

A SPECIAL MEETING WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 11th DAY OF DECEMBER IN THE YEAR TWO THOUSAND THIRTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING, NEW KENT, VIRGINIA, AT 8:30 A.M., HAVING BEEN CONTINUED FROM DECEMBER 9, 2013.

IN RE: CALL BACK TO ORDER

Chairman Davis called the meeting, continued from December 9, 2013, back to order.

IN RE: ROLL CALL

Thomas W. Evelyn	Present
C. Thomas Tiller, Jr.	Present
James H. Burrell	Present
Ron Stiers	Present
W. R. Davis, Jr.	Present

All members were present.

IN RE: HISTORIC SCHOOL RENOVATION

The Board continued discussions that had begun at its December 9 meeting regarding an unsolicited Public Private Education Act (PPEA) proposal that had been received from Marengo Management for additional renovations for elementary classroom space on the Historic School campus.

There was discussion about how it was important that the renovations be completed by July 2015, and how that deadline would not be able to be met if a decision was not made soon. The Board was reminded that if it agreed to accept the proposal, then it would have to be advertised for a 45-day time period to provide an opportunity for competing proposals.

It was confirmed that the School Board had not yet submitted any Capital Improvement Projects for FY15, nor had it conveyed information regarding its appointees to the Historic School Subcommittee. There was discussion regarding reports that the School Board was considering adding wings onto the existing elementary schools in order to provide more classroom space, which was in conflict with the School Board's position of two years ago when it had represented that such additions were not feasible because of core facility limitations.

Mr. Evelyn remarked that he felt that renovating the Historic School buildings as elementary classroom space was more economical and feasible, and less of a burden on the taxpayers, than construction of a new school.

Mr. Davis commented on how the County would still have to deal with the costs of maintaining Historic School buildings, even if they weren't renovated for classroom space. He asked about General Assembly legislation regarding grant funding for renovation of old schools. Ms. Gowdy advised that she had read about it in the newspaper but had not seen any legislation submitted to date.

Board members commented that the proposal was not as specific as they would like. Ms. Gowdy explained that if, after the 45-day time period passed, the Board determined that the Marengo proposal was the most responsive and responsible, then the County would enter into negotiations for the "specifics" before entering into a Comprehensive Agreement.

She reminded that the Board could change its mind at any time before the Comprehensive Agreement was signed, but might be responsible for any contractor's costs during the interim agreement stage. She admitted that the proposed price could change if the County made changes as to what it wanted, but all of that would be subject to negotiation.

Mr. Evelyn noted that Marengo had added Dr. William C. Boshier, Jr. as an Educational Consultant to his team, which would provide some expertise in that field.

There was discussion regarding whether the proposal met the PPEA guidelines. Ms. Gowdy advised that Marengo had provided language for all of those items and it was up to the Board to determine whether it was sufficient.

There was discussion regarding whether it would be necessary to hire an "independent professional" to review the proposal. Ms. Gowdy reported that she had hired an independent attorney, who had PPEA expertise, to review the initial proposal; however, he had not yet received the additional information for review. She added that the attorney's review would not pertain to the construction and engineering side of the project.

Building Official Clarence Jackson explained that he felt the County needed someone to oversee the project and to look at the plans to make sure that they met the intent of the contract, since his review only extended to whether or not they met the Building Code. There was discussion regarding whether that could be a part-time position and to whom that position would report. Mr. Hathaway reported that he had been working on a draft of a job description for a construction superintendent who would report to the Administrator, but that could be changed to report to the Board of Supervisors. It was agreed that Ms. Gowdy would research the issue for the Board.

Mr. Jackson confirmed that Marengo had passed all inspections to date for its work on Phase One but added that he was not sure if the work had been reviewed "from the contract side".

There was discussion regarding cost overruns on previous school projects and several Board members insisted that any agreement include a penalty for not meeting the completion deadline and some control over change orders. Ms. Gowdy advised that liquidated damages could be negotiated in the Comprehensive Agreement and that change orders were subject to negotiation.

There was discussion regarding the necessity for the School Superintendent and State Board of Education to approve any plans. Ms. Gowdy advised that would need to be accomplished before any Comprehensive Agreement was signed, and that approval by the State of the Phase One project currently underway took less than two weeks.

Mr. Evelyn moved to adopt a resolution which found that independent professionals were not needed to conduct an analysis of the advantages and disadvantages and costs of the project and that New Kent County employees were competent to conduct such analysis for the purpose of advertising. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye

The motion carried.

Mr. Evelyn moved to find that the project served a public purpose and that there was a public need for or benefit from the project, the estimated cost was reasonable, and the private entity's plans would result in timely development of the qualifying project, and moved to accept the unsolicited PPEA proposal received on November 25, 2013 with additional information received on December 9, 2013, from Marengo Management for the purpose of publication and conceptual phase consideration. The members were polled:

C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye
W. R. Davis, Jr.	Aye

The motion carried.

Mr. Hathaway requested that the Board approve a motion directing staff to advertise for the part-time construction superintendent position, and that it not be limited to the Historic School project but be able to manage other projects as needed. It was understood that the position could be advertised but would not be formally filled until needed.

Mr. Evelyn moved to advertise for a part-time construction superintendent. The members were polled:

James H. Burrell	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
W. R. Davis, Jr.	Aye

The motion carried.

The Board was reminded that certain portions of the proposal were privileged and exempt from public disclosure under the Freedom of Information Act.

IN RE: ADJOURNMENT

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

Ron Stiers	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye

The motion carried. The meeting was adjourned at 9:19 a.m.