

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

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IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

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IN RE: ROLL CALL

Mark E. Hill	Present
D. M. Sparks	Present
James H. Burrell	Present
Stran L. Trout	Present
W. R. Davis, Jr.	Present

The meeting was called to order.

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IN RE: CONSENT AGENDA

County Administrator John Budesky presented the Consent Agenda, which consisted of approval of the minutes of the work session of June 27, 2005, regular meeting of July 11, 2005 and work session of July 25, 2005; acceptance of Woods Edge well lot from UCP Limited Partnership; Resolution R-107-05 designating September 17, 2005 as "Together We Prepare Saturday"; Road Name Additions of Lavender Fields Road, Tetotum Trail and Tahka Hills Drive; Appropriations FY04/05: funds for reimbursement of professional services for Farms of New Kent Invoices 2FNK-13 and 2FNK-15, \$8,129.50; funds to be received for the Fire & Emergency Management Dept. VDH Grant (#714A41780) *Get Alarmed Virginia!* for smoke alarm installation, \$420.76; excess amount collected in revenues for the 350<sup>th</sup> Commemoration Celebration over what was budgeted for FY2005, \$18,916.35; Total Supplemental Appropriation \$(27,466.61) Total; \$27,466.61 Money in/Money out; 2005 - 2006 Carry Forwards: funds for dog & cat sterilization received from DMV from the sale of *Pet Friendly* license plates, \$49.89; funds for furniture & fixtures in administration and reception not delivered by June 30, 2005, purchase order numbers 25299, 25300, 25295 and 25298, \$11,760.40; funds from the 350<sup>th</sup> Commemoration Celebration to be paid to the New Kent Economic Development Authority solely and specifically for the Eltham Battlefield project, \$34,242.36; Capital funds for MIS/GIS projects not completed in FY05, \$16,135.96; Capital funds for radio enhancement project not completed in FY05, \$28,637.29; funds for machinery & equipment for the Dept. of Emergency Management Disaster Preparedness grant, \$24.31; Total Supplemental Appropriation: \$(90,850.21) Total; \$46,076.96 from General Fund fund balance; \$44,773.25 From Fund 7 Capital fund balance; Appropriations FY05/06: funds for *Operation Strikeforce* DMV grant #154AL-05-51033-18 to be used by the Sheriff's Office for DUI checkpoints, \$1,000.00; funds for the Criminal Justice Record Systems Improvement grant awarded by the Dept. of Criminal Justice Services to be used by the Sheriff's Office for the continuation of the existing regional data sharing initiative, \$90,825.00; funds from the Dept. of Emergency Management for the Dept. of Homeland Security State and Local Government Coordination and Preparedness grant to be used by the Fire & Emergency Management Dept. for a logistical equipment trailer for weather/security incidents, a battery re-conditioner and a bi-phasic defibrillator, \$39,500.00; funds from the Dept. of Emergency Management for the Dept. of Homeland Security, State and Local Government Coordination and Preparedness grant to be used by the Fire & Emergency Management Dept. for an incident response vehicle, generator and

medical supplies, \$22,970.96; funds from the Dept. of Criminal Justice for the Virginia Domestic Violence Victim Fund grant to be used by the Commonwealth Attorney's office for the personnel costs of a part-time attorney to further dedicate existing resources to prosecute crimes involving domestic violence, sexual abuse, stalking and family abuse, \$50,000.00; funds received from Old Virginia Home Builders for reimbursement of engineering services, \$5,000.00; reduce amount appropriated in FY06 for the *Get Alarmed Virginia!* grant to account for funds spent in FY05, \$1,722.84; funds received from the National Recreation and Park Association, Inc. for an NFL Youth Football grant to be used by the New Kent Youth Association for equipment needs in football and cheerleading, \$500.00; Total Supplemental Appropriation: \$(208,073.12) Total; \$208,073.12 Money in/Money out; Inter-Departmental Budget Transfers: \$29.00 from Books & Subscriptions (4-1-81110-6012) to Advertising (4-1-81060-3600); \$45.00 from Books & Subscriptions (4-1-81080-6012) to Advertising (4-1-81090-3600); \$40.00 from Books & Subscriptions (4-1-81080-6012) to Advertising (4-1-81070-3600); Treasurer's Report showing Cash in Bank as of June 2005: \$19,510,737.86.

Mr. Burrell indicated that inasmuch as he was absent during the June 27 work session, he would not feel comfortable approving the minutes for that meeting. Chairman Davis stated that those minutes could be removed from the Consent Agenda and voted on separately.

Mr. Sparks moved to approve the minutes from the June 27, 2005 work session. The members were polled:

Mark E. Hill	Aye
D. M. Sparks	Aye
James H. Burrell	Abstain
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye

The motion carried.

Mr. Trout made a correction to the minutes of July 11, 2005, on page 16, changing the amount of the Virginia Derby purse from \$75,000 to \$750,000. Mr. Burrell suggested a change to Resolution R-107-05 from "56 states and territories" to "50 states and 6 territories".

Mr. Burrell moved to approve the Consent Agenda with correction to the minutes of July 11, 2005, removal of the minutes of June 27, 2005, and change to Resolution R-107-05. The members were polled:

D. M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
Mark E. Hill	Aye
W. R. Davis, Jr.	Aye

The motion carried.

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IN RE: CITIZENS COMMENT PERIOD

Chairman Davis opened the Citizens Comment Period.

There being no one signed up to speak, the Chairman closed the Citizen Comment Period.

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IN RE: RESIDENT ENGINEER'S REPORT

Gary Jennings, Assistant Resident Engineer with Virginia Department of Transportation, reported that the Route 632 project had been shown to potential bidders and bids are due on August 23. He indicated that State forces have been ditching and mowing and they are in the second cycle of mowing on the secondary roads. Crews have also been working on "blow ups" on Route 60, having fixed 29 – 30 to date with quite a few more left to repair.

Mr. Jennings reported that the I-64 paving contractor started at mile marker 220 and has reached mile marker 214. He admitted that there have been some problems and Mr. Jennings assured the Board that the contractor will be returning to address some issues in the area around mile marker 220.

He reported that a storm during the past weekend had taken down a lot of trees, and that crews spent Saturday and Sunday opening up roads. He indicated that there was still a lot of remaining debris that needs to be removed.

Mr. Jennings indicated that they have decided to contract out the paving of sections of Route 611 and hope to have that completed before the fall.

He reported that the slurry seal contractor has mobilized in New Kent and will be working in Kentwood Farms and Greenwood.

Mr. Trout expressed his concerns about the aftermath of the weekend storm. He stated that some of the Sheriff's deputies had to work until after dark because trees were still blocking the roads, including I-64, and State forces had not yet responded. Mr. Jennings explained that the storm hit on Saturday evening. In addition to their on-call personnel, they could only muster ten additional off duty workers between New Kent and Charles City. There were more than 40 locations that needed response, and two loaders were needed to clear the intersection of Route 106 and Route 60. On Route 640, there were power line issues that had to be cleared by the power company first. Mr. Jennings admitted that he has some issues with the poor response made by the contractor recently hired to maintain the interstate, which he is trying to address.

Mr. Burrell commented on the dust problem on some of the gravel roads. Mr. Jennings stated that they do routinely treat some of the longer dirt roads with magnesium chloride and will treat the others when residents request.

Mr. Sparks asked about the drainage issue in Five Lakes. Mr. Jennings stated that the situation has been explained to the resident. It appears that there was a telephone line in the storm water basin which needed to be re-located before the work could be finished and he hopes that the project can be completed by the end of August.

Mr. Hill thanked Mr. Jennings for the updates on Route 611, Kentwood and Greenwood, and reminded him about the ditches on Cosby Mill Road that need to be cleaned out.

Mr. Hill commented on the recent major accidents that have occurred on I-64 in New Kent and asked Mr. Jennings to relay to his superiors that the interstate should be widened to three lanes. Mr. Jennings encouraged the County to have representation to speak to this issue at the Six Year Plan meeting to be held in October. An important first step would be to get the project back onto the Plan. Mr. Burrell commented that he thinks the use of guardrails might help prevent the deaths that are occurring when cars run off the road and

into the trees. Mr. Jennings indicated that they would look into it. Mr. Trout suggested a Board resolution asking for widening of the Interstate. Mr. Hill recommended that the County Administrator, Fire Chief, and the Sheriff attend the Six Year Plan meeting. Mr. Jennings agreed to keep the Board advised as to the date and place of the hearing.

Mr. Davis commented about the poor condition of the interstate off ramps at Route 155 and asked if they would be repaved by the paving contractor. Mr. Jennings stated that they would not but that he would look at them.

Mr. Davis asked about abandonment of Route 633, Barham Road, and what was needed in order to schedule this for a public hearing. Mr. Jennings agreed to meet with Mr. Davis to determine where the cul de sac should be installed and then schedule the abandonment for public hearing at a future meeting.

Mr. Davis asked about the status of the truck restrictions on Route 273. Mr. Jennings reported that the signs soliciting comment were up, and this was scheduled for consideration by the Commonwealth Transportation Board at either its August or September meeting. He indicated that only positive comments had been received to date.

Mr. Davis commented about the recurring problem with grass growing in the concrete in Eltham, and expressed his concerns with the elderly residents trying to deal with it themselves. Mr. Jennings stated that he has addressed this problem with his staff. Mr. Davis suggested that it be treated with a specific grass killer, but Mr. Jennings stated that they are not allowed to use that product. Mr. Davis asked about using inmates to take care of it and Mr. Jennings stated that they could not use inmates in that area. Mr. Davis stated that now was a good time to take care of it because of the construction taking place for the new bridge.

There was discussion regarding the County's assuming ownership of the old VDOT facility. Mr. Jennings indicated that when the facility is vacated (they anticipate moving into their new facility in December), the property is to be turned over to the County for the sum of \$1.00. Mr. Burrell asked if the County would be inheriting any environmental problems. Mr. Jennings reported that he will be working with the Public Works Director regarding any potential problems.

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IN RE:            UTILITY EASEMENTS

Under consideration by the Board was Resolution R-112-05 accepting utility easements.

Mr. Hill moved to adopt Resolution R-112-05 accepting utility easements on Tax Map Parcel Numbers 19-B4-3BG-4, 19-66-B, 19-B1-3, 21-23, 19-64-A and 20-6-1. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
Mark E. Hill	Aye
D. M. Sparks	Aye
W. R. Davis, Jr.	Aye

The motion carried.

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IN RE: INTRODUCTION OF NEW EMPLOYEES

Planning Manager Rodney Hathaway introduced three new employees in his department, Chris Landgraf, Planner I; Amanda Crocker, Environmental Code Compliance Inspector; and John Yerby, Zoning Code Compliance Inspector. He commented that Mr. Yerby has resolved 30 violations since he started and there has been a lot of positive community feedback regarding his performance. Mr. Hathaway thanked the Board for adding these new positions to his department's staff.

Fire Chief Larry Gallaher introduced Luke Hooker and Spencer Cheatham, career fire staff who have been promoted to lieutenant positions effective July 1, and presented them with their helmet shield patches. He commented that the career staff has been in operation for a year and a half and has answered hundreds of calls that would have otherwise been handled under mutual aid. He emphasized that the career staff is just one component of the fire and EMS services and they remain in full support of the strong volunteer base. Mr. Trout added that he had worked with all of the paid staff and that all six have done outstanding jobs and that the County is saving money and embarrassment by not having to depend on mutual aid. They have served as back up to the volunteers in many situations and he is glad to have them.

Public Works Director Alan Harrison introduced two new wastewater treatment plant operators, John Byrd and Rick Callis. He reported that since their hire, the phosphorous numbers at the Chickahominy plant have remained at .1 on a fairly regular basis.

The Board welcomed the new staff members.

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IN RE: FUNDING REQUESTS FROM THE SHERIFF'S OFFICE

Under consideration by the Board were requests from the Sheriff's Department for funds for the local match for the CJ Records System Improvement grant as well as funds to cover the shortfall resulting from the V-Stop grant.

Sheriff Howard explained that the County had received the records improvement grant that provides funds for a crime analysis person, five laptop computers for the deputies' cars, and software for the dispatch systems. This grant was obtained through a regional cooperative effort with New Kent, King William, and West Point. This is the second year of the grant and, pursuant to the new policy instituted by the County Administrator, he is requesting the amount of the local match as it had not been included in their budget.

Sheriff Howard further explained that they have completed their third year of the V-Stop grant. This grant provides funds to pay the full salary of a domestic violence deputy. Although they did not think that they would be successful, they re-applied for the grant. The application was turned down, they noted an appeal and were awarded an additional year. Unfortunately, this grant is processed on a calendar year rather than fiscal year and because of the overlapping budget times, there is shortfall.

Mr. Trout moved to transfer \$10,075 from general fund contingency for the local match for the CJ Records System Improvements grant for the Sheriff's Office. The members were polled:

Stran L. Trout	Aye
Mark E. Hill	Aye

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D. M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye

The motion carried.

Mr. Burrell moved to transfer \$5,984 from general fund contingency to fund the shortfall from the loss of the V-Stop Grant, effective January 1, 2006.

Mark E. Hill	Aye
D. M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye

The motion carried.

Mr. Burrell read an excerpt from a letter regarding the Sheriff's staff's handling of a recent suicide threat/barrier event which was resolved without injury or the firing of any weapons. He commended the deputies and dispatchers involved, commenting that they had exhibited the ultimate level of professionalism in a situation that could have been deadly, and suggested that letters of commendations be written. Mr. Davis concurred, stating that most County residents have no idea what is required of the deputies.

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IN RE:           COURTHOUSE UTILITIES

Under consideration by the Board was a request to approve a Change Order to the contract with R. Stuart Royer & Associates for the Courthouse utility project.

Public Works Director Alan Harrison explained that this Change Order results from additional wetlands delineation required on account of the relocation of the pump station further south, closer to the new high school, as well as the cost of the cultural resources survey. Mr. Budesky interjected that there was a change in scope from the County to serve additional areas, which may reduce the costs of the overall project in the end.

Mr. Sparks asked if any other changes are anticipated. Mr. Harrison stated that he does not expect any more, although it is still early in the design stage and there may be some unforeseen conditions that are encountered in the field. The layout and survey work is complete and these are the next steps. Mr. Budesky indicated that there are some things that are out of the scope and control of the engineer and although everyone is trying to keep change orders to a minimum, there may be some things that will be the County's responsibility.

Mr. Davis inquired about the timetable. Mr. Harrison stated that he expected to have a preliminary set of plans in 3 – 4 weeks; however, the Oaks subdivision has not yet made a written commitment. It will cost the County \$140,000 more if it is not able to cut through that property. Mr. Budesky stated that the County will give the developer of the Oaks a deadline in the next few weeks because the delay will impact the high school project and the County cannot continue to wait for their decision. Mr. Harrison stated that he is still looking to have the project finished in early 2007. It was reported that completion of the high school is expected in July of 2008.

Mr. Trout moved approve the Change Order dated June 27, 2005 from R. Stuart Royer & Associates to the contract for the Courthouse Area Sewer System, and to appropriate the sum of \$10,850 from Fund 98 Fund Balance to budget line item 98-94100-3140 engineering services for courthouse utility project. The members were polled:

D. M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
Mark E. Hill	Aye
W. R. Davis, Jr.	Aye

The motion carried.

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IN RE: RIDEFINDERS

Ms. Von S. Tisdale, Executive Director of RideFinders, was on hand to give an overview of their service.

Ms. Tisdale informed the Board that RideFinders, a division of GRTC Transit System, has been serving the central Virginia region for the past 25 years. RideFinders is a regional non-profit rideshare agency that works to move more commuters in fewer vehicles throughout the region in order to protect air quality and increase the efficiency of the transportation network. Their free commuter services allow commuters to reduce commuting expenses, traffic congestion, harmful effect on air quality, as well as reduce stress. Their services include transit information, vanpool services, carpool matching, the Clean Air Program, telecommuting, Park & Ride lots, Downtown Commuter Guide and the Emergency Ride Home (ERH) Program. They also assist employers with the development and implementation of tax-free transportation benefits programs; participates in the regional transportation planning process; promotes transportation demand management, assists with employer relocation and site analysis services; and supports commuters who bike or walk to work (have installed bike racks at GRTC transit stops).

Ms. Tisdale reported that their efforts have results in 1.6 million less miles traveled. They have over 6,500 registered clients in 870 car pools and 41 van pools (for those traveling over 25 miles to work). They work with 400 area employers and chambers of commerce. She was proud that they are the first in the nation to be given permission by the Federal Highway Administration to post their signs on interstate.

She solicited the support of the Board as well as its help in identifying ways in which to maximize their services to New Kent and its citizens.

Mr. Burrell asked about the Bike Challenge. Ms. Tisdale reported that they have purchased 250 bicycles which will be loaned to individuals who agree to ride one day a week (in place of driving) and turn in a ride log. The bike does not have to be ridden only to work, but can be ridden for recreation as well.

Mr. Sparks asked how many New Kent citizens participate in their programs. Ms. Tisdale did not have those numbers with her but agreed to get them for Mr. Sparks. Mr. Sparks indicated that he was very familiar with their program and predicted that with the rising cost of gasoline, there will likely be increased interest. Ms. Tisdale agreed, stating that 95% of the recent calls are resulting from gasoline prices and that the number of calls is increasing each month.

Mr. Trout thanked Ms. Tisdale for her presentation and stated he was also interested in information about the number of New Kent participants. He asked if there was an equivalent organization that operated to the east of New Kent. Ms. Tisdale stated that there is a similar program operated through Hampton Roads Transit.

Mr. Davis asked about additional Park & Ride lots in New Kent other than the one in Bottoms Bridge. Ms. Tisdale indicated that if there was enough interest in more lots, then they would look into establishing other locations and would be happy to work with County planners on that.

Mr. Davis asked if the HOV lanes were encouraging ridesharing. Ms. Tisdale reported that was debatable as some say it works and others say it doesn't. Mr. Davis suggested HOV lanes between Bottoms Bridge and Richmond, stating that he does not expect that the price of gasoline will be decreasing.

Mr. Davis advised Ms. Tisdale that New Kent will be starting a public transportation service with Bay Area Transit in October. Ms. Tisdale stated that they would like to have someone from their agency participate in the program, and can help with marketing, etc.

Mr. Burrell asked about "slugs" (drivers picking up strangers on the side of the road in order to be able to use the HOV lanes). Ms. Tisdale stated that it was working in the Northern Virginia area and has not caused any problem there, although she personally has an issue with the practice.

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IN RE: COMMUNITY SERVICES BOARD CONTRACT

Under consideration by the Board was Resolution R-99-05, approving the FY2006 Community Services Board Performance Contract between the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Henrico Area Mental Health & Retardation Services Board. Michael O'Connor, Executive Director with Henrico Area Mental Health & Retardation Board, was present to answer any questions.

Mr. O'Connor thanked the Board for its continuing support and indicated that the performance contract, which spells out the standards that they have to meet, required the annual approval of the Board. County Administrator John Budesky indicated that it was his understanding that there were no substantive changes from previous agreements, which Mr. O'Connor confirmed.

There was discussion regarding a phrase in the last paragraph of the resolution which calls for the contract to be "in a form satisfactory to the county attorney". Mr. O'Connor stated that the form was the one used by Henrico, and that was a reference to their County Attorney, and it would be acceptable to delete that phrase from New Kent's resolution.

Mr. Sparks moved to adopt Resolution R-99-05, deleting the phrase "in a form satisfactory to the County Attorney" from the last sentence. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
Mark E. Hill	Aye
D. M. Sparks	Aye
W. R. Davis, Jr.	Aye

The motion carried.

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IN RE: DOCTORS' HOSPITAL OF WILLIAMSBURG

Stephen Montgomery was present to bring the Board up-to-date with regard to Riverside Health System's (RHS) plans to build a facility in Williamsburg. He reported that from 1977 to 1995 he was the Executive Vice President and Chief Operating Officer of Williamsburg Community Hospital and today serves as the project consultant for the proposed Doctors' Hospital of Williamsburg. He related that RHS is a not-for-profit regional health system based on the Virginia Peninsula, serving patients from the Southside to the Northern Neck. They operate the region's only behavioral health and rehab hospitals and offer the only trauma center and open heart surgery program in the region. Accomplishments include this month's introduction of robotic assisted surgery and they are currently working with UVA Hospital in the development of a Gamma Knife to be used in cancer treatment. He reported that in 2004, over \$59 million in community benefits were provided to patients served but without resources to pay for their care.

Mr. Montgomery reported that his goal for this presentation was to make the Board aware of the development that may affect that portion of New Kent's citizens who seek medical care and/or hospitalization in the Williamsburg area. He indicated that in 2004, 437 New Kent citizens (or 22% of the total admissions from New Kent) were treated at Williamsburg Community Hospital.

He indicated that the Greater Williamsburg area as well as the eastern portions of King William, King & Queen, New Kent and Charles City will experience significant growth by 2015, projected at 36% (between 2000 and 2015). At the same time, there will be significant aging of this group and it is expected that those over age 65 will grow to 68% and account for 17% of the population (up from the current 12%). Those two trends, much higher than other localities in the area and State, will have impacts on the region, not the least of which will be the demand for health care. That growth is expected to result in an additional 47 patients each day requiring hospitalization. He indicated that even though Sentara Williamsburg Community Hospital is building a new replacement hospital, it will not be able to serve the total increase, a fact which was reported to the Greater Williamsburg Chamber of Commerce on July 21 by Sentara's Peninsula president. Mr. Montgomery commented that Riverside sees this as an opportunity to better serve the community's expanded needs.

He related that they are seeking permission to build a new hospital within the City of Williamsburg on the southeast side. The hospital will have 31 acute care and ICU beds – the same kind as Sentara's new hospital. Riverside's proposed new facility will also have two new services that are not now available without traveling to Richmond or Norfolk: 20 rehab beds and 18 long term acute care beds. It will be close to the tourist centers, the college and to major employers, as well as to the majority of the population, the growth centers and area physician offices, and will be on public transportation lines.

Mr. Montgomery emphasized that the new facility will increase convenience and access to hospital services, and it will also provide choice and competition, two aspects that are not currently available to local residents. He indicated that in 2004, Riverside Regional Medical Center served 718 patients from Williamsburg who could have been treated in Williamsburg but chose to leave the area. He stated that choice in facilities is a growing priority for the population, and that competition is good in that it "raises the bar" of performance, quality, safety, service and costs. He indicated that in July 2004, the FTC issued a major study endorsing competition in health care and calling for increased opportunities.

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Mr. Montgomery emphasized that Doctors' Hospital will not increase the number of licensed beds in the region as RHS is proposing to relocate existing beds from Newport News to Williamsburg, better distributing the beds within the area. Doctors' Hospital will have a local Board of Directors and not be "run from afar". It will be heavily guided and directed by physicians, as it is their belief that it is time to put the physicians "back into the driver's seat of health care rather than having them remain as passive participants".

Mr. Montgomery maintained that it is not their goal to push for market share from Sentara's business. They are making this proposal because of the growth and aging in the region and feel that there will clearly be enough for both hospitals to flourish. He projected that if they evenly split those 47 new patients per day, they would each operate at about 80% occupancy.

Regarding Sentara's charge that this will worsen the health care worker shortage, Mr. Montgomery indicated that RHS is aggressively investing in health careers education in a "grow your own" strategy. He invited the Board to visit the new Riverside School of Health Careers campus, a \$6 million program that is now graduating over 150 students a year in critical health careers. He stated that healthy competition for the health care worker will improve their lot and attract even more workers to the field and to the area.

Mr. Montgomery denied that the proposed new facility will serve only the "well to do". He stated that was not legal or ethical, nor is it consistent with Riverside's long-held values. Doctors' Hospital has pledged 1.8% of its gross revenues to providing care to those who cannot pay, which percent is twice the average provided in Williamsburg last year by Sentara. This is in addition to the property tax they have pledged to pay the City in recognition of the significant services provided to the hospital, even though as a not-for-profit health system it could be exempted from paying taxes.

Mr. Montgomery represented that they have received the unanimous support of the Williamsburg City Council and James City County Board of Supervisors, and have received letters of support from Anheuser-Busch Companies, Colonial Williamsburg Foundation, and Ukrops Grocery Stores. He provided copies of the resolutions to the Board and indicated that he would value a resolution of support from New Kent's Board as it proceeds through the review process.

Mr. Hill inquired about the source of the statistics regarding admissions from New Kent. Mr. Montgomery explained that those statistics are available through zip codes, and Riverside's strategy is to go where the patients are that are coming to them. Mr. Burrell and Mr. Davis pointed out that some New Kent residents have zip codes that do not reflect New Kent and that those statistics might not be accurate.

Mr. Hill inquired about the Board of Directors. Mr. Montgomery stated that initially it will be an advisory board, and 60% of the Board should be comprised of practicing physicians and the remainder from citizens in the area. Mr. Hill asked about the possibility of having a New Kent physician on the board. Mr. Montgomery stated that they are not limiting the size of the Board, and they would be glad to talk with New Kent physicians and have an opportunity to work with the entire service area.

Mr. Burrell pointed out that a large part of New Kent's aging population is in the east end of the County. Mr. Montgomery maintained that it is projected that there will be enough patients that both hospitals will do fairly well, and the process would not have gotten to this point if there would be a loss to either. He repeated that the projected growth is an opportunity to bring in a second provider which will provide choice, competition and

convenience. It will be 3 – 4 years before the new facility would come on line and there will be a capacity issue in Williamsburg at some point in time.

Mr. Burrell asked if Riverside had received endorsements from Mathews, Gloucester or York County. Mr. Montgomery stated that they did not plan on approaching Mathews or Gloucester as most residents in those counties use the facility that is in Gloucester. He did attend a board meeting in King William a few weeks ago and will be addressing the Surry board soon, as they are focusing on those areas that use Williamsburg.

Mr. Trout asked about the trauma center level. Mr. Montgomery stated that Riverside Regional Medical Center has a Level II trauma center, and he anticipates that the new facility will have a Level I trauma center. The Gamma Knife will be available at Riverside Regional Medical Center.

Mr. Trout expressed his concern that New Kent residents receive the best care, and that competition might result in too many empty beds at Sentara's new facility, which is closest to New Kent affecting its ability to provide quality care. Mr. Montgomery stated that would be a legitimate concern if Sentara Williamsburg Hospital were a marginal provider with marginal levels; however, SWCH is a very high quality provider with a good, high, healthy volume. He does not feel that with the additional growth, Riverside will take enough patients from them that it would jeopardize their occupancy. Riverside will not have OB beds at the new facility. The competition will be in the medical/surgical area that focuses on the elderly and disability, where the growth is projected.

Mr. Trout asked if only 31 beds were being transferred from Newport News. Mr. Montgomery stated that all 69 beds were being relocated. 31 are medical/surgical beds, and they are de-licensing 38 acute care beds, and re-licensing them, to be split between rehab and long term acute care beds.

Mr. Davis asked about the health careers campus. Mr. Montgomery stated that the campus was in mid-town Newport News, just south of the Riverside Regional Medical Center. They are currently graduating 150 students per year, in a three year program, and are working to increase the number to 200 per year.

Mr. Davis asked about the timetable. Mr. Montgomery stated that they are in the application process now, with a decision expected by the Health Commissioner in mid-February 2006. If the application is approved, design work will take about one year, and then two to three years for construction. They are also looking to construct a medical office building as well.

Mr. Davis commented on the "scattered" nature of current physicians' offices throughout Williamsburg. Mr. Montgomery indicated that he predicts that physicians' offices will be clustered within five years.

Mr. Davis asked if Mr. Montgomery had approached the York County Board yet. Mr. Montgomery indicated that he has been turned down by York's county administrator, who cited that he was trying to cut down on these types of presentations because the Board was so busy, but he is trying to work through an area supervisor.

Chairman Davis advised Mr. Montgomery that the Board would take under consideration his request for a resolution of support.

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IN RE: SOCIAL SERVICES BOARD

Under consideration by the Board was Ordinance O-24-05 to repeal the establishment of the New Kent County Social Services Board and to name the director of the Department of Social Services as the local board, and to provide for an advisory Social Services Board.

County Attorney Phyllis Katz explained that New Kent currently has an administrative Social Services Board that has an executive role and is an independent entity that serves New Kent County and its residents. Adoption of the proposed ordinance will do away with the current administrative board at midnight on August 31, 2005, and effective September 1, 2005, make the director the "local board" (bringing the director under the County Administrator) and create an advisory board. Ms. Katz further suggested that the Board also adopt an emergency ordinance to be effective immediately.

Chairman Davis opened the Public Hearing. There being no one signed up to speak, the Public Hearing was closed.

Mr. Burrell moved to adopt Ordinance O-24-05 as presented. The members were polled:

Stran L. Trout	Aye
Mark E. Hill	Aye
D. M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye

The motion carried.

Mr. Trout moved to adopt an emergency ordinance to repeal the establishment of the New Kent County Social Services Board effective midnight on August 8, 2005, and to name the director of the Department of Social Services as the local board and to provide for an Advisory Social Services Board effective August 9, 2005. The members were polled:

Mark E. Hill	Aye
D. M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye

The motion carried.

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IN RE: EDA APPPLICATION TO WITHDRAW LAND FROM ASHLAND FARM AFD

Under consideration by the Board was Resolution R-101-05 to approve an application filed by the New Kent County Economic Development Authority to withdraw 134.43 acres, identified as tax map parcel 21-86, from the Ashland Farm AFD.

Planning Manager Rodney Hathaway explained that this parcel has been in the Ashland Farm AFD for 13 years, was renewed in 2002 and will expire in 2012. The Ashland Farm AFD consists of 4 parcels totaling 405 acres. If this property is withdrawn, the Ashland Farm AFD will not lose its AFD status as it will retain its core of 200 acres and all existing properties within the district will either be within a mile of the core or contiguous to a parcel that is within one mile of the core.

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The subject parcel is zoned A-1 and designated as rural lands in the comprehensive plan. Mr. Hathaway reported that staff finds that the proposed land use (economic development) is consistent with the goals in the comprehensive plan and the application complies with the county code for AFD withdrawals, and recommends approval.

Mr. Davis asked about the recommendations made by the AFD Board and the Planning Commission. Mr. Hathaway reported that the AFD Board and Planning Commission held a joint public hearing on July 18. The AFD Board voted 3:1 with 3 abstentions to forward the application to the Planning Commission and Board of Supervisors with an unfavorable recommendation. The Planning Commission voted 6:4 to forward the application to the Board of Supervisors with an unfavorable recommendation.

Chairman Davis opened the Public Hearing.

John Byrd signed up to speak but did not respond when called. There being no one else signed up to speak, the Public hearing was closed.

Mr. Trout commented that the Planning Commission and AFD Board had performed their jobs very well and expressed his appreciation for their comments.

Mr. Davis echoed those comments, and stated that they had done what they were supposed to do.

Ms. Katz asked to clarify some issues that arose at the joint meeting on July 18. She indicated that the Code section that was cited applies when a government entity is going to acquire property through condemnation. Since this was a purchase, it would not apply.

Mr. Hill moved to adopt Resolution R-106-05 as presented. The members were polled:

D. M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
Mark E. Hill	Aye
W. R. Davis, Jr.	Aye

The motion carried.

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IN RE:            AUTHORITY FOR DIRECTORS OF COMMUNITY DEVELOPMENT AND PUBLIC  
                      WORKS TO ENTER INTO CERTAIN AGREEMENTS ON BEHALF OF THE COUNTY

Under consideration by the Board was Resolution R-111-05 authorizing the Director of Community Development and/or the Director of Public Works to enter into certain agreements on behalf of the County.

Ms. Katz explained that she has worked with both Community Development and Public Works to develop performance agreements, surety agreements and utility services agreements, but there has been some question as to whether the County Administrator or the Departments heads should be signing these agreements. It is her opinion as well as that of the County Administrator that the Department heads should have that authority. She emphasized that these are agreements that provide that the developer will do certain things and do not obligate the Board in any way.

Mr. Budesky stated that this was a customer service issue, as it will provide for quicker response and resolution. He feels that both department managers have the expertise to handle this and he has confidence in them to come to him or to the Board if there are concerns or bigger implications involved.

Community Development Director George Homewood explained the two classes of agreements with which he would deal. The first involves subdivision agreements which are required before a subdivision can go to record. The developer can construct the improvements (roads, water & sewer lines) or can provide a cost estimate and post a surety bond in that amount, and be able to go ahead and enter the performance agreement and record the lots.

The second category would involve those instances where an erosion and sediment control plan would require an agreement guaranteed by surety. This is a method by which a developer commits to the County, as agent for future property owners, that they are going to do certain things. It was reported that Mr. Homewood currently signs all of the performance agreements and Mr. Budesky signs the surety agreements.

Mr. Trout asked if these agreements were the results of rezoning. Mr. Homewood stated that most deal with subdivisions and site plan improvements.

Mr. Hill asked how often these agreements are signed. Mr. Homewood reported that they are signed every day.

Mr. Davis stated that he had concerns in instances where individual board members may have negotiated with a developer, or receive telephone calls from residents about issues of which the Board is not aware. Mr. Homewood stated that the agreements do not deal with proffers but with ordinances in the Code. It deals with road construction, landscaping, street lights, etc.

Mr. Hill asked how the performance bond amount is calculated. Mr. Homewood indicated that performance bonds are calculated based on language in the ordinance. Developers will provide a cost estimate for completing the work, to which is added a 25% administrative fee, a formula that is set forth in both the County and State Codes. These are routine agreements of about 10 pages of boiler plate language, with approximately 18 blanks that are filled in.

Ms. Katz stated that they have worked hard to develop form agreements and move the process along for the developer. The agreements echo the ordinance requirements and the costs vary from site to site and developer to developer.

Mr. Budesky stated adoption of the resolution will confirm that the authority to sign these agreements has been delegated to the department directors.

Mr. Hill stated that he has no problem with the way it has been done in the past and if the Board needs to adopt this resolution to make it legal, he has no objection. He cautioned the County Administrator and County Attorney to make sure that everything that is signed off on has been given "the green light" and that the County will be able to hold a developer's "feet to the fire" with the threat of calling the bond.

Mr. Sparks stated that this resolution will be setting forth in writing what is already occurring. Mr. Budesky confirmed that it will give legal authority to what they are already doing. Ms. Katz stated that they have legal authority but there is nothing in writing giving

that delegation. Development is occurring more frequently now and these form agreements are the culmination of years of work and she wants something in writing from the Board.

Mr. Sparks moved to adopt Resolution R-111-05 as presented. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
Mark E. Hill	Aye
D. M. Sparks	Aye
W. R. Davis, Jr.	Aye

The motion carried

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IN RE: ELECTED OFFICIALS REPORT

Mr. Trout reminded everyone of the New Kent County Fair to be held August 26 and August 27, 2005, as well as the Miss New Kent Pageant to be held August 25 at the high school. Ribbon cutting will be Friday night, and on Saturday there will be hourly door prizes, a gyrosphere for the kids and live entertainment. Dick Ellyson will be the Grand Marshall for the parade.

He announced that on September 4, the New Kent Airport will be hosting its annual Festival of Flight, and on the same day, there will be a Farmers Market at the intersection of Routes 249 and 106.

Mr. Burrell announced that he had attended a board meeting of the Richmond Metropolitan Convention and Visitors Bureau, which is hosting a folk festival in the fall that will coincide with harness racing at Colonial Downs.

Mr. Sparks commented on the bad storm that affected New Kent the previous weekend and the need to update the County's special needs list with Dominion Virginia Power. He indicated that Iris Holliday with Dominion Virginia Power will be at the Board's September meeting to talk about emergency preparedness.

Mr. Davis agreed that the special needs list should be updated and asked the County Administrator to work on it.

Mr. Hill announced that he had attended the New Kent Teen Challenge event held this past weekend. 350 teens participated in this event hosted by the "United Churches of New Kent" (comprised of 15 – 20 local churches). He expressed his thanks to the churches and area businesses involved. He reported that 500 chicken sandwiches were consumed along with 400 pounds of hot dogs and 2,200 soft drinks and bottled water.

Mr. Davis reported that he and the County Administrator had attended the meeting of the Peninsula Mayors & Chairs in York County at the new River Walk, where there were discussions on gearing up for Jamestown 2007. He suggested that even though New Kent was not a member, it would be a good idea to try to host a meeting of this group next year during the racing season at Colonial Downs.

There was a request to again look at reconfiguring the boardroom dais so that it is curved, making it more comfortable for the Board members to address each other during meetings.

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IN RE: STAFF REPORTS

County Administrator John Budesky reminded citizens that it was important for them to notify Dominion Virginia Power of power outages in their homes, especially in widespread events. As a result of this past Saturday's storm, the power company had to complete 207 individual projects in order to restore the over 13,000 customers who lost power. All power was restored by 6 p.m. on Sunday. Dominion Virginia Power will continue to work with New Kent to update the special needs list.

Mr. Budesky indicated that the Board needed to make a decision whether to proceed with lettering the water tank (*Village of Bottoms Bridge*) at Bottoms Bridge, which will cost about \$8,400. This item is in the budget. If the lettering is done in the future, it will likely cost more.

Mr. Sparks reported that he had changed his mind about the lettering and commented that the tank can't be seen.

There was discussion and consensus not to proceed with the lettering.

Mr. Budesky announced that the County had received a notice of application for a rate change filed by Virginia Natural Gas. Although this would have little effect on New Kent now, there are plans to bring in natural gas into Bottoms Bridge. The application proposes to increase the rate and then freeze it for five years, bringing in \$19.2 million in new revenue throughout Virginia. Comments need to be filed by August 15.

Mr. Budesky reported that Bay Transit is requesting appointments to a transportation board and additional information will be submitted to the Board in that regard.

Mr. Budesky stated that the Board should have received a copy of a letter regarding the need for additional space for the Juvenile & Domestic Relations Court. The County is obligated to meet the demands of the Judges and he is looking at some state and federal funding sources and the Board should expect to hear more about this over the next few months.

Mr. Budesky reminded the Board about the Retreat on August 19 and solicited agenda item suggestions.

Mr. Budesky requested that the date of the September work session be rescheduled because both he and the Deputy Clerk will be away for professional development. Following discussion, the Board agreed to move the work session to Wednesday, September 21.

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IN RE: DISTRICT APPOINTMENTS

Mr. Hill moved to appoint Karen Cameron as District One's representative to the New Kent County Social Services Advisory Board to serve a term ending June 30, 2009.

Mr. Sparks moved to appoint Cynthia Bradby as District Two's representative to the New Kent County Social Services Advisory Board to serve a term ending June 30, 2006.

Mr. Burrell moved to appoint Rose Williams as District Three's representative to the New Kent County Social Services Advisory Board to serve a term ending June 30, 2007.

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Mr. Trout moved to appoint Earlyne Leary as District Four's representative to the Clean County Commission to complete a four year term ending December 31, 2008.

Mr. Davis moved to appoint Fay Patterson as District Five's representative to the New Kent County Social Services Advisory Board to serve a term ending June 30, 2009.

The members were polled on the motions:

Stran L. Trout	Aye
Mark E. Hill	Aye
D. M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye

The motions carried.

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IN RE: APPOINTMENTS TO BOARDS AND COMMISSIONS NOT DELEGATED BY DISTRICT

Mr. Davis moved to appoint Jerry Benson as an at-large representative to the Cable Franchise Renewal Committee.

The members were polled:

Mark E. Hill	Aye
D. M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye

The motion carried.

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IN RE: MEETING SCHEDULE

Chairman Davis announced that the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, September 12, 2005, in the Boardroom of the County Administration Building, that there will be no work session in August, and that the Board will hold a Retreat on August 19, 2005, at 10:30 a.m. at the Royal New Kent golf club.

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IN RE: CLOSED SESSION

Mr. Sparks moved to go into Closed Session to discuss personnel matters pursuant to Section 2.2-3711A.1 of the Code of Virginia involving assignment of employee and performance of employee; 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; and for discussions relating to business and industry development pursuant to Section 2.2-3711A.5 of the Code of Virginia involving prospective business or industry. The members were polled:

D. M. Sparks	Aye
James H. Burrell	Aye

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Stran L. Trout	Aye
Mark E. Hill	Aye
W. R. Davis, Jr.	Aye

The motion carried. The Board went into closed session. Mr. Burrell moved to return to open session. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
Mark E. Hill	Aye
D. M. Sparks	Aye
W. R. Davis, Jr.	Aye

The motion carried.

Mr. Hill made the following certification:

Whereas, the New Kent County Board of Supervisors has convened 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.

Chairman Davis 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
Mark E. Hill	Aye
D. M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye

The motion carried.

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IN RE: CONTINUANCE

There was consensus to continue the meeting until the Retreat on August 19, 2005, at 10:30 a.m. at the Royal New Kent golf club.

The meeting was suspended at 9:34 p.m.

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