

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 28TH DAY OF SEPTEMBER IN THE YEAR TWO THOUSAND ELEVEN OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 3:00 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: SUPPLEMENTAL FY11 APPROPRIATIONS AND BUDGET TRANSFERS

Before the Board for consideration was the request for approval of the following FY11 supplemental appropriations and FY11 inter-departmental budget transfers needed in order to close out the FY11 fiscal year:

- a. FY11 Supplemental Appropriations
 - i. Funds received for Bulletproof Vest Partnership grant, \$2,088.82
- b. FY11 Inter-Departmental Budget Transfers
 - i. *County Attorney*: \$2,614 from Salaries & Wages, Advertising, Travel (Convention & Education) and Office Supplies to Part-time Salaries & Wages, Postage, Travel (Subsistence & Lodging) and Xerox copies
 - ii. *Board of Supervisors*: \$10.00 from Travel (Convention & Education) to Workers Compensation and CDA Administrative Costs
 - iii. *Circuit Court Judge*: \$2,095 from Comp. of Jurors & Witnesses to Salary Line Items, Mileage, Travel (Convention & Education) and Books & Subscriptions
 - iv. *Public Utilities*: \$291 from Repairs & Maintenance to Overtime, Water/Sewer Testing, & Tank Maintenance
 - v. *Public Utilities*: \$3,821 from Generator Fuel to Salaries & Wages, Overtime, Water/Sewer Testing, Telecommunications-Cellular, and Insurance-Fire/Property
 - vi. *Public Utilities*: \$4,398 from Diesel Fuel to Overtime, Part-time Salaries & Wages, Technical Support, Advertising, Electric Service, Leased WAN lines, Vehicle & Powered Equip Supply, and Postage-Billing
 - vii. *Public Utilities*: \$17,415 from Salary & Wages to Easements/Land Aquis
 - viii. *Sheriff's Office*: \$877 from Vehicle Supplies to Ins. Dam. Rec.

Financial Services Director Mary Altemus indicated that these were the last items needing approval in order to close out Fiscal Year 2011.

Mr. Sparks moved to approve the FY11 Supplemental Appropriations and FY11 Inter-departmental Budget Transfers, as requested, and that they 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: VIRGINIA DEPARTMENT OF TRANSPORTATION UPDATES

Scott Gagnon, Director of Transportation and Land Use, Virginia Department of Transportation (VDOT) updated the Board on road issues in New Kent.

He reported that a solution had been found to the frequent flooding problem on South Waterside Drive at Fannie's Creek, which involved using steel culvert pipes rather than concrete pipes, which would allow the roadway to be raised between 24 and 30 inches and remain in the existing footprint for the road, thereby avoiding any environmental or wetlands encroachment issues. He indicated that the project had been approved and was expected to be put out for bid for construction to begin Spring 2012. He spoke about some of the hurdles they would face, including how to maintain traffic flow during construction, and there was discussion regarding available detour options. He indicated that guardrails would be installed as part of the project. Board members expressed their relief that a solution had been found to this long-standing problem.

There was discussion regarding the roundabout to be installed at the intersection of New Kent Highway/Route 249 and Tunstall Road/Route 612. Mr. Evelyn indicated that signs recently posted by VDOT had prompted inquiries from residents. Mr. Gagnon explained that a public hearing was not required but VDOT was willing to schedule one if warranted by community interest and that was what the signs were designed to determine. He advised that he and other VDOT staff would be willing to attend community meetings to provide accurate information about the project, which was not scheduled to be completed until 2014.

Mr. Trout reported some line of sight problems at the Toe Ink Wayside crossover that was serving as a detour during construction on the Toe Ink Bridge.

Mr. Gagnon answered questions about the hurricane debris removal operations, explaining that those operations were being handled by contractors while VDOT personnel concentrated their efforts on clearing culverts.

Mr. Davis reported culvert problems that were causing flooding along Farmers Drive in Eltham.

Mr. Gagnon advised that Holly Fork Road in New Kent remained closed into James City County because of a dam breach that had caused a large sinkhole. He reminded that according to the Code of Virginia, the dam owner was responsible for the repair of the dam and once repairs were made, VDOT would repair the road. He reported that VDOT was working with the owner but that the road might be closed for some time.

Mr. Trout had questions about speed limits in Brickshire and on Mount Pleasant Road and Mr. Gagnon indicated he would check on those issues and report back.

IN RE: RURAL LONG RANGE TRANSPORTATION PLAN

Bob Crum, Barbara Jacocks and Anne Darby from the Richmond Regional Planning District Commission reviewed with the Board the rural transportation planning process and the project list in order to obtain the Board's oversight and guidance prior to public input meetings to be held in October 2011.

Mr. Crum explained that, unfortunately, there were two separate transportation plans for New Kent, and this particular plan addressed the rural areas outside of the Metropolitan Planning Organization (MPO) areas previously reviewed with the Board. He indicated that it was important for the Board to be comfortable with the projects identified so that there could be a "push" to get them added to the Six Year Improvement Plan. It was noted it was best to wait until after the public input meetings had been concluded before prioritizing the projects.

Included in the recommendations were improvements to Va. 273/Farmers Drive, Va. 627/S. Waterside Drive, intersection of New Kent Highway/Farmers Drive, intersection of Va. 30/33/Eltham Road and Va. 30/Va. 249/New Kent Highway, Va. 249/New Kent Highway; Va. 627/Stage Road, Va. 627/Good Hope Road/N. Waterside Drive; Va. 30/Old Stage Highway, Va. 606/Old Church Road, and Va. 600/Holly Fork Road.

Recommended improvements included changing the status of some of the roads to rural collectors. Mr. Davis explained why Farmers Drive would not be suitable as a rural collector, and Mr. Evelyn did likewise regarding Old Church Road. Mr. Davis also explained that signalization was not the problem at the intersections along Va. 33/Eltham Road -- the problem was drivers running the red lights and there being no place to pull over violators without impeding traffic flow.

Mr. Trout spoke about some drainage problems in Chickahominy Shores.

Mr. Burrell advised that Va. 30 was called Stage Road in New Kent, and not Old Stage Highway.

Mr. Crum asked that the Board review the list in detail and advise if there were any other changes that should be made, including the addition of any projects.

Board members thanked Mr. Crum and his staff for their hard work.

IN RE: HANGAR RENT RELIEF

Before the Board for consideration was a request that the County Administrator be allowed to determine and approve temporary rent relief for tenants occupying New Kent County Airport hangars that were damaged during Hurricane Irene.

Airport Manager Bill Kelly explained that the storm had damaged all of the hangars except for the new t-hangars, and that tenants were asking about reductions in rent until repairs had been made, similar to what had been done in the past. He reported that approximately 15 tenants were affected by missing doors or roofs, and the suggested rent relief would total approximately \$1,100 per month. He indicated that once the insurance adjuster had completed his estimates, the job would be put out for bid and should not take long to complete once it was started.

He advised that the County's insurance would not pay for damage to any of the airplanes in the hangars, a fact clearly set forth in the hangar leases.

Board members commented that the request was reasonable.

Mr. Sparks moved to allow, on a case by case basis, the County Administrator to determine and approve temporary rent relief for tenants at the New Kent County Airport occupying hangars that were damaged during Hurricane Irene. 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: VOTING EQUIPMENT

Before the Board for consideration was a request from the Electoral Board for funds to purchase voting equipment.

Electoral Board Chairman Charles Moss explained that the Electoral Board's plan was to upgrade the voting equipment in one district at a time over a five-year period, and for some reason the former General Registrar had removed this purchase from the Capital Improvements Plan (CIP) for the current fiscal year. He indicated that Districts 1 and 3 had the M100 units and this year the equipment purchased would have been for District 5. He spoke about problems during the last election with some of the existing units as well as the cost of maintenance, and indicated that the Electoral Board had hoped to have this new equipment in time for the November election in the District 5 precincts.

There was discussion regarding opportunities for demonstrations for the public prior to the election. Mr. Moss indicated that the Electoral Board was intending to offer demonstrations as it had in the past, even though demonstrations were not required except in the precincts on Election Day. County Attorney Michele Gowdy advised that the details of those demonstrations were an important part of the request to the Department of Justice (DOJ) for approval.

There was discussion regarding whether emergency approval should be requested from DOJ and regarding the differences between the old and new voting equipment.

Mr. Trout voiced his concerns about the timing of the request and how he did not see the necessity for an emergency approval from DOJ.

Mr. Sparks remarked that all of the precincts should have the same equipment and funds for new equipment for the other precincts should be included in the next budget rather than updating one district each year.

Mr. Evelyn, Mr. Burrell and Mr. Trout all indicated that they preferred to stick to a rotation.

There was additional discussion regarding the need for DOJ approval to use the equipment in the November election. Mr. Davis suggested that the new equipment be ordered but not

used until after the November election. Mr. Evelyn reminded that was not a decision of the Board of Supervisors.

It was explained that the funds for the purchase would be appropriated from the CIP fund balance.

Mr. Trout moved to approve the purchase of two M100 voting units by the Electoral Board and the transfer of \$10,600 from the estimated fund balance in Fund 7 for this purpose. The members were polled:

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

The motion carried.

IN RE: NEW PRECINCT FOR DISTRICT FOUR

Mr. Moss advised that since the Airport would no longer be available for a polling place after the Presidential Primary, the Electoral Board was considering the use of Mount Calvary Baptist Church, which had two buildings and plenty of parking. He indicated that he had spoken with agents from the Church and they were in agreement.

Mr. Trout voiced his concerns that there might a better site and referred to a church located on Route 60 that would be more accessible. Mr. Moss indicated that the church referred to by Mr. Trout might not have adequate parking.

Mr. Evelyn asked Mr. Moss to keep the County Attorney involved in negotiations for whatever site was chosen.

The Board took a short break and then resumed its meeting.

IN RE: TAX RELIEF FOR ELDERLY AND DISABLED

Commissioner of Revenue Laura Ecimovic and Deputy Commissioner Devin Caldwell reviewed proposed changes to the County Code regarding real estate tax relief for the elderly and handicapped.

Ms. Ecimovic explained that the amendment would give those with a lower income a larger exemption, and that her office was prepared to handle the change.

Mr. Trout moved to schedule a public hearing to consider a change in the tax relief for the elderly and disabled to include an income sliding scale. 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: BUSINESS LICENSE AND CULTURAL EVENT PERMITS

Commissioner of Revenue Laura Ecimovic reviewed proposed changes to the County Code regarding business licenses and cultural events.

She explained that the amendment would allow one cultural events permit obtained by the event organizer would cover all vendors, and the other change was to require business licenses only from those with minimum gross receipts of \$10,000. She indicated that, if adopted, the loss in revenue from cultural events permits would be between \$700 and \$800 and around \$7,000 for business licenses.

Mr. Sparks moved to schedule a public hearing to consider amendments to the County Code regarding business licenses and cultural events. 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: TECHNOLOGY INITIATIVES

IT Director Jonathan Stanger reviewed proposed IT initiatives and a request to appropriate funds from the Computer Replacement fund balance to cover the costs.

He explained the improvements needed for the County's website and the proposal to contract with Granicus to provide streaming on the website.

Mr. Sparks had questions about the costs involved and asked why these initiatives had not been included in the budget process. There was more discussion regarding the costs and necessity for the initiatives and Mr. Stanger was asked to bring additional information to the Board at its next work session.

IN RE: PARKS & RECREATION DEPARTMENT UPDATES

Parks & Recreation Department Director Kim Turner reported that a part-time administrative assistant had been hired and she suggested that maintenance staff would be needed if and when the park property was developed.

She reviewed problems at the Quinton Park playing fields resulting from recent weather events.

She indicated that new tables and chairs would soon be needed at Quinton Community Center, and confirmed that there had been some loss of rental revenue as a result of Hurricane Irene. She commented that because of the limited parking, they were looking to discourage use of this facility by larger groups.

She reported that Wahrani Nature Trail had been closed for a few days following the hurricane, but fortunately there had been no significant damage and after some clean-up

work by the mountain bike group at no cost to the County, the nature trail had been reopened to the public.

She indicated that the improvement project in the Historic School gym had been completed. She advised that the facility would need air conditioning to be used year-round, and the fixtures in the lobby restrooms needed to be replaced but were functioning.

She spoke about the co-sponsored and affiliated groups and indicated that the playing fields would be re-evaluated in 2012 by the Parks & Recreation Advisory Commission and a decision made whether in-kind donations from these groups should be limited in light of the rising costs to maintain the fields.

She advised that transition of the responsibility for community use of school facilities back to the Schools was underway and should be finalized by January 2012.

She reported on various programs as well as community activities and events, and indicated that the Advisory Commission was reviewing its bylaws. She advised that use of on-line registration was continuing to increase.

She explained that staff would be developing the master plan and would be taking some community input before adoption sometime in 2013.

She indicated that there had been some unexpected expenditures as a result of recent flooding, which they would try to cover out of their current budget. She reported a revenue loss for FY11 compared to FY10, which she attributed to an increase in returned checks.

She confirmed that no work had been done regarding the 100-acre park property and that feedback from the Board would be requested at a future meeting as to what to do with the funds that were currently budgeted for that property.

She suggested that the Board would likely be hearing from some residents regarding lights for the playing fields, but warned that it was important to "consider everything" before making any decisions.

Board members commended Ms. Turner and her department for "doing a great job".

IN RE: PARKING AND LOADING ORDINANCE CHANGES

This item was deferred.

IN RE: TRAFFIC AND VEHICLE ORDINANCE CHANGES

Sgt. Lee Bailey from the New Kent Sheriff's Office and County Attorney Michele Gowdy reviewed proposed changes to Chapter 70 of the New Kent County Code that would require safety equipment for moped operators as well as update other sections of the Code to ensure compliance with current case law.

Sgt. Bailey advised that the Sheriff's Office was in support of changing the County's ordinance to require safety equipment for moped operators and passengers, to require identification for the operators, and to prohibit the use of earphones. He indicated that the only difference between the suggested changes and the current State Code was the earphones prohibition, and that once adopted, the fines for violations would be paid to the County rather than the State. He reported that State law allowed anyone at least 16 years

of age, whether licensed or not, to operate these vehicles on the highway, unless they had convictions for driving while intoxicated or had been deemed habitual offenders.

There was discussion regarding mopeds and other similar vehicles.

Mr. Sparks remarked on whether this was necessary and asked if this was a problem in New Kent. Sgt. Bailey confirmed that the Sheriff's Office received a number of calls about this issue and there had been an increase in injuries and fatalities, which had resulted in this request to update the County's Code.

Ms. Gowdy reviewed the other suggested changes to Chapter 70, which included sections on driving under the influence violations for juveniles and a section regarding noise violations.

Mr. Sparks moved to schedule a public hearing concerning the safety of moped operators and passengers, pursuant to Virginia State Code, and other changes to update Chapter 70 to ensure compliance with current case law. 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: COMPREHENSIVE PLAN UPDATE

Planner Kelli Le Duc reviewed the latest draft of the Comprehensive Plan Update, which included revisions requested by the Board at previous meetings. She pointed out that those items about which the Board could not agree remained in the Update, but that all of the other items had been addressed in the revisions.

Following discussion, Mr. Sparks moved to send the Comprehensive Plan Update back to the Planning Commission for its consideration and comments. 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: HISTORIC SCHOOL RENOVATIONS

The Board continued to discuss renovations of the Historic School, following a required public hearing held on September 12, 2011, on the proposals received under the Public Private Education Act (PPEA).

General Services Director Jim Tacosa indicated that he had reviewed the lowest responsible bid and had identified items that could be eliminated, but had not yet negotiated with the contractor. It was clarified that the lowest most responsible bid was not necessarily the lowest bid.

County Administrator Cabell Lawton reminded that the Board could not approve a comprehensive agreement until 30 days after the public hearing that was held on September 12, and the Board needed to advise staff whether it wanted to continue or stop the project. Ms. Gowdy suggested that the scope of the project also needed to be determined so that staff would know what to negotiate. It was confirmed that the project had been advertised as the 1930s building, the front part of the South building, and the courtyard.

Mr. Tacosa advised that he could put a package together and have it ready for the Board to approve on the 30th day.

Ms. Gowdy advised that once the contract had been fully negotiated, then the Board would need to vote on whether to accept it or not. Mr. Lawton added that the Board would also have to hold a public hearing to amend the budget and appropriate the funding. The Board was reminded that this was not an allocation of space but a decision to begin negotiations for the project as it was advertised.

Mr. Trout moved to move forward with the negotiation of a comprehensive agreement with the lowest most responsive and responsible bidder for the Historic School Renovation Project. 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. Tacosa briefed the Board on the timetable and suggested that a way to save critical time would be to begin design work on the sprinkler system so that it would not hold up construction. It was reported that the Board could enter an agreement for the sprinkler system separate from the contract for the project, and it would not require a public hearing. There was consensus that a sprinkler system would be needed no matter what and that Mr. Tacosa's recommendation to move ahead with that was acceptable.

IN RE: FY12 BUDGET AMENDMENT

Before the Board for consideration was a request to schedule a public hearing for November 9 to amend the FY12 budget.

Mr. Lawton explained that it was necessary to amend the budget and appropriate the funds to renovate the Science Wing of the South Building on the Historic School campus so that the project could move forward and be completed by spring 2012 for the proposed regional career and technical center. He confirmed that the requested action would only authorize staff to advertise a public hearing for the Board's November meeting, at which time additional information on the project should be available.

Mr. Tacosa explained that the heating and air conditioning systems were the "drivers" for the project and if those could be accelerated, then the deadlines should be able to be met.

Mr. Lawton indicated that resolutions of support for the project had been requested from the governing bodies of Charles City, King William, King and Queen, and Middlesex Counties. He explained that although preliminary information had been submitted for a rehabilitation grant, he did not think that the chances for obtaining grant funding were favorable. It was confirmed that the renovation work on the old bus garage would be paid for by the Bridging Communities Consortium.

Mr. Burrell moved to authorize moving forward to advertise a public hearing on November 9 to amend the budget to include the anticipated cost of approximately \$700,000 to renovate a portion of the South Building for a regional technical center. 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: 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 Tuesday, October 11, 2011, in the Boardroom of the County Admin Building.

He also announced that the Board would not conduct any business after the Closed Session.

IN RE: CLOSED SESSION

Mr. Sparks moved to go into Closed Session for discussions relating to personnel pursuant to Section 2.2-3711A.1 of the Code of Virginia involving performance and compensation. 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. Burrell 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. Trout 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: ADJOURNMENT

Mr. Sparks moved to adjourn the meeting. 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 meeting was adjourned at 6:21 p.m.