

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 25TH DAY OF NOVEMBER 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	Present
David M. Sparks	Present
James H. Burrell	Present
Stran L. Trout	Present
W. R. Davis, Jr.	Present

Chairman Burrell called the meeting to order.

IN RE: HERITAGE LIBRARY

County Administrator John Budesky reviewed that at a prior meeting, the Board had been presented with an option of renovating, in stages, the first floor of the historic building at the former middle school for use as a new home for the Heritage Public Library. He indicated that the option had since been presented to the Library Board of Trustees. He reminded that the Board was scheduled to meet with the School Board on December 2, at which time allocation of space in the former middle school facility would be a topic of discussion, noting that a public library had been one of the uses under consideration for that facility. He advised the Board members that they could choose to allocate space to the Library pending execution of the deed, or could wait until after their meeting with the School Board. He emphasized that this was not a discussion about financial commitment but only about allocation of space, and that the Board would not be assuming any financial burden at this time. Mr. Budesky added that the Library was facing another challenge with the retirement of its long-time librarian, Alan Bernstein, in January 2009. Both Mr. Bernstein and Susan Brucker from the Library Board of Trustees were present.

Ms. Brucker reported that after careful deliberations, the Library Board of Trustees had unanimously voted to endorse the historic middle school renovation project as the future home of New Kent's branch of the Heritage Public Library. She stated that their Board was grateful for the County's commitment and they looked forward to working with the County to move the project forward. She explained that their "bottom line" was to provide services to the public and that in their current temporary space of 4,000 square feet, they did not have the ability to provide the services and programs that they would like. She reported that there had been a lot of questions and they had worked hard to involve the entire Board of Trustees as well as members of the Foundation, and that she felt that all questions had been answered to everyone's satisfaction, and that there were no reservations on the part of the voting Board members once all of the information had been provided.

Board members expressed their support of using space in the former middle school as a public library, but indicated that they would like to wait until after their meeting with the School Board to formally allocate the space. Mr. Budesky again reminded that funding was a discussion for a future time, and that the County would have to decide how to actually handle the project – whether to renovate the space and then give it to the Library, or give the space to the Library and have them do the renovations.

It was noted that other localities had made similar uses of former school space, and Ms. Brucker indicated that Architect Sarah Barber was familiar with some of those projects and would be a good resource.

The Board members wished Mr. Bernstein well on his retirement.

IN RE: ALTERNATIVE ENERGY SOURCE

General Services Director James Tacosa and Maintenance Supervisor David Bednarczyk reviewed with the Board their cost-saving idea of installing waste oil furnaces in select County buildings which will be fueled by waste oil collected at the refuse sites. It was reported that New Kent collected 14,000 gallons of waste oil in the past year, which would be sufficient to power up to 14 units on a 120-day heating cycle. Staff advised that the units would run off of anything, including transmission fluid and used cooking oil, and were EPA and UL rated. Suggested possible locations for these units were the Vehicle Maintenance Facility and the Public Utilities shops, as well as in concert with the heating system in the former middle school.

There were concerns about emissions. Mr. Tacosa advised that these units burned as clean, if not cleaner, than standard furnaces. It was reported that under the current program with Central Virginia Waste Management Authority, only a portion of the waste oil was recycled, whereas 100% would be used in the waste oil furnace units. It was also clarified that the units were designed for interior installation and some could be connected to duct systems.

Mr. Budesky indicated that even if the County retrofitted some of its furnaces with these units, there would be a savings. Mr. Davis commented that the Vehicle Maintenance Facility would be a perfect place to start, since they recycled used motor oil there anyway. Mr. Tacosa agreed, stating that they would not have to tear out the new propane system but could leave it for back-up and use the waste oil furnace as primary.

Mr. Burrell noted that with some advertising to the citizens about the project, more household oil would be brought to the refuse sites. Staff reported that the units also ran on regular heating oil in the event that there was a problem with getting waste oil.

Mr. Tacosa predicted a return on investment in less than two years.

There was consensus among the Board members for staff to work on a plan to move forward and thanked Mr. Tacosa and his staff for continuing to come up with ways to increase efficiency and save money.

IN RE: RECYCLING

Mr. Davis suggested that the Board consider adopting a resolution requiring mandatory recycling for County-owned buildings. He reported that the Clean County Commission had been trying to work with the Schools on a recycling program, with little luck. Mr. Budesky indicated that it was his understanding that the Schools had made a commitment to begin some kind of a program on January 1, but that discussion of a further commitment backed by a resolution was not a bad suggestion.

Mr. Davis commented that the County had talked about green initiatives and but was still spending a million dollars a year on trash disposal. He predicted that there would be mandatory recycling in the future and stated that if the County was going to take a stand, it

needed to take the lead and start with County buildings, to include the schools. He indicated that he had asked Mr. Tacosa to look into it and come up with some suggestions and costs.

Mr. Burrell noted that the market and prices for recycled goods had dropped but that the County would still save money on landfill tipping fees, and that less trash disposed of at the landfill would result in less methane gas polluting the environment.

Mr. Sparks remarked that recycling was already being done in the County government buildings. Mr. Davis commented that he felt that there was a lot of paper not being recycled in the schools, but that he wanted to see what Mr. Tacosa came up with before moving forward with mandatory recycling.

County Attorney Jeff Summers advised that the simplest way to mandate recycling was by resolution but it was important to be able to control the operation and there would likely be budgetary restrictions.

The Board members agreed to wait for Mr. Tacosa's report, which would include prices from recycling vendors.

Mr. Sparks stated that he felt residents were doing a good job of recycling, noting that the bins stayed full. He did observe that there was little signage at the refuse sites that promoted recycling and he felt that the County, working with the Clean County Commission, could do a better job with that. Mr. Tacosa agreed that recycling had increased and that the County was struggling to meet the demand. He advised that he would put a process together to cover the County buildings for the Board's consideration.

Mr. Burrell noted that although New Kent continued to rate high in recycling among the localities in the CVWMA, statistics reflected that only one in four households recycled.

Mr. Budesky advised that staff would continue to work with the schools and do some research. Mr. Davis suggested checking to see what other localities were doing.

There was a recommendation to include recycling on the Agenda for the upcoming joint meeting with the School Board.

Mr. Tacosa talked about his department's efforts and their goal to reduce the number of pulls by one-half, which included the crushing of plastics and compacting cardboard boxes.

Mr. Sparks asked that Mr. Tacosa determine what it might cost to provide seasonal leaf pick-up in some of the neighborhoods, similar to what was offered in other localities. Mr. Budesky reminded that those localities had public works departments and equipment, and that New Kent would have to contract out for those services. Mr. Bednarczyk noted that there were open-top containers at the Route 612 refuse site for yard debris from fall and spring cleanups, and that all sites accepted bagged leaves. Mr. Trout reported that he felt those containers were hard to use because the debris had to be lifted up and over the sides, and asked if a brush disposal site had been located in the western end of the County to better serve those residents. Mr. Tacosa indicated that they had not located another site, adding that they had received no complaints from residents about driving to the Stage Road brush disposal site and that another site would be an additional cost center for the County. It was reported that every vehicle using the brush disposal site was identified and it appeared that residents from the western end of the County were using the site, and that there had been only one complaint reported about the location. Mr. Trout advised that he

would be interested in seeing the data and Mr. Tacosa advised that he would provide the statistics for the year.

IN RE: PARK ORDINANCE

Parks & Recreation Manager Kim Turner reviewed a proposed ordinance with the Board that would formalize rules for the County parks, which would become a part of the County Code and would be able to be enforced by the Sheriff's Office. She indicated that she had worked with the Sheriff's Office and the County Attorney in drafting the proposed ordinance, which would apply to Wahrani Nature Trail, Quinton Community Park and Quinton Community Center and would outline operations, conduct, and restrictions.

There was discussion regarding hours that the parks would be open. Mr. Trout expressed his concern that "open daily" would require the parks to be open even when they were required to be closed for some reason. He suggested that removing the word "daily" would address that concern.

Regarding the restriction against animals at the parks, Mr. Davis had questions about the definition of "companion animal". Mr. Summers explained that they had used the definition from the State Code from the prior year, as the definition had been deleted from the current State Code when the vicious animal statute was revised. He pointed out that the definition would only apply to this section, Chapter 47, and would not be applicable to any other sections of the County Code.

Mr. Sparks expressed his concern about children of certain ages not being able to play at the park without an adult. Ms. Turner explained that there had been some problems with young children at the park without adult supervision, and that the Sheriff's Office needed to be able to enforce that. Mr. Sparks advised that his concern was that there may be children who want to come out and play on the equipment but wouldn't be able to because both of their parents worked. Ms. Turner advised that she'd be happy to re-evaluate the age restrictions but that they were the typical age restrictions for most parks. Mr. Summers added that there needed to be something in the Code for the Sheriff to enforce if there's a problem with mischievous children. Mr. Trout stated that he understood the concerns but noted that the way the proposed ordinance read, there could be a lot of children and just one adult and that would be acceptable.

Mr. Summers advised that the Board members might find some odd phrasing in the section that dealt with weapons, noting that the County could not regulate against carrying a gun in a park but would prohibit any other weapon as defined in the State Code.

Mr. Trout asked if bingo would be permitted at Quinton Community Center. Ms. Turner advised that gambling of any type was prohibited. Mr. Budesky reminded that alcohol was permitted at Quinton Community Center with an ABC permit.

Ms. Turner advised that she would work with the County Attorney to address the concerns regarding age restrictions without adult supervision, and the suggestions regarding the word "daily". There was consensus among the Board members to proceed with advertising the Park ordinance for a public hearing at a future meeting.

Ms. Turner reported that in working with Clean County and advertising the "adopt a park" program, they had been able to find a local group to handle recycling at the parks, beginning in January.

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

IN RE: GOVERNOR'S COMMISSION ON CLIMATE CHANGE -- INTERIM REPORTS

Community Development Director George Homewood and Environmental Planning Manager Amy Walker briefed the Board regarding the Governor's Commission on Climate Change, and distributed copies of interim reports from the various working groups. Mr. Homewood advised that the final report had not yet been issued but he wanted to update the Board on the developments so that it could be prepared. He explained that implementation could take place in several different ways. He noted that some initiatives would be required to go through the legislative process and would be effective July 1 or later. He indicated that others could be done through the regulatory process, which normally entailed a fiscal analysis and public hearings, and would take about six months. He added that the third way, which was the one of most concern, was by Executive Order which could come faster than what most localities were used to and could affect the way that New Kent did business. He explained that those could be things like purchase requirements for only vehicles with certain standards, or the requirement to acquire or lease only buildings that met certain standards.

He reported that the Governor had developed four separate work groups, each group dealing with different issues such as sequestration, electricity, transportation and land use, and that each group had compiled draft recommendations.

There was discussion regarding the Human Services building and whether it would qualify for Low Impact Development Design (LIDD) designation. Mr. Budesky advised that some but not all of the components of the building met LIDD standards.

Mr. Burrell talked about other things that the County had done to save energy, including motion-sensitive light switches in the restrooms. Mr. Trout asked if waste oil furnaces were on the list. Mr. Homewood indicated that the list was long and voluminous and that he would imagine that the furnaces would qualify unless there was some problem with emission standards.

Mr. Homewood advised that there had been a lot of discussion about tax credits and some discussion "going the other way", by making it more expensive to do the wrong thing and less expensive to do the right thing, which might include having a lower sales tax on energy-efficient appliances. Ms. Walker added that increasing prices made people conserve.

Mr. Homewood indicated that many believed that since Governor Kaine had been unable to do anything about transportation during his term, then he would choose climate change as his legacy and would be very active on those issues throughout the balance of his term.

Mr. Budesky reminded that it would cost localities to meet these new state regulations and it may have a real implication on New Kent. He reminded, for example, that it was not effective for the County to purchase hybrid vehicles because the vehicles were replaced before the break even point. Mr. Summers added that because of changes to the State purchasing contract, New Kent might be forced to buy something that it wouldn't otherwise have bought, and that it may not have any control over that.

Ms. Walker advised that there was awareness on the State level that some of these recommendations were "knee jerk" reactions and were only considering the short term.

Board members thanked staff for the update, with Mr. Sparks suggesting that, in the future, it might be more cost effective to put the information on a disc rather than printing it out.

IN RE: FEMA FLOODPLAIN MAP UPDATE

Staff reported on a recent meeting with FEMA officials regarding errors in updated floodplain maps. Mr. Budesky commented that it was apparent that the FEMA staff did not want to hear about the errors that were pointed out to them.

Mr. Homewood explained that FEMA was updating floodplain maps across the country by creating maps that were GIS compatible, had better information, and were a better reflection of floodplains, and that New Kent was one of many localities in Virginia undergoing the process. He indicated that the floodplain maps were supposed to be based on flood studies, detailed engineering, and hydrological studies of all basins that had potential to flood. He reported that the current study was from 1990 and was based on work done between 1985 and 1988 by the Army Corps of Engineers, with a little bit of update in 1993. However, it appeared that FEMA had used that same data for the 2008 floodplain maps and had not taken into consideration all of the additional impervious areas developed in New Kent which had dramatically increased runoff (which leads to flash flooding) and had not included the areas that were affected by flooding during recent hurricanes and nor'easters. He stated that he was concerned that the new maps would give New Kent's citizens a false sense of security and, as a result, they would not purchase flood insurance. He noted that across the country, most flooding damage occurred outside of designated floodplains and that some banks and mortgage companies were getting more demanding about requiring flood insurance from their customers. He reminded that homeowners insurance does not pay for flood damage. He did state that because New Kent was able to provide FEMA with 2007 topographic information, the new maps were more accurate than the previous maps because they did a better job of coming up some of the stream channels.

Board members reviewed the maps, noting the numerous flood-prone areas that were not included. Mr. Homewood invited them to help with annotating the maps.

Mr. Budesky suggested that the County had two courses of action – point out the errors or reject the maps. Mr. Homewood advised that staff had one set of annotated maps which he was working on with the Sheriff's Office and Fire-Rescue, which he would send to the consultant and then submit to FEMA as additional information to be considered. He indicated that FEMA would then have a period of time within which to comment and advise as to whether they would consider the information. He stated that if they agreed to consider the information and revise the maps, then New Kent would have a chance to look at the revised maps. If the information was rejected, then the County would have the option of either accepting what they had done or rejecting the maps entirely. He reported that there was an appeal process whereby FEMA could come back and say that the County couldn't reject the maps. He indicated that once there was a final determination, the County would have 180 days to amend its floodplain ordinance to reference the new study and to bring it completely into conformity with the flood insurance program requirements. He advised that other localities were having similar problems. Mr. Homewood indicated that he just wanted to make sure that the Board knew what was happening.

There was discussion regarding flood insurance. Staff advised that anyone could purchase flood insurance, whether they were in a designated floodplain or not, and that everyone in the locality would pay the same rate.

IN RE: FY09 LEGISLATIVE REQUESTS

Delegate Chris Peace joined the Board to review the County's 2009 Legislative Requests.

Mr. Summers pointed out the four broad categories covered by the requests, and explained the events that had triggered the requests dealing with real property assessments. He noted that the first dealt with the section of the State Code whereby citizens could petition the Commonwealth's Attorney to challenge a tax levy. He noted that this section removed the prosecutor's discretion and required him to bring a case even when he felt that it had no merit. He indicated that the requested amendment would require that there be some credible evidence and a clarification that this was not a section for challenging assessments. A second request would be to adopt a definition of "fair market value" from a federal case and include it in the State Code. He spoke about methods to restore the citizens' trust in assessments by using statistical measures that were easily defined. It was noted that a recommendation from the Commissioners of Revenue group had a similar proposal with the same goal but a different method that used the cost of construction. Mr. Summers admitted that his proposal would add some burden on the State Department of Taxation that involved some "data shuffling".

Mr. Budesky commented that in the current process, neither the Administrator nor the Board had any control or input. He agreed that there had to be some way to help the process become clearer and more easily understood by the public, and was fair and equitable.

It was clarified that the section under discussion was only for challenging a tax levy and that the only recourse to challenge an individual assessment was through the courts.

Delegate Peace summarized that New Kent would be open to some sort of reform that would improve process but was not particularly wedded to its specifically suggested method. Mr. Summers agreed, stating that it was his understanding that the Commonwealth's Attorneys would also be offering a recommendation.

Mr. Davis asked if the Board could change an adopted tax rate. Mr. Summers advised that the Board could change a tax levy at any time, following proper notice.

Delegate Peace predicted problems with defining "credible". Mr. Summers stated that it was designed to give discretion to the Commonwealth's Attorney that was lacking in the current Code. Citizens could still contest their individual assessments, but not under this section. Mr. Davis commented that the Commonwealth's Attorney worked for the people in the County; Mr. Summers and Delegate Peace clarified that the Commonwealth's Attorney represented the Commonwealth and not individual citizens.

Delegate Peace advised that he was still concerned with the burden of proof, and stated that it needed to be made as plain and clear as possible. He indicated that he would meet with the Commissioner of the Revenue about their proposal on fair market value, stating that he had a problem with using a definition from a federal court case that was subject to change. Mr. Summers advised that the one case applied only to the IRS and had never been applied to the Commonwealth of Virginia. He also explained why sales price was not always the fair market value.

Mr. Budesky summarized that New Kent was interested in a way to improve the process, that there may be other solutions but had suggested language to get the process started.

Delegate Peace inquired about the status of New Kent's groundwater applications. Mr. Budesky reported that the County's relationship with the Department of Environmental Quality (DEQ) was improving, thanks to a lot of time and effort devoted to the process. He indicated that the timeline to complete projects around the County continued to be a challenge because of the inability to confirm the availability of water, but that the County was encouraged because permits for which applications had been pending for over two years should be issued soon. Delegate Peace asked if some legislative assistance would help or hinder the process, noting that sometimes it was resented. Mr. Budesky advised that the process was beginning to "turn around" and hopefully there would not be any need for legislative assistance.

Mr. Budesky reminded that New Kent's public utility system was young and because the Board had made the commitment not to use taxpayer funds to pay for it, the County needed certain tools to keep the system solvent, including authority to require mandatory connections. Delegate Peace asked about incentives to connect. Mr. Budesky advised that incentives worked better in older systems.

Mr. Trout asked about the limit placed on the number of bills that could be submitted by individual members of the House of Delegates. Delegate Peace confirmed that there was a fifteen-bill cap, which did not include co-patroned bills or resolutions. He indicated that he did not anticipate any problem with the limit because the number of bills he sponsored normally did not exceed fifteen.

There was discussion regarding the funding request for the Heritage Public Library. Delegate Peace commented that, although he did not expect there to be any funds, "miracles did happen" and he commended the County for its assistance in helping the Library to find a good temporary home. He indicated that although there were limited financial resources, the Library of Virginia did have a specialist on staff to help with the planning process. Staff shared information regarding the possibility of allocating space for the Library at the historic middle school and there was discussion about possible historic property grants and tax credits for rehabilitation projects.

The Board reviewed its request regarding amendments to the section about development agreements. Mr. Trout pointed out that New Kent was the only county authorized to use these instruments, but was restricted to parcels of 1,000 or more. He suggested that development agreements for all counties might be a good alternative to impact fees and proffers and that 2009 might be a good year to consider it. He suggested that the parcel size be reduced to 25-acre minimum.

Delegate Peace advised that the Speaker of the House had set up a council to look at the economy and housing, and noted that homebuilders were struggling. He said that under consideration was a request to local governments to extend applications from five to eight years because not a lot of people were acting on approved plans.

Mr. Summers summarized that there were two suggested changes to the section on development agreements -- change the acreage minimum to 25, which was the minimum that was considered for a planned unit development, and to let it apply to all localities instead of just New Kent.

In summary, it was agreed that the issues on development agreements and public utilities were the priority, and that this was just the beginning of a dialogue that would be maintained through the General Assembly session.

There was a mention of slot machines at Colonial Downs. Delegate Peace confided that there was a significant impediment in the House because the Speaker did not want it, but he believed that there might be a change coming.

Board members were reminded about upcoming 2009 Legislative Day.

IN RE: PILOT TRAVEL CENTER: APPLICATION FOR CONDITIONAL USE PERMIT

Planner Matt Ebinger reviewed a pending application filed by Pilot Corporation for a conditional use permit for the Pilot Travel Center on Route 106 south of I-64. Also present was Pilot's attorney, Jack Wilson.

Mr. Ebinger reported that a public hearing on the application was held before the Planning Commission on November 17 and would come to the Board at its December 8 meeting. He indicated that the subject property was 6.8 acres currently zoned M-1, with adjacent land to the north, east and south being M-1 and to the south A-1. He stated that the future land use designation for the parcel was "economic opportunity". He advised that the options open to the Board were to approve the application with the fifteen recommended conditions; deny it, in which case Pilot would continue to be in violation of the zoning ordinance and violation proceedings could be commenced; or defer action and request more information. He reported that it was the recommendation of the Planning staff to approve the CUP and bring the use into conformance with the zoning ordinance and offer additional assurances for landscaping, buffering, traffic control, and safety. He noted that the Planning Commission had also voted 7:2:1 to recommend approval.

It was reported that the Pilot generated annual revenue for the County of \$112,000 which included real estate (\$14,000), personal property (\$20,000), sales (\$33,000) and meals taxes (\$45,000).

Mr. Summers advised that the concerns expressed during the public hearing before the Planning Commission centered on the term of the permit, problems with traffic flow, the stacking of trucks in the parking lot and turning lanes from Route 106, and signage. He indicated that he had contacted Mr. Wilson, attorney for the applicant, and asked him to talk to his client about adding a condition to require a traffic study. He explained that the last traffic study was done when the business was owned by the previous owner, and one was not required of Pilot before now because it was an existing facility and there were no modifications being made. He indicated that he understood that Mr. Wilson had spoken with his client and that they were willing to add a condition requiring a traffic study and to do whatever reasonable modifications were recommended to help with the traffic flow.

Mr. Budesky added that another challenge was trucks blocking the fire lanes on the main road, with increasing violations being issued by the Sheriff's Office. Mr. Wilson reported that an update of the old scale system with an electronic one that sped up the process would help. He stated that although Pilot didn't own the scales, it would be able to impose upon the vendor to update his technology, which should improve traffic flow.

Mr. Evelyn stated that he didn't think the problem was caused as much by the trucks waiting for the scales but by those waiting for fuel.

There was discussion regarding overnight parking. Mr. Summers reminded that this had been an issue with the previous owner when there was debate as to whether the business was a convenience store or a truck stop. He stated that when an earlier proposal had been

turned down by the Board, the agreement to a four-hour parking limit disappeared. He added that he had since been persuaded by Pilot that the County had been short-sighted by insisting on a four-hour limit on truck parking because it actually increased the traffic entering and exiting the business. He indicated that by permitting the business to operate as a truck stop, overnight parking would be permitted. He confirmed that overnight parking was currently prohibited, although there had been no enforcement because the County was working with Pilot to reach a mutually satisfactory resolution.

He indicated that the CUP would only be in effect for six years, which would allow some time for the economic uncertainty to clear up and for Pilot to find a more suitable location within New Kent for its operations. At the end of the six-year period, the use would revert to that of a convenience store, although Pilot could reapply for a CUP and present justification as to why it had not moved.

Mr. Trout asked about some long-standing concerns of VDOT. Mr. Wilson explained that there was a bond in place from the previous owner and that VDOT could go against the bond to get the work done to address their issues, and that his client did not want to assume financial responsibility if there was a bond in place to take care of it. He confirmed that his client was happy with the suggested conditions, including the requirement for a traffic study.

Mr. Summers advised that a public hearing on the application would be set for December 8 and that in the interim he would be working with the applicant's attorney to draft acceptable language to add to the conditions regarding a traffic study. Mr. Wilson advised that the language requested by the Department of Public Utilities for Condition #5 was also acceptable to his client.

IN RE: BLIGHT AND NUISANCE ORDINANCE

Mr. Summers reminded that the Board members had asked for time to go through the proposed blight and nuisance ordinance line-by-line and thereafter communicate their concerns and questions to him. He distributed photos of various examples throughout the County of the problems that he reported were increasing, mostly in Districts 4 and 5. He clarified that this was not about poor people but about properties that had been abandoned or neglected by either builders or their owners. He explained that the ordinance would empower the County, after due notice to the property owner, to clean up the property and then place a lien against it and be paid at the time of sale. He emphasized that the Board could choose when to use the ordinance, but without the "tools in the toolbox", there would be little that could be done.

Mr. Trout confirmed that Woodhaven was having similar problems, that their association was powerless to do anything, and that he would like to see some action.

Mr. Summers advised that he could find little problems in District 1, 2 or 3, but that there was a "good chunk" in both Districts 4 and 5 that resulted from people moving out, deaths, estate property, developer abandonments, and powerless or disinclined homeowners associations.

He reminded that problems with inoperable vehicles were currently being handled under the zoning ordinance, but would be moved to this section that would actually deal with condition of the land as opposed to land use. He emphasized that unless the Board adopted something, it would have no power to address these issues.

Mr. Trout had additional questions about the process. Mr. Summers explained that he anticipated the process to be complaint-based at which time the property owner would be given proper notice and an opportunity for an administrative hearing or a hearing with the Board, before the County moved forward to clean up the property and file a lien. He stressed that the focus would be to get the property cleaned up and back into the market place. He also predicted that it would be used infrequently and he suspected that "once the word got out to the owners", they would have more incentive to address the problems. Zoning Administrator Kenny Vaughan confirmed that he did have problems with abandoned and neglected properties and had little power to do anything.

Mr. Evelyn asked if the County would be obligated to maintain a property once it cleaned it up. Mr. Summers advised that it would only have to fix it up one time, and that eventually the County would recoup its costs.

Mr. Summers clarified that he wanted the Board to be aware that there were problems with blight and nuisance in the County, but realized that the Board needed to be comfortable with any ordinance before moving forward with a public hearing. Mr. Sparks suggested that it again be brought to the Board at a future work session so that he would have more time to review it. Mr. Summers indicated that the proposed ordinance was similar to those in some of the surrounding localities.

IN RE: FY09 LEGISLATIVE REQUESTS (continued)

Mr. Trout reminded that the Board still needed to meet with Senator Norment and ask him to help with some of the requests, suggesting the ones dealing with development agreements and public utilities. There was a consensus that those would be good ones for the Senator to introduce.

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 December 8, 2008 and a joint meeting with the School Board on Tuesday, December 2, 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:

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

The motion carried.

The meeting was adjourned at 11:44 a.m.