

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 10th DAY OF MAY IN THE YEAR TWO THOUSAND FOUR OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

County Administrator Gary Christie gave the invocation and led the Pledge of Allegiance.

IN RE: ROLL CALL

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

Chairman Burrell called the meeting to order.

IN RE: CONSENT AGENDA

County Administrator Gary Christie presented the Consent Agenda, which consisted of approval of the minutes of the April 5, 2004 special work session, April 8, 2004 budget work session, April 13, 2004 regular session, and April 21, 2004 work session; Abstracts of Votes certifying the official results of the April 6, 2004 Special Election prepared by the New Kent Electoral Board for recording in the record book of the Board of Supervisors; authorization for the County Administrator and Board Chairman to execute Deed of Dedication from Bluegreen Properties for sewage pump station lots located in Brickshire; Resolution R-12-04 in recognition of Calvin Curling; road name addition of Mollie Schools Lane; refund of \$191.31 to Power Solutions LLC for electrical permits; appropriations of additional state funding due to increased demand for services – Auxiliary Grants program, \$335.00; funds received from DragonsRidge Motorsports Park for reimbursement of professional services, \$7,647.91; \$(7,982.91) Total; \$7,915.91 Money-in/Money-out; \$67.00 from General Fund – Fund Balance.

Mr. Davis moved to approve the Consent Agenda, as presented. The members were polled:

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

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

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

IN RE: RESIDENT ENGINEERS REPORT

Gary Jennings, Assistant Resident Engineer with the Virginia Department of Transportation, reported that since May 1, crews have been able to perform work other than repairing potholes. Work was done to repair a washout on Route 249, repaving work on Route 627, work on Route 611 and some of the dirt roads. He acknowledged the requests received from various Board members. He reported that effects from Hurricanes

Fran, Floyd and Isabel had washed out sections of pipe on Route 608, and that it will be necessary to close down portions of that road during the day in order to perform repairs.

Mr. Jennings reported that the Commonwealth Transportation Board is currently reviewing a request from Hanover County to restrict truck traffic on Route 613. If New Kent wants to do likewise, he will need a Resolution adopted by the Board to restrict commercial truck traffic along that road, and for the County to advertise and hold a Public Hearing on the issue after notifying the residents, and thereafter forward to him a copy of the Public Hearing transcript, and he will forward the request on to the CTB.

Regarding inmate roadside work, he has met with officials from the Dept. of Corrections. He anticipates that, after VDOT staff is properly trained, by mid July there should be inmates working along I-64, parts of Route 33 and other sections where they can be used. It is his intention that inmates will be cleaning ditches and removing debris, not just picking up litter.

Mr. Jennings reported that they are doing an in depth speed study of the intersection at Routes 33/30/249 and there are indications that the speed there may be reduced. Under the circumstances, he has not moved forward to have rumble strips placed in the eastbound lanes.

Mr. Trout commended Mr. Jennings for his work over the past months, and inquired about the resurfacing project on I-64. Mr. Jennings reported that the project has been advertised, bids are due May 25, and the contract should be awarded in June with work to start in July. One contractor will be hired to resurface the interstate from Laburnum Avenue to the James City County line and a different contractor for the project from the James City County line to Jefferson Avenue. Mr. Jennings was asked to keep the Board informed as to the progress of the work.

Mr. Davis reported a pothole in Holly Forks Road near the Poor Clare's monastery, as well as holes along westbound Route 33 near the historical markers. He thanked Mr. Jennings for the work done along Old Forge Road.

Mr. Jennings reported that bids were due May 25 on the paving of the first nine roads under the Rural Rustic Roads program, and that mowing will begin next week.

R. E. Prezioso, Resident Engineer, reported that they have continued to investigate the feasibility of saving a portion of the old Eltham Bridge for New Kent to use as a fishing pier. They have encountered a snag in the Attorney General's office regarding whether the State can transfer highway construction funds to the County for this. They are trying to resolve this issue here and elsewhere in the State.

Regarding the repaving project on I-64, Mr. Prezioso reported that VDOT will make sure that regular information is furnished. Their website will be updated daily and the County is welcome to have a link there from its website.

Mr. Burrell commented on the amount of litter that accumulates along New Kent roadways.

Mr. Davis inquired if work on the interstate project would be scheduled for off peak times and whether the message boards would be used to detour traffic around the work zones. He expressed his concern that overlong trucks would detour onto Route 249 or parts of Route 60 where they are prohibited. Mr. Prezioso indicated that he would keep that concern in mind.

Mr. Hill indicated that he wanted to move forward on the Resolution restricting truck traffic on Route 613 and asked the County Administrator to expedite that process in order to have a Public Hearing at the June 14 meeting.

IN RE: FY03 AUDIT REPORT

John Montoro from Cherry Bekaert Holland reviewed the Audit Report. He indicated that again this year there was an unqualified opinion, which among other things means that the County has complied with all the laws

and regulations that apply to state and federal grants, and that the numbers actually do represent transactions that have occurred. This year's report is substantially different from previous years, a new reporting known as GASB34, which is more like a business report than before.

Mr. Sparks inquired about the delay in the report. Mr. Montoro indicated that the re-designing of the report took additional time. He reported that additional work that needed to be done with the schools was also partly to blame for the delay. Mr. Sparks voiced his concern that the timeliness of the report might affect the County's ability to sell bonds to finance the water and sewer utility project. Mr. Montoro indicated that it would have no effect.

IN RE: BUSINESS APPRECIATION

Economic Development Director Andy Hagy appeared on behalf of the New Kent Economic Development Authority. He reported that this arm of the County is promoting growth and helping local businesses prosper by providing access to financing programs and statistical information, work force training and a pro-active business policy. He stated that the EDA recognizes that it is just as important to help local businesses grow and prosper as it is to attract new businesses to the County. He read aloud the proposed Resolution which acknowledged the businesses in New Kent and announced a business appreciation reception to be held on May 18 at the Brickshire Golf Club. Mr. Sparks moved to adopt Resolution R-11-04 as presented. The members were polled:

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

The motion carried.

Mr. Trout announced that there was a new seafood business and dollar store in Providence Forge, as well as new management of the Providence Forge Hardware,

Mr. Burrell commented about the contributions to the County made by businesses and noted the revenues from Colonial Downs.

IN RE: COURTHOUSE HVAC CONTRACT

County Administrator Gary Christie reported that he did not have complete information in order to proceed with this item and will address it at a future meeting.

IN RE: BACKGROUND ON WASTEWATER PRE-TREATMENT ORDINANCE

County Administrator Gary Christie reviewed the draft of the proposed Ordinance which was described as a "starting point" and he anticipates that this will be ready for Public Hearing in June. He would like it to be reviewed by the new Public Works Director who starts work on May 17. He indicated that the requirements imposed by the ordinance may be costly to some business users.

IN RE: ELECTED OFFICIALS REPORT

Mr. Davis reported that the Board is still working hard on the budget and commented upon the Volunteer Appreciation Event held last week. He also announced that he had participated in the EDA bus tour of local commerce parks which was very informative. He stressed the importance of attracting businesses to New Kent.

Mr. Trout agreed that the EDA tour of commerce parks in Henrico, Hanover, Prince George and Chesterfield was informative. He reported that some of the Board members had traveled to Virginia International Raceway on Saturday and would be glad to talk to anyone about their observations.

Mr. Sparks stated that he had enjoyed the Volunteer Appreciation Dinner which was attended by approximately 150 people, which was only 1/3 of the volunteers in the County. He expressed his hopes that more will attend future events. He indicated that volunteers do a tremendous amount of work and the County could not get along without them.

Mr. Burrell also emphasized the importance of volunteers and suggested that the County consider placing an ad for volunteers who are interested in serving should call the County Administrator's office. He reported that he had also visited a raceway in Summit Point, West Virginia.

IN RE: STAFF REPORTS

County Administrator Gary Christie reported that he had five items to discuss with the Board.

Bottoms Bridge Service District Agreement

Regarding the Bottoms Bridge Service District Agreement, he received a draft over the weekend from County Attorney Dan Siegel. Mr. Siegel has indicated that there are still some unresolved issues and has suggested that this be discussed at a future meeting. Ms. Katz reported that there were still some schedule dates to be determined and filled in as well as some language tweaking. Originally a deficit of \$2,000,000 was to be the trigger for the Board to reconsider the ad valorem rate and Steve Jacobs has suggested that cap might be too high and should be re-set at \$1,000,000. She would like an opportunity to further discuss this with Steve. Another unresolved item concerns the rate limitation. She reported that the parties were close to an agreement and the Board would have enough time if they waited until the May 24 meeting to make a decision.

Clem Carlisle from East West Partners was invited to address these issues. He reported that East West has no problem with reducing the trigger to \$1,000,000 from \$2,000,000 and although the having the construction schedule dates filled in is desired, they have no problem with leaving them blank for now as they are comfortable with the estimated schedule provided by Roger Hart. Their biggest concern is that the property owners in the Bottoms Bridge Service District not pay higher rates than any other user in the County. He reported that they are trying to close by June 15 and he is not comfortable with the Board waiting until May 24 to make a decision.

There was discussion regarding whether to defer this until a future meeting. Ms. Katz reported that if the schedule dates are not important and they agree to lowering the cap to \$1,000,000, then the Board could vote to approve the agreement tonight.

Mr. Sparks indicated that the Board needs to move forward on this and asked if it could be ready by Wednesday night's meeting. Mr. Davis concurred, indicating that he would like for the agreement to be complete by Wednesday. Ms. Katz agreed that they would have everything available late Tuesday so that Board could review it.

Mr. Trout asked for some word-smithing in paragraph 4.

Proffers

Mr. Christie distributed material which included a cash proffer study performed by Steve Jacobs in 2000, which suggested a proffer of just over \$6,000. He reported that he had updated that model with current numbers which results in a cash proffer of \$10,000+ but may generate some credits. He also distributed a copy of Goochland's proffer policy which resulted in a proffer figure of \$10,297 of which Goochland only charges 75%. He reported that Goochland's proffer figure for 2003 was \$7,723 per unit, and focuses more on square footage.

Mr. Christie reported that staff does not have enough time to perform its own study and asked for discussion on where to go from here. There is the School Board's Six Year Plan Committee and the staff's proposed 5-year CIP plan. He would recommend the Board approve spending \$3,000 - \$5,000 to hire Steve Jacobs to update his study, or \$15,000 - \$20,000 to hire Springsted who has a more sophisticated model.

Mr. Trout reported that James City County's 2001 cash proffer figure was \$9,933 for each single family dwelling and he can get a copy to Mr. Christie if he'd like one.

Mr. Hill inquired whether the County could recover the proffer study costs from any of the developments. Ms. Katz advised that this was a general government cost and she would recommend against trying to recover it.

Mr. Davis stated that he cannot agree to spending money on a study to come up with figures that will be close to what staff has determined, and that no one was going to offer proffers in that amount anyway.

There was discussion whether this should be done in house and the advantages of having it performed by a CPA for credibility purposes. There was consensus to have this work done in house and have Steve Jacobs review it if necessary. Ms. Katz suggested that we include sections 2 – 8 from Goochland's policy in ours. Mr. Davis asked Mr. Christie to check with Goochland to determine the reason for #6 on page 4.

Jamestown 2007

Mr. Christie suggested that the Board consider appointing a committee to work on New Kent's participation in this event with a focus on marketing the County and tourism-related activities. This should include someone from the Economic Development Authority and the Chamber of Commerce. He reported that 50 localities have signed up to participate to date and have formed local committees.

Mr. Davis suggested that the County needs a committee similar to the 350th and suggested that an ad be placed asking for volunteers. John Crump should be able to give some guidance. Staff was asked to bring a proposal back to the next meeting.

Vehicle Maintenance Facility

Mr. Christie asked for one or two volunteers from the Board to work with staff on this project. This facility will work on school buses, County vehicles, possibly the fire trucks, and also serve as a Sheriff's Department impound lot. Mr. Davis and Mr. Burrell volunteered.

Diascund Reservoir Park Property

Mr. Christie reported that he has a meeting on Friday with a representative of Newport News Waterworks to talk about the agreement from the 1990s that provided about 15 acres for a park along the Diascund Reservoir as well as a cash payment of \$250,000 for improvements. He suggests that interested Board members arrange to meet at the site. The Board agreed to set a date for this at their May 12 meeting.

Environmental Inspection Staffing

There was discussion about staffing for Erosion & Sediment inspections. Mr. Christie indicated that he was not aware of any grants that would provide funding for more staff. Community Development Director George Homewood indicated that they could look at obtaining interns from VCU or ODU. Mr. Hill suggested looking at Va. Tech as well. Mr. Davis inquired how much of Courtney Fisher's time is spent in looking at things that somebody else could be doing. Mr. Homewood estimated that at 40%. He did indicate that they are in the process of cross training the building inspectors to hand E&S inspections. Dean Simmons is already certified and Charlie Ross has taken the classes and is waiting to take the test next time it's offered. The problem is that the law requires an inspection within 24 hours of a major rain event which often does not coincide with other inspections. This inspector does have to be certified. Staff is looking into the possibility of a part time inspector.

IN RE: APPOINTMENTS

The Board will continue to make appointments to various committees.

There were no appointments for Districts One, Two or Five.

Mr. Burrell moved to appoint John Crump as District Three's representative to the Village Activity Review Committee.

Mr. Trout moved to appoint Melissa Deane as District Four's representative to the Historic Commission to complete a four year term ending December 31, 2004.

The members were polled:

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

The motion passed.

There were no appointments to Boards and Commissions not delegated by District.

IN RE: MEETING SCHEDULE

The next regular meeting of the Board of Supervisors will be held at 6:00 p.m. on Monday, May 10, 2004, in the Boardroom of the County Administration Building. A work session and Public Hearing on the budget will be held at 6:00 p.m. on Monday, May 24, 2004, in the Board Room of the County Administration Building. A special meeting will be held on June 1, at 6:00 p.m., as well as a work session on Wednesday May 12, 2004 at 7:00 p.m., both in the Boardroom.

IN RE: CLOSED SESSION

Mr. Hill moved go into closed session to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia involving candidates for the County Attorney position and staff in the Department of Community Development. The members were polled:

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

The motion carried. The Board went into closed session. Mr. Davis moved to emerge from closed session. The members were polled:

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

The motion carried. Mr. Davis made the following certification:

Whereas, the New Kent County 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 Burrell whether there was any member who believed that there was a departure from the motion. Hearing none, the members were polled on the certification:

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

The motion carried.

IN RE: ADJOURNMENT

Mr. Davis moved for adjournment. The members were polled:

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

The motion carried.

The meeting was adjourned at 8:24 p.m.
