

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 8<sup>th</sup> DAY OF MARCH IN THE YEAR TWO THOUSAND TEN OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

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IN RE: CALL TO ORDER

Chairman Sparks called the meeting to order.

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IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Burrell gave the invocation and led the Pledge of Allegiance.

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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: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Approval of Minutes
  - a. January 27, 2010 work session
  - b. February 3, 2010 special meeting
  - c. February 8, 2010 business meeting
  
2. FY10 Carry Forward Appropriations
  - a. Funds received in previous years for Extension Programs sponsored by outside sources, \$647.99  
  
Total Supplemental Appropriation:  
\$(647.99) Total  
\$ 647.99 From Fund 1 – General Fund Balance
  
3. FY10 Appropriations
  - a. Funds for FY10 Fire-Rescue Revenue Recovery to cover bank fees, \$2,602.00
  - b. Funds received to date for Fire-Rescue Revenue Recovery for Fire-Rescue personnel, \$32,059.00
  - c. Funds donated to the New Kent Animal Shelter, \$908.50
  - d. Increase appropriation to actual amount received for DMV License Plate sales, \$6.50
  - e. Funds donated for various items, \$6,874.00
  - f. Funds for school security at a January basketball game, \$145.00
  - g. Funds received by Extension from outside sources for sponsorship of programs, \$839.11

- h. Funds received from vending machine sales for employee Christmas parties, \$214.85
- i. Adjust appropriation for the Victim Witness grant to match the grant award, \$3,446.00
- j. Adjust appropriation for utilities to remove loan revenue for FY10, \$3,000,570.00
- k. Funds expected from the Technology Trust Fund for records management in the office of the Clerk of Circuit Court, \$18,733.00
- l. Funds received for DMV stop fees in the Treasurer's Office, \$400.00
- m. Charge card fees collected in excess of budget for offsetting expenditures associated with charge card fees, \$678.00
- n. Program income received to date for FY10 from CDBG Plum Point grant participants, \$1,153.48

Total Supplemental Appropriation:

\$(2,932,510.56)	Total	
\$ 2,100,818.00		From Fund 98 – Utilities Fund Balance
\$ 831,692.56		Money In/Money Out

- 4. FY10 Inter-Departmental Budget Transfers
  - a. Schools: \$168,663.86 between various tech and IT line items
  - b. Schools: \$3,425.00 between various middle school line items
  - c. Schools: \$461,230.00 between various health insurance line items
  - d. Schools: \$600.00 from Materials & Supplies to Office Supplies
- 5. Treasurer's Report: Cash in Bank as of January 2010: \$56,066,073.33

Mr. Trout moved to approve the Consent Agenda as presented and that it be made a part of the record. 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.

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IN RE: CITIZENS COMMENT PERIOD

Chairman Sparks opened the Citizens Comment Period.

Barbara Winters, Librarian at the Heritage Public Library, provided details of upcoming Library events.

Isabel Davis White of 5711 Farmers Drive in Barhamsville, stated that the Board should not allow Farms of New Kent to have reduced minimum house sizes, and complained that the cash proffers being paid to the County were low compared to those in other localities. She urged the Board to "look out for all of the County's citizens".

Alease Christian of 2530 N. Waterside Drive in Lanexa, expressed concerns with the 2010 real estate reassessments, reasons why the County shouldn't move forward with a new Library in the current economy, and that the Board should not grant the Farms of New Kent

permission to downsize some of its homes. She also commented on her surprise that the County was advertising for bids to renovate the Administration Building.

Carey Williams, of 15409 River Bend Trail in Lanexa, spoke about the proposed Lanexa Fire Station and a bicycle path project, and suggested that the fire department staff should spend some of their time providing fire safety education for the residents.

Chairman Sparks asked Commissioner of Revenue Laura Ecimovic to comment on the 2010 General Reassessment. Ms. Ecimovic reported that her office had received around 650 appeals, which was what they had expected. She spoke about how there were still many factual errors in the property data and she hoped that the residents would report any errors that they noticed on their Record Cards so that her office could correct the information. She confirmed that factual errors could be reported and corrected at any time, but that the deadline had passed for appealing assessments to her, except for some property owners who had received delayed assessment notices. She indicated that she would start hearing appeals the following week and hoped to conclude the process by the end of March. She explained that it might take a couple of assessment cycles to correct all of the errors and she hoped that residents were finding the new process easier than before and would "give the appeal process a chance". She indicated that some inquiries had sparked reviews of entire communities and when community-wide errors were found, they would be corrected without requests from all of the individual property owners. She urged that citizens contact her as soon as possible because in the event that correcting errors were not sufficient, she did not want them to lose any rights they had to appeal to the Board of Equalization. She clarified that if errors were found, refunds for past over-paid taxes would not be given automatically but would need to be requested by the taxpayer. She advised that corrections to property information may take up to 30 days to be reflected on the County's website, depending on the timing of the vendor's monthly updates.

Board members expressed their appreciation for the professionalism and hard work of Ms. Ecimovic and her staff and commented that they felt including Record Cards with the reassessment notices had been helpful for property owners.

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

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IN RE: VDOT RESIDENCY ADMINISTRATOR'S REPORT

Jorg Huckabee-Mayfield, Interim Residency Administrator with the Virginia Department of Transportation, reported on issues regarding roads in New Kent County.

She indicated that maintenance activities during the preceding month had included preparation for and response to four snow events, pothole patching, hazardous tree removals, and machining of multiple non-hard surface roads. Work planned for the upcoming month was reported to be clearing and servicing all snow-fighting equipment, continued pothole patching, and maintaining capability to respond to weather emergencies.

She noted that work on Route 608 should be completed within the week, and that they were investigating drainage issues reported on South Quaker Road.

Mr. Davis reported that residents had expressed appreciation for the prompt road clearing during recent weather events. He noted that there were still a lot of potholes and deteriorating bridges that needed attention. He asked which residency would be responsible for the Eltham Bridge, with the closing of many of the residency offices. Ms.

Mayfield advised that the formal closure of the residencies would not be until April 25 and she would check to see what office was going to be responsible for the bridge thereafter.

Mr. Trout thanked her for the work being done on Route 609, Old River Road, explaining that road was a suggested alternate route for an upcoming bicycle tour scheduled for the same day as the Wine Festival, and he had assured the tour planners that the road would be open in time for their event. He reported that residents affected by the flooding of South Waterside Drive were happy about the prospective work in that area. He spoke about a previously reported drainage problems in Chickahominy Shores and asked that she review a prior study that had been done.

Mr. Burrell thanked Ms. Mayfield for the snow removal work, noting that it was the first time residents had not called him about the roads.

Mr. Evelyn thanked Ms. Mayfield for attending a recent meeting regarding problems on Old River Road dealing with dump truck traffic, and also thanked her for the pothole patching work being done in his district.

Mr. Sparks echoed similar comments regarding road clearing and pothole patching.

Ms. Mayfield advised that her staff would appreciate the comments regarding their efforts to clear the roads during the recent snow events.

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IN RE: COOPERATIVE EXTENSION

Horticulture Coordinator Patty Townsend announced details of an upcoming "Growing Your Sales" business seminar and "Envirothon" celebrating Earth Day, both sponsored by the Extension Office. She also introduced Cynthia Rowles, new 4-H Agent. Mrs. Rowles spoke about her background and how happy she was to be working in New Kent, and she praised the work by Ms. Townsend and Unit Administrative Assistant Mary Mills in the absence of an Agriculture Agent. She reported that the Agriculture Agent position was one of only two advertised internally by Cooperative Extension, which she perceived as being a commitment on the part of the State to fill the position. She spoke about her plans for 4-H and confirmed that she would be splitting her time between New Kent and Charles City County.

Mr. Burrell spoke about how land grant colleges had advanced agriculture in America. Mrs. Rowles agreed, adding that she did not think that New Kent had sufficiently "tapped into" the services of Virginia State University, the nearest state land grant college.

Board members welcomed Mrs. Rowles and there was discussion regarding the logistics of the two upcoming Extension events.

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IN RE: TEMPORARY LANEXA FIRE STATION

Fire Chief Tommy Hicks provided an update on the progress towards establishing a temporary fire station in the Lanexa area, as a follow up to discussions at the previous work session.

He reviewed that there were approximately 450 calls to the Lanexa area last year, which usually were made by personnel from New Kent's Fire Station One in Providence Forge or from the Bruton Station in James City County, both of which were about eight miles away. He indicated that the proposed temporary station in Lanexa would help to serve the 1,135 addresses in that area with an ambulance and a fire engine, and would also help to cover

events at area campgrounds and respond to calls in the nearby waterways. He indicated that stakeholders in the project included the Board of Supervisors, County Fire-Rescue, the Economic Development Authority, the New Kent County Citizens Coalition, individual citizens, and several local businesses. He noted that opening of the station should result in savings to the residents and business by way of lower homeowners' insurance premiums collectively estimated at \$258,000 per year, with individual annual savings ranging from \$189 to \$328.

He spoke about community meetings and fundraising events, noting that there was strong grass-roots support and energy for the project. He reported that over \$30,000 in cash and in-kind donations had been received, which would be used to purchase and erect a 40 x 50 foot metal building to house apparatus. He explained that an existing structure on the same property was available for rent for use as a station house to provide overnight quarters.

He reviewed that there were two separate requests for the Board's consideration, the first of which was a transfer of \$18,000 from the Capital Improvements fund to help set up the station, and an appropriation of \$6,238 from the General Fund contingency to pay for operating expenses through June 30, 2010, the end of the fiscal year. He explained that the plans were to install a waste oil burning furnace in the metal building for heat and that a business next to the site, Jerry's Auto Repair, would provide its used oil. He reported that work on the lease was still underway and should soon be signed.

He indicated that he was pleased with the support from the community and confirmed that it would continue to take a collective effort between the residents and the County for the project to succeed. Regarding volunteers, he advised that there were new volunteers finishing up their training, as well as existing volunteers who lived in the area, who wanted to operate from that station, and there were volunteers from James City County and York County who had expressed interest as well.

He acknowledged that the project had moved quickly and he anticipated that he could have a crew and ambulance on site by the end of the month. He noted that there were five or six calls made to Lanexa over the past weekend and they wanted to establish a presence there as soon as possible.

Mr. Evelyn noted that the proposed lease was for three years with two one-year extensions, and asked whether there was an option for the station to remain there after that time as he would not want to put a lot of money and work into a temporary site. Chief Hicks advised that the duration of the lease had been determined by the position in the CIP of the permanent fire station. He went on to say that he had looked at other localities and found that the most successful projects were where a permanent station was constructed somewhere other than the location of a temporary site because it better accommodated the construction process. He advised that a site for a permanent station had not yet been identified and that a parcel of between 3.5 and 4 acres in size was what was needed.

Mr. Evelyn asked about the septic system on the proposed site. Chief Hicks reported that it was his information that it was sufficient for the few individuals who would be stationed there.

Mr. Trout asked if the requests before the Board involved any of the donated funds. Chief Hicks confirmed that they did not, as the donated funds were still intact as a specific budget line item. He indicated that there was still a significant amount of funds needed and he did

not want anyone to think that the requested appropriation of County funds alleviated the need for more community fundraising.

Board members thanked Chief Hicks for all of the work he had done, agreed that the temporary station would be of great benefit in providing faster coverage to that area, and was a "big step in the right direction".

Mr. Davis moved to approve a budget transfer of \$6,238 from the General Fund contingency account for FY10 for the operation of Fire Station Four and an appropriation of \$18,000 from the Capital fund balance for FY10 building improvements to Fire Station Four, as requested. 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 motion carried.

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IN RE: AMENDMENTS TO THE FARMS OF NEW KENT PLANNED UNIT DEVELOPMENT  
ORDINANCE

Before the Board for consideration was Ordinance O-01-10(R6) amending the Farms of New Kent Planned Unit Development (PUD) ordinance.

Community Development Director George Homewood reviewed that the proposed ordinance before the Board was the final revision for the third amendment the Farms of New Kent PUD ordinance. He confirmed that the public hearing was held at the Board's prior business meeting and that the proposed ordinance reflected all of the changes requested at the last work session.

He commented that there had been much discussion regarding how reducing minimum house sizes would reduce values and change the character of the development that was promised; however, his analysis was that the changes would result in less than a 1% reduction in the total assessed value of the improvements, and if the spa and country inn development was considered, the value of the project was ahead of what was approved in the original application. He indicated that he did not feel that the amendments would make a dramatic change in the project, assuming that it moved forward and developed. He also noted that the proposal did not involve zoning changes that would generate additional cash proffers.

It was noted that the applicant had paid significant cash proffers in the way of utility connection fees, which had been used by the County to pay for infrastructure improvements.

It was confirmed that no changes had been made to the proposed ordinance, other than those items that had been requested at the last meeting. Mr. Homewood pointed out that some of the applicant's requests had been dropped and those provisions would remain as approved in 2005.

Mr. Evelyn advised that many residents in his district still had concerns about reducing the minimum size of some of the homes and they wanted the developers to "stick with the

contract they had made with the County” and were fearful that if the changes were allowed, the County would not “get what was promised”.

Mr. Davis indicated that he wanted the project to succeed, but he had concerns that the changes would cost the County and he was worried that the next request for changes would involve the age-restricted housing.

Mr. Sparks acknowledged the concerns expressed by Mr. Evelyn and Mr. Davis, but reminded that no one knew how conditions were going to change and it was sometimes necessary to adapt. He spoke about how everyone had worked hard and negotiated this proposal and he would support it because he wanted the project to be successful.

Mr. Burrell agreed that “nobody had a crystal ball” and stated that he hadn’t heard any recent concerns from his constituents, acknowledged that the up-front connection fees paid by the applicant had helped New Kent to build its utility infrastructure, hoped that there would not be other requests for changes, and he felt it would be in the best interest of New Kent to approve the proposal.

There being no further comments, Mr. Trout moved to approve Ordinance O-01-10(R6) as presented. The members were polled:

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

The motion carried.

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IN RE: ELECTED OFFICIALS’ REPORTS

Mr. Davis encouraged support of the fundraising activities for the Lanexa Fire Station, and congratulated the high school boys basketball team for their successful season.

Mr. Trout commented about the boys basketball team as well, and also announced details of an upcoming lecture hosted by the Historic Commission and planned power outage in Lanexa, as well as encouraged citizens to complete their Census forms.

Mr. Burrell announced that Congressman Bobby Scott would be in New Kent on the following day.

Mr. Evelyn gave details of an upcoming basketball tournament sponsored by the New Kent Education Foundation, and welcomed Michele Gowdy to her first Board meeting as Interim County Attorney.

Mr. Sparks noted that it was Cabell Lawton’s first meeting as County Administrator as well, and welcomed them both. He also announced that he had recently attended his first meeting as New Kent’s representative to the Smarter Beginnings Council and would be meeting with the County Administrator and School Superintendent to discuss this program which helped children prepare for kindergarten.

Mr. Burrell explained that there was a grant available to fund a planner position for the Colonial Community Criminal Justice Board and asked if New Kent could consider acting as

the fiscal agent so that this position, scheduled to end on June 30, could be retained. He advised that it was his understanding that New Kent would have no obligation other than to receive and pay out the salary for the position. There were concerns expressed as to why James City County had not agreed to serve in this capacity since they had served as fiscal agent for CCCJB for many years.

Following discussion, Mr. Trout moved to authorize the Chairman of the Board of Supervisors, should he deem it appropriate, to approve an application for a DCJS grant for funding for the Criminal Justice Planner for the Colonial Community Criminal Justice Board wherein New Kent County would be the Fiscal Agent. 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.

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IN RE: STAFF REPORTS

Mr. Lawton reviewed the proposed budget schedule with the Board. Board members advised that they wanted to schedule adoption earlier than June and asked him to provide proposed dates for special budget work sessions.

Mr. Lawton also spoke about some historical items that had been received from Cumberland Hospital that were going to be displayed at the Visitors Center and in the Historic Courthouse.

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IN RE: DISTRICT APPOINTMENTS

Mr. Evelyn moved to appoint Lee Tyson as District One's representative to the Purchase of Development Rights Committee to complete a term ending June 30, 3011.

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.

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IN RE: NON-DISTRICT APPOINTMENTS

There were none.

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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 April 12, 2010, and the next work session at 3:00 p.m. on March 31, 2010, both in the Boardroom of the County Administration Building, New Kent, Virginia. He added



that the Board would hold its semi-annual meeting with senior staff on March 12, 2010 at 12 noon at Fire Station One in Providence Forge, Virginia.

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IN RE:           ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 7:30 p.m.