

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 9th DAY OF JUNE IN THE YEAR TWO THOUSAND EIGHT OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: ROLL CALL

Thomas W. Evelyn	Present
David M. Sparks	Present
James H. Burrell	Present
Stran L. Trout	Present
W. R. Davis, Jr.	Present

The Chairman called the meeting to order.

IN RE: CONSENT AGENDA

County Administrator John Budesky presented the Revised Consent Agenda as follows:

1. Approval of Minutes
 - a. Work session of April 29, 2008
 - b. Regular session of May 12, 2008
2. Miscellaneous
 - a. Annual merit increase for County Administrator
 - b. Resolution R-10-08 recognizing Carol Witherspoon
 - c. Resolution R-11-08(R1) providing for reimbursement from financings
 - d. Road Name Additions:
 - i. Thomas Brown Lane
3. Refunds
 - a. \$1,656.55 to J. Sanders Construction for incorrectly computed permit fees
4. Appropriations
 - a. Funds donated to the New Kent Animal Shelter, \$291.00
 - b. Funds for Fire-Rescue coverage at the Strawberry Hills races on Apr 12, \$9,425.00
 - c. Funds for Fire-Rescue coverage at Colonial Downs May 12 – 18, \$2,363.00
 - d. Funds for revenue received for extra security detail performed by the Sheriff's Office for Prom on Apr 26-27, \$452.00
 - e. Funds for revenue received fro extra security detail performed by the Sheriff's office for Apr 25 event, \$82.00
 - f. Parks & Recreation sponsorship funds for participant scholarships, \$300.00
 - g. Virginia Power grant funds received on May 8 from the Department of Emergency Management, \$5,000.00
 - h. Social Services funds returned to the State for the Adult Protective Service Program, \$5,000.00
 - i. Additional State funds for Social Services for the AFDC Foster Care Program, \$5,976.17
 - j. Department of Agriculture and Consumer Services Grant for Purchase of Development Rights, \$150,000.00

- k. Department of Criminal Justice federal funds for the Byrne Justice Assistance Grant for local law enforcement equipment for the Sheriff's Office, \$1,727.00
- l. Insurance funds received for wind damage to Middle School on Mar 8, \$86,185.00
- m. Funds for the Apr 22 loan closing to settle the refunding of Series 1997C Bonds and Series 1995 loans, \$952,106.99
- n. Funds received for burn permits, \$250.00
- o. Charge card fees collected in excess of budget for offsetting expenditures associated with charge card fees, \$157.00

Total Supplemental Appropriation:	\$ (1,209,315.16)	Total
	\$ 1,209,315.16	Money-in/Money-out

- 5. Carry Forward Appropriations
 - a. Amount for the Parham Landing WWTP Expansion due to receiving fewer connection fees than anticipated and appropriating funds for White House Farm Well Repair, \$2,673,428.00

\$(2,673,428.00)	Total
\$ 35,000.00	Money In/Money Out
\$ 2,638,428.00	Money from Fund 98-Utility Fund fund bal

- 6. Inter-Departmental Budget Transfers
 - a. *Cooperative Extension*: \$1,670 from Park time salary & wages to Telecommunication and Verizon T1
 - b. *Schools*: \$1,500 from Instruction Elem Matls and Supplies to Tech Instr Add Tech Hardware
 - c. *Public Utilities*: \$8,678.00 from Relocation of Offices to VDOT Construction
 - d. *Fire-Rescue*: \$7,785.00 from Four for Live to Part Time Salaries & FICA
 - e. *Social Services*: \$35,000 from Salaries & Wages To Furniture & Fixtures
 - f. *Sheriff's Office*: \$192 from Grant Contingency to LLEBG Equipment
 - g. *Fire-Rescue*: \$2,144 from Grant Contingency to Penin EMS Grant
 - h. *Public Utilities*: \$2,000 from Legal Services to Professional Services

- 7. Treasurer's Report: Cash in Bank as of April 2008, \$30,491,356.98

It was confirmed that the proposed road name of "Thomas Brown Lane" was the name chosen by a majority of the residents on the roadway. Mr. Budesky reported that the revisions on the Consent Agenda included changes to the attachment to Resolution R-11-08 and the addition of a carry-forward appropriation for Utilities.

Mr. Trout moved to approve the Revised Consent Agenda as presented, and that it be made a part of the record. The members were polled:

Thomas W. Evelyn	Aye
D. M. Sparks	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
James H. Burrell	Aye

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

Chairman Burrell opened the Citizens Comment Period.

Rick Bishop spoke on his concerns about the recent reassessment. He reported that by his calculations, of the \$80,000 in additional taxes that the County would receive from property owners in The Colonies as a result of the new assessments, 88% or \$70,350 would be owed by the owners of the waterfront property, which constituted only about one-third of the properties in the development. He stated that \$7,000 of the additional taxes would be due from about 65 of the remaining owners, with 80 properties experiencing a decrease in taxes totaling \$16,000, with the difference due from eight new constructions. Mr. Bishop also made reference to a petition filed by taxpayers in Accomack County requesting their Commonwealth's Attorney to file an appeal of the real estate tax recently levied by their Board of Supervisors following a reassessment performed by the same firm used in New Kent. He encouraged the Board to reconsider the motion previously made by Mr. Davis to "throw out" the reassessment.

Charles Schmid requested that the Board petition CSX Railroad for a "quiet zone" that would limit trains in the sounding of their whistles as they traveled through New Kent. He advised that he had forwarded a request to CSX, but that the application had to come from the jurisdiction. He described the frequency and duration of the train whistles as they traveled past his home and advised that he was asking that they be limited at night only. He indicated that he had a petition with about 75 signatures on it. He reported that Mr. Trout had all of the information pertaining to the request.

Mr. Burrell noted that if the wind was blowing just right, he could hear the trains from his home, which was quite a distance away from the railroad tracks, and advised that the Board would consider his request.

George Oden, Jr. asked the Board to adopt the lowest possible real estate tax rate. He spoke about the problems with the reassessment and urged the Board to do what was best for the taxpayers. He thanked Mr. Davis for challenging the reassessment and he also alleged that New Kent was not properly managing its debt and needed to cut back. He predicted that next year would be worse and challenged the Board to exercise good judgment and set the rate as low as possible.

Wayne Hogue spoke about the problems with the reassessment and suggested that the County hold the appraisal company accountable and "get its money back". He said that the Board was aware of the problems, as evidenced by Mr. Davis' motion not to accept the reassessment, and asked that the Board do what it could for the citizens.

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

IN RE: RESIDENCY ADMINISTRATOR'S REPORT

Mike Cade, Assistant Residency Administrator with the Sandston Residency of the Virginia Department of Transportation, reported on issues raised at previous meetings.

He advised that since the last meeting, their crews had continued to perform maintenance on many of the graveled roads, as well as performed ditch cleaning, brush cutting, patching, repaving, litter removal, and mowing throughout the County. He indicated that they had recently experienced a problem with "blowups" along Rt. 60, many of which had been fixed over the weekend.

He reported that they had not received reports back on any of the requested speed studies.

He introduced Scott Gagnon, new Staff Engineer with the VDOT residency and spoke about his qualifications and experience. He noted that Mr. Gagnon would be in charge of land development and permits. The Board welcomed Mr. Gagnon.

Mr. Evelyn thanked Mr. Cade for the paving work on Old Church Road and Cosby Mill Road, and advised that he would like to meet with him regarding some flooding problems along the graveled portion of St. Peters Church Road.

Mr. Sparks asked about the timetable for mowing along Rt. 60, commenting about how high the grass was in Quinton. Mr. Cade advised that they had just completed their first of four rounds of mowing on the primary roads and should soon be starting the second round.

Mr. Trout advised that he appreciated the repairs to Rt. 60 and asked if the four revenue sharing projects were still on schedule. Mr. Cade advised that they should be starting some of the work in early July or late June, and that they had contracts in place for the stone and asphalt, as the four projects would be performed by State forces.

Mr. Davis commended VDOT for the paving work performed on Rts. 30 and 33, and asked if the shoulder additions were bike paths. Mr. Cade advised that they were the results of initiatives to put in two to three foot wide shoulders where possible to enhance safety when drivers drifted off the road.

Mr. Davis reported downed stop signs at Rts. 600 and 601. He also asked for attention to the pavement along Route 601/Tabernacle Road, noting that the James City County side was nicely paved but the New Kent side needed work.

Mr. Davis spoke about tall grass along the secondary roads. Mr. Cade reported that they were late getting a contract for mowing of the primary roads and now that those contracts were in place, State forces had begun mowing the secondary roads and would be able to concentrate their efforts there.

Mr. Burrell thanked Mr. Cade for the Residency's attention to New Kent, in light of severe financial constraints.

IN RE: LARGE PROJECTS UPDATE

General Services Director James Tacosa reported on some of the County projects underway.

Regarding the Sheriff's Annex, he reported that the project was nearly complete, with work being done on some punch list items and the 911 Center planning to move as soon as the cutover was made during the next week. He noted that the project was on time and under budget, and that none of the contingency funds had been expended.

He indicated that the Vehicle Maintenance Facility was scheduled for completion in August 2008, noting that they had fallen 75 days behind in the early stages but had caught up. He advised that they fully expected to turn over the facility at the end of August, within budget. He reminded that the project was designed in phases subject to available funds, and that there appeared there would be a substantial surplus with which he proposed to fund some additional needed work to include security cameras, perimeter fencing, and extension of the road to the fueling station. He noted that an office for the parts manager had been possible because of costs savings.

Mr. Tacosa reported that there had been some difficulty getting started on the Human Services Building but that they were nearly "out of ground" and past the stage that would have cost impacts. He predicted that the project should start moving but was not sure if it could make the March 2008 date for substantial completion. He did report that they were on track with the budget.

Regarding renovations to the Courthouse, he admitted that the design phase had been slow but that they had finally worked out what offices would fit, noting that the addition of a courtroom had taken some of the planned office space and that they might not be able to "get everyone in there". He predicted that progress should be evident shortly and he expected that the project would be completed by March 2009 and under budget.

IN RE: EFFICIENCIES AT MAIN REFUSE SITE

Buildings, Grounds & Maintenance Supervisor David Bednarczyk reported on efficiencies at the main refuse site on Rt. 618. He noted that information recently received from Central Virginia Waste Management showed a 50% reduction in the number of pulls over the past two years which he attributed to compacting efforts. He reported that the current pull charge was \$139.00. He indicated that with the hiring of the main refuse site manager, they were able to compact several times a day, thereby increasing the amount in each container. He advised that they were expecting installation of a second compactor in the near future.

Mr. Burrell agreed that the reduction in the number of pulls represented a significant savings for the County. However, he noted that recycling had substantially increased in New Kent and he complained that the recycling containers were often full, resulting in residents throwing away their recyclables, and he asked about more frequent pulls of those containers. Mr. Bednarczyk acknowledged the problem, noting that the containers at the Rt. 634 site were pulled each Friday and they were sometimes full again by Monday but sometimes not at all. He indicated that they called for additional pulls when the containers were full, but did not want to regularly schedule more pulls because it would not be cost effective.

Mr. Burrell asked Mr. Tacosa about some of his ideas regarding the recycling of corrugated cardboard. Mr. Tacosa indicated that he had been exploring some options, noting that there could be substantial revenue from recycling corrugated. He reported that now that with electricity installed at the main refuse site, they could install a new compactor that had a double hopper that would accommodate two vehicles at one time, and could thereafter develop the existing compactor to handle cardboard.

He spoke about another idea he had to handle corrugated at the other sites, that involved the purchase of a compacting dump truck that would drive from site to site to empty the corrugated recycling containers when they were full.

Mr. Burrell commented that the recycling of corrugated could be very lucrative and that the County would have substantial savings on landfill costs.

Mr. Davis confirmed that he wanted residents to recycle cardboard but suggested that the County needed to make it easier for them, noting that much of it wasn't recycled because it had to be broken down in order to fit into the opening of the recycling containers. Mr. Tacosa admitted that was a problem and that it would be easier with having an open top container at the sites that could be emptied by the compacting truck.

Mr. Sparks asked about cost recovery. Mr. Tacosa advised that if the County could purchase a truck for around \$40,000, it would take about two or two and a half years to break. Mr. Evelyn asked about the cost of fuel to run the compacting truck. Mr. Tacosa indicated that he was trying to find a nearby source to take the cardboard, hopefully somewhere like West Point.

Mr. Davis asked if that option was allowed under the County's participation in the Central Virginia Waste Management Authority (CVWMA). Mr. Tacosa admitted that he had not yet explored that with CVWMA.

Mr. Davis asked about used oil prices. Mr. Tacosa advised that the County was getting 35 cents a gallon, a price set by CVWMA, and that the County collected an average of four to five gallons a month.

Mr. Burrell commented that no matter what the payback was, recycling was the right thing to do and the County could collect revenue at the same time it was saving on landfill costs.

There was discussion about the recycling of other items, including batteries and metals.

IN RE: BUDGET AND RELATED ITEMS

County Administrator John Budesky explained that the Board had four separate items to vote on, noting that although a real estate tax rate of 75 cents had been advertised, staff was recommending that the Board adopt a rate of 73 cents.

IN RE: CHANGES TO APPENDIX A - FEE SCHEDULE

Before the Board for consideration was Ordinance O-07-08 amending Appendix A – Fee Schedule.

The Chairman read aloud the title of the Ordinance, noting that some County fees were being adjusted to cover some of what it cost to provide the service. It was noted that the utility budget was not funded with general tax dollars but with user and connection fees.

Mr. Sparks moved to adopt Ordinance O-07-08 as presented. The members were polled:

David M. Sparks	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye

The motion carried.

IN RE: TAX LEVIES

Before the Board for consideration was Ordinance O-08-08 establishing tax levies for the 2008/2009 fiscal year.

Chairman Burrell read aloud the title of the ordinance, and Mr. Budesky reminded that the Board would need to change the tax amount in the ordinance if they were adopting a rate below the 75 cent advertised rate.

Mr. Trout pointed out that the ordinance would also reduce the machinery and tools tax rate from \$3.00 to \$1.50 and would provide a reduced personal property tax rate for one vehicle owned by eligible public safety volunteers.

Mr. Trout moved to adopt Ordinance O-08-08 with the following changes: in paragraphs 1, 2 and 3, 75 cents changed to 73 cents per \$100 value.

It was noted that this rate covered real estate, manufactured homes and public service corporation real property.

Mr. Davis commented that because of his stand on the reassessment, he would not be able to support the recommended tax levies.

The members were polled on Mr. Trout's motion:

Stran L. Trout	Aye
W. R. Davis, Jr.	Nay
Thomas W. Evelyn	Aye
David M. Sparks	Aye
James H. Burrell	Aye

The motion carried.

IN RE: CAPITAL IMPROVEMENTS PLAN

Before the Board for consideration was the proposed Capital Improvement Plan (CIP) for 2009 – 2013.

Mr. Budesky noted that there was no planned borrowing for any non-utility CIP projects for the upcoming year.

Mr. Evelyn moved to adopt the proposed Capital Improvement Plan, as presented. The members were polled:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
David M. Sparks	Aye
Stran L. Trout	Aye
James H. Burrell	Aye

The motion carried.

IN RE: FY08/09 BUDGET

Before the Board for consideration was the proposed budget for fiscal year 2008/2009.

Mr. Trout moved to adopt and appropriate the Fiscal Year 2008/2009 budget as submitted by the County Administrator in the general categories as follows:

General Fund	\$15,124.544
Social Services	\$1,037.088
School Capital	0
Grants	0

Capital Projects	2,543,911
Human Services	2,596,315
Wireless E-911	40,000
Schools	26,232,119
School Food	809,730
Litter Control	7,300
Meals Tax	0
Debt Service	5,225,894
Airport	279,487
Computer Replacement	141,200
Water/Sewer	18,279,340
Bottoms Bridge Sewer	<u>1,117,107</u>
Total Proposed FY08/09 County Budget	\$73,434,035

Mr. Davis pointed out that the budgeted amounts for Water/Sewer and Bottoms Bridge Sewer were funded with user and connection fees and not with taxes.

Mr. Evelyn remarked that that this year's budget was \$2 million less than last year's and did not include any new debt, noting that the County had taken on \$60 million in debt over the last four years.

Mr. Trout clarified that many of the items were paid for with funds from other sources and that the amounts reflected the budget and not the taxes collected.

Mr. Sparks stated that this had been a very difficult budget and he wanted everyone to know how the Board members had "anguished" over it and how much time and effort had been spent on the process. He emphasized that the Board members did not take the economy and hardships of the citizens lightly and he hoped that they had "done good work for the people".

Mr. Burrell echoed those sentiments.

The members were polled on Mr. Trout's motion:

Thomas W. Evelyn	Aye
David M. Sparks	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Nay
James H. Burrell	Aye

The motion carried.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Davis reminded everyone to be mindful of the hot weather and also be conservative in their water use. He advised that the County would be working on water conservation measures, as mandated by the State, and the Board would prefer voluntary conservation measures over mandatory ones. He noted that it would likely be a "tough" summer.

Mr. Sparks urged citizens with heat-related issues to call 911 and the emergency dispatcher would be able to refer them to a cooling center at one of the fire stations. He urged residents to use caution with outside activities.

Mr. Trout spoke about the opening of the New Kent Winery and encouraged residents to visit and participate in one of the tours/wine tastings there. He also announced details of an upcoming public information meeting regarding the Zoning Ordinance and Zoning Map as well as the upcoming meeting of the Planning Commission.

Mr. Sparks requested that County staff develop some ideas to encourage or facilitate carpooling opportunities for interested residents.

Mr. Evelyn thanked constituents who attended his recent community meeting. He commented that he had received some very good information and planned to hold another meeting in the near future.

Mr. Burrell thanked the citizens who had spoken at recent meetings and for otherwise being a part of government. He praised New Kent citizens for their active participation, noting that the percentage of the County's voter turnout was consistently high in comparison to other localities.

IN RE: STATE TRANSPORTATION FUNDING

Before the Board for consideration was Resolution R-12-08 requesting the Virginia General Assembly and Governor to enact a significant transportation funding package during the upcoming Special Session.

Community Development Director George Homewood reminded the Board that the General Assembly would be meeting in Special Session on June 23 to discuss transportation, and that the proposed resolution would express the Board's opinion that it was time for the General Assembly to find permanent sustainable funding for transportation in the Commonwealth. He noted that the resolution was drafted by Virginia Association of Counties and disseminated to all counties for consideration by their respective legislative bodies. He reported that at a recent meeting of the Richmond Regional Planning District Commission, it was suggested that any resolution should include a request for Central Virginia to have its own regional transportation authority because it would likely be some time before any others would be added. He indicated that such request was included in the resolution before the Board.

Mr. Burrell commented that he felt it was a good "non partisan" resolution and he read the last paragraph aloud for those in attendance.

Mr. Sparks expressed his concerns about the issue, noting that the General Assembly "had no idea what they will do or what they want to do other than to build more roads". He also indicated that any funding through a regional transportation authority would likely involve additional taxes and license fees, and he expected any extra funding would go to projects in Hampton Roads and Northern Virginia.

Mr. Homewood explained that a recent transportation study confirmed that there was a significant deficit between the roads currently needed and the State's ability to fund those roads. He indicated that many of those needs included major projects in other areas, but did include widening of I-64 between Richmond and Newport News. He stated that at the current funding level, it would be "some time in his grandchildren's lifetime" before the projects were completed, but the point was that there were documented needs that were not being met under current funding. He acknowledged that there was a question as to where funding would come from, and explained the current funding formula wherein every

transportation dollar was put into the Transportation Trust Fund. He noted that maintenance was funded first, as required by the State Constitution ("maintain what you already have"), and of what was left over, a certain percentage was designated for ports, airports and mass transit. After that, 40% was put into the interstate and primary system, 40% into secondary roads, and 20% into urban roads in cities and towns. He indicated that the primary system was divided into nine construction districts in the Commonwealth, and its formula was based on population plus center line miles. He advised that the secondary system was based on population, and the urban system on lane miles. He admitted that the more populated areas received more transportation funding.

Mr. Evelyn commented that it appeared to him that any additional transportation funding would be paid for by the citizens in the form of tax increases.

Mr. Burrell spoke about a gas tax increase, commenting that it would raise funds from travelers who were not State residents who were using Virginia roads but not helping to pay for them. He said he would prefer a user fee such as a gas tax rather than increasing the titling tax for someone who didn't drive as much. However, he qualified his comments, stating that he did not mean to imply that the Board was in support of additional gas taxes, but did want the General Assembly to do something.

Mr. Trout noted that there were other options, including historical horseracing as sponsored by Colonial Downs, which would provide considerable funding for transportation. He stated that he was not in favor of raising the gas tax. He advised that it was reported by the Commonwealth Transportation Board that if a vehicle averaged 17.5 miles or more per gallon, that motorist was spending less than one cent per mile to maintain the State highways. He agreed that the General Assembly did need to find a solution, reminding that since the Byrd administration, it had been the State's responsibilities to take care of the highways, but recently localities were doing more and more on their own. He agreed that a resolution would be appropriate to express New Kent's concern that the General Assembly take transportation seriously during the upcoming Special Session and find a solution.

Mr. Davis agreed that something had to be done, but he felt a resolution "wouldn't amount to a hill of beans" and suggested that the Board take no action.

Mr. Sparks and Mr. Evelyn agreed with Mr. Davis, and there was no action taken by the Board.

IN RE: STAFF REPORTS

Mr. Budesky spoke about the extensive work involved with the budget process and how staff had worked with the citizens and community groups, and that he felt the budget that was adopted was fiscally responsible and that the real estate tax rate was as low as it could possibly be. He assured the Board that staff would continue to maintain fiscal responsibility in the future. He commented that none of the comments made by citizens went unnoticed and that every person with whom he had met had impacted his recommendation in some way. He assured the citizens that he had heard them "loud and clear" but reminded that he had to sometimes work from a different perspective. He indicated that meeting with the residents was a learning process for him and he appreciated the time and effort they had spent in expressing their concerns.

IN RE: DISTRICT APPOINTMENTS

The Board continued to make district appointments.

Mr. Evelyn moved to appoint Cindy Burnett as District One's representative to the Heritage Library – Board of Trustees, to serve a four-year term beginning July 1, 2008 and ending June 30, 2012.

Mr. Trout moved to appoint Satoshi Ito as District Four's representative to the Social Services Advisory Board to serve a four-year term beginning July 1, 2008 and ending June 30, 2012.

The members were polled:

David M. Sparks	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye

The motion carried.

IN RE: NON-DISTRICT APPOINTMENTS

There were none.

IN RE: MEETING SCHEDULE

The Chairman announced that the next meeting of the Board of Supervisors would be held at 6:00 p.m. on Thursday, July 17, 2008, and the next work session at 8:30 a.m. on Tuesday, June 24, 2008, both in the Boardroom of the County Administration Building, New Kent, Virginia.

IN RE: ADJOURNMENT

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

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
David M. Sparks	Aye
James H. Burrell	Aye

The motion carried.

The meeting was adjourned at 7:23 p.m.