

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 24TH 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 8:40 A.M.

IN RE: ROLL CALL

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

Due to the absence because of illness of Chairman Burrell, Vice Chairman Davis called the meeting to order 8:40 a.m., after receiving comments from resident William Hodges regarding concerns about the recent general reassessment.

IN RE: APPROPRIATIONS AND BUDGET TRANSFERS

Financial Services Director presented FY08 Appropriations and Inter-departmental Budget Transfers as follows:

1. FY07/08 Supplemental Appropriations:
 - a. Funds donated to the New Kent Animal Shelter, \$20.00
 - b. Funds for the Sheriff's Office for coverage at the Strawberry Hills Races on Apr 12, \$30,246.00
 - c. Funds for Fire-Rescue coverage at Colonial Downs, May 19 – Jun 1, \$4,725.00
 - d. Funds for Sheriff's Office coverage at Colonial Downs on Apr 19, \$421.00
 - e. Funds for extra security detail performed by the Sheriff's Office for graduation Jun 7, \$323.00
 - f. Funds for extra security detail performed by the Sheriff's Office for May 30 – Jun 1 events, \$549.00
 - g. Matching grant funds received from Providence Forge Volunteer Fire & Rescue for a State Forestry grant, \$2,000.00
 - h. Reverse appropriations for expenditure refunds on budget supplements 288,297 and 303 (journal entries to be done to reimburse expenditure line items), \$6,998.00
 - i. Funds received for restitution for Feb 10 fire incident, \$200.00
 - j. Funds received for reimbursement from J. A. Hubbard for tapping a 6" water line, installing a ¾" copper line, and installing a new meter box, \$2,200.00
 - k. Funds received for Eagle Scout project at Wahrani Nature Trails, \$208.00
 - l. Funds received and expected for Records Preservation in the Clerk of the Circuit Court Clerk's Office from the Technology Trust Fund, \$80,082,000.0
 - m. Funds received for burn permits, \$290.00
 - n. Charge card fees collected in excess of budget for offsetting expenditures associated with charge card fees, \$119.00

\$(114,385.00)
\$ 114,385.00

Total
Money In/Money Out

2. Inter-Departmental Budget Transfers
 - a. *Central Purchasing*: \$1,859.00 from Contingency to Copier Paper
 - b. *Various personnel line items*: \$29,256 for end of year reconciliations
 - c. *Various personnel lite items*: \$63,837.00 for end of year reconciliations
 - d. *Registrar's Office*: \$50 from mileage to part time salaries & wages

Mr. Davis had questions about the process of collecting funds for security and fire-rescue services provided by New Kent at the Strawberry Hills races. Staff explained that those funds were paid to the County and then appropriated to the departments rendering the services.

Mr. Trout moved to approve the Appropriations and Inter-departmental Budget Transfers, as presented. The members were polled:

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

The motion carried.

IN RE: ENHANCED RETIREMENT MULTIPLIER FOR QUALIFIED PUBLIC SAFETY EMPLOYEES

Before the Board for consideration was Resolution R-13-08 electing an enhanced retirement multiplier for qualifying public safety employees.

Human Resources Specialist Darla Stanley explained that the State required a minimum multiplier of 1.7% but localities had the option of increasing it to 1.85%. She indicated that the option was available last year but notice was not received by New Kent until shortly before the Board adopted the FY08 budget; however, she confirmed that the increase had been included in the recently adopted FY09 budget. It was clarified that this would apply to all public safety staff currently eligible for enhanced retirement benefits, with the exception of the Sheriff who was already covered under the higher amount because he received benefits through the State.

Mr. Sparks moved to adopt Resolution R-13-08 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	Absent

The motion carried.

IN RE: LAND EXCHANGE – QUINTON COMMUNITY PARK

County Administrator John Budesky explained that staff was seeking a consensus of the Board to move forward with a land exchange with Peter Sweet to facilitate the addition of a multi-use athletic court at Quinton Community Park. He indicated that the County property to be exchanged was an area that was of little use to the County and was adjacent

to property owned by Mr. Sweet, and the property to be obtained from Mr. Sweet was nearer to the parking lot and would provide a better location for the planned multi-use court. Mr. Budesky advised that the alternative location for the court would result in a decrease in the size of two existing youth soccer fields and would be some distance from the parking lot. He added that the proposed new location would allay some of the concerns of the neighbors about the court being close to the property lines and nearby residences.

It was reported that Mr. Sweet had agreed in concept to the exchange but had not yet reviewed the proposed deed or other closing documents. It was also reminded that the Board would need to hold a properly advertised public hearing at a future meeting.

There was a consensus of the Board to proceed with the proposed exchange.

IN RE: USING COUNTY PROPERTY IN SUBDIVISIONS FOR A COMMUNITY PARK

Mr. Davis advised that he had been approached by a homeowner in the Minitree Hill subdivision about the possibility of the residents in that subdivision using a portion of the County's well lot for a small park for the subdivision. It was reported that the residents would maintain the property and install any amenities. Mr. Davis advised that it was his understanding that, unless the County "cut part of it off", the Health Department would not permit the well lot to be used for any other purposes.

Public Utilities Director Larry Dame reported that the well lot in question was about one and a half acre and that the County needed only about a half an acre for its purposes. Mr. Dame did note that much of the well lot was in trees.

Mr. Sparks commented that it sounded like a good idea but was concerned whether the residents had funds or any idea what it would cost.

Mr. Evelyn stated he'd like to see a plan first.

There was discussion regarding the issues that could arise and there was consensus that the County Attorney would research the matter and determine if there was a homeowners association in place, and Mr. Davis advised that he would contact the resident again and obtain additional information.

IN RE: CAPITAL REGION WORKFORCE INVESTMENT BOARD

Mr. Budesky reported that he had been working with the Regional Workforce Investment Board (WIB) Task Force over the past year in an effort to create a regional WIB that would include the City of Richmond, who had its own WIB separate from that of the Capital Area Policy Board comprised of Charles City, Chesterfield, Goochland, Hanover, Henrico, New Kent and Powhatan Counties. He explained that several unsuccessful attempts at consolidation had been made over the past ten years. He noted that a combined WIB would significantly increase the amount of work training funds and grants over what was available to either WIB separately.

He advised that after much effort and hard work, the City of Richmond had agreed in concept to the consolidation and he confirmed that there would be no additional cost to New Kent over and above the annual fee currently paid. He cautioned that the proposal had to be approved by the legislative bodies of all eight jurisdictions before September in order to receive the federal funding, and he recommended that the Board agree to move forward with a public hearing on the matter.

It was reported that New Kent's current representatives to the Capital Area Policy Board were Mr. Evelyn and the County Administrator.

Mr. Budesky noted that although the proposal provided for a weighted voting structure, there had never been a weighted vote in the last ten years of the Capital Area Policy Board.

Mr. Trout asked about any working relationship between this group and the Richmond Regional Planning District Commission. Mr. Budesky explained that they had worked with the RRPDC in some areas but there was no established working relationship.

Mr. Trout suggested that the reference to *Robert's Rules of Order* in the draft Agreement be updated to the current edition.

Mr. Budesky explained that the WIB provided job training for those who were unemployed or low income, assisted with job searches, and also would provide job skills training requested by a new business.

He indicated that the new proposal could result in some satellite training and job assistance sites in the participating localities that were not currently available.

There was consensus to move forward to advertise for public hearing.

IN RE: PERFORMANCE STANDARDS FOR UTILITIES, TRANSPORTATION AND
TEMPORARY USES

Staff reviewed the proposed Performance Standards for utility, transportation and temporary uses and facilities which were scheduled for public hearing and adoption by the Board at its July meeting. Planning Manager Rodney Hathaway reported that the proposed changes reflected the requests made by the Board at a prior work session.

He reminded that the concerns had centered around administrative fees charged to non-profit and citizen groups; the requirement that carnivals, fair and festivals submit sketch plans drawn to scale; and the effects that the section on mobile food units would have on an existing hot dog stand in Providence Forge.

He confirmed that amendments had been made to waive the fee for non-profit and civic groups, and that the requirement for a sketch drawn to scale had been removed, but noted that the zoning administrator would be allowed to require a scaled or dimensional drawing if it was deemed necessary.

Mr. Hathaway indicated that as a result of the concerns expressed by the Board at a prior work session, staff had re-inserted the language that would create two classifications of mobile food units – the first being a "transportable self-contained food service unit" and the second a "stationary transportable self-contained food service unit" that would be permitted to locate adjacent to awnings or pole barns that had been approved by the building official.

Mr. Trout indicated that he had some "real concerns" and did not feel that it was appropriate for the County to create a classification for one business and further felt that Bill's Hot Dogs was more like a restaurant than a mobile food unit.

Staff spoke about the extensive time and work that had been expended in efforts to find a way to allow the hot dog stand to remain open.

Mr. Evelyn advised that it was his understanding that the owner of Bill's Hot Dogs was agreeable to moving his unit one time a year.

Mr. Trout advised that he was not comfortable creating a standard whereby similar business could set up elsewhere in the County. He stated that he felt that there were some other options, and he suggested that similar businesses might be allowed, on a year-to-year basis, to temporarily locate in areas designated for public water and sewer, but would not longer be permitted as a mobile unit once sewer became available.

Mr. Evelyn suggested that the County wait until there was a problem. Mr. Summers advised that was not an option and that if the ordinance was not adopted as presented, then the County would have no choice but to shut down Bill's Hot Dogs. He added that such action could also result in the County being accused of not being "business-friendly".

There was discussion regarding other remedies that might be available.

Mr. Sparks suggested that the Board proceed with the public hearing as scheduled and decide at that time.

Mr. Davis had questions about how the requirement for oil-water separating devices in all parking lots would affect the possibility of using a private parking lot (like the one at Angel View Church) as a "park and ride" lot. Mr. Summers advised that purpose of the regulations were to protect the environment, no matter who owned the lot; however, it was also confirmed that park and ride lots owned by the State would not be subject to County regulations.

IN RE: ZONING ORDINANCE AND ZONING MAP AMENDMENT

Planning Manager Rodney Hathaway reported to the Board on the current status of the zoning ordinance rewrite process, advising that the recent public hearing before the Planning Commission on the Zoning Map Amendment had to be continued to July 21 because of a power failure during its June 16 meeting. Mr. Budesky reminded the Board that this was merely an update and that no Board action was being requested at this time.

Mr. Hathaway reported that the proposal included replacing the B-1 and B-2 with the new *Business* classification; replacing the B-3 and M-1 with *Economic Opportunity*; and the M-2 classification with *Industrial*. He explained that in most instances, there was more flexibility in the new classifications compared to the existing ones, noting that in *Economic Opportunity*, multifamily residential units would be allowed with a use permit. He noted that there was only one instance where requirements under the new classifications were more stringent, and that dealt with lot size in the new *Business* classifications without public water or sewer. He noted that the lot size minimums in B-1 and B-2 were 15,000 square feet and 30,000 square feet respectively, and that the minimum lot size had been increased to one acre because in reality that was what would be needed to accommodate a well and septic system.

Mr. Evelyn noted that under the current zoning classifications, an owner of an M-2 parcel would be able to use the property for any of the uses permitted under B-1, B-2, B-3 or M-1, but that would not be permitted under the new *Industrial* classification. Mr. Hathaway confirmed that was true, pointing out that one of the County's most valuable resources was its industrial-zoned parcels and it was important that those parcels be reserved for industrial

uses and not retail uses, such as some of the convenience stores that had “popped up” in some locations.

Mr. Sparks asked about work on the *Village* classification and asked if there would be overlays. Staff reported that although that was the direction staff was heading, the decision had not yet been made by the Zoning Ordinance Rewrite Committee (ZORC). Mr. Sparks expressed his concerns that there might end up being some inappropriately zoned parcels in village areas.

Mr. Davis expressed his concerns that the County was rezoning property against the wishes of the property owners. Mr. Hathaway advised that they were meeting with and would continue to meet with any property owners who had concerns about the proposed reclassifications and if there was property that shouldn't be reclassified, then they would consider changing it.

Mr. Summers advised that many of the public comments made at the recent Planning Commission meeting involved confusion over the names – with people owning M-2 zoned property stating that they didn't want to be reclassified as *Industrial* when, in fact, the permitted uses were remaining the same and just the name was changing. He indicated that at the end of most discussions, concerned property owners were satisfied.

He reminded the Board that, legally speaking, it had the power to rezone property in the County and had, in fact, performed a comprehensive rezoning when it originally created the zoning ordinance and when modifications were later made in 1983.

Mr. Budesky clarified that the County was not trying to force rezoning on property owners but trying to obtain some alignment between land use and the Comprehensive Plan that was adopted in 2003. He indicated that staff would continue to work with the property owners, many of whom were happy with the additional uses they were getting. He also pointed out that businesses trying to relocate to New Kent had commented upon how difficult it was and staff felt that the reclassification would make it easier and the process less subjective.

Mr. Sparks expressed his opinion that any rezoning should be voluntary.

Mr. Trout asked if a property owner with A-1 zoned land that was proposed to be reclassified as *Economic Opportunity* opted out of the reclassification, would a future owner of that same parcel be able to have it reclassified at a later date. Mr. Hathaway advised that they would.

Mr. Hathaway distributed a list and map of all properties to be affected by the reclassification, noting that all property owners whose land was being reclassified as A-1 Agriculture were happy. Mr. Summers advised that after the recent Planning Commission meeting, he and Mr. Hathaway had “divvied up” the names of those who had expressed concerns and would be contacting them individually to review their concerns.

Staff clarified that these reclassifications applied only to business and industrial, and not to residential, with the exception of three parcels of County property that were down-zoned to C1, Conservation (property adjacent to Wahrani and the Airport). Mr. Hathaway advised that the ZORC's consideration of *Residential* and *Agricultural* classifications would not take place at any time in the near future.

It was noted that there were some parcels in the Bottoms Bridge Service District that were zoned A1, Agriculture that were proposed for upgrading to *Business*. Mr. Sparks asked for information on the current zoning classifications for those properties proposed for rezoning.

Staff confirmed that the matter would not likely come to the Board for Public Hearing until September at the earliest.

Mr. Davis stated that he remained concerned that residents would feel that the County was "telling them what to do" with their property.

Mr. Sparks repeated his concern about the village areas, stating that there may end up being some businesses in the villages that shouldn't be permitted and he'd prefer to wait until something was in place for villages. Mr. Summers advised that the village portion of the process was going to take at least one to two years to complete and that the proposed reclassification was a necessary intermediate step to implement the Comprehensive Plan, and would provide a foundation for the village portion. He indicated that should there be a business in a village area that shouldn't be there, the issue could be addressed. It was reminded that all of the villages would likely be different and have their own subcommittee.

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

IN RE: FISH TISSUE AND SEDIMENT MONITORING

Environmental Planning Manager Amy Walker reported that the Department of Environmental Quality (DEQ) would soon begin fish tissue and sediment monitoring in local waters in 2008 and she distributed information about the process.

IN RE: MANAGEMENT OF CLEARING IN RESOURCE PROTECTION AREA (RPA) BUFFERS

Environmental Planning Manager Amy Walker advised that in response to concerns voiced by the Board at a previous meeting, staff had made some revisions in the proposed amendments to the Chesapeake Bay ordinance.

She reviewed the proposed changes regarding noxious weeds, advising that the amendments would bring New Kent's list into accord with those in federal and state regulations, and had been approved by the Department of Conservation Resources (DCR).

She indicated that the Board had previously adopted a change in another section of the Code allowing installation of effluent filters on septic tanks, and that change also needed to be added to Section 94-39 (7) so that the two sections were compatible. She noted that many of the other changes were formatting in nature or for clarification.

Mr. Davis commented that there were "a lot of gray areas" where there was no jurisdiction by the Department of Forestry or any government agency, and the only remedies would be the Court system.

Ms. Walker reviewed the proposed language changes regarding permitted modifications in RPA buffer areas, noting that "woody shrubs" had been added to the vegetation which required a permit before pruning, and the option for "removal" was proposed to be eliminated.

Mr. Evelyn noted that "removal" was an option in the State's "guidance" and asked why it was proposed that New Kent's regulations be more restrictive. He also commented that this language would not have prevented the problem involving homeowners who had cleared buffer vegetation without a permit. Ms. Walker advised that the intent of the changes was to make it as clear as possible as well as to have the County's ordinances match those of the State.

Mr. Budesky asked if a property owner could clear or remove vegetation with a permit. Ms. Walker confirmed that they could, after field verification by staff.

Mr. Trout cautioned that "permit" had two different meanings: either having a permit or being allowed to do something.

Mr. Evelyn again asked if having any of these changes would have helped with the recent violations. Ms. Walker advised that they would have because some of the violators advised that they had looked at the County's ordinance and thought they had complied. Mr. Evelyn reminded that they never applied for a permit and he didn't understand how that would have helped. Ms. Walker advised that many of the sections in the County's Code including the 2:1 replacement rate were no longer valid. She also contended that the language changes would also help those applying for permits.

Mr. Budesky agreed that many of Mr. Evelyn's comments were valid and that it may be necessary to go through the proposed changes paragraph by paragraph. He also agreed that there were going to be those individuals who did not comply with the requirements but that the changes would help those who wanted to comply with regulations but may have been misinterpreting them.

Ms. Walker advised that she had been asked to meet with several homeowners groups and one of the difficulties encountered was that New Kent's ordinance did not match the State requirements.

Mr. Davis suggested that it might be simpler to just have the County's ordinance make reference to what was required by the State, rather than have its own specific language.

Mr. Evelyn again commented that some of the proposed requirements were stricter than what was required by the State. He pointed out that what was received from the State was "guidance" and not requirements. Ms. Walker maintained that DCR would compare a locality's ordinance to the "guidance" and she noted that most of what was received from the Chesapeake Bay Local Assistance Department (CBLAD) was in the form of "guidance". She further indicated that although New Kent was currently considered "in compliance", things had changed since that finding and that the State was again reviewing the ordinances in every locality to make sure they had been updated.

Mr. Trout asked if the State would cite a resident for violation of a regulation or enforce something in a "guidance" manual. Ms. Walker advised that the State would want the locality to act in that instance. Mr. Summer advised that the Courts would defer to the agencies' implementing regulations and "guidance" was not an implementing regulation.

Mr. Trout indicated that he had concerns that the local ordinance would be enforceable but not the State's guidance manual. Ms. Walker explained that the purpose of the guidance manual was to help citizens understand the regulations.

Mr. Evelyn commented that the Board did not have the entire ordinance before them. Ms. Walker advised that she had only provided those sections with proposed changes. She acknowledged that the proposed amendments "wouldn't stop the bad apples" but insisted that they would help clarify the regulations for the citizens and would give the County the tools it needed to enforce the State regulations and would conform New Kent's regulations to that of the State.

Mr. Summers suggested that the County needed some ability to enforce its ordinance and that without the ability to show conditions before a clearing, there was no way to prove that a violation had occurred.

Mr. Evelyn commented that there was a requirement that the County be notified when there was going to be any activity in an RPA and that he felt there was too much verbiage in the ordinance.

Mr. Budesky advised that the proposal before the Board was the result of a compromise regarding the need for an arborist to confirm that vegetation was dying prior to its being removed. Mr. Davis expressed his concerns that staff would be spending significant time out in the field looking at dead trees and commented that the County was "trying to make laws for the stupidest people".

Mr. Sparks asked how often staff was called out to a proposed RPA clearing site. Ms. Walker reported that in the last year, nine permits had been issued and there had been four sites with trees in decline. She again spoke about the misconceptions regarding the vegetation replacement rate.

Mr. Sparks suggested that the County's ordinance be changed to match the State's "and forget about everything else". He commented that education for clarification was preferable and that the matter was using up a lot of staff time.

Mr. Budesky reminded that staff was not asking for any action at this time and that staff would meet with Mr. Evelyn or any of the other Board members to address individual concerns.

There was discussion regarding the 20-foot building setback from the RPA buffer that was previously adopted by the Board. Ms. Walker reported that there were other localities, including Chesterfield, York, Henrico and Gloucester, who had similar setbacks from RPA buffers. She clarified that the setback was intended to apply only to the primary structure and that when New Kent's ordinance was last changed, the word "primary" was mistakenly omitted and it needed to be added back into the ordinance.

Mr. Davis stated that the setback should be eliminated, referring to it as a "taking". Mr. Trout disagreed, stating that the setback protected a homeowner's opportunity to have a back yard. Mr. Summers advised that the setback was not a "taking" in that the homeowner still owned the land and that it only prevented a home from being built too close to the RPA buffer. Mr. Davis disagreed, stating that with the recent changes in wetlands delineation, many property owners were being deprived of the use of their own land. Staff was asked to provide copies of maps showing the most recent RPA changes.

Mr. Sparks announced that he would be required to leave early for a business commitment and asked that the Board go into Closed Session earlier than planned so that he would be able to participate. The Board suspended its discussion on the subject of the management of clearing in RPA buffers until later in the meeting.

IN RE: CLOSED SESSION

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

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

The motion carried. The Board went into closed session.

Mr. Sparks moved to return to open session. The members were polled:

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

The motion carried.

Mr. Trout 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 Vice Chairman inquired whether there was any member who believed that there was a departure from the motion. Hearing none, the members were polled on the certification:

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

The motion carried.

IN RE: RECYCLING

Mr. Davis announced that Superior Disposal would soon be offering free weekly recycling pickup to its curbside collection customers in Brickshire and Patriot's Landing.

Mr. Sparks departed at 11 a.m.

IN RE: MANAGEMENT OF CLEARING IN RESOURCE PROTECTION AREA BUFFERS
(continued)

The Board resumed its discussion on this topic. Mr. Budesky indicated that staff was concerned about not meeting the State's guidance and reminded that there were some issues, including water quality. He agreed that there may be too much verbiage and he suggested that staff meet individually with the Board members to address their concerns before bringing the matter to the Board for adoption at a future meeting.

IN RE: WATER CONSERVATION PLAN

Assistant County Administrator Bill Whitley reminded that, in accordance with the Virginia Groundwater Withdrawal Act, New Kent was subject to regulations for any withdrawal of groundwater in excess of 300,000 gallons per day. He reported that staff had been working closely with DEQ on a Water Conservation Plan and once comments were received from that State agency, the proposed Plan would be brought to the Board for consideration, hopefully by the fall.

He spoke about a planned public information campaign, which would include working with homeowners' associations and other citizen and civic groups to educate the public on implementation of the Plan once it was in place. He advised that the Plan included water loss reduction, system demand reduction, water reuse, recycling, and drought contingencies.

Regarding water loss reduction, he advised that New Kent already had processes in place in the plumbing codes and utilities procedures. He reported that James City County had a similar plan in place, with a concentration on education. He advised that James City County reported only minimal enforcement efforts, which were handled through its police department. However, he added that in instances of blatant and willful violations, some enforcement would be necessary.

He spoke about some programs being considered by the Department of Public Utilities, including a retrofit program, audits offered to residents to identify water savings, discounted installation of water saving devices for all homes served by County wells, and replacement of defective meters. He noted that the current conversion from touch-read to radio-read meters would also help with conservation.

Regarding system demand reduction, he forewarned that staff would likely be asking the Board to approve an increase in the block user rate for maximum usages.

Mr. Davis inquired about increased fees for the usage of potable water for irrigation. Mr. Budesky advised DEQ deemed irrigation to be its lowest priority. It was pointed out that the County currently provided incentives and sometimes required residents to irrigate, and its ordinances may need to be amended. Staff indicated that they would be working to determine how to best manage and maintain water for business and residential use in order

to extend the life of the County's water supply and also to determine what uses were most important.

Mr. Whitley advised that they planned to include educational inserts with customer billing, as well as broadcast educational films and videos on the County's government cable station and have programs in the schools.

There was discussion regarding the recycling and reuse program for the larger water users. It was reported that the proposed grey water transmission pipe could be installed close to existing sewer pipes. Mr. Whitley confirmed that Brickshire was using all of the grey water that the County was producing and that Colonial Downs was looking for more. He indicated that the County would work to identify other large users and would remain committed to expanding the program, predicting that grey water could well become an important commodity for the County and would be an integral part of its Water Conservation Plan.

He spoke about drought responses and contingency plans, noting that the County Code already provided for emergency water situations.

Mr. Whitley advised that the Plan would need to be dynamic and that the County would learn as it went along as to what worked and what didn't. He reminded that mid-west localities had been dealing with water issues for a long time and their plans would be good resources. He spoke about the importance of keeping good records, tracking costs and determining what was efficient. He advised that staff hoped to have more definitive information to share with the Board by the late summer or early fall, and that he felt that the community would embrace the measures once they understood the Plan.

IN RE: LEGISLATIVE UPDATE

Mr. Trout provided information regarding some of the bills under consideration by the General Assembly during its upcoming special session on transportation. He reported that a bill regarding historic horseracing had been reintroduced by Senator Norment, but that the latest version would not bring as much revenue to New Kent as the prior version. He suggested that now was the time for the Board to adopt a resolution to convey its sentiments about transportation to the General Assembly. There was consensus that any such resolution should not be considered until all Board members were present.

There was some discussion regarding the fate of new subdivision roads and their acceptance into the State's maintenance program. Mr. Summers advised that in the event the State stopped accepting subdivision roads for maintenance, those roads, by default, would become common areas owned and maintained by homeowners associations or similar groups, which would likely lead to increased assessments.

IN RE: TRANSPORTATION: REVENUE SHARING

The Board discussed whether or not to apply to participate in FY09 Revenue Sharing. Mr. Budesky reported that the application deadline had been moved forward to August 1 and the Board could choose revenue sharing for a new project or to expedite projects that were currently on the Secondary System Six-Year Plan. He indicated that estimates for the "Candidate Projects" list had been requested but not yet received from the State. It was reported that the County had just over \$1 million for Revenue Sharing, but that no additional funds had been budgeted for FY08/09.

Mr. Davis advised that he would be interested in an estimate to improve Holly Fork Road/Route 600.

Following discussion, there was consensus not to participate in the FY09 Revenue Sharing program.

IN RE: ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 11:43 a.m.