

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 28TH DAY OF FEBRUARY IN THE YEAR TWO THOUSAND TWELVE IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 8: 31 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: MULTI-REGIONAL HAZARD MITIGATION PLAN

Fire Chief E. Thomas Hicks advised that since he had a court-related commitment, others would cover the Agenda items dealing with Fire-Rescue. He introduced Jackie Stewart, Director of Planning & Information with the Richmond Regional Planning District Commission, who would be reviewing the Hazard Mitigation Plan (Plan) which he indicated the Board could either adopt at this meeting or as a part of its next Consent Agenda.

Ms. Stewart explained that work had been underway on the required update of the existing Plan and pointed out that the proposed Plan was unique because it combined the Richmond and Crater regions and encompassed 26 jurisdictions - an area that more closely followed the Central Virginia Urban Area Security Initiative (UASI) boundary.

She reviewed that the Plan identified potential hazards, evaluated risk levels of those hazards, and provided strategies for mitigating those risks before they became life safety issues, and it also helped the localities maintain eligibility for Federal Emergency Management Agency (FEMA) funding. She advised that a technical consultant had been hired to help with the Plan and make sure that everything was in compliance with FEMA regulations. She explained that there would be continual maintenance and review of the Plan over the next five years before the next update was required.

She indicated that the part of the Plan that had been distributed to the Board reflected those items that affected New Kent.

She explained that the next step was for the Plan to be adopted by each of the localities prior to final FEMA approval in March. She advised that it was becoming practice for state and federal agencies to determine if localities were participating in regional plans such as this prior to approving reimbursements.

Mr. Evelyn advised that he would like to look at the entire Plan before voting on adoption. Ms. Stewart explained that the entire Plan was 550 pages and there were no significant changes to what was adopted five years earlier.

Mr. Davis commented that any disaster that might happen in New Kent would likely be a regional one and he felt that the County was "in good shape". He asked how the Crater jurisdictions compared to those in the Richmond region as far as being prepared. Ms. Stewart advised that "some were and some weren't" but noted that through this Plan and UASI, there was a lot of mutual aid and shared resources.

County Administrator Cabell Lawton reminded that after Hurricane Irene, New Kent had assistance from eight other jurisdictions with over 700 man hours.

County Attorney Michelle Gowdy advised that she had reviewed the Plan in its entirety and her one concern was that some of the other localities had advertised adoption of the Plan and New Kent had not and, although she did not think that was a bar to New Kent's adoption, it was worth noting and perhaps it could be posted on the County's website. She also advised that the entire Plan was in her office and available for those which wished to review it.

IN RE: EMERGENCY OPERATIONS PLAN

Brandon Jenkins of Fire-Rescue was present to review the draft update of the County's Emergency Operations Plan (EOP). He advised that the update needed to be completed by the end of 2012 and the County had received grant funding to hire an outside contractor to do the work. He indicated that the draft update had little operational changes from the prior EOP, other than the addition of some new FEMA forms, and that staff wanted the Board to have time to review it prior to being asked to adopt it at a future meeting. Ms. Gowdy advised that adoption of the EOP could be done as part of a future Consent Agenda.

IN RE: COST RECOVERY UPDATE

Captain Lisa Baber and Becky West of Fire-Rescue updated the Board on ambulance billing.

Captain Baber advised that there were two issues on which staff needed Board direction: fees and collection methods.

She reviewed the billings and collections from FY11 as well as the new compliance standards that would have to be met in 2012. She advised that the County was on track with collections and was collecting a higher percentage of billings than the third-party billing company previously used. She explained that \$113,320 had been written off for New Kent tax-paying residents, which represented balances after insurance payments or instances when there was no insurance. She indicated that for everyone else, three bills were sent, after which time the balances were written off. She reviewed some of the options open to try to collect those accounts, which included hiring an attorney or collection agency, or being more aggressive with staff efforts. It was explained that the majority of the uncollected accounts were bad addresses and it would help to have skip-tracing software and a separate mailing address to improve collections.

It was confirmed that 40% of those using ambulance services were not County residents. Mr. Davis advised that he had previously inquired as to whether there were any highway safety funds to help counties like New Kent who had costs resulting from interstate traffic.

Mr. Burrell asked if there was anything in the State Code that would allow a person's State tax refund to be attached for a past due ambulance bill.

Following discussion, there was consensus among the Board to keep collection efforts in-house and there were no objections to increasing collection efforts. Ms. Gowdy advised that the Department of Public Utilities was having similar issues with unpaid accounts and it might be more cost-effective for the two departments to work together.

Staff was commended for and encouraged on their efforts. It was confirmed that the revenue collected for ambulance bills went into the General Fund.

On the issue of fees, Captain Baber explained the County's current fees and represented that fees had not been increased since 2007, which she felt was a "flag for audit" since they were not keeping up with industry standards. She offered suggestions as to what the increased fees and mileage rates should be.

Ms. West commented that she would not ask the Board to do anything that "would be a hardship" on the community and she would continue to treat citizens fairly with her billing and collection practices.

There was discussion regarding New Kent's billing for "medical evaluation only" when there was no transport.

There was consensus among the Board members to increase the fees, as proposed, as part of the FY13 budget process.

IN RE: HURRICANE IRENE AND FEMA REIMBURSEMENT

Finance Assistant Margaret Jefferson reviewed the status of FEMA reimbursements resulting from Hurricane Irene.

She advised that documentation had been sent to the Virginia Department of Emergency Management (VDEM) totaling \$1.1 million. She reported that eight of the thirteen projects submitted had already been approved (\$960,000 out of \$1.1 million) and that payment was expected in September or October of 2012. She remarked that she could not over-emphasize the amount of work that went into the preparation of the documents that were submitted for FEMA reimbursement and Fire-Rescue staff should be commended for all of the work it did on the documentation, which she felt was why reimbursement had been approved so quickly.

IN RE: FIRE-RESCUE FLEET

David Wood reviewed the proposed vehicle replacement plan for the Fire-Rescue fleet. He explained that they were trying to develop a comprehensive replacement plan that would increase reliability, flexibility, safety, in-house servicing, and cost savings. He noted that call volumes and vehicle mileage continued to increase in recent years and their current vehicles were adding an average of 18,000 – 22,000 miles per year. He indicated that the lifespan of the vehicles currently being used was 100,000 – 115,000 miles, and only three of their seven units fell within that lifespan, which had led to increased down-time and increased response times, with an average of two units being out of service at all times. He spoke about the widespread trouble Ford was having with some of its diesel engines, which had led to that manufacturer withdrawing from the emergency services market. He indicated that two additional problems for New Kent were the high mileage on its vehicles and the fact that more equipment was being carried on the units than they were designed for.

It was reported that the cost of a new heavier series ambulance was around \$250,000, and expected mileage would be between 250,000 and 300,000 miles, more than twice the expected lifespan of its current units. He explained that the heavier series would be able to be serviced at the County's vehicle maintenance facility since they were very similar to school buses, which would save both money and time.

There was discussion regarding warranties, emissions, and engine problems, as well as some of the issues being experienced with County's current fleet and the heavier chassis models being proposed. Mr. Wood explained that even if a repair was covered under a warranty, the true cost was in having the unit out of service.

It was reported that many surrounding localities had already started using these larger ambulances.

It was noted that there was \$2.1 million in the proposed Capital Improvements Plan (CIP) to purchase the vehicles needed by Fire-Rescue for the next five years.

IN RE: FIRE-RESCUE VOLUNTEER UPDATE

Captain Baber provided an update on volunteers and recruitment efforts. She distributed a volunteer listing that included call participation statistics, noting that 27 of the volunteers had participated in 20 or less calls in 2011. She reviewed volunteer application and completion statistics, both before and after the current volunteer recruitment campaign, and described the processes involved. She indicated that there would be recruitment events at all fire stations in April.

There was discussion regarding the reasons for the decrease in volunteers, which included the economy, increased training, and time requirements. Captain Baber reported that Providence Forge Volunteer Rescue Squad answered less than four calls a month in New Kent in 2011, which she felt reflected they were also having a problem with volunteers.

She summarized by saying that the volunteer system as a whole was not what it used to be and it was "not easy to get them, keep them or train them".

Mr. Davis asked if she felt having a Fire-Rescue curriculum at the new regional career and technical school would be feasible. She indicated she felt it would help.

IN RE: FIRE RESCUE STAFFING & COVERAGE LEVELS

Cricket Gerald, Battalion Chief, Operations, provided a staffing snapshot of New Kent Fire-Rescue. He explained that the department was now an all-hazards agency, providing EMS patient care and transport, fire suppression, vehicular extrications, hazardous materials handling, and marine safety, and that each station was responsible for one of those specialties or disciplines, although all personnel was cross-trained in all disciplines.

He commented that although Hurricane Irene went beyond the scope of prediction, New Kent recovered with a very organized response and with "high marks", primarily because of the "sheer determination of all staff".

He reported that the current level of staffing would not be able to sustain services, noting that calls in 2011 increased to 2,283, up from 1,264 calls in 2010. He spoke about how staff had been creative and "maximized its ability to do more with less". He advised that Fire-Rescue was currently operating with 15 full-time employees, 20 part-time and 37

volunteers. He indicated that volunteers filled about 30% of the calls, with a small, "shrinking nucleus" of high performers providing most of the services.

He reviewed a national model of Fire-Rescue response which called for six firefighters to be on the scene within 14 minutes, noting that New Kent met that standard only 85% of the time. He spoke about how New Kent struggled to maintain two two-person crews 24 hours a day, seven days a week, and how part-time staff was used to augment the volunteers at Station 2 in the daytime hours, as well as assist in covering predicted vacancies in the full-time staff. He explained that unplanned vacancies were where they were having problems with coverage, noting that in 2011 the costs for overtime and part-time exceeded the budget. He indicated that there was no staffing depth to absorb planned leave or long-term sick leave and they had to "shuffle" staffing schedules every morning. He advised that Fire Station Four in Lanexa had only been staffed 50% of the time since it opened and all of those staffing shortages had resulted in extended response times and approximately seven hours a day when there were no units in the County to respond to calls.

He reported that adding three additional Firefighter/EMT positions would provide the needed depth in staff to maintain the current level of service, and adding 13 new positions would be a "total fix" and get New Kent to the national standard. The cost for a new full-time position was reported to be approximately \$60,000 (salary & benefits) per year. He clarified that adding three new positions would not help with the seven hours each day that there were no units in the County to respond to calls.

Mr. Davis asked if it would help with volunteer recruitment if they were paid something. Both Mr. Lawton and Ms. Gowdy advised that could not be done. Mr. Gerald added that he did not think it would help because it would not "put time into people's lives" and he was looking for predictability for scheduling purposes.

The Board took a break and then resumed its meeting.

IN RE: CLAIM OF SUZANNE GARDNER

William R. Baldwin, attorney for Suzanne Gardner, appeared with his client to review her claim for relief. This claim resulted from the sale of Ms. Gardner's property on June 30, 2010 for unpaid taxes for 2007, 2008 and 2009, when Ms. Gardner had on March 10, 2010, paid the amount reflected as due on the County Treasurer's website.

It was disclosed that Board member Stiers had photographed Ms. Gardner's wedding. Mr. Baldwin advised that he did not see that as a basis for Mr. Stiers not to take full action on this matter or as a claim for conflict. Mr. Stiers indicated that he felt he could fairly and impartially discuss and vote on the issue.

Ms. Gowdy explained that she had sent a confidential memo to the Board members about the claim and after Mr. Baldwin addressed the Board, a decision would need to be made.

Mr. Baldwin spoke to the Board about its ability to govern based upon what it deemed to be proper government standards, "doing things because they ought to be done that way", and how the Board was not required to "limit itself to the law".

He admitted that Ms. Gardner had not notified the County of her new address after she moved, but maintained that she was not a "dead beat" and had paid the taxes that were shown as due on the County's website, that the website did not reflect that a tax sale was pending, and she learned of the fact after it was too late to file an appeal. He noted that

Attorney James Elliott, who handled the sale for the County, indicated in his notes that there were no unpaid taxes paid from the proceeds of the sale. He pointed out that the property had been appraised for \$69,500 and sold for \$16,500, with \$4,000 going to reimburse the advertising and court costs and \$2,500 for attorney's fee, with the remainder still being held by the Court.

He indicated that in this case the "system broke down" and the information reflected on the County's website as to the amount of taxes due was not correct. He maintained that his client paid the amount shown and should receive some relief, which he believed to be the difference in the appraised value and the sale price.

There was discussion regarding the attorney used by the County for tax sales and collections. Ms. Gowdy explained that the State Code provided that the Board had to approve the attorney retained by the Treasurer and a contract with Mr. Elliott had been signed in 2001. She confirmed that the Treasurer's Office was in talks with another attorney and the contract with Mr. Elliott could be terminated by either party with a 30-day notice.

It was noted that the sale had been ordered by the Court in January prior to Ms. Gardner's payment of the taxes. Mr. Baldwin explained that the Court simply decided that it would be a lawful sale, but maintained that his client never knew about the lawsuit and her mortgage company had never given her notice even though it had her current address.

Ms. Gowdy advised that Ms. Gardner may have not had personal notice, but she did receive notice under the statute and that was where the disagreement came in.

Mr. Baldwin remarked that the breakdown of the system created a unique situation - a "perfect storm" whereby the incorrect information was not reflected on the County's website and the mortgage company, who was aware of the sale, did not inform Ms. Gardner. He suggested that changes needed to be made by the County so that this type of situation never occurred again. He explained that because this parcel was raw land, his client's monthly mortgage payment did not include escrow for taxes. He confirmed that she was still paying BB&T for the loan on the property even though she no longer owned the land. He admitted that he was "addressing matters with the bank" that did not involve the County. He explained that it was not his intention to hold New Kent accountable for the whole claim of his client, but felt it was best to talk with the County first, and it was his suggestion that if the Board felt there was a "fairness factor", it should consult with the County Attorney as to what would be fair.

Board members expressed that they needed to speak with counsel before making any decision on the claim.

Ms. Gowdy and Mr. Baldwin explained that Ms. Gardner only had thirty days from the date of her letter of claim within which to file a lawsuit, unless there was an agreement of waiver of limitations with the County. After discussion, Mr. Davis moved to authorize the County Attorney to negotiate and enter into a Waiver of Statute of Limitations contract. The members were polled:

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

The motion carried.

IN RE: GRANT FUNDING FOR WATERLINE EXTENSION PROJECT

Before the Board for consideration was Resolution R-09-12 to authorize an application for Virginia Department of Health Construction Funding for the Route 249/Route 612 waterline extension project.

Assistant Public Utilities Director Mike Lang advised that connecting some of the public water systems would save the County money for operations and maintenance and would eliminate the need to replace two existing wells that did not meet current standards. He indicated that affected landowners would be notified that surveyors would be in the area, but he did not think that any of the workers would have to go onto private property since the line would be along the VDOT right-of-way. He indicated that a resolution of approval was needed for the grant application.

Commenting that the intersection involved was fairly busy, Mr. Stiers asked about the possibility of installing a 3" sewer line at the same time. Mr. Lang advised that would be part of the overall utility plan and would require an expansion of the sewer service area, but he agreed to look into it. He confirmed that installation of a sewer line would have to be done independently and would likely be on the opposite side of the road from the waterline.

Mr. Evelyn moved to adopt Resolution R-09-12 to seek VDH Construction Funding in the amount of \$1,275,000. 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: TIMBERING ON COMMERCIAL PARCELS

The Board had deferred action on Ordinance O-02-12 after a public hearing held on February 13, 2012, to amend County ordinances to permit forestry as a land use on parcels zoned *Business, Economic Opportunity, and Industrial*.

Assistant County Administrator Rodney Hathaway explained that the proposed amendments would permit forestry land use in the *Business, Economic Opportunity, and Industrial* zoning classifications, which was currently not permitted. He indicated that adoption of the ordinance would amend the Table of Land Uses in Section 98-62 to permit those uses by right, and also Section 98-877 to include performance standards for such uses in these zoning classifications. He reviewed that there had been concerns expressed at the public hearing about the 25-foot buffer and he advised that the proposed ordinance could be amended to remove that requirement if the Board wanted.

Ms. Gowdy advised that removal of that requirement would be a substantial change and would require that the matter to go back to the Planning Commission for review and recommendation, and then another public hearing before the Board.

Both Mr. Stiers and Mr. Evelyn expressed their support of removing the buffer requirement.

Mr. Evelyn moved to remand to the Planning Commission proposed Ordinance O-02-12, amended to remove paragraph 4 under Section 98-877. 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: CONDITIONAL USE PERMIT FOR EXTENSION OF NATURAL GAS LINES

Robert Duval, Vice President of Virginia Natural Gas, and Planning Manager Kelli Le Duc were present to review a conditional use permit application scheduled for public hearing before the Board on March 12, 2012.

It was explained that the only change to the application since the Planning Commission public hearing was the addition of condition #2 (authorizing commencement of construction only after all easements or rights of entry had been obtained).

Mr. Duval advised that the proposed pipeline extension consisted of a 12" line that would start in Lanexa and run along Dominion Virginia Power (DVP) easements already in place, to the intersection of Routes 30/33, where the line would become 8" and continue north along a DVP right-of-way, turning east through one property (easement has been obtained) then back to Routes 30/33 near the Eltham Bridge, across the Pamunkey River and into West Point. He commented that this extension would support future growth and development and his company had made a strategic investment by making a portion of the pipeline 12" in order to serve the industrial corridor along Route 33. He explained that easements across a total of 66 parcels were required, 60 of which were privately owned. He reported that signed agreements were in place for 31 of those parcels, and 29 were still pending, but they had 95% of the route in a "favorable condition". He indicated they were continuing to work on securing the remaining easements, had sent out "best and final offer letters", and would continue to negotiate in good faith with those landowners, offering fair market value "plus a little above" as an incentive to sign the easements. He advised that if the application was approved, they anticipated commencing construction on April 1 and the line would be installed at a five-foot depth in order to accommodate agricultural activities along the easements. He remarked that they "felt good" about moving forward with the public hearing.

Ms. Gowdy advised that she had reviewed documents to approve easements on the Henrico Jail East and Wahrani Nature Trail parcels, and Henrico County had indicated that it had no objection to an easement on the Jail property.

IN RE: AUDIT OF UTILITY BILLS

Financial Services Director Mary F. Altemus provided background information on an item that would be on the Board's March 12 consent agenda. She indicated that she would be requesting the Board's approval to enter into an agreement with Troy & Banks to audit the County's utility invoices to secure refunds, credits or other cost-savings. She explained that Troy & Banks would be paid 29% of any funds that were recouped as a result of their audit,

and would receive nothing if there were no savings. She advised that New Kent would “piggyback” on a request for proposals (RFP) issued by Spotsylvania County and she reported that locality as well as James City County had been very pleased with the results. She indicated that the New Kent Schools were also considering these services.

IN RE: INITIATING THE REZONING OF PLUM POINT

Before the Board for consideration was Resolution R-13-12 to initiate a rezoning of parcels in the Plum Point area from *Agricultural* to *Residential*.

Zoning Official Kenny Vaughan and Mr. Hathaway were present to review the request. Mr. Vaughan advised that the main issue was the large number of setback variances requested and if the parcels were rezoned, then variances would no longer be needed. Mr. Hathaway indicated that a rezoning was the only way to resolve the issue and it would have to “go through the whole process”. It was confirmed that around half of the homes in the area had violations.

Mr. Hathaway indicated that it was staff’s recommendation to schedule a community informational meeting in Plum Point before going to a public hearing with the Planning Commission.

Mr. Vaughan reported that it was his information from the Commissioner of Revenue that a rezoning would not affect the tax bills on the parcels.

Mr. Davis advised that he owned property in the area and for that reason would not participate in discussion and vote on the matter.

Mr. Evelyn moved to adopt Resolution R-13-12 sending to the Planning Commission a request to initiate rezoning of the Plum Point area. The members were polled:

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

The motion carried.

Mr. Davis advised that the Court had previously granted ownership of four of the roads in Plum Point to the County because no one owned them, and at the time VDOT had agreed to take over maintenance as homes were built. He indicated that unfortunately that agreement was no longer in place and some parts of the roads had become inaccessible, so the County was trying to determine whether it could use some Community Development Block Grant (CDBG) funds to repair the roads. He suggested that it might be a good idea to consider giving the roads back to the landowners.

Mr. Hathaway indicated that he had requested a contractor look at the roads to see what needed to be done and he was still waiting to hear from the State about using CDBG funding for that purpose.

IN RE: EXEMPTING PROPERTY FROM TAXATION BY CLASSIFICATION

Commissioner of Revenue Laura Ecimovic and Legal Intern Neil Gibson were present to review this matter with the Board.

Mr. Gibson explained that New Kent had not changed its ordinance to comply with a State constitutional amendment made in 2002 – 2003 to provide a taxation exemption based on classification.

Ms. Ecimovic clarified that the constitutional amendment provided that a locality needed to have an ordinance “on the books” if it wanted to exempt certain properties, but New Kent had historically exempted property owned by non-profits as if it had such an ordinance. She indicated that she had become aware of this situation when she received a recent application by a non-profit entity and she felt the County Code needed to be amended if the County wanted to continue providing the exemptions.

It was confirmed that a public hearing would be needed.

Mr. Davis moved to advertise proposed Ordinance O-03-12 for public hearing. The members were polled:

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

The motion carried.

IN RE: FY13 BUDGET

Mr. Lawton reported on the latest General Assembly actions as they related to Virginia Retirement System (VRS) payments by employees, but noted that any actions taken would likely be revenue-neutral to New Kent.

He reviewed some of the proposed CIP projects, including the Vehicle Replacement Plan for Fire-Rescue, projects at the Airport, and Courthouse HVAC projects.

Mr. Evelyn asked about new schools. Mr. Lawton advised that there was a new elementary school and a middle school expansion project on the CIP in out years, but he suspected those projects would be moved out even farther. He indicated that the School Board wanted the projects in the CIP and it would be a good issue to discuss at the upcoming joint meeting. Other items included a radio system, improvements at Quinton Park, protective equipment at the Parham Landing wastewater treatment plant, and a new pump station at Brickshire. He noted that there were only eight new vehicles proposed for the Sheriff's Office (down from its usual ten) and it was confirmed that all Sheriff's vehicle purchases for the current fiscal year had been made. He indicated that the FY13 CIP projects were to be paid for with cash reserves, and if the Board approved the Vehicle Replacement Plan, it was his recommendation that capital funds be used to pay that debt.

He reported that \$2.6 million flowed into the CIP at the end of FY11 and he would like to cap CIP expenditures yearly to whatever that amount in order to remain on a "pay as you go" basis and not spend down the CIP fund.

He advised that he planned to present the draft budget at the March 12 meeting, schedule district informational meetings in the weeks thereafter, hold a public hearing at the May 14 meeting, and plan for adoption at the May 30 work session.

There was discussion regarding the State budget currently deadlocked in the Senate and how the County might have to adopt its budget contingent on what happened at the State level.

He advised that he felt comfortable with the draft budget and asked that the Board members who wanted to have meetings in their districts have some proposed dates at the March meeting. He indicated he would be presenting a balanced budget at the March 12 meeting, along with some options.

The Board took a brief recess and then resumed its meeting.

IN RE: ELECTRONICS RECYCLING

Maintenance Supervisor David Bednarczyk reviewed the costs of electronics recycling incurred by the County, reporting those costs to have been \$40,500 (\$1,500 per pulled container) over the two and a half years that this service had been offered to residents. He suggested that there were less costly ways to handle these items, one of which was to hold periodic collection events through the Central Virginia Waste Management Authority at around \$400 per event, or to use Goodwill who will host collection events at no cost to the County.

He confirmed that Goodwill planned to hold an electronics recycling event as part of the upcoming Envirothon.

Mr. Stiers commented that when the average person bought a new television or computer, they didn't want to hold on to the old one for six months and might choose to dump it along the road.

Mr. Evelyn agreed and asked if Goodwill would put a collection container at the main refuse site. Mr. Bednarczyk agreed to check with the vendor and report back.

There was consensus to leave the current process in place until more information could be obtained and see how the Goodwill collection went at the Envirothon.

Ms. Gowdy advised that she would review the contract with the current electronics recycling vendor to see if it could be terminated.

Staff was asked to provide follow-up information at the March 12 meeting.

IN RE: HISTORIC SCHOOL PPEA PROJECT

Mr. Lawton reviewed that the County had received proposals for this project under a solicited Public Private Education Act (PPEA) process and, in December 2011, the Board had appropriated \$2.5 million for the cost of the project. He indicated that since then negotiations had been underway with one of the bidders but there was some uncertainty as

to whether the Board still wanted to move forward with the project and, if so, through the PPEA process. He confirmed that the County had not entered into any agreement with any of the contractors and an interim agreement would be the next step.

Mr. Evelyn advised that he had been looking at the project and was scheduled to meet "with some people", and asked that the Board delay making any decision until either the next meeting or the next work session.

There were comments regarding the looming deadlines on the leases of the current space for the Heritage Library and School Board offices. Mr. Lawton advised that he had informed both parties that they needed to renegotiate their current leases.

Ms. Gowdy pointed out that the proposals received were nearly a year old and the prices therein were no longer binding. She indicated that it was her understanding that the contractors were frustrated with the process, and she felt that the process was near a point where it would be deemed faulty and tainted if the Board continued to delay a decision. Mr. Lawton advised that he did not think a couple of weeks or month would make any difference.

Mr. Davis indicated he would agree to wait until March 12.

IN RE: COMPREHENSIVE PLAN

Ms. Le Duc was present to review the pending update of the Comprehensive Plan (Plan).

Ms. Gowdy advised that recent legislation passed by the General Assembly allowed, but no longer required, that Urban Development Areas (UDA) be included in comprehensive plans.

Ms. Le Duc indicated that although the County never adopted a UDA, the Planning Commission did recommend the version of the Comprehensive Plan that contained the UDA, and she was not sure how that would be handled.

There was discussion whether the Plan should be sent back to the Planning Commission without that provision. Mr. Burrell spoke about how hard staff had worked and the confidence he had in their work product and how he felt the Plan should include everything.

Ms. Gowdy reminded that the County had received a grant to pay for its UDA product and she was not sure what the ramifications would be if the UDA were not included.

It was suggested that the item be tabled again to give staff an opportunity to determine what obligations the County had as a result of the UDA grant.

Mr. Evelyn commented that he felt that the Board was in agreement on much of the Plan, with the main areas of disagreement being in the Natural Resources and Transportation sections. Ms. Gowdy advised that, if the Board changed the Transportation section, the Plan would have to go back to VDOT for additional review.

Mr. Davis suggested that the Board be ready to adopt what it could at the next meeting.

There was agreement by consensus to table the issue until the March 12 meeting.

IN RE: APPOINTMENTS

Mr. Stiers moved to appoint William O'Keefe as District Four's representative to the Economic Development Authority to fill the position formerly held by David Sisk (to complete a term ending December 31, 2012). 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: CLOSED SESSION

Mr. Davis moved to go into Closed Session to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia involving performance. 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. Chairman Burrell announced that the Board did not expect to conduct any business after the Closed Session.

Mr. Davis subsequently amended his motion to go into Closed Session for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving 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
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
W. R. Davis, 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: RESIDENTIAL YARD DEBRIS FROM WOODHAVEN SHORES

Mr. Stiers asked the Board to allow the Woodhaven Shores Community Association truck to take debris to the Route 618 refuse site. He said that the vehicle was owned by the Association and was used to pick up tree limbs and other yard debris that citizens could not transport on their own, but that vehicle had not been allowed to use the site because of the corporate logo on the truck. He did not know if the vehicle displayed a County decal. He maintained that this was residential brush from taxpayers and should be accepted at the site.

Following discussion, Mr. Stiers moved to allow the Woodhaven Shores Community Association vehicle to take debris to Route 618 (main refuse site). 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: COMMUNITY EVENTS

Mr. Tiller provided details of an upcoming dance/auction being held as a fundraiser for New Kent Elementary School.

Mr. Burrell advised that he would like the Board to adopt a resolution recognizing the 140th anniversary of Mt. Olive Baptist Church at an upcoming meeting.

IN RE: ADJOURNMENT

Mr. Evelyn moved to adjourn the meeting. 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 meeting was adjourned at 12:54 p.m.