

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 27<sup>TH</sup> DAY OF JANUARY IN THE YEAR TWO THOUSAND TEN OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 3:05 P.M.

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IN RE: CALL TO ORDER

Chairman Sparks called the meeting to order.

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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.

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IN RE: HERITAGE PUBLIC LIBRARY

Heritage Library Board Chairman Joyce Peterson, Librarian Barbara Winters, and Architects Sarah Barber and John Hopke were present to review the Library Board's concept plan for renovation of a portion of the historic school property for the Library's New Kent branch.

Ms. Winters reviewed that the Library operated out of its building in Providence Forge until January 2008 when the building was condemned. She acknowledged the County's help in finding interim space for a branch in New Kent and noted that the Library's small staff was working hard to keep two branches operating. She spoke about the increases in all activities and programs during the past two years. She noted that a parallel project was underway for the Charles City County branch where a building was being constructed "from the ground up" and scheduled for completion within five years.

Ms. Peterson reviewed the Library's mission statement and motto.

Ms. Winters commented that the historic school was a "wonderful building" that should be renovated and brought back to useful service. Mr. Hopke reviewed historic buildings in other localities that were built in the 1930s similar to New Kent's historic school property, commenting that they were "all good examples of buildings with quality architecture built in poor economic times", that "our grandparents found ways to build something of quality and substance", and that the school building had significant historic features that they would want to restore.

It was noted that the Library space needs had been determined from the Commonwealth of Virginia Construction Professional Service Manual space guidelines, the Virginia Public Library Standards and Guidelines, and stated needs from the Heritage Public Library, reporting that the architects had spent a lot of time talking with staff. It was noted that the proposed plan was within 5% of stated needs at build-out at 17,800 square feet, compared to the 4,500 square feet being currently occupied by the New Kent branch. It was reported that the standards in Virginia allowed for .6 square feet per capital but preferred .8, and the Library was now at .258, and that Phase I would bring that figure to .5.

Mr. Hopke reviewed plans to "dress up" the entrance and have the drop off at the corner with a new handicapped ramp. It was reported that the Americans with Disabilities Act (ADA) encouraged bringing in handicapped to the front door but that would be difficult to do in this building and a ramp at the corner would "balance" out that requirement. Mr. Hopke confirmed that the existing handicap ramp was not ADA compliant.

It was confirmed that the historic school was on the Historic Register and approval of the improvements would be required.

Mr. Hopke noted that that the proposed design provided for one-way traffic and that the sidewalk plan that had already been designed by the Williamsburg Environmental Group would need to be modified.

He noted that Phase I would provide space for core library services on the upper level, with the lower level being reserved for mechanical space. Phase II would bring in space for expanded programs and would include a lift for freight in order to use the lower level for storage. It was confirmed that there were no plans for a computer center, as the current practice in most public libraries was to have wireless laptops available for checkout to library patrons.

It was noted that the schedule spanned three years beginning with January 2010 and ending in January 2013 when the lease on the current Library space expired. Mr. Hopke indicated that some work was needed to stabilize the building, no matter what, and that work could run concurrent with the site work.

It was reported that construction cost considerations included site work, which was not included in the Library's scope, but included parking and landscaping by the County as well as connection to County utility systems; that remedial repairs included roof repair and/or replacement, masonry repairs/waterproofing, and other measures to halt degradation of the structure; that improvements required by the current Building Code included fire suppression and separation, and accessible ramp; and that Phase I and Phase II tenant improvements would establish a new home for the Library and appropriate space for mission specific programs.

Costs were estimated to include building development \$337,000; Code Compliance \$218,000; tenant up-fit Phase I, \$1,287,000; tenant up-fit Phase III \$466,000, for a total construction costs of \$2,308,000. It was reported that the Library Board would support a \$100,000 opening day collection. It was also noted that the estimates included soft costs of 12% to 15% that included design and construction contingencies, and that the estimates were based on 2010 costs. The cost for hazardous materials remediation was not included.

Remedial repairs were estimated at \$370,000 plus \$55,500 in soft costs, and would include a new slate roof on the front of the building.

Ms. Winters reminded that the Library was currently paying \$41,000 per year for rent in its current space.

Mr. Trout commented that work would be needed on the other buildings on the site and indicated that it might be economical to do all of the work at the same time.

The costs for remedial repairs were estimated as \$213,000 for 2009/2010 and the same amount for 2010/2011. Phase I occupancy was estimated at \$707,000 for 2011/2012 and \$986,000 for 2012/2013.

It was reported that the next steps would be a Memorandum of Understanding (MOU) between the Library Board and the Board of Supervisors; as-built drawings; a detailed structural investigation; hazardous materials survey; historic assessment; schematic plans; approval of improvements by the Department of Historic Resources (DHR); a remedial repairs bid package; and then design and construction for Phase I.

Ms. Winters advised that they had been working on a proposed MOU and provided a copy of the latest version, which was different from what the Board had in its meeting book.

Mr. Evelyn asked if the project could be done under the Public Private Education Act (PPEA). Mr. Davis responded that it could be, with Mr. Summers adding that it appeared to meet all of the requirements and that renovations were popular PPEA projects.

Mr. Evelyn indicated that any project would need to be coordinated with the Parks & Recreation Department since they were responsible for some of the space in the historic school. Ms. Peterson advised that Parks and Rec should not be impacted until Phase II, at which time the lower level could be a shared space. Mr. Hopke noted that the gymnasium did not have to have sprinklers but the locker room did.

Mr. Sparks asked what was in the County's Capital Improvements Plan (CIP) for the Library. Financial Services Director Mary Altemus reported that there was \$4.5 million in the CIP for a new Library in 2012.

Ms. Peterson advised that the purpose of this presentation was to provide the Board with enough information to endorse the project and agree to provide funding. Ms. Winters added that the funding would be over a three-year period and that they knew it was a bad economic time and would welcome another chance to discuss the MOU.

Mr. Sparks asked for the opinion of the County Attorney. Mr. Summers advised that there were some problems with the draft MOU, and that one of the provisions could subject the project to the Virginia Public Procurement Act.

Mr. Trout suggested that General Services provide information on the basic cost to do all of the work needed at the historic school before making any decision. There was discussion regarding what parts of the property had historic designations. Mr. Summers advised that he had reviewed the Historic Registry which specified which buildings were included and he thought that it was those that dated 1974 and before.

Mr. Sparks advised that the Board would soon be looking at the County's CIP budget and would get back in touch with the Library to discuss what could be done to move the project forward, but cautioned that no one knew what the future held.

Mr. Davis asked about the status of the sale of the Library building in Providence Forge. Ms. Peterson reported that they were scheduled to close on that sale at the end of February, and the sale proceeds would be split evenly between the capital campaigns in New Kent and Charles City. It was confirmed that the Library Foundation also had some funds.

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IN RE: BROWN BAG PROGRAM

Phillip Felts and Sylvia Hathaway appeared on behalf of the Brown Bag program to request the use of cafeteria and kitchen space in the historic school. Mr. Felts reported that program participants had increased from 250 to over 800 and they had outgrown their

current space at the Cumberland Community Center and were losing opportunities to obtain some food supplies because they had limited space.

He indicated that the Brown Bag Program in Prince George County was using a County facility for its program and reportedly there had been no problems. That County's program ran two days per week and the County did not charge any rent.

Mr. Felts advised that should the Board allow them to use the cafeteria and kitchen as requested, then the needed cleaning and expected repairs of the freezer and refrigerator would be done at no cost to the County. He indicated that it would be necessary for County officials to inspect the lighting to make sure it met Code, but that they did not anticipate any problems that they could not handle.

There was discussion regarding whether control of the cafeteria space was shared with the School Board. Mr. Felts reported that he had made the same request to the School Board who he advised was "100% in support of it".

Mr. Davis expressed his concern about how this might affect the various churches operating food programs. Mr. Felts advised that those churches were aware of this request and that should it be granted, all food distribution would be from the historic school. He confirmed that the Meals on Wheels program did not plan on moving its operation but if it did, there would be sufficient parking for its drivers.

He advised that the Brown Bag Program would operate from the historic school property five days a week between 9 a.m. and 12 noon. He indicated that the Central Virginia Food Bank encouraged single distribution sites in a locality and were supportive of this request. He reported that they planned to incorporate the Social Services food pantry into their program as well.

Mr. Evelyn asked about the organization of the Brown Bag Program. It was explained that it was a group of volunteers with four directors. Mr. Felts indicated that although it was designed for those ages 60 and older, they would not turn down anyone who needed help.

Mr. Burrell asked about the status of the deed for the historic school property. Mr. Summers advised that the deed had been recorded. He added that if the Board wanted to grant the request, it would need to have some kind of agreement with the Brown Bag group.

Mr. Trout noted that a similar arrangement was working well in Prince George but he was not aware what kind of agreement they had. There was also concerns expressed about access and parking.

Mr. Whitley suggested that if the Board was inclined to grant this request, then staff would work with Mr. Felts and his organization and bring something back for the Board to review and approve. It was also suggested that General Services Director Jim Tacosa be consulted and the Chairman asked Mr. Trout to be involved as well.

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IN RE: WASTE TRANSFER SITE ACCESS

General Services Director Jim Tacosa reported back to the Board on problems with individuals operating vehicles without County decals attempting to use the County trash transfer sites. He reported that only 20 requests had been made for paper authorizations for 2010, down from over 1,100 in 2009, but reminded that they were honoring the 2009

authorizations through the end of January. He added that the process was slightly different for 2010 in that those requesting paper authorizations were required to physically apply at the General Services office instead of at the sites, which had seemed to decrease the number of requests.

Mr. Tacosa advised that it was staff's recommendation that the only individuals eligible for paper authorizations were non-resident property owners; County residents driving company vehicles garaged in New Kent; family members disposing of trash for elderly or handicapped residents; farm use vehicles; and persons having to borrow vehicles to haul their own trash.

Mr. Summers advised that if the Board wanted to change its ordinance, the earliest opportunity would be at its March business meeting. Mr. Tacosa advised that waiting until March to change the ordinance was acceptable and that it would not change their procedures.

Mr. Trout spoke about his concern that work vehicles normally garaged in New Kent were not being registered in New Kent. Commissioner of Revenue Laura Ecimovic confirmed that the State Tax Code called for a vehicle to be registered in the locality where it was principally garaged and not where the business was located but admitted that there was no way for a locality to enforce the requirement. Mr. Evelyn disagreed with the interpretation of the statute. Mr. Summer confirmed that it was "well settled" that registration was to be in the locality where garaged but indicated that the issue was that an employee of a large company had little control over where his employer registered the company's vehicles. Mr. Evelyn stated that County residents who drove vehicles home from work paid taxes in New Kent and should be able to dispose of their trash at the County trash transfer sites. Mr. Trout disagreed, stating that New Kent had problems with people not registering their cars in New Kent and trying to dump their trash using vehicles without County decals was the only way the County had to find out that they weren't registered and not paying taxes, and that resulted in other taxpayers having to pay more to subsidize them.

Following further discussion, Chairman Sparks asked Mr. Trout and Mr. Evelyn to meet with staff to work out this issue and then come back to the Board with a recommendation.

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IN RE: DEPARTMENT OF SOCIAL SERVICES

Michele Cowling reviewed a PowerPoint about her department and its mission, vision, guiding principles, available services, accomplishments and funding sources (federal, state, local), noting that she felt that the Department of Social Services (DSS) should be considered as revenue generating for the County because statistics showed that for every \$1 in local funding, \$9 was spent in the community. She advised that there were times when local funding was needed to meet the needs of the Agency and the State placed the majority of the burden on localities to deliver services.

She reported that the Office of Comprehensive Services was currently serving 31 clients.

She advised that the case loads in all areas were up significantly in all areas and stated that it was remarkable that such a small agency could continue to achieve 100% accuracy in reporting with such high case loads. She noted alarming increases in child protective cases and elderly financial exploitation cases, the most vulnerable populations, and that DSS was not able to adequately service those cases with its available staff. She described the work loads of the case workers and requested some changes to positions as well as a new position in order to handle the case loads. She commented that she respected the current

financial climate but indicated that her office could not maintain its case load without these changes. She explained that the new position would require a local annual match of \$27,043. She indicated that the local match needed for the position for the remainder of the current fiscal year was \$11,267 with the State paying \$9,000.

Mr. Whitley advised that there were sufficient funds in the contingency account to cover the requested local match, but reminded that if the position became permanent in 2011, then there would have to be a full hiring process. He cautioned that there would be similar requests from other agencies and departments which the Board would not be able to fund, but agreed that DSS was being impacted more than the other agencies. He commented that some of the statistics "were scary" and that these were very difficult situations and spoke about how wrong decisions could affect the County and its staff, and he recommended that the request be granted.

Mr. Sparks commented that he was aware of the impact that the economy was having on the Social Services Department.

Mr. Trout clarified that if the Board agreed to fund the position for the remainder of the fiscal year, it did not necessarily mean that it would be a part of the FY11 budget.

Ms. Cowling advised that she had included a request for the new position in her budget request for FY11 and that it would take a while to fill the position. She noted that she would have to advertise it as an emergency temporary position, adding that temporary positions were not preferable because of the general quality of the applicants and the fact that it was best to have consistent and stable staff dealing with the children involved in these cases. She indicated that she was aware of the economic constraints involved and would do her best to fill the position.

Mr. Burrell moved to reclassify a vacant Eligibility Worker position to become a Self Sufficiency II Worker as requested by the Social Services Director and to appropriate an amount not to exceed \$21,060. The members were polled:

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

The motion carried.

Following a request for an amendment from the Financial Services staff, Mr. Burrell amended his previous motion to read as follows: to reclassify a vacant Eligibility Worker position to become a Self Sufficiency II Worker as requested by the Social Services Director and to appropriate State funding of \$9,793 and approve a budget transfer of \$11,267 from the General Fund contingency. The members were polled:

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

The motion carried.

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IN RE: GENERAL REASSESSMENT

Commissioner of Revenue Laura Ecimovic reviewed the preliminary numbers from the 2010 General Reassessment. She indicated that there had been a 7% increase in total land value primarily on account of new construction and correction of under-assessments. She also explained that difficulties with computer software had necessitated asking the Circuit Court for an extension.

She reported that there was no "average" change in the values, noting that sales were "all over the place" and that there had been so many errors in the data from previous reassessments. She indicated that if the data for a property had been correct, then the assessment should have decreased. However, she noted that for properties where there were data errors that resulted in those properties having been under-assessed, then those properties would show an increase. She noted that in the last general reassessment, there were just as many properties that were under-assessed as were over-assessed. She indicated that her review showed that the last general reassessment more closely looked at residential properties and she was finding a lot of errors on business-owned properties, some with drastic under-assessments and inappropriately coded as agricultural property. She warned that owners of those properties would see significant increases in their assessed values, based directly on sales, adding that most of those owners knew that they had been under-assessed. She emphasized that it was a difficult year to determine assessments but she had done her best to weed out arms-length transactions and foreclosures. She indicated that the owners of some business properties could see a ten-fold increase in values because their properties had not been assessed appropriately in previous general reassessments.

She indicated that the Land Book would be printed the following day and would be available for inspection in her office. Notices would likely be mailed out in about ten days and would include copies of property cards which would explain what features were being assessed and call attention to any errors. She indicated that appeal procedures would also be included with the mailings and she was asking that property owners contact her office first to either fix any factual errors or to contest assessments prior to appealing to the Board of Equalization.

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IN RE: BOARD OF EQUALIZATION

Mr. Evelyn moved to nominate William Wallace for Circuit Court appointment as a member of the Board of Equalization to serve a term ending December 31, 2010.

Mr. Burrell moved to nominate Edward Pollard for Circuit Court appointment as a member of the Board of Equalization to serve a term ending December 31, 2010.

Mr. Sparks moved to nominate Michael Lane for Circuit Court appointment as a member of the Board of Equalization to serve a term ending December 31, 2010.

The members were polled:

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

The motions carried.

Mr. Davis advised that he was waiting to hear from a potential nominee and he hoped to be able to make his nomination at the next meeting.

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IN RE:            FARMS OF NEW KENT REQUEST TO AMEND PLANNED UNIT DEVELOPMENT  
                         ORDINANCE

Pete Johns of New Kent Vineyards, Jim Evans of Republic Properties, applicant's attorney Matt Foote, and Community Development Director George Homewood, were present to review proposed changes to the ordinance that would allow some reduced home sizes. It was reported that the proposed changes had been revised, based upon concerns expressed by citizens and Board members, as well those raised at the community meeting recently hosted by the applicant.

Mr. Homewood explained that the percentages (of units that could be downsized) in the previous proposal had been converted to "hard numbers", which would be easier for staff to manage. He went on to say that with percentages, it would be difficult to determine what base number to apply the percentage to because the total number of units that had been authorized might not ever be built.

There was review and discussion as to how the percentages converted into unit numbers in each of the land bays.

Mr. Evelyn asked about the Farmers Market. Mr. Johns advised that the permanent Farmers Market would be the cornerstone of Land Bay III and would be an air conditioned facility. However, because of the economy's effect on the development of Land Bay III, they were asking for the flexibility to have a temporary Farmers Market in another land bay that would be likely be covered space with chutes for vendors. Mr. Evelyn expressed his concern that the proposed language did not require the permanent facility to be built until Land Bay III was completed. Mr. Johns responded that was not their intention and Mr. Homewood suggested adding language that would require a permanent facility of at least 3,000 square feet to be constructed within eighteen months of the first building permit issued in Land Bay III. That additional language was satisfactory to both Mr. Evelyn and Mr. Johns.

Mr. Homewood advised that another issue that was confusing to the community was the request for flexibility to move a certain number of dwelling units from Land Bay III to Land Bay I, and he suggested that the simplest thing to do would be to just increase the number of units in Land Bay I and reduce the number of units by the same amount in Land Bay III.

Mr. Sparks commented that the reduction in minimum square footage seemed to be the biggest complaint and how that might be "pigeon-holing" the project when no one knew what the market would be. He also spoke about his frustration that these last minute changes were just recently shared with staff.

Jim Evans reviewed the proposed changes and how the fixed numbers matched the percentages previously proposed. County Attorney Summers advised that if the numbers matched the percentages that were advertised, then there should be no problem in proceeding with the public hearing scheduled for February 8.

Another proposed change discussed was that no more than two of the smaller sized homes could be built side-by-side in Land Bay IV (residential). Mr. Johns advised that was what

had been requested by the residents, who did not mind the smaller homes as long as they were not grouped together.

Mr. Burrell asked if the Board members could be provided with color maps with the unit numbers superimposed upon them in time to review before the public hearing.

Mr. Trout spoke about his concern that building smaller homes first would set the tone for the development and that prospective homeowners might then be reluctant to build the larger homes. Mr. Johns emphasized that it was their intention to always "build up" and if the market "turned", then they would not be building any of the smaller homes. Mr. Evans added that the smaller homes would not necessarily be built on the smaller lots and that there could be various combinations.

There was discussion regarding Land Bay IV (age-restricted homes). It was confirmed that the developer of that land bay was currently only building "to order".

Mr. Sparks expressed his confidence that the developer would not return to the Board again for any more changes to the PUD ordinance.

Mr. Summers indicated that he would check to make sure that the changes would not affect the advertising.

The Board members congratulated the applicant on the success of its recent community informational meeting. Mr. Johns indicated that he had received letters from three of the residents thanking him for the meeting and for making the most recently proposed changes.

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IN RE:           REQUEST FOR APPLICATION FOR ECONOMIC DEVELOPMENT ACCESS ROAD  
PROGRAM FUNDS

Economic Development Director Rodney Hathaway, VDOT Assistant Residency Administrator Scott Gagnon, and Developers Chip Alvis and David Horsley were present to review a request to apply for Economic Development Access Road Program funds.

Mr. Hathaway advised that Mr. Alvis had requested that the County submit an application to the Commonwealth Transportation Board (CTB) through the Virginia Department of Transportation (VDOT) for economic development access road funding to be used for Business Park Road. He reported that Mr. Alvis had developed a 14-acre business park that had been divided into eight lots, one of which had been sold, developed, and had received a temporary Certificate of Occupancy to operate. He indicated that the remaining seven lots were still owned by Mr. Alvis and there were three other vacant lots at the end of the road owned by Mr. Horsley that could be developed if the road were constructed. He reported that the Program funds would cover the cost of road construction and most of the engineering costs, but would not cover environmental mitigation or environmental assessment requirements. He added that an environmental assessment was not required unless there was more than \$5 million worth of development.

It was confirmed that at one time both Mr. Alvis and Mr. Horsley both owned the subject property, which had original tax map parcel numbers of 31-2 and 31-2D.

Mr. Hathaway reported that should the Board be inclined to apply for these funds, then he would recommend that three conditions be placed upon the developers, the first of which would be that Mr. Alvis and Mr. Horsley be required to designate a right-of-way to the

County that extended to the property commonly referred to as the "Fisher tract" owned by the New Kent County Economic Development Authority.

He advised that the County would be required to post a bond with the State for the entire cost of the project, and within five years must be able to document at least \$5 worth of capital investment for every \$1 in road access funding. He indicated that the second recommended condition would be that the developers be required to post a bond with the County in the same amount.

He reported that the subject property was located within a public utilities service area and the third recommended condition would be that the developers enter into some type of agreement with the County to extend the utility lines to their development at their own expense. It was noted that the sewer line had been extended as far as the Pilot truck stop and the water line should soon be at the same location, which was estimated to be about one-third of a mile from the subject property.

Mr. Hathaway indicated that the existing business at the location was on private water and septic systems, which had been approved by the Department of Environmental Quality (DEQ) and he was not sure if that business would be required to connect to the public system once it was available. Mr. Alvis advised that one of his problems had been that his original plans had called for private wells and septic systems and within six months of submitting his application, he was advised that he would not be able to drill a well, and he inquired if a temporary well would be permitted. Interim County Administrator Bill Whitley confirmed that the authority to approve wells rested with DEQ but he did not believe it would be permitted. Public Utilities Director Larry Dame confirmed that one of the conditions of the groundwater withdrawal permit for that area was that no wells were permitted, and that DEQ was not happy with the existing well.

Regarding the access issue, Mr. Horsley advised that he had previously discussed that with Board member Davis and several years prior had agreed to provide an access easement to the Fisher tract on the condition that the County built the road -- and that condition had not changed. He went on to say that his parcels were currently zoned heavy industrial and if the road were constructed, the required 100-foot setback would affect his ability to use the last lot and the only way to remedy that would be to rezone the last two parcels on the left as *Economic Opportunity*.

Mr. Trout spoke about his concern that it be understood that the County would not be under any obligation to promote the business park or approve any plans or applications, all of which would be required to go through the normal processes.

There were questions regarding the availability of funding. Mr. Hathaway reported that the Program funding was through the CTB, was currently available, and was expected to increase.

Mr. Sparks commented that if there was some assurance that the County would be protected, he felt that this would provide some real opportunity and asked what was needed to move the process forward.

Mr. Horsley stated that he needed to have water and be able to build.

Mr. Alvis stated that he had finite funds and could build the road to his property but could not bear the burden for the entire cost of the road as well as the cost of extending the utility lines.

Mr. Hathaway confirmed that the project would not qualify for economic stimulus funding. He added that he would expect the County to "participate" in some of the requirements and it would be something that the Board could consider. He indicated that the next step would be to obtain a resolution from the Board to submit with the grant application, and that the other details could be "ironed out".

Mr. Whitley commented that he would not recommend adoption of a resolution quite yet, and confirmed that a public hearing would not be required.

Mr. Alvis advised that he did not anticipate that the road would cost \$500,000 to construct and that the County would never "get the road to the Fisher property any cheaper", but he did not think that he should have to bear the cost of that portion of the road.

Mr. Burrell asked about the County's liability, and if the development did not "hit the mark" required by the State, would the entire Program funding have to be repaid or just a percentage. Mr. Hathaway stated that the State could call the bond and Mr. Whitley advised that, in his experience, only a portion would be required to be repaid.

Mr. Alvis reminded that the County would have five years and he did not see any problem with reaching the amount of investment required, in light of the \$800,000 investment already in the existing business. He also reported that the engineering work on the road had been completed and approved.

Chairman Sparks asked Mr. Hathaway to work out the best scenario for the Board's consideration.

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

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IN RE: GENERAL ASSEMBLY UPDATE

Mr. Trout gave an update on various General Assembly bills. He reported that a bill on historic horse racing had been filed by Senator Tommy Norment and was "in committee". He confirmed that Delegate Chris Peace had introduced a bill that would add New Kent to the list of localities permitted to impose liens for water and sewer charges. He also mentioned bills regarding special elections, tax credits for renewable energy, derelict buildings, dam owners, and water quality.

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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 February 8, 2010, in the Boardroom of the County Administration Building, New Kent, Virginia.

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IN RE: CLOSED SESSION

Mr. Davis moved to go into Closed Session to discuss a personnel matter pursuant to Section 2.2-3711A.1 involving performance, for discussion relating to real property pursuant to Section 2.2-3711A.3 of the Code of Virginia involving government-owned property, and for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving actual or probable litigation. The members were polled:

W. R. Davis, Jr.

Aye

Thomas W. Evelyn	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
David M. Sparks	Aye

The motion carried. The Board went into closed session.

Mr. Davis moved to return to open session. The members were polled:

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

The motion carried.

Mr. Evelyn 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:

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

The motion carried.

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IN RE: ADJOURNMENT

Mr. Davis moved to adjourn the meeting. The members were polled:

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

The motion carried.

The meeting was adjourned at 8:15 p.m.