

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 11th DAY OF OCTOBER 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. Special meeting of August 17, 2011
 - b. Regular business meeting of September 12, 2011
2. Miscellaneous
 - a. VACo 2011 Annual Meeting proxy statement
 - b. Interlocal Contract for Cooperative Purchasing – HGAC Buy for emergency vehicles
 - c. Audit Services contract with Robinson, Farmer, Cox Associates for each of the three years ending June 30, 2012 through June 30, 2014, with the option for two (2) one-year extensions
 - d. Sole source declaration for Enterprise License Agreement with ESRI for GIS software
3. FY12 Supplemental Appropriations
 - a. Funds received for reimbursement from Colonial Downs, Invoice – Part FY11-07032011 and FY12-07102011, \$6,927.50
 - b. Funds received for gifts and donations, \$230.00
 - c. Funds received from vending machine sales for employee Christmas parties, \$217.48
 - d. Program income received for FY11 from CDBG Plum Point grant, \$571.58
 - e. Funds received from various sources for security – Sheriff programs, \$2,100.84
 - f. Funds received from insurance proceeds for various accidents, \$608.20
 - g. Funds from Fund 3 and 7 to pay for various fees related to school and county construction projects, \$379,056.88

- h. Funds from the Supreme Court for reimbursement of postage for J&DR Court, \$1,000.00
- i. Chesapeake Bay Implementation Grant funds, \$4,500.00
- j. Additional funds required per agreement between the County and the Health Department, \$9,362.00

Total Supplemental Appropriation:	
\$ 404,574.48	Total
\$(390,712.48)	Money In / Money Out
\$ (13,862.00)	From Gen Fund fund balance

- 4. FY12 Carry-Forward Appropriations
 - a. To reflect the revenue that will be received in FY12 for the VDEM/CVUASI Communications I J Grant (Mobile Satellite Radios), \$115,242.00
 - b. To reflect the revenue that will be received in FY12 for the ISTEVA Village Improvements Grant (Sidewalks), \$149,200.00
 - c. To reflect the revenue that will be received in FY12 for the RSTP Bicycle Route Signage Grant, \$17,352.47
 - d. To reflect the revenue that will be received in FY12 for the VDEM-Hazardous Materials Emerg Prep grant, \$10,691.20
 - e. To carry forward the EOC video conferencing grant funds, \$38,900.00
 - f. To reflect the revenue that will be received in FY12 for the VDEM/UASI/NPD Communications grant, \$156,000.00
 - g. To carry forward the Byrne Justice Assistance Grant, \$2,633.00
 - h. To carry forward the Smart, Safe & Sober Grant, \$1,645.42
 - i. To carry forward the Virginia Domestic Violence Grant, \$20,085.16
 - j. To carry forward the VDEM Communications Assessment Grant, \$80,000
 - k. To carry forward the Vending Machine sale funds, \$2,278.94
 - l. To carry forward the Computer Replacement Funds for Fire-Rescue, \$2,353.82
 - m. To carry forward the funds for Radio enhancement, \$39,718.29
 - n. To carry forward the Insurance damages/recoveries – Fire & Emergency Management, \$27,229.24
 - o. To carry forward the Contingency – Special Event funds, \$8,637.34
 - p. To carry forward the M & E Va. Power funds, \$381.06
 - q. To appropriate Local Match for LEMPG grant, \$27,932.00

Total Carry Forward Appropriation:	
\$ 251,794.27	Total
\$ (621,443.67)	Total In/Out
\$ 205,713.75	From Gen Fund fund balance
\$ (263.00)	From Fund 6 fund balance
\$ 166,552.47	From Fund 7 fund balance
\$ (2,353.82)	From Fund 800 fund balance

- 5. FY12 Interdepartmental Budget Transfers
 - a. *Schools:* \$1,155 from Appropriation of funds from prior year to Elementary School Renovations
 - b. *Schools:* \$45,355.38 from School Contingency Fund to Non-Capital Equipment-Bu
 - c. *Schools:* \$5,382.88 from School Contingency Fund to Non-Capital Equipment-GV and Non-Capital Equipment-Bu

- d. *Schools*: \$3,785 from School Contingency Fund to Non-Capital Equipment-Bu
- e. *Schools*: \$109,200.36 from Appropriation of Funds from prior year to Elementary School Renovations
- f. *Fire-Rescue*: \$10,000 from Contingency-Special Events to Repairs & Maintenance

6. Treasurer's Report: Cash as of August, 2011, \$ 30,569,155.11

Fire Chief E. Thomas Hicks fielded questions from Mr. Burrell on the Interlocal Contract for Cooperative Purchasing regarding the "add on" equipment for the ambulance and confirmed that there were no unnecessary "bells and whistles" on the unit.

Mr. Davis moved to approve the Consent Agenda as presented 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.

Alease Christian of 2530 N. Waterside Drive spoke about a letter received from Virginia Natural Gas (VNG) seeking rights-of-way for an extension of natural gas service to West Point. She suggested that a meeting be set up so that affected property owners could have their many unanswered questions addressed.

Mr. Lawton advised that staff was working with VNG and had encouraged that a community meeting be held in a place convenient to Lanexa residents, and details of the meeting would be sent out once they had been finalized. The Chairman assured Ms. Christian that the Board was looking into this issue and he directed Mr. Lawton to follow up with her. Mr. Davis advised that he would be addressing the issue later in the meeting during Closed Session because he was not happy about "how things have transpired". Mr. Trout asked for details about the meeting as well so that he could provide information to residents who had contacted him.

Barbara Winters, Heritage Library Director, updated the Board on upcoming Library activities, including the Fall Festival, which would also include a celebration of the Library's 16th anniversary.

There being no one else signed up to speak, the Citizens Comment Period was closed.

IN RE: PRESENTATION

The Board presented a framed copy of Resolution R-38-11 to William H. Whitley, recognizing his services as Assistant County Administrator and Interim County Administrator during the period between March 1, 2008 and June 30, 2011. The Chairman read the

resolution aloud. Mr. Whitley remarked on how he had enjoyed working with the Board and staff, and commended the Board for their service to the community.

Board members commented on Mr. Whitley's service and skills.

IN RE: LOCAL EMERGENCY MANAGEMENT PERFORMANCE GRANT

The Board considered a request for an appropriation of funds representing the local match for the 2011 Local Emergency Management Performance Grant

Fire Chief E. Thomas Hicks explained that the grant had been in existence for many years and after Hurricane Katrina, it had been restructured with the specific purpose of emergency planning and was now administered through the Federal Emergency Management Agency (FEMA). He advised that New Kent had received this funding and had used it over the last five years to "beef up" its procedures and he confirmed that this was the first year that a local match was required. He indicated that he was asking the Board to accept the grant and appropriate the required 100% match of \$27,932 to be applied toward emergency management. It was confirmed that New Kent had received a similar amount for the previous year, which had not required a local match.

When pressed for more details, Chief Hicks advised that historically 80% of the grant funds had been used by New Kent to develop its Emergency Operations Plan (EOP) and otherwise plan and train for responses to emergencies, and 20% had been used to purchase resources for shelters, such as ready to eat meals.

Board members commented that New Kent staff had responded well to recent events and they understood that grant funding received in the past had contributed to the planning that made that response possible; however, they had questions as to exactly how these funds would be used, whether the County needed twice as much in funding and whether a lesser amount could be accepted, what the impact would be on New Kent's emergency planning if it did not accept the grant, the time period in which the grant funds had to be spent, and whether Fire-Rescue had funds in its budget to cover the match.

Chief Hicks advised that not accepting the grant would not have any effect on New Kent's receiving FEMA reimbursement for costs incurred in responding to Hurricane Irene. He also advised that the grant program would continue to evolve and he predicted that the number of grants would continue to decrease and to require locality matches in the future.

He reported that New Kent had fulfilled all requirements for the grant, which included an updated EOP, which was last adopted in 2009 and would be coming back to the Board for another update in January 2012.

He indicated that he would be glad to bring back more detailed information to address the Board's questions at its October work session.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Davis spoke about all of the plentiful activities available in New Kent.

Mr. Trout provided details of some upcoming community events.

Mr. Sparks asked that residents be patient with Virginia Department of Transportation staff who were still working hard to clear up storm debris.

Mr. Evelyn asked that staff provide information to the Board regarding unfunded mandates so that it could respond to the Governor's request for input for the task force he has formed to address these issues. He also provided details about upcoming community events.

IN RE: STAFF REPORTS

Mr. Lawton reported that because of a drop in usage, the temporary storm debris collection site had been closed and the current amount of debris could be handled at the Route 618/Main Refuse Site, unless circumstances changed. Mr. Trout thanked the County for opening the temporary site, which was of great assistance to his neighbors in Woodhaven, many of whom were still cleaning up from the hurricane. There was discussion regarding the debris collection sites being operated by VDOT.

Mr. Lawton advised that County staff had met with FEMA and received good direction on what needed to be done to file for reimbursement of costs incurred in responding to Hurricane Irene. He indicated that the work performed by volunteers might be able to be counted towards the County's 10% match. It was confirmed that individual assistance had not be approved for residents but they could still apply to the Small Business Administration for low interest loans.

Ms. Gowdy advised that the Farms of New Kent and the Community Development Authority had indicated that they wanted to meet with the Board at its October work session to review some proposed amendments to the ordinance and memorandum of understanding, prior to holding a public hearing at the Board's November meeting. There was consensus among the Board members to hold a joint meeting with the CDA at its October work session and to advertise the public hearing, with the understanding that it could be cancelled if the Board did not want to proceed with a public hearing after reviewing the proposals.

IN RE: APPOINTMENTS

There were none.

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, November 9, 2011, in the Boardroom of the County Administration Building, and the next work session at 3:00 p.m. on Wednesday October 26, 2011, in the Historic Courthouse.

IN RE: CLOSED SESSION

Mr. Davis moved to go into Closed Session for discussions relating to business and industry development pursuant to Section 2.2-3711A.5 of the Code of Virginia involving Virginia Natural Gas, for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving probable litigation, and to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia involving performance and compensation, with Mr. Evelyn adding a motion to go into Closed Session for discussions relating to real property pursuant to Section 2.2-3711A.3 of the Code of Virginia involving acquisition of real property for public purpose. 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. Davis 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 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. Burrell 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 7:44 p.m.