article XXIII of the County Code regarding off-street parking, driveways, and loading. The public hearing on the amendments was held on June 13, 2011, after which time the Board deferred action to a future date.

Economic Development Director Rodney Hathaway explained that there had been some discomfort expressed at the June 13 meeting and public hearing, with three issues of major concern to the Board: valet parking, compact cars and bike rack requirements.

Mr. Evelyn started the discussion by stating that he believed the ordinance should be taken back to staff and simplified.

County Attorney Michel Gowdy advised the Board that she had been reviewing other localities' parking ordinances and would continue to do so and share ideas with staff.

Mr. Sparks said that he believed there was a lot of wasted effort in the way the proposed ordinance was drafted. He gave an example of parking for a church being based on four seats per parking space, and wondered if staff would have to go into every church and count the seats. He stated that he felt the ordinance "needed to be easy on the applicant and on staff."

Mr. Davis asked that the impervious surfaces section of the ordinance be examined in the draft as well.

It was the consensus of the Board that staff should address the issues mentioned and that the matter could be revisited at the July work session.

The Board thanked staff for the time spent on the proposed amendments.

---

IN RE: EMPLOYEE COMPENSATION

Mr. Lawton reviewed that a decision on employee compensation was the last issue from the FY12 budget to consider. He informed the Board that if it decided to give bonuses, then a public hearing would be needed. He advised that the preference from staff was a raise because it would be consistent with what School employees would receive and it would also be better for Virginia Retirement Service (VRS) purposes. He confirmed that the change, whether bonus or raise, would go into effect July 1, 2011.

Mr. Davis, Mr. Trout and Mr. Evelyn all expressed their opinions that all employees should be treated the same and said they had spoken with employees who overwhelmingly preferred a raise to a bonus.

Mr. Davis moved to approve payment of FY12 employee compensation increases in the form of a 2% raise. 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:           TREASURER – TAX COLLECTION RATES

Treasurer Herb Jones, Jr. reported that the Real Estate tax collection rate was currently 96.57% and the Personal Property tax collection rate at 95.82%. He predicted that those rates would continue to increase and he also emphasized that his office was the only one that could speculate on the rates. He complimented his employees and stated that it was because of them that he could report these rates.

The Board thanked the Treasurer for his report.

---

IN RE:           MEETING SCHEDULE

The Chairman announced that the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Wednesday, July 20, 2011, in the Boardroom of the County Admin Building.

---

IN RE:           CLOSED SESSION

Mr. Sparks moved to go into Closed Session to discuss personnel matters pursuant to Section 2.2-3711A.1 of the Code of Virginia involving performance evaluation of an employee and an employee resignation, and for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving probable litigation. 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. The Board went into closed session.

Mr. Sparks moved to return to open session. 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. 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:

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: PERSONNEL ACTION

Mr. Sparks moved that the Board accept the resignation of the Director of Community Development and authorized the Chairman of the Board and the County Administrator to take steps to accept the resignation. 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: ADJOURNMENT

Mr. Davis moved to adjourn 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. The meeting was adjourned at 5:35 p.m.