

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 27th 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 3:00 P.M.

IN RE: CALL TO ORDER

Chairman Sparks called the meeting to order.

IN RE: ROLL CALL

Thomas W. Evelyn	Absent (Arrived at 3:08 p.m.)
David M. Sparks	Present
James H. Burrell	Present
Stran L. Trout	Present
W. R. Davis, Jr.	Present

All members were present upon Mr. Evelyn's arrival.

IN RE: AFFORDABLE HOUSING ADVISORY COMMITTEE REPORT

Affordable Housing Advisory Committee (AHAC) Chair Karen Cameron and Vice Chair Chuck Emmons, as well as Planner Matthew Ebinger, were present to review the Housing Affordability Report which analyzed the supply and demand of affordable housing in the County. Ms. Cameron acknowledged that the AHAC was "a little behind" the schedule set forth in its charter because of some quorum problems, but hoped to "catch up" and have its final report by June 2011.

She reviewed that "workforce housing" had been defined as "decent, safe and sanitary housing that was affordable for purchase or for rent by households whose income was between \$29,331 and \$46,930", noting that approximately 19% of New Kent households fell within that income range.

The Report reflected that:

- In 2009, the average sales price for a single family home was \$277,416 and for a townhouse \$174,455.
- Households whose annual incomes fell within the workforce housing range would qualify for a mortgage between \$90,000 and \$160,000.
- Approximately 13 – 15% of 2009 home sales in New Kent fell within that price range.
- Households whose annual income fell within the starting salary range for County and school employees (\$35,178 - \$36,000) would qualify for an \$115,000 mortgage.
- That rental housing in New Kent cost around \$1,000 per month, with an average of three to four rental units available each month – not enough to meet the need for that type of housing.

Ms. Cameron reviewed the findings from a survey conducted in the summer of 2010, where the majority of responses were from County and School employees. She noted that 20% of the responders met the definition of workforce housing, with a majority of them spending more than 30% of their monthly income on housing costs, as well as indicating a preference to own a single family home. She spoke about the lack of available workforce housing

causing problems with teacher recruitment and retention, as well as lack of a work force that would attract prospective businesses.

She summarized that, based on income and mortgage underwriting standards, the workforce households could not afford the average-priced single family residence in New Kent County, whether existing or new construction and, although generally more affordable, the vast majority of available townhouse units could not be attained by workforce households either. She pointed out that the housing survey results further illustrated the unmet demand for affordable housing in New Kent, which adversely affected current and prospective residents and employees of the County. She indicated that in light of the findings, the AHAC would be recommending that the Board adopt an Affordable Housing Policy and subsequent reports from the AHAC would provide guidance on that policy.

Mr. Ebinger indicated that it was their plan to draw from models used in other localities.

Board members congratulated the AHAC on its report and the information that it provided.

There was discussion regarding rental apartments, how they were an important part of any affordable housing policy, and the existing opportunities for apartments in some of the *Village* areas. There were also comments on how to use the funds currently budgeted for Affordable Housing.

Ms. Cameron advised that their final report would hopefully contain a recommendation on what percentage of homes in New Kent should be in the workforce housing range. Mr. Ebinger indicated that information would also be helpful for inclusion in the Comprehensive Plan.

It was suggested that the AHAC obtain some comparative data from communities similar to New Kent.

Ms. Cameron indicated that the AHAC would likely provide an interim report to the Board before its final report in June 2011.

IN RE: SOCIAL SERVICES ADVISORY BOARD REQUEST

Social Services Advisory Board Chairman Satoshi Ito reviewed a request from the Social Services Advisory Board (SSAB) to amend County ordinances as they pertained to the role of the Social Services Director and the duties of the Advisory Board. Also present were SSAB members Cynthia Bradby and Karen Cameron.

Mr. Ito recounted that five or six years earlier the Board of Supervisors had disbanded the Social Services Policy Board and created an Advisory Board in its place. He reviewed the funding sources for the Social Services programs, as well as the economic impacts that those funds had in the community.

He explained that the SSAB's concerns were that the existing ordinance did not provide for oversight, performance evaluation, or compensation review of the Director, or set forth the authority of the Director to make financial decisions or procure needed legal expertise. He indicated that the SSAB was asking that the County ordinance be amended to reflect those items, as well as the Virginia Department of Social Services requirements for non-deviating agencies and the Director's role as the local Social Services Board. He advised that the SSAB was also asking that its duties be expanded to include making recommendations

regarding director performance and disciplinary action, as well as compensation, classification and departmental management.

He also asked that the County's organizational chart be corrected to reflect that the Social Services Director reported to the County Administrator and not the Assistant County Administrator.

It was reported that there was unanimous support among the SSAB members for these changes.

There was disagreement as to whether the proposed changes reflected what was set forth in the State Code. Mr. Trout suggested that the County's ordinance should incorporate the State Code by reference so that when State Code changed, the County ordinance would not need to be amended.

There was discussion regarding advisory boards and administrative boards.

Mr. Ito summarized that New Kent had an unusual situation where the Director served as the Board and it was felt that it would be helpful if the SSAB had a greater role in advising her on staff, budget, and other matters.

Following further discussion, Chairman Sparks asked the County Attorney to work with Mr. Trout to review the requested changes and compare them to what was mandated by the State and then report back to the Board with a recommendation.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) URBAN DEVELOPMENT
AREA (UDA) GRANT – SMALL AREA PLANS (SAPs) FOR BOTTOMS BRIDGE
AND PROVIDENCE FORGE

Frank D. Cox, P.E. and Community Development Director George Homewood were present to review the status of the UDA grant for SAPs for Bottoms Bridge and Providence Forge.

Mr. Cox recounted that the Virginia General Assembly had adopted legislation requiring localities with populations over 20,000 and growth over 5%, as well as those localities with growth over 15%, to adopt UDAs into their comprehensive plans. He noted that New Kent fell into that group because of its 28.9% growth between 1990 and 2000, adding that the projected population for New Kent in 2020 was 23,671 and 29,496 in 2030.

It was explained that UDAs were designated areas that were appropriate for higher density development due to their proximity to transportation facilities and existing developed areas, availability of public services and utilities, and future availability of infrastructure. He indicated that with the Traditional Neighborhood Development (TND) standards outlined in the UDA statutes, transportation and public infrastructure could be provided more efficiently and at lower taxpayer expense.

He reported that the VDOT UDA grant received by New Kent required the County to designate at least one UDA in its Comprehensive Plan, prepare two SAPs, revise the zoning and subdivision ordinances to allow for traditional neighborhood design and demonstrate the transportation benefits of the UDA.

Mr. Trout noted that the Courthouse Village had already been designated as a UDA and asked if the fact that there were 6,000 buildable lots already approved would be taken into account.

Mr. Homewood explained that State legislation required the designation of a UDA that would accommodate 100% of a locality's growth over the next 20 years, but that a locality could not use the fact that a proposed development was not in a UDA to deny an application. He indicated that the State's goal was to first require that a UDA be in place in case people chose to live there and, secondly to have some incentives to encourage communities and developers to develop in the UDA; however, there was not yet any funding for the latter.

Mr. Cox reviewed the following densities in TNDs:

Single Family Residences:	4 units per acre
Townhomes:	6 units per acre
Multifamily residences:	12 units per acre
Conventional shopping centers:	0.2 floor area ratio (FAR)
Commercial and office:	0.4 FAR

He spoke about how the UDA plan would incorporate TND principles, including pedestrian-friendly road design, interconnected streets and transit, preservation of natural areas, mixed-use neighborhoods, mixed-housing types, reduced building setbacks, and reduced street widths.

Board members commented that they felt New Kent had done a "good job" with its Comprehensive Plan and its planned unit developments.

Mr. Cox indicated that he wanted affirmation from the Board as to how much land would be needed for the UDA. He noted that the proposed UDA and area impacts were between 380 and 900 acres for residential (1,800 – 5,800 residential units) and between 17 and 48 acres for commercial at 0.4 FAR (between 275,000 and 800,000 square feet of gross floor area).

Mr. Homewood pointed out that the Comprehensive Plan already designated Bottoms Bridge and Providence Force as *Village* for mixed-use development, with fairly dense development of up to 12 housing units per acre, and that there was nothing in the proposed UDA that wasn't in complete conformance with the existing Comprehensive Plan.

Mr. Cox commented that the grant gave New Kent the ability to take a deeper look into transportation and know what was needed when requests were received.

He compared the overall market value of TND development of 900 acres to "status quo" development of the same acreage, with TND values being nearly double.

He noted that the challenge over the next nine months was to determine the best location and optimal size for the UDAs and SAPs and, if the Board was in agreement that Bottoms Bridge and Providence Forge were the right areas for UDAs, how to best fashion those areas and what they would like to see.

Regarding both Providence Forge and Bottoms Bridge, he indicated that the next steps would be to look at land use and inventory the acreage of what was there and determine some possible locations for the SAPs, and would welcome feedback on what properties within those areas were most vulnerable to development. Mr. Cox conceded that it might be determined that one or both areas would not be a good place for a UDA.

There was discussion regarding the role that commercial or passenger rail might have in those areas, as well as the lack of water and sewer in Providence Forge.

Mr. Davis noted that both Bottoms Bridge and Providence Forge had under-used four-lane highways.

Mr. Cox indicated that they were looking at how to make the UDAs and SAPs most successful for the County, citizens and landowners, with an emphasis on a better approach of handling transportation.

Mr. Sparks asked if the SAPs would be an overlay. Mr. Homewood explained that overlays would be preferable in both Bottoms Bridge and Providence Forge, and that adoption of any plans would require public hearings.

Mr. Trout noted that the higher densities in the UDA would provide opportunity for more affordable housing, which had been discussed earlier in the meeting. Mr. Cox agreed, commenting that affordable housing was not possible without density.

There was discussion regarding the impact of impending new storm water management regulations on any development. Mr. Homewood indicated that a storm water management system would have to be a part of the infrastructure in either area.

Mr. Cox reviewed the proposed study schedule, which was projected to culminate with public hearings and plan adoption by June or July of 2011.

There was discussion regarding the Community Planning Survey underway. Mr. Cox reported only minimum response to date and he asked that the Board encourage residents and landowners in the proposed areas to provide feedback. Mr. Homewood added that stakeholders' meetings would be held as part of the process.

Mr. Cox also commented that although the UDA was to be designed to accommodate 100% of a locality's growth over the next 20 years, he suggested that the County think ahead 40 to 50 years instead, which would be to the benefit of future generations.

Mr. Cox was thanked for his report and Chairman Sparks asked him to provide a follow-up report at the Board's February work session.

IN RE: ELECTRICITY AND TELEPHONE COST RECOVERY PROPOSAL

Assistant County Administrator Bill Whitley reviewed a proposal from Cost Control Associates, Inc. (CCA), a company specializing in recovering costs for telephone and electricity charges for localities. He explained that the National Association of Counties (NACo) had arranged with CCA to offer assistance to communities by reviewing their telephone and utilities bills to make sure that the charges were appropriate, and receive as their fee 45% of any amount refunded by the utilities companies as a result of their review.

Mr. Sparks noted that there were several companies that offered this service and asked if it had been competitively bid. Staff indicated that they assumed NACo had done so but would verify that and report back to the Board.

Mr. Trout pointed out some questionable language in the proposed Agreement and staff was directed to provide clarification on that as well.

IN RE: BUSINESS DEVELOPMENT INCENTIVE PROGRAM

Economic Development and Tourism Director Rodney Hathaway reviewed with the Board a proposed ordinance that would extend the Business Development Incentive Program until June 30, 2011. He reminded that the request came from the Economic Development Authority (EDA) and, at the Board's previous work session, he had been directed to define what fees would be waived or "not collected". He noted that information was included in the proposed ordinance, which he asked be placed on the Board's December meeting agenda for public hearing.

He also requested that, in the interim, staff be directed not to collect fees consistent with the proposed ordinance. He advised that he was working with some businesses who were anticipating that the fees would not be collected.

It was clarified that once adopted, the ordinance would become effective immediately.

There were no objections to moving forward with a public hearing at the Board's December meeting.

Mr. Davis moved to direct staff not to collect commercial planning, environmental, zoning, and building fees consistent with proposed Ordinance O-11-10, until December 13, 2010. 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.

IN RE: COMMUNITY FOOD PANTRY

County Administrator Cabell Lawton reviewed requests that the Board approve proposed Operating Guidelines for the New Kent County Community Pantry, and to direct staff to make repairs to the walk-in freezer in the Historic School kitchen.

Mr. Lawton retracted his request that the Board approve the proposed Operating Guidelines due to the fact that he was continuing to meet with some of the parties, and advised that he would bring them back to the Board for approval at a future date. He reported that Quin Rivers Agency had secured a grant for a person to manage the facility for one year; unfortunately the person hired for that position had resigned to accept other employment, but they were working to get the vacancy filled.

He indicated that the estimate to repair the walk-in freezer was around \$6,000.

He advised that another potential need would be a larger entrance door that would accommodate a pallet. He advised that an estimate of \$5,000 had been obtained but he felt it was too high, and the maximum he was asking from the Board for initial repairs remained at \$10,000.

Mr. Davis remarked on the success of a meeting with some of the stakeholders held the prior evening. It was noted that the proposal was to have a five-person advisory board, with two members from the churches, two from the Brown Bag program, and one to be the grant-funded position from Quin Rivers.

Mr. Lawton advised that he would be meeting with the School Board on November 1 to make sure that it did not have any uses planned for the cafeteria/kitchen areas, before any further action was taken.

Mr. Davis suggested that the Board move forward with the appropriation so that the repairs could be made once the School Board gave its approval.

Both Mr. Evelyn and Mr. Trout expressed their reluctance to move forward before all of the details had been worked out. Mr. Trout pointed out that the participants would continue to receive services from the various existing food programs and it was important that the program was properly set up before any money was spent on repairs.

Ms. Gowdy advised that the Space Allocation Agreement provided that the cafeteria was allocated to the Schools but managed by Parks & Recreation.

Mr. Davis stated that at least ten churches and Brown Bag wanted to use it and he felt the Board should appropriate the money and move forward before winter. He moved to direct staff to make repairs to the walk-in freezer and for such expenditures to be paid out of the Contingency Fund, not to exceed \$10,000, after the agreement was nailed down to the Board's satisfaction and the consent of the School Board had been obtained to utilize the space for a food pantry.

Mr. Trout asked if the various groups would need to sign anything before this became effective. He also commented that if the County was going to repair the freezer, he wanted to make sure someone was going to use it first, and he was not comfortable with spending money unless he knew for sure that it would be used.

Ms. Gowdy advised that nothing should go into that space until agreements were reached.

Following further discussion, Mr. Davis withdrew his motion, and staff was asked to have everything settled by the Board's November 10 meeting.

Ms. Gowdy suggested that the Board create the group before entering into any agreement, and then approve the appropriation. Mr. Trout agreed, adding that the first step was to get the School Board's approval.

Mr. Lawton advised that he would do his best to get everything done by the November 10 meeting. He requested that, in the interim, the Board provide feedback on the proposed Operating Guidelines.

IN RE: PPEA PROPOSALS FOR THE HISTORIC SCHOOL RENOVATION

Mr. Lawton reviewed the ongoing PPEA process for renovation of the historic school. He suggested that the Board interview the four firms that submitted proposals in order to narrow down the field, and then make a decision as to whether it wanted to proceed with the process or hire an architect to design the project and put it out for bid.

It was explained that interviews would take place in an open meeting during which no proprietary information could be discussed.

Following discussion, there was consensus to hold the interviews on November 12, 2010, beginning at 9 a.m.

IN RE: OTHER BUSINESS

Mr. Trout distributed information regarding establishing policies on resolutions and certificates as well as the waiver of fees for non-profit or charitable construction, for consideration on a future agenda.

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 Wednesday, November 10, 2010, in the Boardroom of the County Administration Building, New Kent, Virginia.

He indicated that the Board may take some action after the upcoming Closed Session.

IN RE: CLOSED SESSION

Mr. Davis moved to go into Closed Session for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving actual or probable litigation and regarding specific legal matters that require advice and to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia involving performance. 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 Board went into closed session.

Mr. Burrell moved to return to open session. 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.

Mr. Burrell 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:

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

The motion carried.

IN RE: STOLZ UTILITY EASEMENT

Mr. Trout moved that the Board authorize the County Administrator to execute a certain letter from Otto G. Stolz to County Attorney Michele Gowdy dated October 26, 2010. The members were polled:

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

The motion carried.

IN RE: ADJOURNMENT

Mr. Evelyn 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 5:59 p.m.