

A SPECIAL MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 30TH DAY OF NOVEMBER IN THE YEAR TWO THOUSAND TEN OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 5: 32 P.M.

IN RE: CALL TO ORDER

Chairman Sparks called the meeting to order.

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.

IN RE: REQUEST FOR ADDITIONAL DEPUTIES

Sheriff F. W. Howard, Jr. and Lt. Chris Hamlet reviewed with the Board a request for additional deputies.

Sheriff Howard reported that an escalation of crime during the past three years had affected every area of his office, but the major impact had been in the area of patrol and investigation. He advised that the number of arrests in 2009 had increased 18.97% from 2008 (585 to 696). He explained that current statistics showed that 12% of calls were "stacked" (waiting for a deputy to become available to respond). He indicated that the average response time for a deputy to respond to a call in 2008 was 16 minutes, and average response time increased to 24 minutes in 2009 and was predicted to be higher in 2010. He spoke about his concern that 45% of all calls were answered by a single deputy without backup.

He reviewed additional statistics, reporting that since April 2010, there were 64 breaking and entering incidents which had resulted in the arrest of 22 individuals, and over 100 assaults with 61 people being arrested. There was discussion regarding the increase in the number of females involved.

He compared 2009 major arrests and population figures in New Kent with those in Louisa, Gloucester, Goochland, Fluvanna, and Powhatan, noting all of those other localities had larger populations but less major arrests.

He reviewed that the last new County-funded deputy position had been in 2004 when New Kent had a population of 15,290 and his office fielded 19,967 calls. He noted that New Kent now had a population of 18,811 and his office fielded 30,263 calls. He indicated that his office had received one state-funded position through the Compensation Board in 2006.

He spoke about the disturbing trend in violence involved in more of the calls and he updated the Board on a recent abduction and malicious wounding incident and some recent breaking and entering incidents that had included injuries and firearms.

He spoke about the increase in prisoner confinement costs, reporting that the October jail bill had been \$57,785, and he expected those costs to continue to increase.

He voiced his concerns about the high percentage of calls being responded to without backup and the increasing response time. He explained that his staff had been stretched beyond capacity with an increase in Court dates and their obligation to assist with special assignment security at local events.

Lt. Hamlet, commander over the patrol and detective divisions consisting of two sergeants and twelve deputies, explained how shifts were staffed, and how often deputies were required to respond to calls over their personal cell phones because there was "just too much county to cover" in person. He indicated that he and his sergeants responded to calls as well, in addition to covering their administrative duties.

He talked about how much time it took to process some arrests through the magistrate system, as well as with temporary detention orders.

Sheriff Howard reviewed the several options included in his request which ranged from providing four new deputy positions with new vehicles that totaled \$413,444 annually, to providing two new deputies with no new vehicles at an annual cost of \$128,722. It was noted that the last option would require \$53,634.14 for the period of February 1, 2011 through June 30, 2011. Sheriff Howard explained that if the request was approved, then it would take him until February 1 to hire someone and, if he was able to hire certified officers, he would be able to get them on the road immediately.

He summarized that the increase in crime in New Kent was due to the increase in population, the County's proximity to Interstate 64, and the economy. He reviewed that they had searched for federal and state grants and had exhausted all possibilities, noting that their latest application for a COPS grant had been denied.

Mr. Sparks commented that public safety should be the Board's highest priority and that he did not feel that the Sheriff would make this request if it wasn't necessary.

Following discussion, there was consensus to approve Option 4 for the period of February 1 through June 30, with the additional positions being included in the FY12 budget requests. Sheriff Howard predicted there would still be some stacking of calls with the additional positions, but they would make the most of whatever was approved.

Mr. Lawton confirmed that there were sufficient funds in the General Fund contingency to cover this request.

Mr. Burrell moved that the Board approve Option 4 to appropriate \$53,634.15 from the General Fund contingency to the Sheriff's Office budget to pay for the salary and benefits, equipment and gas for two additional patrol deputies from February 1, 2011 through June 30, 2011, from the General Fund Contingency. 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: 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 for discussion of award of public contract pursuant to Section 2.2-3711A.30 of the Code of Virginia. 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. Davis 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: HISTORIC SCHOOL

Chairman Sparks advised that it appeared that the Board was divided on how to proceed with the Historic School renovation project and he invited "some general conversation", with each Board member explaining his position.

Mr. Sparks spoke about the variables involved, which included funding, the uncertain economy, and what the State budget funding would be received. He stated that he was not comfortable with the Public Private Education Act (PPEA) process and felt that the County would get "more bang for its buck" if it advertised its own design for bids. He noted that a lot of the architectural work on the section intended for the Library had already been done and that once the area for the School Board had been designed, the project could be put out for competitive bid. He also indicated that it was not clear whether the exterior work to the buildings, for which the County had appropriated funds, was included in any of the PPEA proposals. He wondered how many capital projects were being done under PPEA as compared to competitive bidding and concluded that he felt that competitive bidding would result in a lower cost for the County.

Mr. Trout referred to some handouts which he had developed regarding usage of space, stating that the Board had a Space Allocation Agreement with the School Board but needed to determine if that document needed any amendments, and whether a similar agreement was needed with the Library that could also identify some additional services to be provided by the Library. Those services included providing secure space for County historical items, computer and internet access for County residents, display space for New Kent information, meeting space for non-profit uses, and space for specialized research needs. He suggested that any proposals discussed at this meeting should be taken back to the Library Board for its consideration. He indicated that the determination of space usage could be a parallel process with the renovation project, and disagreed with Mr. Sparks regarding the PPEA process, stating that he felt that the County would get the best price through the PPEA negotiation process, whereas the County would be required to accept the lowest bid in a competitive bidding process. He reminded that the County would control the PPEA process and did not have to accept anything it did not want. He reminded that the County was paying \$55,000 per year to rent space for the School Board offices as well as paying \$20,000 towards the rent for the Library's space, in addition to incurring costs to maintain the vacant Historic School buildings and continuing to suffer vandalism losses. He reminded that the PPEA was adopted in 2002 as a cost-savings alternative for projects.

Mr. Davis agreed that the Board should proceed with the PPEA process and stated he was comfortable with what had been proposed for the buildings, noting that some of the proposals "were better than others". He reminded that time was a factor, with the lease for the School Board offices expiring in 2012 and the lease for the Library expiring in 2013, and projecting that the renovations would likely take between 18 and 24 months. He pointed out that the County's last few projects were done through design-build and had been completed under budget and ahead of schedule, and that PPEA was the "next step". He commented that he felt that other Board members were "giving up too soon" on the process and that it was being used more frequently and, in this instance, would provide the best price for renovating so much space.

Mr. Evelyn stated that he was frustrated that the Library had already spent money on an architect and he felt that all parties needed to cooperate and "get on the same page" before any County funds were spent on the project, which he felt needed to be done in phases. It

was clarified that the funds spent by the Library on design work were Library Foundation funds and not taxpayer funds.

Mr. Burrell stated that he felt that lower prices might be obtained if the project were bid out because there were a lot of contractors looking for work. He reminded that the project could be done in phases and did not have to be completed all at one time.

There was discussion regarding the exterior work that had already been authorized by the Board. County Administrator Cabell Lawton advised that completion of that work had been suspended until a decision had been made so that there wouldn't be a conflict with any proposal selected by the Board. He indicated that he would determine from each of the companies submitting proposals whether that work had been included in their pricing.

Mr. Sparks asked how far the PPEA process could go before the County would start incurring some costs. County Attorney Michele Gowdy explained that the County's PPEA guidelines provided that prior to entering into a comprehensive agreement, an interim agreement may be entered into that would permit a private entity to perform compensable activities related to the project, and that should the County determine that it wanted to move forward with a particular firm, then negotiating that interim agreement would be the next step.

Mr. Evelyn noted that when the Board first started talking about the PPEA process, he was the only one who didn't support it and asked Mr. Sparks what had changed his mind. Mr. Sparks spoke about the "vagueness" of the proposals and the \$1.3 million difference between the high and low cost estimates. Mr. Davis predicted a similar price difference if the project were put out for bid.

IN RE: HISTORIC SCHOOL SPACE ALLOCATION FOR THE HERITAGE LIBRARY

Those present on behalf of the Heritage Library included Librarian Barbara Winters and Library Board Chair Joyce Peterson.

Mr. Trout reviewed his suggestions on reaching an agreement on space usage and obligations on the part of the Library. He noted that there was only one main entrance to the first floor, which affected the flexibility of using the rear space first. The Board was advised that if the renovation was performed in phases, the Library was prepared to make do with 8,000 square feet, but would eventually need the entire 16,000 square feet. Mr. Davis commented that he thought the section designated for the Library should be renovated all at one time, noting that the rear of the building would need the least amount of work.

Ms. Winters explained that the Library had a number of programs that it could not do at present because of lack of space, noting that they recently had to rent space for one of their events. She indicated that they were excited at the prospect of being in close proximity to the schools, to have growth space for collections, to be able to expand their Business Resource Center, and to have private space for those individuals conducting job searches.

She advised that the ability to download a book online was a budget issue, not a space issue, and that they were working on that at present.

Mr. Davis asked about the possibility of Charles City County withdrawing from the Heritage Library. Ms. Winters advised that it was not Charles City County's intention to split and there were a lot of reasons why it would not be a good idea or economically feasible, the primary one being that State aid for individual libraries was more difficult to obtain than for

regional libraries. She indicated that it was projected that the Charles City County branch, once completed, would need an additional 2.5 full time employees (FTEs) and that should the New Kent branch relocate to 16,000 square feet in the Historic School, it would need an additional 2 FTEs if it had the appropriate "line of sight" design and were open six days per week.

Board members asked what the effect of having 16,000 square feet would have on the Library's operating costs. Ms. Winters suggested that the Library present its projected operating costs at the Board's January 2011 work session, which would include staffing costs and a breakdown between 8,000 square feet and 16,000 square feet. She asked if, in the interim, work could begin with the County Attorney on a draft Memorandum of Understanding (MOU). Ms. Gowdy advised that former County Attorney Jeff Summers had been working with the Library and that necessary elements of the MOU would include phasing, utilities and other operating costs. It was the consensus to wait until the January work session to talk further about the MOU, and the Library was also asked to provide an update on fundraising at that time.

Board members thanked the Library representatives for their attendance.

IN RE: RELOCATION OF THE SCHOOL BOARD OFFICES TO THE HISTORIC SCHOOL

School Board members Terry Lindsay, Leigh Quick and Gail Hardinge were present and School Board Vice Chair Quick called their meeting to order at 7:29 p.m.

Mr. Trout reviewed the various spaces within the Historic School that were allocated in the April 6, 2009 agreement between the County and the School Board, as well as updates to the status of some of those spaces. He noted that the School Board had not submitted a sketch of proposed office arrangement or how it intended to use the space, but that General Services Director Jim Tacosa had provided some drawings with some options that would be available in that space.

Mr. Sparks indicated that the County needed some details from the School Board before moving forward with the project. Mr. Trout added that those details should include plans for all of the spaces in the South (East) building, with the exception of the cafeteria.

Ms. Hardinge stated that she felt that both Boards were "on the same page" and that timing was important because the lease on their current space would be expiring. She indicated that office space for 20 staff was needed – 12 currently in the School Board office and 8 in the Psychological Services building. She and Ms. Lindsay spoke about the importance of having affected employees participate in the design of the space as well as the opportunity to collaborate on IT issues with the Library and the Schools. She advised that there was a possibility of relocating the "Community That Cares" program from its current location in a trailer beside the schools, to the South building, and that there was interest in a regional vocational program that could also be housed in the building, which could be revenue-producing for the County. She indicated that there were no school programs currently being run out of any of the churches.

Ms. Lindsay commented that the School Board wanted to leave itself room to have programs in the future.

Mr. Trout noted that there had been several good proposals for the use of the cafeteria and some of the South building, which may be complementary to the School Board's plans.

There was discussion whether amendments were needed in the Space Allocation Agreement. Ms. Hardinge indicated that she would like their new attorney to look at the Agreement before they decided if any changes were needed.

She also advised that if it appeared that there would not be space for the School Board offices in the Historic School, then they needed to know so that they could decide what they were going to do when their current lease expired.

Mr. Sparks offered the School Board time at the Board's January work session if there were any issues that arose in the interim that needed to be addressed.

The School Board having no further business, its meeting was adjourned by Ms. Quick at 7:45 p.m.

Board members thanked them for their attendance.

IN RE: ECONOMIC DEVELOPMENT

There was discussion regarding information distributed about the Economic Development Authority's (EDA) proposed campaign to market New Kent as a good place for business. It was confirmed that this campaign would be funded by the EDA and not the County. It was suggested that it had been awhile since the Board met with the EDA and it might be a good idea to schedule a joint meeting.

IN RE: LANEXA FIRE STATION FOUR

There was discussion regarding an upcoming "hot cocoa" event for the Lanexa Fire Station and the possibility that more than two Board members might attend.

IN RE: ADJOURNMENT

Mr. Davis moved to adjourn the meeting. 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.

The meeting was adjourned at 7:50 p.m.