

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 8th DAY OF SEPTEMBER IN THE YEAR TWO THOUSAND THREE OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: ROLL CALL

Rebecca M. Ringley	Present
James H. Burrell	Present
Dean E. Raynes	Present
W. R. "Ray" Davis, Jr.	Present
Julian T. Lipscomb, Sr.	Present

Chairman Lipscomb called the meeting to order.

IN RE: CONSENT AGENDA

County Administrator Gary Christie presented the Consent Agenda, which consisted of approval of the minutes for the August 4, 2003 regular meeting and August 25, 2003 work session; Road Name Additions of East Vaidens Pond Road, Holly Cove Road, Pine Warbler Drive, Gadwell Lane, Virginia Rail Terrace, Gadwell Court, Virginia Rail Drive, Wigeon Court, Wigeon Lane, Virginia Rail Court, and Continental Caine Road; Resolution R-28-03 accepting roads into the State Secondary System; approval of the Master Plan for Warreneye Nature Trail; Refund of \$36,500 to Dominion Land Ventures for reimbursement of application fee for Dragons Ridge PUD; Appropriations FY03-04: to appropriate funds to assist clients with services needed to maintain employment \$3,162.00; to appropriate funds to claim reimbursement for local only money used for DSS attorney work with IV-E foster children, \$5,000.00; to appropriate funds to make child care available to eligible families which are currently on a waiting list \$17,046.00; to appropriate remainder of DMV Grant-Speed Awareness Program, \$5,000.00; to appropriate additional Wireless E-911 Funds the Service Board approved for FY04, \$100,000.00; to appropriate end of year balances of the School Board, \$14,900.00; Total \$146,075.00; Money in/money out \$126,003.00; from general fund balance \$19,105.00; from Fund 10 Fund Balance \$967.00; Appropriations FY03-04: to carry forward funds for Arts Alive Grant, \$5,000.00; to reduce carry forward due to receiving an additional FY03 invoice for GIS Updates, \$22,500; to carry forward funds from the Recreation Master & Construction Plans, \$35,874.00; to carry forward funds to pay Timmons Group for the Plum Point Road Evaluation, \$8,000.00; to carry forward funds authorized at the 6/9/03 BOS meeting to contract with Visions to update real estate information posted on the internet, \$3,400.00; to carry forward funds for the completion of the Water & Sewer study in Providence Forge, Bottoms Bridge and Eltham, \$6,211.40; to carry forward funds remaining in the School Capital Fund (Fund 7) for prior year carryovers, \$214,138.00; Total Supplemental Appropriation: \$250,123.40; Money in/money out -0-; from General Fund Balance \$13,000.00; from Fund 10 Fund Balance \$230,912.00; from Utilities Fund Balance \$6,211.40.

Mr. Christie pointed out the local money in the appropriations, and suggested that if the Board had any questions, the Appropriations could be pulled from the Consent Agenda and explained in detail by Mary Altemus, Accounting and Budget Director.

Mr. Burrell suggested that the Indian spelling of the name of the Nature Trail be used, to-wit: *Wahrani*.

Mr. Lipscomb expressed his concern about the similar names of some of the roads. He also questioned the road name *Continental Caine*, and asked whether it should be *Continental Can* instead. Community

Development Director George Homewood indicated that he believed his staff had misunderstood the pronunciation of the name and that it should be *Continental Can*. This will have to be resubmitted to the Richmond Regional Planning District Commission and come back to the Board at a future meeting for approval.

Mr. Burrell moved to approve the Consent Agenda, with the removal of *Continental Caine* from the Road Name Additions, and the changing of the spelling of the Park to *Wahrani* from *Warreneye*. The members were polled:

Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye
Julian T. Lipscomb, Sr.	Aye

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

Chairman Lipscomb opened the Citizens Comment Period.

Becky Philbates agreed with Mr. Lipscomb's comment regarding the confusion generated when roads have similar names and related problems that their towing business has experienced.

There being no one else signed up to speak, the chairman closed the Citizen Comment period.

IN RE: ELECTED OFFICIALS REPORT

Commissioner of the Revenue, John Crump, reported that his office has completed the real and personal property books and have transferred that information to the Treasurer's Office. He reported an increase in value as a result of new lots and homes, in the sum of \$705,652, and an increase in personal property values of \$466,193, for a total of \$1,171,845. These figures do not include any supplementals from recent buildings or additions, nor do they include any public service monies. He indicated that 174 certificates of occupancy had been issued during the year, which will result in supplemental assessments. He will be preparing a report and meeting with the Director of Accounting and Budget to make sure all monies are accounted for.

Mr. Crump also spoke in favor of creating a working relationship with Kent, England so that New Kent may serve as a conduit to other places in Virginia. He reported that he had received inquiries from Senator George Allen's office who has offered their assistance, and has also been working with the Governor's Office. He believes that such a step would promote tourism, as well as educational opportunities for students and teachers. He urged to the Board to adopt Resolution R-27-03, which he read aloud for those in attendance.

Mrs. Ringley moved to adopt Resolution R-27-03 as presented. The members were polled:

James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye
Rebecca M. Ringley	Aye
Julian T. Lipscomb, Sr.	Aye

The motion carried. Mr. Burrell thanked Mr. Crump for all of his efforts to initiate this exchange and stated that it provides a real potential for tourism.

Mr. Davis reported that he had attended the LGOC conference on August 11 as well as a meeting with VDOT regarding the Eltham Bridge on August 15.

Mr. Burrell reported that he had upcoming meetings with the Richmond Metropolitan Convention and Tourism Bureau, Central Virginia Waste Management and the Colonial Community Criminal Justice Board and would have reports at next month's meeting.

IN RE: STAFF REPORT

County Administrator Gary Christie announced a joint meeting with the School Board on September 24, 2003, at 4:00 p.m. in the Courtroom of the Old Courthouse to discuss the next steps in renovating the elementary and primary schools. He also reported that Item 3 regarding the feasibility study of the middle school was being removed from the agenda and will be considered at a future date, possibly on September 24 as well.

Accounting and Budget Director Mary Altemus introduced the County's new finance assistant/utility clerk, Tina Peterson, who was chosen out of 119 applicants.

Ms. Altemus requested the Board to authorize the creation of a new fund, Fund 3 - School Capital Fund for the construction projects, for revenue and expenditures. This is recommended by the State's uniform financial reporting guidelines. She requested that the funds appropriated by the Board for construction, \$1,880.00 for the primary school and \$2,600,000 for the elementary school, be transferred to the new fund, separating the school capital funds from those of the County, and administered by the School Board. She also suggested that the \$40,000 appropriated for the middle school feasibility study be separated from the school carryover funds, and transferred to the County Capital Fund to be administered by the Board of Supervisors.

Ms. Altemus reported an entry on the ledger since 1999 of \$125,975 (School Capital Account Fund Balance) for which she has been trying to obtain an explanation. It has apparently been in the annual audit since 1998. Mrs. Ringley stated that 1998 was the first year that the School Board was permitted to carry over funds that they had not spent, and Mrs. Altemus indicated that she and Ed Smith agreed that those monies had been spent but not noted on the ledger.

Mrs. Ringley moved to authorize the Budget and Accounting Director to create a new fund (Fund 3 - School Capital Fund) and to do an inter-fund transfer to transfer \$1,880.00 (Primary School Renovations) and \$2,600,000 (Elementary School Renovations) from Fund 7 to Fund 3, and to authorize an intra-fund transfer within Fund 7 of \$40,000.00. The members were polled:

Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
Julian T. Lipscomb, Sr.	Aye

The motion carried.

County Administrator Gary Christie reported that there will be a community meeting related to the Providence Forge Village Plan at the Heritage Library at 6:30 p.m. on September 16, 2003. He reported that there was a meeting with the Farms of New Kent on September 9 at 8:30 a.m. in the Board Room to discuss proffers and phase scheduling and indicated that if more than two supervisors were in attendance, then tonight's meeting should be continued rather than adjourned. A poll revealed that only Mr. Lipscomb intended to attend.

IN RE: RESIDENT ENGINEERS REPORT

Gary Jennings, Assistant Resident Engineer from VDOT, reported that the Eastbound I-64 Rest Area had opened on September 28, 2003, on budget and ahead of schedule. He reported that mowing crews had finished their second cut on the primary roads, and were 85% complete on the first cut of the secondary roads. He anticipated that mowing of the secondaries will be finished up next week, and there will a second mowing of the secondary roads. Crews have also been busy cleaning out ditches, repairing washouts and removing the 25-30 trees that fell during the month. He hoped to resume paving on Routes 611 and 613 soon, as well as work on extending the turn lanes on eastbound Route 60 at Route 1213.

Regarding the Eltham Bridge, Mr. Jennings reported that there was a preliminary sketch for access to the bridge. The difference between the estimated cost of demolition and cost of the access road and costs to obtain rights-of-way, was in the neighborhood of \$167,000.00. He will be receiving a copy of the plan and savings report which he will provide to the County. In response to an inquiry regarding the possibility of using T-21 grant funds for right of way acquisition, Mr. Jennings reported that the T-21 project runs out on October 1, but there should be a new program which might apply. Mr. Davis asked about funds from the Board of Game and Inland Fisheries, of which Mr. Jennings had no knowledge or information.

Mr. Davis asked for attention to curb and gutter clean-outs in the Eltham area, where residents are putting themselves in danger by trying to do it themselves. He also reported that grass cutters along Route 33 were driving their tractors across the bridge into West Point for lunch, which is dangerous.

Mr. Lipscomb asked when the second mowing of the secondaries would begin. Mr. Jennings reported that the mowing is done from the eastern part of the county to the west, and that he hoped to have the first mowing completed sometime next week. He was unsure when the second mowing would begin.

Mr. Burrell inquired about signs and sensors along Route 33. Mr. Jennings indicated that they were traffic count sensors.

IN RE: COURTHOUSE RENOVATIONS

Randy Vaughan from Wiley & Wilson reported that they had completed two of the three tasks involving the Courthouse renovations.

Regarding building verification, he reported that they have found that the building is structurally sound and can accommodate renovations on the second floor. He reported that the exterior is in good shape, and that there is plenty of electrical power, sewer capacity and water pressure. From a life safety standpoint, he reported that there was a roughed-in stairway and elevator, but no place for a second stairway which is required for a fire exit. He suggested that second stairway could be installed in the rear exterior of the building, which would not result in the loss of any square footage and would be least disruptive. He recommended that the UPS for the dispatch area should be upgraded.

Regarding the HVAC system, Mr. Vaughan recommended two quick fixes. He reported that the piping was installed incorrectly but can be fixed relatively inexpensively. The second is to replace the leaking boiler, which will cost between \$61,000 and \$70,000, depending on the type of boiler. The more expensive boiler is more energy-efficient and should pay for itself in savings in operating costs over two to three years. As a long-term fix, he would recommend installation of a new outside air unit, which would pre-condition the air before it enters the individual heat pumps in the building. He reported that at present, the dampers have been disabled in order to maintain comfort. He recommended replacing the plastic piping with steel that would give a longer life and better service. He is also recommending that the jury room heat pump be upsized and that the thermostat for dispatch be relocated to the dispatch room. He recommended replacing the existing heat pumps which are 12 years old and have nearly reached their life expectancy. All of these recommendations would be sufficient to handle any office space that is

located on the second floor. He stated that the water source heat pump is efficient and does not need replacing.

Public Works Director Charles Loving complimented Wiley & Wilson on the thoroughness of their study and report. He reported that staff is in favor of keeping the water exchange unit and is looking for ways to increase efficiency and decrease energy consumption. Staff is recommending replacing the hot water boiler, replacing the piping, relocating the thermostat and replacing the heat pump that serves the jury room. Mr. Loving reported that the Wiley & Wilson figures did not include engineering, mobilization or construction administration, which he estimates at 18%. The Board has appropriated \$510,000 for this project.

There was some confusion as to what was covered under the various options and recommendations, and Mr. Loving and Mr. Vaughan were asked to work together to provide a clearer breakdown and report back to the Board at the September 22 work session.

Regarding the space study, Mr. Vaughan reported that he had met that afternoon with four of the groups that are anticipated to be relocated in the renovated space on the second floor, to review their questionnaires. He will be assembling that information and will report his findings to the Board, hopefully at its next work session; however, it is his initial opinion that there is not enough space to adequately accommodate all four groups.

IN RE: AMENDED SEWER AGREEMENT WITH BLUEGREEN

County Attorney Phyllis Katz reported that the proposed Amended Sewer Agreement contains those changes reviewed at the last work session. In the amended Agreement, New Kent assumes the responsibility of upgrading the Chickahominy Wastewater Treatment Plant, for which Bluegreen is obligated to pay \$1,460,521 which is estimated to be the cost of the upgrade. This figure includes an estimate of \$1,200,000 in today's dollars to build the upgrade, an inflation factor and anticipated County costs and expenses. Bluegreen will provide surety in the sum of \$1,460,521 and will turn over to the County \$660,000 it has collected in connection fees. Bluegreen will continue to collect connection fees at closing and forward these funds to the County; once the amended agreement has been signed, 75% of the connection fees will be credited against the surety amount. If the upgrade is needed before \$1,460,521 has been collected in connection fees, then the surety will be called for the difference. In addition, Bluegreen has reduced its total number of lots from 1,065 to 1,033. She thanked Chuck Rothenberg and Ric Rowland for their cooperation in negotiating these amendments.

Mrs. Ringley questioned whether these amendments will benefit the County and why these changes are needed. Chuck Rothenberg explained that the lots in Brickshire are selling above expectation, but that building is below what was anticipated. It is Bluegreen's projection that all of the lots will be sold long before there has been enough building and need for capacity to trigger the need for the upgrade, and that the County wanted to have the responsibility for constructing the upgrade rather than the developer.

Mr. Raynes stated that he could find no negative impact on the County by amending the agreement, and believes that it will give the County flexibility as well as money in hand. He believes that it will benefit the County and give it control over when, where and how the increased capacity is provided, citing that the County may elect to provide increased capacity from the Parham Landing Road plant rather than expand the Chickahominy Plant.

Mr. Burrell stated that that it would not be efficient to expand the plant now, when the flow is not near capacity.

Mr. Rothenberg projected that the County will collect \$2,000,000 in connection fees for the remaining lots and, with the \$660,000 being paid to the County, will have a very healthy cash flow with which to cover the cost of the plant expansion.

Mr. Lipscomb reminded the Board about the problems encountered when Delmarva constructed the last upgrade, and feels that the County would have more control if it was responsible rather than the developer.

Mr. Davis inquired whether a final accounting had been received from Delmarva. Ms. Katz reported that she had received some correspondence today on which she would report to the Board.

Mrs. Ringley stated that construction should meet certain standards, no matter who builds it, and did not think that was a valid reason.

Mr. Davis stated that the amendments were in the best interests of the County.

Mr. Raynes moved to approve the Amended Sewer Agreement with Bluegreen. The members were polled:

W. R. "Ray" Davis, Jr.	Aye
Rebecca M. Ringley	Nay
James H. Burrell	Aye
Dean E. Raynes	Aye
Julian T. Lipscomb, Sr.	Aye

The motion carried.

IN RE: COURTHOUSE SIDEWALK PHASE III ISTE A PROJECT

Community Development Director George Homewood introduced Mary Higgins, project manager with Williamsburg Environmental Group. Ms. Higgins reported that the project was in the bid document stage. This project covers the area from the post office to the high school, has a budget of \$100,000, and includes ornamental lighting (12' poles with Colonial fixtures and banner brackets), bollards, sidewalk improvements including a new extension in front of the primary school), and landscaping. The high school students will participate in plantings in certain areas. She reported that advertising for bids will be placed later this month and she hopes to award a contract by mid October with construction to start in the fall.

IN RE: CREATION OF NEW KENT COUNTY DEPARTMENT OF FIRE, RESCUE AND EMERGENCY MANAGEMENT

Public Safety Director Larry Gallaher reported that the Fire Station is 99% completed. There have been some problems with the septic system that was installed, but he expects that to be fixed this week and hopes to move in this weekend.

In anticipation of hiring six career firefighter/EMS personnel at the beginning of the year, he stated that it is necessary that the County establish the fire department. He is suggesting that it be named the New Kent County Department of Fire, Rescue and Emergency Management, and that his title be changed to Fire Chief. His duties will not change. This can be accomplished by adoption of Resolution R-29-03. County Attorney Phyllis Katz reported that this is the proper procedure.

There was a brief discussion about the name and design of the patches.

Mrs. Ringley moved to adopt Resolution R-29-03 as presented. The members were polled:

Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye
Julian T. Lipscomb, Sr.	Aye

The motion carried.

IN RE: ENTERPRISE ZONE APPLICATION FOR ELTHAM AREA

County Administrator Gary Christie reported that the Virginia Department of Housing and Community Development is taking applications for designation as one of five Enterprise Zones. The five zones that were approved in 1983 are expiring. This is a competitive application process and the designation has a 20-year life span. He briefly reviewed the state incentives that relate to enterprise zones, which include general income tax credits, real property improvement tax credits, investment tax credits and job grants. Proposed local incentives include providing \$30,000 towards utility installation for every 15 jobs paying 1½ times the minimum wage up to \$500,00; rebate water and sewer hookup fees and development fees after certificate of occupancy has been issued for businesses undertaking new building construction or rehab of existing buildings according to a sliding scale based on amount of investment; and partial abatement of local business license fees.

Mr. Christie reported that the zone can contain up to six square miles including one non-contiguous area. He recommended that the application be filed for a three and a half to four square area in Eltham that can be easily served by water and sewer, has easy access to I-64, and qualifies as distressed. If the area at Route 106 south of I-64 is included as a potential sub-zone, then 44% of the population in these area has less than 80% of the County's median income, with a 3.2% unemployment rate.

On the other hand, with Providence Forge as a sub-zone, 48% of the population has less than 80% of the County's median income and a 1.26% unemployment rate.

Mr. Christie reported that the application is due October 1. Tonight's meeting is a Public Hearing only with no vote. Advertising was for the Eltham area only; if the Board wants to add a sub zone, then another Public Hearing will be required. Possible dates for the second public hearing could be on September 24, following the joint meeting with the School Board or on September 29.

Mrs. Ringley reported that if Providence Forge is considered, then she would remove herself from discussion and vote since she owns property there. Mr. Raynes reported that he owns property there too, and although he does not believe that it is located in the area being considered, he will remove himself from discussion as well. Mr. Lipscomb was concerned about the wage requirements.

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

It was the consensus between Mr. Lipscomb, Mr. Burrell and Mr. Davis to include Providence Forge as a sub-zone and to re-advertise for a public hearing on September 24 following the joint meeting with the School Board. Staff will work to define the geographic area.

IN RE: APPOINTMENTS

The Board will continue to make appointments to various committees.

There were no appointments for Districts 1, 2, 3, 4 or 5.

Board and Commissions not delegated by Districts:

Mrs. Ringley moved to appoint Chief Deputy Joseph McLaughlin as New Kent's representative to the Middle Peninsula Juvenile Detention Commission to complete a four-year term ending June 30, 2006.

The members were polled:

James H. Burrell

Aye

Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye
Rebecca M. Ringley	Aye
Julian T. Lipscomb, Sr.	Aye

The motion carried.

IN RE: MEETING SCHEDULE

The next regular meeting of the Board of Supervisors will be held at 6:00 p.m. on Tuesday, October 14, 2003, in the Boardroom of the County Administration Building. There will be a work session on Monday, September 22, 2003, at 6:30 p.m. in the Courtroom of the Old Courthouse, and a joint meeting with the School Board on Wednesday, September 24, 2003, at 4:00 p.m. in the Courtroom of the Old Courthouse.

IN RE: CLOSED SESSION

Mr. Burrell moved to go into closed session for discussion relating to the acquisition or sale of real property pursuant to Section 2.2-3711A.3 of the Code of Virginia and/or discussion relating to a prospective business or industry pursuant to Section 2.2-3711A.5. Mrs. Ringley requested Mr. Burrell to accept an amendment to his motion, including discussions relating to a personnel matter pursuant to Section 2.2-3711A.1, to which Mr. Burrell agreed. The members were polled:

Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
Julian T. Lipscomb, Sr.	Aye

The motion passed and the Board went into closed session.

The Board emerged from Closed Session. Mr. Burrell 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 Lipscomb inquired whether there was any member who believed that there was a departure from the motion. Members were polled:

W. R. "Ray" Davis, Jr.	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
Julian T. Lipscomb, Sr.	Aye

The motion passed.

IN RE: ADJOURNMENT

Mr. Davis made a motion to adjourn. The members were polled:

Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye
Julian T. Lipscomb, Sr.	Aye

The motion carried. There being no further business, the meeting was adjourned at 9:50 p.m.
