

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 25th DAY OF JANUARY IN THE YEAR TWO THOUSAND TWELVE IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 8:37 A.M.

IN RE: CALL TO ORDER

Chairman Burrell called the meeting to order.

IN RE: ROLL CALL

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

All members were present.

IN RE: PUBLIC UTILITIES DEPARTMENT UPDATE

Public Utilities Director Larry Dame presented an update on activities and projects in his department.

He reported that there had been some early violations in the startup process for the Parham Landing plant upgrade but that everything had been running well since then. He explained that although they were not able to identify the substance that caused the problems at the plant, it was suspected that it might have been floor stripping chemicals. He advised that he had talked with all customers who might have been the source and there had not been any subsequent problems. He indicated that the builder's warranty on the plant would soon expire but he had funds budgeted to cover any unexpected problems that might arise thereafter.

He explained that sludge was not treated at the plant but instead was hauled to a plant in a neighboring jurisdiction and, although New Kent's costs were only for transport, those costs were much higher than what had been expected and budgeted for. He indicated that a request was in the Capital Improvements Plan (CIP) for a sludge handling study to see what other alternatives there might be for the future.

Mr. Dame reported that reclaimed water had been delivered to Colonial Downs and the two Kentland golf courses through August of 2011. He indicated that there were recurring inquiries from the Viniterra golf course regarding extension of the reclaimed water line to them. He advised that such an extension would be a sizeable capital cost for the County and was not a recommendation at this time.

He advised that the State had required that the closed Chickahominy treatment plant be demolished, and New Kent had saved over \$100,000 by having staff do the work rather than contracting it out. He confirmed that the lagoon at the former plant remained and was being used for reclaimed water storage, which had been approved by the Department of Environmental Quality (DEQ).

He updated the Board regarding the status of several groundwater withdrawal permits, reporting that a mid-term report on the Courthouse permit would be due next year and if it were not meeting projections, the State might attempt to reduce the allotment.

He noted that a project was in the CIP to redesign the Dairy Queen pump station to increase the size of the piping. He explained that the pump station had not been designed to handle the high volume flow from the two interstate rest areas and it was in the County's best interest to plan for the project before something happened in that area, which contained significant sensitive wetlands.

He reported that his department was also working on a design to interconnect the water system at Farms of New Kent with some of the nearby subdivisions, and that staff had applied for a grant to do that. He advised that the interconnection would save an estimated \$100,000 per year in operating costs. He added that interconnection of all systems would be necessary in the future should the County move to another water supply source, and it would save money by doing some of the work now.

He reviewed that there were funds budgeted for a Route 33 water main design, with the thought that if the design was already in place, then should a business be interested in relocating to that area, the water main construction could be done at the same time as the business construction. He confirmed that the sewer force main was already in place.

Mr. Dame reminded that utility billing was now being done by his office and he felt that the move from quarterly to bi-monthly billing had been well-accepted by customers. He advised that liens on approximately 15 unpaid water bills would be placed on property within the near future, and that those liens would have priority over mortgages and would likely be paid by the mortgage holders.

There was discussion regarding the process when there was an unpaid bill from a renter. County Attorney Michele Gowdy confirmed that the owner of a property had to request that the County notify them when a tenant's bill was unpaid. It was noted that of the 15 liens soon to be placed, approximately half were due by renters.

Mr. Davis asked about the potential for a hazardous spill at one of the rest areas affecting the wastewater treatment plant. Mr. Dame explained that the flow from the rest areas did not include outside sources or stormwater and, if notified of an incident, the County could shut down the flow and pump it out before it reached the plant.

IN RE: FY13 PUBLIC UTILITIES PRO-FORMA

Ted Cole of Davenport & Company, the County's financial advisors, introduced himself to the new Board members and explained that although his company helped the County with projections for both the General Fund and the Public Utilities Enterprise Fund, this review would involve only the Utilities Fund.

He reviewed the Pro-forma and its goals and objectives, which included the introduction of key utility related credit factors and ratios; examination of the Utility's system's 2004B lease revenue bonds issued through the Va. Resources Authority; a review of New Kent's historical rate increases and examination of potential rate increases for FY13; and an examination of the financial impact of potential rate increases for FY13 and beyond.

Regarding key utility and credit factors, he noted that smaller systems might have trouble raising revenues to meet large fixed costs; however, New Kent had made some good

decisions to use the system to promote develop and to serve only some of the County, and to make sure that it was self-supporting and did not need support from the General Fund.

He pointed out that another positive element was the fact that New Kent's system had a diverse base with a lot of residential users and protected against the loss of a large single customer.

Mr. Cole explained the legal provisions related to the 2004 VRA bond that set minimum operating and financial standards, which required the system to operate more like a business as well as a debt service reserve fund to use in the event of a major problem.

He also spoke about the track record of good financial management and regulatory compliance that has been set for New Kent's system.

Regarding strategic focus, he pointed out that New Kent maintained a multi-year CIP which included current and projected capital needs for asset maintenance and expansion of its user base and had identified funding sources for the CIP with a balanced mix of debt and pay-as-you-go financing, with having needed only one borrowing and completing the remainder of the projects with cash.

He reviewed that the Board had maintained its ability and willingness to annually set and/or raise rates to a sufficient level to keep the system self-supporting, to meet all obligations, and to maintain reserves for emergencies. He also noted that the Utilities Fund had a percentage of its budget set aside to cover emergencies as well as ample system capacity to grow and take on new customers.

He remarked about how the requirements for debt service coverage were unique to utility systems and revenue bonds, with New Kent's 2004 bond issue requiring \$1.15 of net revenues for every \$1 of parity debt service, which was the minimum acceptable level of comfort for lenders. He explained that the lenders also required a minimum cash reserves, which in New Kent's case was \$1.12 million to cover the \$1.1 million VRA annual payment.

He reviewed that the 2004B VRA Lease Revenue Bonds was issued in the fall of 2004 for \$17.675 million for 30 years at a fixed rate of between 4.5% and 5%. He reported that the loan had a current balance of \$15.755 million and could be refinanced beginning in the fall of 2014 and explained that refinancing would only be considered if there were economic savings to the County to do so.

He reflected that New Kent had increased its water and sewer rates by 8% annually since 2007 in order to ensure that the County's utility system remained self-supporting and independent from the General Fund. He reported a current bi-monthly water rate of \$37.72 and sewer rate of \$52.40, and indicated that a 4% increase would raise those rates to \$39.23 and \$54.50 respectively, and that a residential customer using 10,000 gallons per billing cycle would see bills increase by \$34.62 per year. He added that the historic 8% increase in fees had also applied to connection and availability fees, which currently collectively totaled \$19,000.

He then reviewed three potential rate increase scenarios, with all assuming a natural system growth of 2% and no increase in availability and connection fees. In those scenarios, a 0% increase would result in debt service coverage dropping below the 1.00x figure and operations not being self-supporting; a 2% increase would result in debt service coverage above 1.00x but below the required 1.15x, and operations would not be self-supporting; and with a 4% increase, by 2014 the minimum debt service coverage level would be

achieved and operations would be self-supporting. He more closely reviewed the figures in the 4% scenario, which reflected a small surplus he admitted did not provide a lot of cushion but that everyone was comfortable with, taking into account the conservative projections being used. It was reported that connection fees for the current fiscal year were tracking ahead of projections.

He summarized by saying that a 4% rate increase in user fees was the smallest that could be recommended for the upcoming budget cycle, with no increase in connection or availability fees so as not to hamper the potential for growth. He indicated that this increase would continue to keep New Kent in a position of not using General Fund dollars, and still be able to demonstrate that the system was maintaining its self-support, paying its way, and meeting the minimal acceptable standards. He reminded that rates would continue to be revisited annually. He also reminded that the system had not had to borrow as much as had been first projected and if another borrowing was needed, the County could demonstrate that it had a very well-managed system and a very solid track record, which should give comfort to many lenders.

He offered to meet with any of the Board members on an individual basis if needed.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION UPDATE

Scott Gagnon, Director of Transportation & Land Use for the Virginia Department of Transportation (VDOT), reviewed County road issues with the Board.

Regarding the earlier conversation about the possibility of an event at one of the rest areas in New Kent, he indicated that he would check to see what procedures were in place to notify the County.

He also recommended the VDOT Board of Supervisors manual as a good resource for the Board members.

He spoke about initiative to install safety measures at railroad crossings on the private roads into Rockahock Campgrounds and the New Kent Forestry Center. He explained that two significant hurdles – that the road be for public use and be publicly maintained – had been crossed and applications for federal funding had been submitted and were expected to be approved in the near future. He indicated that no local or state funds would be needed for the project and that the federal funding would be paid through VDOT, with the railroad installing the equipment, hopefully during 2012.

He reported that while in the process of closing out old projects, it had been determined that there was a deficiency of around \$14,000 in the Homestead Road rural rustic (revenue sharing) project that had been completed in 2009, of which that the County was required to pay half. He explained how difficult it was to estimate costs on rural rustic projects, noting that Homestead Road had been in particularly “rough shape” and the project had been done with VDOT forces. It was acknowledged that this billing was late being submitted, which was attributed to the fact that the project was completed during VDOT’s reorganization, but it was represented that this payment would close out all projects.

Board members questioned the accounting for the project and requested that County records be checked before it agreed to any payment.

Mr. Gagnon reported that the project to improve South Waterside Drive at Fanny’s Creek was behind schedule because they had been busy tending to storm damage, but it should

be started and completed in 2012. He indicated that there was some question as to what stage the project was in, but he did confirm that it would need to be put out for bid once the design had been finalized. He advised that it was his understanding that they still planned to keep the road open during the project, which would lengthen the process. There were remarks about using the railroad right-of-way as a detour and Sheriff Howard advised that particular right-of-way was only to be used for emergency vehicles.

Board members commented on the cost-effectiveness of the patchy paving work that been recently done in the County, and Mr. Gagnon agreed to "pass those comments up".

There was discussion regarding a bridge that was closed to traffic between New Kent and James City because of a dam failure. Mr. Gagnon reminded that VDOT, by law, could not repair the dam nor require the private owner to do so. It was acknowledged that the closure was more detrimental to commuters living in New Kent but did serve to keep trucks off of the road. Mr. Gagnon indicated that in some similar circumstances, roads had been closed for years. County Attorney Michele Gowdy advised that the law had been on the books for years and there was no recent case law, but it had been her understanding that someone from VDOT was going to ask for an Attorney General's opinion. She added that a similar condition existed in James City County, where the County had ended up taking ownership in order to repair it.

The Board took a short break and then resumed its meeting.

IN RE: NEW KENT AIRPORT TERMINAL SPACE

Airport Manager Bill Kelly reported on plans to convert the use of space in the terminal building at the Airport. He advised that the project had been approved as part of the budget but apologized for not reviewing the plans with the Board earlier.

He explained that there was 1,650 square feet of space in the back of the terminal building that in years past had been used for Parks & Recreation programs, and in recent years had been used once or twice a year as a voting precinct, as well as for storage. He distributed a floor plan which would provide space for six offices with a common conference room and restrooms, with access only from outside of the security gate. He reviewed that his intention was to provide mini-incubator office space for home-based businesses that would help them to grow in a place where they could network with similar-sized businesses before moving on into larger commercial space. He indicated that each office would have 150 square feet at a recommended monthly rent of \$200 (\$16/square foot) under a month-to-month lease, which could generate as much as \$14,000 in annual revenue for the Airport. He indicated that providing that rental space would help to bring high speed internet access to the Airport.

He advised that the \$25,000 estimate for the renovations was based on conversations with former General Services Director Jim Tacosa, and covered the materials for the inside walls, some wiring and the drop ceiling. He indicated that the HVAC and plumbing components were already in place, and he felt comfortable with the estimate.

He explained that there had already been interest expressed in the space, and that it could eventually be used for aviation-related businesses.

Mr. Evelyn remarked that his only concern was that the space could be considered as competition for private sector commercial space in the County. Mr. Kelly explained that it would not be competition as it would be temporary office space for businesses to "move

through" on their way to another space. Assistant County Administrator Rodney Hathaway agreed, adding that it would provide a "steady pipeline" of growing customers for the available commercial space in the County.

Mr. Evelyn commented that he liked the idea of a month-to-month lease. Mr. Kelly advised that such a lease worked better for the Airport as well, as it was his priority to grow aviation business at the Airport and he felt this was the best way to generate more revenue.

Mr. Stiers remarked that he felt it would be a "win-win" for everyone and commended Mr. Kelly for taking this initiative.

IN RE: PRECINCT CHANGE IN DISTRICT FOUR

Electoral Board members Charles Moss and Ken Moore were present to review with the Board the proposed relocation and change of name of the existing Airport voting precinct.

Mr. Moss recounted that he had met with the Board on this issue at a previous meeting and hoped to move forward with a public hearing at the Board's February meeting to make the changes to the ordinance.

He indicated that the Electoral Board would like to move the District 4 polling place to Mount Calvary Church which had sufficient space for voting operations, ample parking, and good access from Mountcastle Road. He reported that he had a signed agreement with the Church, a copy of which had been provided to the County Attorney.

There was discussion regarding the name of the polling and there was consensus that "Mountcastle precinct" was preferred.

The Board was reminded that pre-clearance would be needed from the Justice Department and Mr. Moss clarified that the move would not take place prior to the March Republican Presidential Primary but should be accomplished before the June Primary. He also confirmed that once the precinct was changed, every affected voter would receive notice and a new voter registration card.

There were no objections to moving forward with a public hearing.

He thanked the Board for its previous appropriation for new voting machines, which he advised should be in place at both precincts in District 5 for the next election.

IN RE: HISTORIC COMMISSION CHARTER

Planning Manager Kelli Le Duc reviewed proposed changes to the Historic Commission charter, which was set to expire at the end of February 2012.

She explained that the group wanted to change the dates and times of its meetings. Following discussion, it was agreed that the meeting schedule should be set by the Commission at its annual organizational meeting and not specified in the charter itself.

Board members expressed concern about a provision in the charter providing for the spending of public funds. It was confirmed that the Historic Commission had an annual budget that was spent primarily on postage and its historic lecture series. Ms. Gowdy advised that she would check to see what was allowed in the State Code.

IN RE: SESQUICENTENNIAL EVENT: STEP INTO 1862

Historic Commission member Martha Martin explained that the Historic Commission had a subcommittee working on commemorating the Sesquicentennial of the American War Between the States and its first event was "Step into 1862", a free public event scheduled for May 5, 2012 from 10 a.m. until 4 p.m. in the area around the 1909 courthouse. She explained that their goals were to raise awareness of the role that New Kent played in the evolution of Virginia and the United States and she confirmed that events were being planned for other years of the War as well. She reviewed the activities planned for this event, which included tours of the Eltham Landing battle site, an encampment of Confederate re enactors, a presence by the Richmond 3rd artillery, a presentation of period music by the high school choir, an original drama by the local stage company, interactive children's games, guest speakers, ox cart rides with storytelling, a PowerPoint presentation of homes and activities in 1862, interactive home life activities, a period tea party, a farm animal display, signage, and period artifact displays.

She reported that funding was needed and pledges had been received from the Economic Development Authority and the Historical Society to help cover expenses and speaker honorariums. She estimated that they would need between \$7,000 and \$10,000 and would be sending out letters asking for donations of both cash and volunteer manpower.

Mr. Evelyn advised that he would be comfortable with the County donating \$2,500 but felt that residents and businesses needed "to step up too". He then moved to appropriate \$2,500 from the Contingency Fund to the New Kent County Historic Commission for the "Step into 1862" event. The members were polled:

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

The motion carried.

Mr. Burrell spoke about some of the Sesquicentennial events being planned by the Richmond Metropolitan Convention and Visitors Bureau and suggested that New Kent try to coordinate its activities.

IN RE: BUILDING AND COMMUNITY DEVELOPMENT SOFTWARE PROJECT

Assistant County Administrator Rodney Hathaway and Tim Davey from the Timmons Group were present to brief the Board on an impasse regarding the permitting software project.

Mr. Hathaway reviewed that in 2007, the Timmons Group was contracted to develop and implement a software solution to manage the permitting and plan review process for the Community Development and Building Development departments. He reported that the contract was signed in May of 2007 and the software still had not yet been implemented. He advised that staff felt that the software was not suited to run their daily processes and although negotiations with Timmons had continued, a solution to suit both parties had yet to be found. He indicated that the County had paid \$52,500 and Timmons had asked for another \$52,500 to "walk away" from the project. He indicated that should the decision be

made to move forward with implementation, it would cost another \$6,000 on top of that to get the software operational, plus a yearly maintenance fee of \$36,000.

Mr. Evelyn commented that Timmons had "done a great job" on the GIS project but that looking at the minutes from previous meetings, this permitting process was supposed to have been operational within a year. He spoke about his responsibility to the taxpayers and how he did not feel that he would be "doing them justice" by paying this money and not having anything to show for it. Mr. Burrell added that Timmons had represented that the software was working in other jurisdictions and that it would work well for New Kent, and it did not appear that Timmons had met its obligations.

Mr. Davey explained that it was apparent early on that the County could not afford a customized program so his company found an off-the-shelf program that they felt best met the County's needs and it was his belief that they had fulfilled their contractual obligations. He contended that the GovPartners software would work but conceded that it did not do everything that County staff wanted it to do, which had always been the biggest stumbling block to implementation. He admitted that the initial training session was "horrible" and that since that time they had tried to further customize the software to meet the County's needs and had changed project managers to try to address some of the personality conflicts. He indicated that he felt the problem was that staff was asked to change the way that they did some things and after the last training, talk began about what it would cost to sever the contract. He indicated that he was disappointed that the County felt that Timmons had not done what it said it would do and he was not expecting everyone to be happy and that was why he was there personally to try to negotiate a compromise. He advised that he had purchased the software from GovPartners for New Kent and had it licensed in its name and he was just asking for reimbursement of his actual costs and not for any of his time.

Mr. Davey was asked what it would take to make the software work. He explained that there were only 15 special permits included with the software and that New Kent would have to change some of its processes. Although he said he could guarantee that the software worked, he could not guarantee that staff would be "thrilled" with it.

Mr. Evelyn again referred to the minutes from previous meetings and asked if the software could perform as was represented. Mr. Davey admitted that the system has never actually "gone fully live" as there was a last minute decision at the end of 2010 to wait until 2011 because of building permit numbers. Mr. Evelyn asked if the software was ready to "go live" and be efficient. Again Mr. Davey stated that he felt confident that it would work, but that "efficient" was subjective and he was not saying that. He summarized that the impasse was brought about by the difference between expectations and what the County could afford. Mr. Evelyn asked if County staff didn't try to make it work, and Mr. Davey responded that he was not saying that, adding that in addition to having to change their processes, staff also had concerns about the integrity of the data and its efficiencies.

Mr. Evelyn commented that it had been represented that staff would be trained to make it work and obviously that did not happen. Mr. Davey responded that it was his opinion that the software worked the way it was procured and purchased. He indicated that the bulk of the invoice was what he owed GovPartners. He stated that he believed that the separation terms that had been negotiated were fair.

Mr. Davis asked if the software was outdated, since it had been purchased four years earlier. Mr. Davey responded that it was not and it was the same software that was being used in other jurisdictions.

Mr. Evelyn offered to spend two days with Mr. Davey in County offices so he could show him how he could make it work. Mr. Davey advised that there would be an expense to that as he would have to bring in staff. Mr. Davis asked if it was Mr. Davey's recommendation that the County "cut and run" and try something else. Mr. Davey advised that it was the last thing to do. He added that he helped sell New Kent on the program and he would "stay to the end to try and figure this out". Mr. Davis asked if the "lemon law" applied to this software and could it be returned since it had never worked. Mr. Davey contended that the software worked but not the way the County wanted it.

County staff was asked to comment.

Building Official Clarence Jackson advised that although he was not involved in the contract portion of the software, he had been very specific in the Request for Proposal (RFP) as to the things that he needed the program to do and, of the 188 items listed, only 36 were included in the software. He spoke about how the County was told that the program would do certain things and it wouldn't. He talked about the protracted length of time between the initial training and subsequent meetings and he felt that "we should have cut it off then". He explained that he would have needed all 15 of the special permits but had to share them with Environmental and Planning, and was only given four or five. He indicated that the last training session was just with the Building Development staff since his department was having more problems than the other departments, and it was apparent that the process would be more time-consuming and they were never able to reach a point where an acceptable building permit was able to be printed.

Mr. Evelyn noted that the contract provided for on-site assistance for the first three years – Mr. Davey indicated that three-year period started after the program "went live", and that point was never reached.

Mr. Jackson explained that he did not want to take the step to go live because he felt that the system was still not working and taking that step would be interpreted as acceptance of the product. He also complained that despite representations to the contrary, no one from Timmons or GovPartners spent the promised time in each office to see how each operated before a system was chosen.

Mr. Davey disputed that, stating that he did spend "quite a bit of time" at the front counter in the Building Development department. He stated that during the delays Mr. Jackson talked about, he and the former Community Development Director were working together trying to figure out how to "move things forward and make things work".

Environmental Planning Manager Amy Walker remarked that not only was the initial training abysmal, hours were spent trying to upload data that would subsequently be lost or there were other problems. She emphasized that staff was willing to change their processes and understood the restraints on some of the forms and worked with project management staff as best as they could, but there continued to be problems with calculations of fees and with printing. She admits that the process did improve when the training staff changed but the project never got over the hurdle of running daily inspection forms.

Mr. Burrell asked Mr. Davey if the project could be saved. Mr. Davey responded that there was nothing that was going to be perfect but maintained that the product they picked was negotiated in the contract; however, he did not feel that the software would work to the satisfaction of staff.

Mr. Jackson explained that the software could not be "fixed" to print inspection reports like his department needed. When asked what other localities were using, Mr. Jackson advised that there were ten or twelve different products available and it was his understanding that the one locality that was using this same software was having to hand-write its tickets. He indicated that the only other way that it would work was way too involved and time-consuming and he reiterated that Timmons had not met the conditions of the RFP.

Mr. Davey contended that he had fulfilled the contract, which was different from the RFP. Mr. Hathaway added that the same table from the RFP was in the contract.

Referring to the minutes from the previous meetings, Mr. Davis asked if the modules for Commissioner of Revenue or Parks & Recreation were ever part of the process. Mr. Davey confirmed that the only three customers to be served were Planning, Environmental and Building.

Mr. Davey also advised that he was in contact with County staff between 30 and 40 times, both in person and by telephone, and spent hundreds of hours on the project.

Mr. Stiers suggested that it appeared that no one was happy with this situation and perhaps it was best, since the County has already paid \$52,500, for Timmons to absorb the other \$52,500 and both parties "shake hands and walk away".

Mr. Davey contended that when talks first started back in 2011 about severing the contract, the negotiated agreement included Timmons being paid in two installments and that the County committed to that when it made the first payment.

Mr. Stiers asked if the software could be sold to someone else. Mr. Davey advised that he had paid the license fee on New Kent's behalf and the County could do with it what it wanted.

Mr. Burrell asked if the software could be used for anything, and staff said it could not.

Mr. Evelyn asked what it would take to make it work. Mr. Davey advised that the Planning Department had signed off that it did everything for that department. Mr. Jackson suggested that with the changes in that department, it "should be run by them again" since the person who had signed off on the project was no longer working for New Kent.

Planning Manager Kelli Le Duc advised that although the Planning Department did not issue permits, the point of the project had been to integrate the three departments and if the software didn't do that, then there was no point in the Planning Department signing off on it. She admitted that she was not involved in the process.

Mr. Evelyn commented that the County had always had a good working relationship with Timmons and he wished there was some way to make the software work. Mr. Davey suggested that would not be the recommendation he would make.

Mr. Jackson suggested that GovPartners should be approached to see if they were willing to help Mr. Davey out with the costs on their side.

Mr. Burrell suggested that the issue be brought up at a future work session.

Mr. Davey commented that he would be willing to continue to work with staff and provide additional information, but if the Board was leaning towards moving forward with implementation, then he would want to present the facts and not spend time arguing.

IN RE: AFFORDABLE HOUSING ADVISORY COMMITTEE UPDATE

Affordable Housing Advisory Committee (AHAC) Chair Karen Cameron had to leave the meeting prior to this item coming up on the Agenda but left a note with Mr. Evelyn that commented on how important it was for New Kent to lay the groundwork for workforce housing in the County and how the AHAC had worked for over two years on the project.

Planner Matthew Ebinger reported that since AHAC had last met with the Board, it had met with the Planning Commission who did not disapprove of the proposal but did have concerns with the reliance on a third-party organization to implement the ordinance. He indicated that AHAC had also met with representatives from Habitat for Humanity who presented the full array of affordable housing services they provided.

He reviewed that under the ordinance proposed by AHAC, a developer of a 100-lot subdivision would be able include an additional 23 to 30 lots, provided 21 to 22 lots were reserved for workforce housing. He added that there was the issue of enforcement and how to make sure that the housing units remained "affordable".

He also noted that most of the localities that had affordable housing ordinances also had authorities to manage the program.

There was discussion among the Board members regarding how the drop in housing prices had "more or less taken care of the problem", and there was consensus that the County did not need to take any action at this time.

Mr. Ebinger offered for consideration a resolution recognizing the efforts and work of the committee. Mr. Davis moved to adopt Resolution R-08-12 to recognize the services of the Affordable Housing Advisory Committee. The members were polled:

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

The motion carried.

IN RE: COMPREHENSIVE PLAN UPDATE

Mr. Stiers moved to table this item until the next work session. The members were polled:

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

The motion carried.

IN RE: TIMBERING OF COMMERCIALY-ZONED PARCELS

Mr. Hathaway reviewed a proposal to change the County's ordinance to allow timbering as a use on parcels zoned for business, initiated by an earlier resolution from the Board that had been prompted by some requests from landowners. He reported that the Planning Commission had held a public hearing on the proposal and, although there had been substantial discussion on buffer size, it had ultimately voted unanimously to recommend approval as presented, with 25-foot buffers.

Ms. Gowdy advised that there had been inquiries from some of the same landowners regarding applying to join the Agricultural and Forestal District (AFD) Program. Mr. Davis suggested that, in light of the recent drop in real estate values, the Board should consider imposing a moratorium on additions to the AFD Program. Ms. Gowdy indicated that although there was nothing in the County Code to prohibit those properties from applying, the Board could deny any application based on a finding that the forestry involved was not significant, but she suggested that the Board should at some point change its AFD ordinance to address the issue.

Mr. Hathaway explained that timbering on commercially-zoned parcels was permitted in the prior zoning ordinance, and was currently permitted only as part of project development.

There was consensus to move forward with a public hearing at the February meeting.

IN RE: CLOSED SESSION

Mr. Davis moved to go into Closed Session for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia about actual or probable litigation. The members were polled:

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

The motion carried. The Board went into Closed Session.

Mr. Evelyn moved to return to Open Session. The members were polled:

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

The motion carried.

Mr. Davis made the following certification:

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

The members were polled on the certification:

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

The motion carried.

IN RE: MEETING SCHEDULE

Mr. Tiller requested that the Board move its February 29 work session to Tuesday, February 28 because of a conflict in his schedule. There were no objections.

IN RE: ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 12:16 p.m.