

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 28TH DAY OF OCTOBER IN THE YEAR TWO THOUSAND EIGHT OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 8:30 A.M.

IN RE: ROLL CALL

Thomas W. Evelyn	Absent (Met the Board at the former middle school)
David M. Sparks	Absent
James H. Burrell	Present
Stran L. Trout	Present
W. R. Davis, Jr.	Present

The Chairman called the meeting to order and the Board members walked over to the former middle school for a tour of the main building, where Mr. Evelyn joined them.

IN RE: TOUR OF THE OLD MIDDLE SCHOOL

General Services Director Jim Tacosa led Board members, County staff, Library staff, Library Board and Foundation members, School staff, and the School Board Chairman on a tour of the main building of the former middle school. He explained that the main building was constructed in three different stages between the 1930s and the 1960s. He pointed out ceiling features and addressed load bearing capacity and possible renovations that could be performed to use the structure as a public library.

On the Board members' return to the County Administration building, they inspected new Fire-Rescue equipment -- Tanker 2 and an Emergency Shelter Trailer.

IN RE: USE OF THE FORMER MIDDLE SCHOOL AS A PUBLIC LIBRARY

Mr. Tacosa reviewed with the Board his findings from an inspection of the former middle school. He advised that since there were no available drawings, he and staff made their own and he asked for help in locating existing photographs that might confirm his findings regarding stages and times of construction and additions.

He indicated that because he had only estimated the load bearing capacity in different parts of the building, it would be necessary to have a structural engineer verify those capacities.

He stated that it would be his recommendation to remove the existing drop ceiling in the central area of the building and expose the original ceiling which he anticipated would need little repair. He added that he would recommend leaving the drop ceilings in the side sections in order to conserve energy.

He reported that should the building be renovated for use as a public library, it would be his proposal that it be built in phases or modules. He indicated that his plan would be to upgrade the main distribution panel to serve a modern heat pump system and service the entire finished project, with service panels being added as phases were completed.

Mr. Tacosa indicated that his proposal would preserve many of the historically significant features of the building.

He advised that the floors were hardwood that had been covered with linoleum, and it was his opinion that it would be more economical to install carpet as that was the standard floor covering in most libraries, rather than spend money to restore the original floors.

There was discussion regarding the existing stage/auditorium part of the building. Mr. Tacosa suggested that in the first phase, the stage area could be defined as a separate area by surrounding it with a railing and could be made handicapped-accessible with a wheel chair lift. Mr. Davis proposed that once the project was completed, the auditorium and stage area could be restored to their original function and used for community cultural events.

There was discussion regarding the ceilings, windows, heating/cooling systems, and insulation. Mr. Tacosa reported that they had found evidence of only one leak in the roof, which was in the area where the buildings joined.

Mr. Tacosa confirmed that his study had focused only on the main floor, but he felt that reported water problems reported in the basement could be addressed with some grading and downspout work. He confirmed that he found no structural damage to the building.

He indicated that he did not anticipate any abatement needed for the main floor but predicted considerable abatement in the basement. He suggested that the surfaces that contained lead paint should be encapsulated and then covered over.

He reported that it was his estimate that it would cost around \$380,000 during year one of the first phase, and \$400,000 for year two, but reminded that the first two years would be investments in infrastructure for the future. His estimate for the total project was \$1.057 million. His timeline for the project was 2009 through 2012.

Mr. Budesky thanked Mr. Tacosa for the study and his efforts. He reminded the Board that the primary consideration was funding and that in order to undertake this project without any borrowing, other projects would have to be deferred. He commented that this "may or may not be the year to begin this project" and acknowledged that the layout suggested by Mr. Tacosa could certainly be modified. He stated that the Library Board wanted a 20,000 square foot building but also wanted the County to pay for a significant part of it. He indicated that the Board of Supervisors needed to decide if it would rather have the Library in the former middle school or in a new building behind the post office, or even somewhere else, and then have the discussion on how to pay for it at a later date. He added that the County could do the project or could give the space to the Library and let them do it themselves.

Mr. Davis asked about using the Public Private Education Act (PPEA) whereby a private contractor could do the project and receive some kind of a tax credit. Mr. Budesky indicated that there might be some different criteria for historic buildings but reminded that whatever was chosen would come at an additional cost to the County. He suggested that an analysis was needed to determine if the former middle school was the right space for a library and whether there was support for that location from the Library Board. He spoke about the potential need to address problems in the basement.

Mr. Davis commented that he would like to see the facility used for a public purpose and felt that a public library would be a good fit.

Mr. Evelyn stated that the longer the building sat empty, the worse its problems would become and he commented that the Library Board could not "do it on their own".

County Attorney Jeff Summers suggested that he prepare a presentation for the Board reviewing the different aspects and funding possibilities under PPEA so that Board members would have additional information with which to make a decision.

Mr. Burrell indicated that the first thing needed was a decision from the Library Board. Library Board of Trustees member Susan Brucker stated that their Board had been of the opinion that new construction behind the post office would have been better suited for a 20,000 square foot facility, but because Mr. Tacosa's proposal with a phased approach was "so radically different", she would like to for it to be presented to the Library Board for its input. Mr. Budesky commented that at some point the Library Board would have to decide whether it wanted to accept the Board's preference and support, or to move forward on its own.

Mr. Evelyn advised that he was more comfortable with the phased-in proposal for a library at the former middle school.

Mr. Davis stated that he felt it was a good location and would blend in with the rest of the Courthouse campus, and commented that the County was going to have to spend money on the building even if it sat empty. He predicted that fundraising efforts would be more successful and that it would cost less than a new building.

Mr. Burrell advised that he liked Mr. Tacosa's proposal.

Mr. Trout stated that it was good to know that the building was basically sound and could be restored, especially in light of its historic significance. He solicited any reliable information that might be available regarding when some of the additions were made to the building to assist in another project in which he was involved. Dr. Geiger suggested that School Board member Terri Lindsay would be a good resource for that information.

Mrs. Brucker asked if there was going to be a letter from the Board of Supervisors to the Library Board of Trustees detailing specifically what funding would come from each Board, or was the Board of Trustees being asked whether or not it would agree to this particular design of the project. Mr. Budesky clarified that if the Board decided that it preferred the former middle school as a library site but the Board of Trustees wanted to proceed with a new building instead, then there had to be an understanding that there may not be future support from the Board of Supervisors.

There was discussion regarding the lease payments on the current temporary space.

Mr. Trout stated that he felt that the latest proposal was a good idea but was concerned about the non-availability of funding in the current economic conditions. Mr. Evelyn commented that if the Board designated the space, then it would give the Library Board time for fundraising.

There was consensus that the Board would wait until it received a response from the Library Board of Trustees as to its opinion on Mr. Tacosa's proposal before any further action was taken.

Following further discussion, it was agreed that Mr. Tacosa would meet with the Library Board of Trustees at its November 10 meeting, and then representatives from the Library Board would respond to the Board of Supervisors at its meeting on November 12. Mr. Summers added that he would provide the Board with an update on PPEA options at that

meeting as well. Mr. Budesky reminded that the Board would not have to make any funding commitment at that time if it didn't want to.

IN RE: FIRE-RESCUE UPDATE

Fire Chief Tommy Hicks reviewed changes in the Fire-Rescue Department during his two years as Chief, as well as plans for the future.

He advised that since implementation of their new website, they had received eighteen new volunteer applications, with a mix of experience levels. He explained that the website had been developed to be a mechanism for members as well as for residents to obtain updates on both programs and in emergency situations.

He reviewed the structure of the organization which included Life Safety, Emergency Medical Service (EMS), Technology, and Operations, and described the make-up and staffing of each.

Chief Hicks reviewed plans for proposed new fire station locations, which he explained were developed with a goal to better serve the community and to provide homeowners insurance premium savings to residents by improving Insurance Services Organization (ISO) ratings. He indicated that future Station 5 would be located on land proffered by the Farms of New Kent located in the vicinity of the Visitors Center. He reported that it was hoped that Station 2 could be relocated to the Bottoms Bridge area which would allow for easier and faster access to I-64, Rt. 249 and Rt. 60, and that he continued to work with a developer on that plan. He added that until Station 5 was in place, they would keep a unit at the current location of Station 2. He advised that Station 4 was proposed for the Lanexa area.

He spoke about a partnership under consideration with Hanover County, where New Kent would provide an ambulance (from the reserve fleet) to Station 12 in Hanover that was staffed with Hanover career personnel who would provide service to residents in New Kent's Black Creek area. He indicated that with the Board's approval, they would try this on a three month trial basis, beginning in January 2009. He advised that a similar partnership to provide coverage in Barhamsville was possible with James City County once that County established a fire station in Stonehouse. He advised that this approach was the first of its kind in Virginia.

He reported that based upon information obtained from a nationwide insurance underwriter, establishment of these new service areas would result in significant savings for residents in the neighborhood of \$189 - \$328 per household, because of reduced homeowners insurance premiums. He advised that the collective annual savings in the Black Creek area was estimated at \$770,000, in Lanexa \$258,500, and in Barhamsville \$168,000. He noted that those figures did not include the savings to be realized by business and commercial establishments which could be significantly higher.

Mr. Burrell asked if there were any grants or Homeland Security funds to help support a regional operation. Chief Hicks advised that he did not know but felt that a regional application would be given more consideration than one from a single locality.

Mr. Burrell asked if a tax district could be set up to help pay it. Mr. Budesky reminded that this would be an insurance savings for the homeowner, and that after the three month trial period ended, the County could look at what was being collected on revenue recovery and determine if it was enough to pay for staffing, and that way it would be cost neutral to the County.

Chief Hicks agreed, explaining that they had realigned their fleet based upon development, construction, water availability and hydrant locations. He indicated that most of their units were between twelve and fifteen years old with low mileage and that in many instances it made more sense to repair than replace them. He stated that the existing five fire engines were sufficient to cover the three current stations, with one for Lanexa and one in reserve or for placing at another station.

He reported that an ambulance was driven about 100,000 miles per year, and spoke about the advanced medical procedures that were now being performed. He indicated that New Kent's ambulance fleet had grown from three to six in the last two years.

He advised that squad units were now based at both Stations 2 and 3. He also predicted a future need for a ladder truck, which would become a necessity as growth and density increased, and reminded that the apparatus could also be used for extractions in flood-prone areas. He estimated that the cost of a ladder truck was in the neighborhood of \$1.1 million.

Chief Hicks spoke about special events staffing where they been able to raise \$86,500 in new revenue. He reported that revenue received for every hour that they staffed a special event provided one free hour of coverage for citizens. He indicated that their improved staffing capabilities had resulted in improved response time, which he attributed to the increased use of part-time staff and increased mark-ups by volunteers. He explained that they had determined the busiest days of the week and busiest times of day and had shifted schedules to better meet demands.

He reported that volunteer coverage was strong and that staff members were working an average of 56 hours per week. However, he admitted that they remained insufficiently staffed to fight fires and were not meeting national standards for Occupational, Safety and Health Administration (OSHA) or ISO standards.

He spoke about emergency response and sheltering, which included the Community Emergency Response Team (CERT) in Brickshire and the recent acquisition of a sheltering trailer, acquired through a health department grant, that could care for up to 500 people within a 24-hour period with heater meals and bottled water until outside sources could be received.

Chief Hicks reviewed the steps that had been taken in emergency planning, which included equipping County 4-wheel drive vehicles so that they could be used for debris removal and assessments. He described the links with various outside agencies, including Dominion Virginia Power that would provide information on the extent of power outages.

He advised that the building that previously housed fire station 1 on Olivet Church Road had been converted to Station 8 and was being used for training and logistics, thanks to supplies and storage shelving received through the Virginia Air National Guard.

He spoke about the interstate lane reversal plan and how it was important to declare a County emergency ahead of time so there would be opportunity to get resources in place.

Chief Hicks commented on increased calls and work load, reporting that there were 1,294 EMT runs made in the County during the past year.

There was a discussion regarding tower sites for County emergency communications equipment. Chief Hicks advised that they were continuing to look for a better site in Bottoms Bridge and talked about the poor coverage in Providence Forge, which he described as a "geographic bowl". He indicated that he hoped that there would be a solution within the next eighteen months.

He advised that the existing tower on the County Administration Building was overloaded and that he was hoping to remove it and relocate the equipment to a new tower which he hoped could be built close to the Courthouse with grant funds.

Chief Hicks spoke about planning for future needs, which he envisioned to include a trunking system that would handle all County communication needs, including schools and public utilities as well as public safety. He clarified that he was not recommending that system at this time, reporting that it would cost between \$10 million and \$15 million. He noted that several surrounding localities were upgrading their equipment and as they built out around New Kent, it would provide opportunities to co-locate County equipment on their towers.

He talked about service demands and challenges that were resulting from growth, including new construction methods and materials, increased density, and an increased demand from age-restricted developments. He educated the Board about "concierge services" -- a new subscription-based program being adopted by some medical offices which he predicted would reduce the public's access to routine medical care and increase the burden on emergency services.

He indicated that he would be asking the Board in the spring to approve two new firefighter positions to provide special event services which would have no impact on the County budget. He advised it took six-full time employees to staff an ambulance 24 hours a day, 7 days a week, and because the County currently only had five, he would be asking for an additional person to fill that void, to be paid for with revenue recovery funds.

He added that they were still in the process of evaluating the third-party billing system for revenue recovery. He noted some recent problems with data entry which had decreased the recovery percentage and that they were considering in-house billing as an alternative, but that they would continue to review the situation in the short term to see if it improved.

Regarding a fire station in the Lanexa area, Mr. Trout reported that there were interested area residents. Chief Hicks advised that he had a fire engine and an ambulance but needed a site that could house them. He confirmed that he had discussions with the owner of Rockahock Campground who was considering offering a temporary space until a permanent location could be found.

Mr. Davis asked about the timetable for a fire station at Stonehouse. Chief Hicks reported that he felt that James City would be doing that within two years.

There was discussion regarding the significant decrease in the calls for mutual aid.

The Board members thanked Chief Hicks for the informative presentation and all of the accomplishments of his department over the past two years. There was consensus to proceed with the proposed three-month trial partnership with Hanover County.

IN RE: GRANT SUMMARY

Mr. Budesky reviewed a summary distributed to the Board, outlining the various grants in which New Kent was participating, which totaled just over \$4.1 million, noted to equate to roughly 16 cents on the real estate tax rate.

There was discussion regarding local matches for some of the grants, including the Plum Point CDBG grant and the Hook a Kid on Golf Grant. Parks & Recreation Manager Kim Turner advised that 20 children from low to moderate income households participated in the youth golf program. She advised that 35 applications had been received, five of which did not meet the household income guidelines and ten that met the guidelines but had no funding.

IN RE: STRATEGIES TO DEAL WITH THE STRUGGLING ECONOMY

Mr. Budesky indicated that staff had been asked to look at some ways to deal with shortages that might result from the current economic downturn. He emphasized that although the County's financial situation remained strong, there were some uncertainties and that the real estate collection rate would not be known until January. He advised that a list of options had been developed to conserve funds in the short term and had the potential to become directives in the future, and he passed out to the Board a copy of a proposed press release to be distributed later in the day. Chairman Burrell read the press release into the record:

"Even though the economic condition of New Kent County government remains strong today, the Board of Supervisors will act to reduce the potential financial impact of the uncertain national and regional economy that has affected our residents as well as the Commonwealth's budget difficulties.

The New Kent County Board of Supervisors has directed the Administration to implement the following measures:

- *Develop strategies to alleviate the impact of state cuts in local funding or shortfalls in other projected revenue.*
- *Allow vacant positions to remain unfilled unless the position is critical to the safety of our citizens or crucial to the operations of New Kent County.*
- *Immediately transfer unspent FY09 training funds into a Contingency account; review requests on a case-by-case basis and distribute the funds with priority given to certifications needed to keep licenses, accreditations, as well as any training deemed beneficial to County operations.*
- *Evaluate one-time funding for discretionary items such as furniture or equipment for possible deferment.*
- *Evaluate current Capital Projects for potential deferment.*
- *Implement an incentive program that solicits employees' ideas for conserving energy, cutting costs, or becoming more efficient to assist the County in saving money.*
- *Use the County's Finance Committee, which involves citizen input, to analyze and assess expenditures and recommend future efficiencies.*

New Kent County is in a strong financial position. The Administration will continue to conduct internal audits and monitoring to ensure the minimum possible tax burden for the citizens of New Kent County. The Board of Supervisors will act to keep the County's finances stable through these challenging times."

IN RE: WATER CONSERVATION PLAN

Public Utilities Director Larry Dame and Assistant County Administrator Bill Whitley reviewed the proposed Water Conservation Plan ("Plan") which they indicated was a requirement

from the Department of Environmental Quality and would require adoption by the Board at a future date.

Mr. Dame advised that the goals of the Plan were to conserve water and minimize the impact to the County citizens. He spoke about water loss reduction methods, many of which were already in the County's Code, dealing with water saving fixtures, leak detection and repairs, irrigation meters, and lower pressure.

He indicated that a Water Audit was needed to determine the extent of any water loss and the causes, which could include leaks, defective meters, theft, construction use, or fire department use.

He advised that the County's meters were fairly new, but when they reached a certain age (10 – 15 year life span) they would become inaccurate and would need to be replaced.

Mr. Dame stated that water rates were the best way to reduce demand and he would be asking the Board to change its current decreasing rate structure to either a uniform or increasing rate. He noted instituting a summer rate structure would also help to discourage irrigation.

He suggested a change from quarterly billing to bi-monthly billing, pointing out that it would be easier on the customer and would also give an earlier opportunity to respond to and repair leaks which would minimize water loss and the resulting monetary loss to the customer and County.

He spoke about water use education and plans to meet with homeowners associations (HOAs) and arrange for programs in the schools, as well as use the government cable station and website to increase public awareness about conservation.

He indicated that he would also be meeting with HOAs, industry, commercial, schools, builders, and developers on water savings opportunity through the use of smart irrigation and water saving devices.

Regarding recycling and reuse, he noted that New Kent already required car washes to recycle their water and the County was considering developing and expanding its reuse program wherein effluent from the wastewater treatment plant would be distributed to local golf courses and businesses for irrigation uses.

Board members inquired about a reported overflow incident at Brickshire. Mr. Dame reported that on a recent day, the golf course neglected to turn on its irrigation system at a time when reuse water was being sent to them, which caused an overflow. He indicated that the problem had since been solved and should not reoccur.

He advised that part of the Plan included a Drought Response Contingency Plan. He spoke about having the ordinance tied to the State Climatology Office, but reserving the Board's authority to make decisions. He advised that it would include voluntary conservation, mandatory conservation, water rationing, and special measures including a restriction on connections.

Mr. Dame advised that there would be monitoring of the program and recordkeeping on the impact of conservation, cost savings, and customer acceptance.

He indicated that the Plan would require some amendments to the County's Code and he reviewed some of the implementation strategies that would be included.

He advised that he would be looking for the Board's approval of a new rate structure and bi-monthly billing in the upcoming budget cycle. He noted that the Plan had been approved by DEQ but would remain a draft until it was approved by the Board of Supervisors.

He noted that the proposed conservation measures would also be beneficial to those on private wells.

There was consensus to consider approval of the Plan as part of the Consent Agenda at the November 12 meeting.

IN RE: LEGISLATIVE AGENDA

Mr. Summers reviewed the proposed FY09 Legislative Requests with the Board. He noted that several of the requests entailed adding New Kent to an existing list of localities that were permitted to do something, in which cases a super majority would be required for them to pass. Those included authority to require mandatory connections to water and sewer systems, regulation of well construction and well water quality, authority to impose liens for water and sewer charges, and the ability to require screening of automobile junk yards.

He reminded that New Kent was the only county in the State that was allowed to have a development agreement; however, that authority was limited to parcels of 1,000 acres or larger. He indicated that there were few 1,000 acre parcels remaining in the County and that New Kent would again ask that the parcel size be reduced to 25 acres, which was the minimum size that qualified for a Planned Unit Development. There was discussion regarding previous bills that dealt with proffers and impact fees, which had been deferred for study and would be discussed again next year. Mr. Summers suggested that New Kent's request might have a better chance of passing if every county were permitted to have development agreements.

Mr. Summers noted that there were additions to the Legislative Requests that dealt with requiring presentation of credible evidence to challenge a tax levy and promoting of citizen confidence in the fairness of a real estate assessment, precipitated by the filing of a petition by a citizens group in a challenge to the recent reassessment. He advised that under current State Code, the Commonwealth's Attorney was required to file a petition with the circuit court whether or not he believed there was a good faith basis for proceeding, and that this was the only statute that took away a prosecutor's discretion. He noted that the proposed change would require presentation of credible evidence and would only be about the levy and not the assessment, which was what the Courts had held in recent rulings. The other issue dealt with assessments, and he reported that "fair market value" had never been defined in the Code of Virginia and he would propose to add the definition that was used by the federal courts. He pointed out that the amendment would also require that the reassessment be reviewed by the State Tax Department using standard statistical measures including assessment to sales ratio, coefficient of dispersion, and price-related differential showing more than one standard deviation from the mean. He noted that this would allow any elected body to determine whether a reassessment was statistically valid.

He advised that there was also a request for library funding, as well as opinions on other general issues.

In summary, he encouraged the Board members to individually contact the State legislators and ask for support, especially on the requests that dealt with utilities and reassessments.

There was consensus to support the proposed Legislative Requests as presented. There was discussion regarding meeting with legislators as well as sharing the information with surrounding localities and regional entities.

IN RE: ADDITIONAL MEETINGS

There was discussion regarding the need for a joint meeting with the School Board on the upcoming budget and reuse of the former middle school, which staff was asked to coordinate.

Mr. Budesky indicated that there had been some interest expressed about a joint tour of Eltham businesses by the Board and the Economic Development Authority, with the thought that tours of other areas could be scheduled in the future. It was agreed that staff would determine a mutually agreeable date for the first tour and then, depending on how that one turned out, future ones could be planned.

IN RE: ADJOURNMENT

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

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

The motion carried.

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