

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 30TH DAY OF NOVEMBER 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: DEER POPULATION MANAGEMENT

Mr. Davis reported that he, Mr. Burrell, and the Sheriff had met with staff from the Department of Game and Inland Fisheries about how to address the County's deer problem and were advised that the first step was for New Kent to request a change in its deer population objectives from "stabilize" to "reduce" and thereafter the State would work with the County on ways to meet that changed objective.

It was reported that, according to the Sheriff's Office, there had been 87 incidents of deer/vehicle collisions in the past year.

The Board discussed various methods of controlling the deer population and some resulting safety concerns. It was clarified that the Board's adopting a resolution to change its objectives would not implement any strategies and that the Board would need to approve any programs before their implementation.

There was consensus to consider this resolution as part of the December 12 Consent Agenda.

IN RE: 2012 BOARD OF EQUALIZATION

The Board made nominations for Circuit Court appointment of members of the 2012 Board of Equalization.

Mr. Sparks nominated Michael Lane for Circuit Court appointment as a member of the Board of Equalization to serve a term ending December 31, 2012.

Mr. Trout nominated William Chandler for Circuit Court appointment as a member of the Board of Equalization to serve a term ending December 31, 2012.

Mr. Davis nominated E. Baird Jones for Circuit Court appointment as a member of the Board of Equalization to serve a term ending December 31, 2012.

Mr. Burrell nominated Charles Moss for Circuit Court appointment as a member of the Board of Equalization to serve a term ending December 31, 2012.

Mr. Evelyn nominated William Wallace for Circuit Court appointment as a member of the Board of Equalization to serve a term ending December 31, 2012.

It was reported that Gwen Ellyson was again willing to serve as staff support for the Board of Equalization for 2012. Mr. Davis commented that the Board of Equalization process should be an easier process for 2012 with the decline in property values, and that the Board would have the more difficult responsibility of adjusting the tax rates.

The members were polled on the motions:

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

The motions carried.

IN RE: 2012 STATE LEGISLATIVE AGENDA

Assistant County Administrator Rodney Hathaway presented the following draft 2012 State Legislative Agenda for New Kent County for the Board's consideration:

Part I. 2012 Legislative Agenda Action Items

1-1. Gaming

Study the impacts of expanding the options for gaming in the Commonwealth as a revenue source for transportation and resource protection infrastructure. The State is facing increasing levels of unfunded infrastructure needs for which a non-taxpayer-generated revenue source such as expanded gaming options at the existing pari-mutuel horse track could provide a substantial contribution. Studying the potential options available to determine positive and negative impacts, financial feasibility and the estimated revenue streams, would allow decision-making to occur with full knowledge of the benefits and costs that could accrue.

1-2. Utilities

Equalize the cost of installation for regulated utilities when done by or through the regulated utility owner regardless of whether installed overhead or underground. In localities where the use of underground utilities is required, there are huge variations in the costs quoted to landowners and developers for placing utilities underground instead of overhead. In many cases, the cost differentials seems not to result from any documented difference in actual costs, but instead reflect the preference of a utility owner to maintain overhead utilities. Regulated utilities should not be permitted to engage in monopolistic price discrimination of this sort and should be required to equalize cost quotes regardless of whether the service is provided underground or overhead.

1-3. Universal Design

Study the feasibility, costs and benefits of adding components of LEED and "universal design" to the Uniform Statewide Building Code. There are more and more competing claims and "standards" regarding energy efficiency, sustainable construction, "visitability" and similar features and functions; these competing claims and "standards" may serve to confuse the consumer more than enlighten them. Determine whether the citizens and homebuilders may mutually benefit from having a statewide set of clearly defined standards as to what truly is and is not a performance enhancement in new construction; determine if such standards would improve the business climate.

Part II. Position/Legislation Supported By the County

- 2-1. *The County supports legislation increasing funding to the Virginia Department of Transportation in an amount sufficient to allow VDOT to resume regular maintenance of state-owned medians.*
- 2-2. *The County urges the General Assembly to increase funding for the Virginia Tourism Corporation to promote tourism in Virginia.*
- 2-3. *The County urges the General Assembly to address critical transportation infrastructure needs by using a statewide approach rather than a regional or local approach.*
- 2-4. *The County supports planning for a commuter rail system from Richmond through the Peninsula to Virginia Beach to connect urban centers for commuters and provide transportation alternatives.*
- 2-5. *The County supports legislation requiring the state to refrain from passing additional local unfunded mandates and postpone the implementation of costly regulations with a local fiscal impact.*
- 2-6. *The County supports legislation that incentivize regional cooperation and service delivery to promote efficiency, mitigate inequities, and overcome barriers that result from Virginia's unique local government structure.*
- 2-7. *The County Supports the Legislative programs of the Virginia Municipal League, the Virginia Association of Counties, and the Richmond Regional Planning District Commission.*

Part III. Legislative Policy Statements

- 3-1. *Any new enabling legislation should be made available to all localities and not be restricted or defined by size, geographic location, or rate of growth.*
- 3-2. *All enabling legislation should be permissive and not mandatory.*

- 3-3. *If legislation is proposed to be mandatory, then assurance must be provided that it does not fall into a "one size fits all" situation.*
- 3-4. *Mandatory legislation shall not impose unfunded costs on localities.*
- 3-5. *Proposed legislation shall be examined for unintended impacts or implications (e.g. establishing a standard that might be less stringent than one already being practiced by localities).*

Mr. Hathaway explained that many of the items were those that were unaddressed in the 2011 Agenda.

He pointed out item 1.1 was a request for a study of the impacts of expanding gaming options as a revenue source for transportation and resource protection infrastructure, and was a different tactic from previous years in that it was a request to set up a commission to study the impacts of expanded gaming only at Colonial Downs and not at the off-track betting sites, which might not be as offensive to some members of the General Assembly. Mr. Sparks surmised that the Speaker of the House would remain opposed to the issue and suggested that a regional effort might have more success. Mr. Hathaway advised that meetings had been scheduled with the County's state legislators and that limiting the gaming expansion to only Colonial Downs would help to make New Kent a "destination" for visitors. Board members agreed that the issue needed to be kept "out in front" of the legislators.

Mr. Hathaway reviewed that item 1.2 requested that public utility companies be required to equalize the cost of installing overhead and underground utilities, since the cost differentials seemed to result not from any documented difference in actual costs but instead from the preference of a utility company to maintain overhead lines. There was discussion whether a private developer could install its own lines and County staff indicated that although they would check on it, they did not know of any instance where a developer was permitted to install its own lines in a residential subdivision.

Mr. Sparks spoke on his concerns about item 1.3, and how he felt that Universal Design was available now and his fear that creating standards was a step toward making it mandatory. Staff explained that the request was only to set a public standard for these building designs in the Uniform Statewide Building Code, as there were "competing private standards" but no universal design available. It was explained that Universal Design allowed homeowners to "age in place" and went beyond the existing ADA standards, and there was no intent to make these designs mandatory but just request to provide standards that would be optional. Mr. Sparks commented that there were architects who were already certified in these designs and he felt there were already standards available. Mr. Trout remarked that this appeared to be a request to only put standards "in the book" for a builder to use and would be a "building process", not a "certification process".

Mr. Sparks moved to eliminate number 1-3. *Universal Design*, from New Kent's 2012 State Legislative Agenda. The members were polled:

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

Thomas W. Evelyn Aye

The motion carried.

Mr. Hathaway explained that Part II of the draft Agenda outlined the County's position on potential legislation that might arise. There was discussion regarding item 2.1, requesting funding to resume fully mowing the highway medians.

Mr. Trout spoke about item 2.4 regarding commuter rail services. He explained that the current plan was to put higher speed rail along Route 460, and what should be promoted was to increase the number of passenger trains between Newport News and Richmond. He indicated that the best chance for a passenger rail stop in Providence Forge would be a feeder line that ran from Newport News, with stops in Williamsburg, Providence Forge, and the Airport, and then on a Main Street Station in Richmond, a possible hub for a North/South high speed rail route. Following discussion, it was agreed to remove the phrase "to Virginia Beach" from item 2.4.

Mr. Hathaway advised that Part II contained broad legislative policy statements and there were comments regarding item 3.2 and mandatory v. permissive enabling legislation.

Mr. Trout reminded that staff members would need to register as lobbyists in order to represent New Kent, whereas elected officials were not required to do so.

Mr. Burrell moved that the New Kent County 2012 State Legislative Agenda be adopted with the noted changes. 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: COMPREHENSIVE PLAN UPDATE

Chairman Evelyn suggested that Board action on the Comprehensive Plan Update be deferred until after January 1, 2012, for the new Board to consider. It was confirmed that the version under consideration was the one approved by the Planning Commission. Mr. Trout suggested that it would be best to consider the Plan all at one time rather than piecemeal, to which other members agreed.

Mr. Davis moved to delay action on the Comprehensive Plan until after January 1, 2012. 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: CLOSED SESSION

Mr. Sparks moved to go into Closed Session to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia involving performance and compensation, and for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia about actual or probable litigation. 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 Board went into closed session.

Mr. Sparks moved to return to open session. 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.

Mr. Sparks 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:

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: ADJOURNMENT

Mr. Burrell moved to adjourn the meeting. 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 meeting was adjourned at 5:21 p.m.