

A SPECIAL MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 18<sup>TH</sup> DAY OF OCTOBER IN THE YEAR TWO THOUSAND TEN OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 8:30 A.M.

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IN RE: CALL TO ORDER

Chairman Sparks called the meeting to order.

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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

All members were present.

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IN RE: HISTORIC SCHOOL

The Board, staff, and audience members toured the Old School building and the South building.

After returning to the Boardroom, the Board and staff reviewed the Space Allocation Agreement entered into with the School Board in April 2009. County Attorney Michele Gowdy advised that should there be changes in the allocation of space, then a new agreement would be needed.

It was noted that the School Board had been allocated the South building, with Parks & Recreation managing the cafeteria portion and the County providing funds to cover utilities for non-school activities in that space.

School Board Superintendent Rick Richardson reported that Special Services staff was still using the building referred to as the Psychological Services building but would relocate that staff to the South building once it was renovated, and the Psychological Services building would then come under the control of the County. It was noted that the Psychological Services building was not included in the renovation proposals. Mr. Trout commented that he felt that the Psychological Services building "balanced out" the Historic School campus and had potential as a free-standing community meeting room.

There was discussion about the cafeteria space. Dr. Richardson commented that he understood that the intention of the language in the Space Allocation Agreement had been that Parks and Recreation would manage the space and the School Board would have the right of first refusal for any activities that it wanted to hold there. Mr. Davis commented that he felt that if a community food pantry was going to be located in that space, then the cafeteria needed to be under County control. There was additional discussion regarding the fact that there was no dedicated electrical power or heating capability for the cafeteria, and Buildings & Grounds Manager David Bednarczyk advised that it was anticipated that the renovations would include a separate heat pump or some other "inventive" system for that area that was separate from the rest of the building. Mr. Davis asked if some short-term interim solution could be found so that the space was usable for a food pantry. There was

concern expressed that the area would be serving as a food pantry at the same time that significant construction was taking place, including replacement of an exterior wall.

Mr. Evelyn indicated that he wanted to know what it would cost and suggested it might be cheaper to find an alternate location for the food pantry. He commented that he felt more work was needed to organize the food pantry concept before he would be comfortable supporting it. County Administrator Cabell Lawton reported that he would be meeting with the various groups in the coming week to review some organizing documents and he would update the Board at its work session. He also indicated that Quin Rivers Agency had a grant-funded position that could manage the facility for one year. He advised that he would make arrangements to meet with the School Board to discuss the cafeteria space. Ms. Gowdy added that a change in allocation of the cafeteria space could be handled with an addendum to the existing Space Allocation Agreement.

The Board next reviewed drawings of the Old School building, showing how the space could be used to house the New Kent branch of the Heritage Library. It was reported that there was a total of about 16,000 square feet on the main floor, with around 8,000 square feet in the original section.

The Board reviewed sketches of how the South building could be renovated for School Board offices and other uses. Dr. Richardson advised that their sketches were just conceptual and had not been reviewed with or approved by the School Board. He noted that the lease on their current space expired in July 2012. He suggested that the Board members visit Essex County or Sussex County, where some old schools had been renovated as joint use facilities. Mr. Burrell reminded that Charles City had also renovated an old school and was closer. There was consensus to schedule visit(s).

Mr. Lawton encouraged the Board to think about uses for the courtyard and other outside areas around the historic school buildings. He indicated that some work needed to be done for storm water management but that they were unique spaces that could be developed for enjoyment by the public and not just the users of the building.

There was discussion regarding parking, and current problems with parking when the athletic fields were in use. It was suggested that the best place for parking for athletic events would be nearer the old school bus maintenance building, rather than in front of the school, and that perhaps the abandoned septic fields could be used for parking.

Financial Advisor Ted Cole of Davenport & Associates was present to answer questions on possible financing. He indicated that he had reviewed the proposals submitted under the Public Private Education Act (PPEA), and noted that as with most PPEA proposals, there was a range of costs depending on the scope of the work and the proposals were mostly conceptual in nature. He commented that the cost estimates "were relevant but not comparable", and spoke about how the PPEA process was different from the traditional method where a design would be developed and then put out for bid. He advised that, in his experience, it was more cost effective for a locality to "bring funding to the table", with either access to cash or borrowing on a non-taxable basis. He indicated that, in that event, the County would retain ownership and would enter into a Memorandum of Understanding (MOU) with the developer. Regarding the possibility of using historic tax credits, he suggested that it was important to compare the costs associated with following historic guidelines and restrictions as opposed to the cost of taking a more modern approach to construction. He commented that although using historic tax credits was complicated, it was "doable" and possible whether there was a borrowing or cash funding. He explained that credits were sold at the end of a project.

There was discussion regarding how the tax credit process worked and how in some cases the developer would lease the property back to the locality over a five-year period. Mr. Davis commented that he did not feel that the Board would want to lease back its own building and it was his understanding the project "wasn't big enough for the tax credits to be worth it".

Mr. Cole advised that Warren County had recently constructed some new schools using unsolicited PPEAs, where the County provided the funding and partnered with the architect and contractor, collaborating on design through an MOU, and construction took about the same amount of time as the traditional process.

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IN RE: PPEA PROPOSALS

Mr. Lawton reviewed PPEA competing proposals received from C. E. Moss Construction, Harlan Construction, and Kenbridge Construction. He explained that a proposal had been received from Sweet Homes but that the required fee had not been paid until one week after the deadline.

Following discussion, Mr. Evelyn moved to not accept the proposal submitted by Pete Sweet. The members were polled:

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

The motion carried.

Mr. Lawton reported that information in some of the proposals had been marked as proprietary and he was working with the contractors to reach some agreement regarding the release of that information.

He explained his request regarding a motion from the Board to review the proposals through a competitive negotiation process. He emphasized that this motion would not bind the County in any way in the event that the Board chose not to accept any of the proposals.

Mr. Davis moved that the review of the unsolicited proposals would be completed through a "competitive negotiation" process as the term was defined in Virginia Code Section 2.2-4301. This type of procurement would be advantageous to the County and the public based upon the probable scope, complexity, and/or priority of need. The members were polled:

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

The motion carried.

Mr. Evelyn asked if an unselected bidder could appeal the County's choice. Ms. Gowdy advised that they could, but that if all bids were rejected, there would be no recourse for any of the bidders.

There was discussion on how to proceed, whether the Board had enough information to make a decision, and whether the proposals could be fairly compared. There was consensus to include this item on the agenda for the October work session.

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IN RE:           ORDINANCE REVISIONS

Ms. Gowdy reviewed that some County ordinances needed modifications - some minor and some substantial - and she requested feedback from the Board as to how they wanted to proceed: one at a time without any consideration of unintended consequences; by chapter; or the whole Code. She indicated that she had contacted a law firm that offered code update services, and had obtained an estimate of \$100,000 to update the zoning, subdivision and environmental chapters, and \$250,000 to update the entire Code. She added that she felt that some of the work could be done by staff which would decrease the costs.

Following discussions, there was consensus that staff would proceed with the needed revisions to the "granny pod" section, public utilities, and procurement, and that Ms. Gowdy would obtain some additional estimates for the remainder of the work.

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IN RE:           CLOSED SESSION

Mr. Burrell moved to go into Closed Session for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia about actual or probable litigation and regarding specific legal matters that require advice. The members were polled:

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

The motion carried. The Board went into closed session.

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

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

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

The motion carried.

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IN RE:           ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 10:55 a.m.