

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 18<sup>th</sup> DAY OF FEBRUARY IN THE YEAR TWO THOUSAND NINE OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 3:00 P.M.

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IN RE: CALL TO ORDER

Chairman Davis called the meeting to order.

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IN RE: ROLL CALL

Thomas W. Evelyn	Present
David M. Sparks	Absent (arrived at 3:12 p.m.)
James H. Burrell	Present
Stran L. Trout	Present
W. R. Davis, Jr.	Present

All members were present after Mr. Sparks' arrival.

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IN RE: CENTRAL ABSENTEE PRECINCT

Voter Registrar Gwen Ellyson reviewed with the Board the request of the Electoral Board to establish the use of the Central Absentee Precinct (CAP) for all elections. She explained that the purpose of the CAP was to count and record all absentee ballots. She indicated that the CAP was established in New Kent in 2002 for use only in the November elections, as it was cost-prohibitive to use it in other elections at that time when the number of absentee ballots cast was usually small.

She reported that in order to comply with the requirements of the Help America Vote Act (HAVA), in 2006 the Electoral Board initiated the use of one Direct Recording Electronic (DRE) voting unit in the Voter Registration Office during the absentee voting period. She explained that HAVA required that all voters, including the disabled, be afforded the same opportunity to vote unassisted in the Voter Registration Office as at the regular precincts. She indicated that in 2008 the State Election Board recommended that all Virginia localities, in order to comply with HAVA, establish a CAP to be used in all elections in order to accommodate the disabled. She advised that New Kent's Electoral Board had voted to request use of the CAP for all elections. She estimated the cost would be around \$565 for a Primary or Special Election to pay the three officers of election required to serve under Virginia election law.

She indicated that the absentee voting period in General Elections was 45 days and 30 days in Primary or Special Elections. She clarified that the CAP would only be open on Election Day, as in-person absentee voting prior to elections occurred in her office.

There was discussion regarding actions in the General Assembly to establish early voting in Virginia. Mrs. Ellyson advised that it was her understanding that the bills had passed the Senate but not the House of Delegates.

Mrs. Ellyson advised that recently there had been no shortage of individuals willing to serve as officers of election, and she cautioned the Board against trying to lower the daily stipend of \$140, explaining that officers of election worked 16½ hours on election days. She indicated that although the State did allow split shifts and there were some elderly workers

who worked shorter shifts in the past election, she did not prefer it because it was more work for her. She advised that most workers preferred to stay all day.

County Attorney Jeff Summers explained that because of the upcoming June Primary Election, it was necessary to send the proposed ordinance and supporting documentation to the Department of Justice before the end of the week so that it could begin its review. He indicated that it was important for the Board to be comfortable with the change before he proceeded. Mrs. Ellyson advised that in-person absentee voting for the June primary would begin May 9 and it would be necessary to have approval from the Justice Department prior to that date.

Mr. Summers also explained that when the Board established the CAP for use in General Elections in 2002, for some reason it was not codified in the County Code. He indicated that once the Board adopted the ordinance at its next meeting, it would be codified.

It was confirmed that there was no notification needed for any voters as nothing was changing.

There was no objection to proceeding with a public hearing on the proposed ordinance at the March 9 meeting.

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IN RE: PARK ORDINANCE REVIEW

Parks and Recreation Manager Kim Turner and Programs Manager Matt Spruill reviewed with the Board the proposed ordinance to establish guidelines and rules for use of the County's parks and facilities. Mrs. Turner explained that the proposed ordinance had been amended to address the concerns previously raised by Board members and some citizens, and she reviewed each of those changes. She pointed out that language had been included to allow an applicant to appeal to the Board for approval in some instances but emphasized that most of the requests would be handled by staff unless it was one that would affect policy.

There was discussion regarding the use of fires, grills, and overnight camping. It was explained that the required Use Permit would have to specifically designate those uses or they would not be allowed.

There was consensus to move forward with a public hearing on the proposed ordinance at the March 9 meeting.

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IN RE: FY10 BUDGET UPDATE

County Administrator John Budesky advised that there was nothing new to report since the February 13 meeting with senior staff, and that there was still a revenue shortfall of about \$2.4 million. He indicated that he and Mr. Burrell had attended a recent meeting hosted by Congressman Scott on the federal stimulus package and it was still unclear as to what funding New Kent might receive.

There was discussion about the likelihood that much of the stimulus funding would come through State agencies. Mr. Budesky advised that New Kent was in the process of completing applications on two utility projects so that they could be filed by the March 9 deadline. He indicated that there remained many unanswered questions and as many as 20 – 30 different documents that explained how to access the different "pockets of funding".

Mr. Trout asked if water projects were limited to public water systems or would private systems be eligible. Assistant County Administrator Bill Whitley advised that he was not certain but would investigate further and advise.

Mr. Whitley stated that it appeared that the State Water Control Board (SWCB) would administer the sewer system funds, which would be a mixture of both grants and loans, and the SWCB would also make the decisions as to what projects would be funded. He indicated that those funds totaled \$78 million and he surmised that the funds would be divided up and dispensed to many different communities rather than fully funding just a few projects. It was noted that the cost of New Kent's reclaimed water project was estimated at around \$6.8 million. He pointed out that there was a special section requiring that \$16 million of the \$78 million had to go to projects that addressed water or energy efficiency or other green infrastructure objectives. He indicated that Virginia was particularly interested in promoting water reuse through these projects, which might help New Kent in competing for the funding.

Mr. Budesky reminded about the upcoming joint meeting with the School Board on March 2. He asked the Board to advise staff if there were issues on which they wanted more information and advised that once the numbers "settled down", the budget books could be printed. He added that in the interim staff would be happy to provide any information Board members might need. The Board was in agreement to wait until the numbers were more certain.

Mr. Burrell advised that he had a previous commitment with the Colonial Community Criminal Justice Board on March 2 and may have to leave the joint meeting with the School Board early.

Mr. Budesky explained that staff was trying to develop a differently formatted budget document from years past, which would include information on functions/design of the departments and how those functions related to the budget. He indicated that they were attempting to condense the information into a more user-friendly format that could be used on the County's website. He advised that rather than provide separate binders for the proposed budget and the adopted budget, the new information would be supplemented to a single binder in order to cut down on costs and increase efficiencies. He predicted that it would be another one to two weeks before final numbers were available from the State.

The County Administrator confirmed that there was some community-based project funding in the federal stimulus package but that the conditions, including a requirement that projects be "shovel ready", were not very clear. He indicated that Congressman Scott had advised that the intent of the stimulus was to fund projects that had been designed, engineered and were ready for construction, with funds committed. He added that the Congressman did not believe that the intent was to include design/build projects.

Mr. Summers commented that the problem was that there was a language difference between the Federal government and localities. He clarified that New Kent did not use design/build but used the Public Private Education Act (PPEA) wherein the County advised a builder what it wanted and then the builder would do design/build and not the County, a practice not recognized by the Federal government. He added that the PPEA process could be "obligated" within 45 – 60 days and that it would be important to get some clarification regarding whether PPEA projects would qualify for any of the stimulus funding.

There was discussion regarding solicited and unsolicited PPEA projects. Mr. Summers explained that under an unsolicited PPEA proposal, part of the proposal included financing whereby a proposer would receive payback in the way of fees.

There was discussion regarding stimulus payments for schools. Mr. Budesky reported that school construction money had been cut from the package and that the only funds were for Title 1A and another category, and it appeared that New Kent would be allocated a certain amount of funding over the next two years. He cautioned that funding would be based on a formula used to determine how states were currently receiving money, and that the states could then choose how to allocate the stimulus funds.

There was discussion regarding the renovations of the historic school for use as a library and School Board offices. Mr. Budesky advised that he had asked General Services Director Jim Tacosa to consider the renovations as an entire project for funding application purposes in order that the County could get as much as it could.

Mr. Budesky advised that he had given a list of potential projects to Congressman Scott's aide and that it was represented that the Congressman would provide regular updates on the process. He added that more communication seemed to be coming through the State agencies, noting that the package was so large that the legislators may not be the first to have information on the different funding streams.

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IN RE: FIRE-RESCUE INITIATIVES

Fire Chief Tommy Hicks met with the Board to review several Fire-Rescue initiatives. He explained that he continued to look for ways to better position New Kent in its capabilities to provide service.

He explained that his department had been dealing with several aging components in its radio system that were near the end of their life spans and he was looking at a countywide approach that would include the Public Utilities Department and other parts of local government. He explained about a Homeland Security grant project for a new tower behind the Sheriff's Annex that would allow the County to abandon the existing tower on the side of the Administration Building, would provide microwave technology, and would also result in the elimination of the costs of the County's T-1 lines and some subscription fees being paid by the Sheriff's Office. He also reported that he had been working with a tower company that was upgrading equipment in Eltham, which would provide a co-location opportunity to the County at no cost.

Chief Hicks advised that the County had been updating its Emergency Operations Plan (EOP) and the biggest change would be that staff would be able to remain working in their usual environment in an emergency situation. He indicated that the EOP was expected to be ready for review by the Board at its April work session and for adoption in May. He reported that update of the EOP would allow New Kent to continue to receive grant funding.

He indicated that in 1986, the Federal government adopted regulations that required every locality to establish a Local Emergency Planning Committee (LEPC) to evaluate hazardous materials impacts. He advised that his main concern in New Kent was the impact from hazardous material staged in and transported through the County by rail. He added that most localities were using their LEPCs to evaluate all disasters and that he would like to move forward to bring New Kent's LEPC into compliance and have it be established as an informal committee that met on a quarterly basis. He advised that the Code required that the LEPC include certain individuals, including a local elected official; police, fire and public

health professionals; environment, transportation, and hospital officials; facility representatives; and representatives from community groups and the media. He suggested that New Kent's local elected official be its Commissioner of Revenue because she possessed a good overview of buildings, damages, and losses.

There was discussion as to how the LEPC members would be appointed. Chief Hicks suggested that it be an informal working group comprised of between nine and thirteen members. There was consensus among the Board members to accept the Chief's suggestion and the County Attorney advised that he would pull the Federal regulations to make sure that formal Board appointments were not necessary.

Chief Hicks indicated that he had been searching for ways to improve fire-rescue services without a financial cost to the citizens. He reported that at Station One, there was a two-person crew on duty 24 hours a day. He explained that coverage required six individuals, five of whom were full-time employees who worked 56 hours per week. He indicated that the sixth spot was covered by rotating part-time paid staff (most of whom worked full-time fire-rescue in other localities), the total cost of which was about \$10,000 more per year than one full-time employee would cost. He stated that a benefit to having a full-time person fill that sixth spot was that their attendance could be mandated in times of need, whereas the part-time employees would be obligated to the localities where they worked full-time. He clarified that this sixth position, whether it was full- or part-time, was paid for with Cost Recovery revenue and not the General Fund, and it was his recommendation that a full-time position be approved to fill that sixth slot.

He explained that using part-time fire-rescue staff who worked full-time in other localities had helped New Kent reduce its response time, and had also given it some depth in skills and education; however, he did not anticipate that any of those part-time staff would be interested in the full-time job with New Kent because more than likely they were receiving higher pay to work full-time in other localities.

Mr. Burrell inquired whether the increase in fuel prices had resulted in a decrease in the number of vehicular accidents. Chief Hicks advised that the volume of calls in New Kent was consistent, if not growing, and that it was not uncommon each day for the County to run out of ambulance crews. He indicated that they would continue to try to fill the voids with volunteers but as the number of volunteers decreased, it would become more difficult to meet the demand without having an impact to the taxpayers. He advised that he did not anticipate losing any part-time paid staff as a result of the new full-time position although there might be a reduction in part-time hours, but he reminded that part-time paid staff was used primarily to provide ancillary coverage at Stations Two and Three.

There was consensus among the Board members to accept Chief Hicks' recommendation to create a new full-time position to fill the sixth spot on the Station One crew.

Chief Hicks next reported that in 2008, revenue from special event coverage at Colonial Downs totaled \$95,000 and those services were provided by part-time staff. He explained that every hour of coverage paid for by Colonial Downs provided one hour of coverage for the County at no cost to the taxpayers. He suggested that it would be more cost-effective and efficient to establish a full-time position with this revenue and be able to use that person to fill in for sick leave and annual leave, but would result in no extra cost to the County. He suggested that a condition of employment for this position would be the annual renewal of the County's contract with Colonial Downs.

Board members expressed their concerns and discomfort with this suggestion. Mr. Summers indicated that he had a problem because the County did not have contracts with any of its employees, but it might work if it was a seasonal position tied to the season of the racetrack. Mr. Budesky commented that he felt it would be similar to a grant-funded position at the Sheriff's Office, and when the grant funding stopped, the County had the option of either picking up the funding or eliminating the position, and he had supported Chief Hicks' request because it was cost-neutral. Following further discussion, Chief Hicks advised that these services could be maintained by continuing to use part-time employees and he would work with Human Resources to obtain some additional information requested by Mr. Sparks.

Chief Hicks did confirm that for the Strawberry Hill races, EMS services were provided exclusively by New Kent Fire-Rescue but that law enforcement services were provided by several jurisdictions.

Chief Hicks next spoke to the Board about the Staffing for Adequate Fire and Emergency Response (SAFER) sliding-scale grant through Homeland Security. He reported that the grant's purpose was to assist smaller rural localities whose staffing levels were not meeting the standards of the Occupational Safety and Health Administration (OSHA) or the National Fire Protection Association (NFPA). He explained that OSHA required four personnel on an engine reporting to a fire so that there would be two individuals who could enter the structure and two who would remain outside ("2 in 2 out"), and that New Kent could not currently meet that standard. He indicated that through volunteer staffing they had greatly improved and were "working in that direction" but had not yet become compliant. He admitted that at the recent fire in The Colonies subdivision, it took about 18 minutes before there was sufficient staff to meet compliance. He explained that when there was not enough staff to be in compliance, they were required to "stand back" and not enter the interior of the structure but instead use alternative methods. He confirmed that New Kent did have the "2 in 2 out" policy in place, as required by the State, but advised that there was some flexibility if there was an obvious sign that someone was in the structure. Mr. Budesky added that few rural localities were able to meet the standards and that everyone was working to show improvement and find ways to "fill the gaps" in order to reach compliance, but that it was unlikely that New Kent would be in compliance any time soon unless the economy changed. Chief Hicks explained that the SAFER grant was a five-year program that provided 90% staff funding during the first year; 80% the second year; 50% the third year; 30% the fourth; and none the fifth year. He indicated that the County's match could be covered during the first two years through Cost Recovery revenue, but that there would be a budgetary impact for the remaining three years. He added that there was a possibility that the federal stimulus package might provide 100% funding for the first two years but further details were unclear. It was confirmed that if the County committed to the program, then it would be required to maintain the personnel for the full five years.

Following discussion, the Board was in agreement to wait until final figures were known before further consideration. Mr. Sparks commented that it was "bad timing" but commended Chief Hicks for the "good things" his department was doing. Mr. Trout stated that he had been impressed with the part-time paid staff and was pleased that calls for mutual aid from Henrico County had substantially decreased.

Next Chief Hicks reviewed with the Board a proposed Agreement providing a three-month trial arrangement with Hanover County to provide fire-rescue services to a geographical area in both counties. He reported that the agreement called for New Kent to provide one of its reserve ambulances to Hanover's Black Creek Station from 7 a.m. to 3 p.m. daily Monday through Friday in return for Hanover fire-rescue staff responding to calls in the

Black Creek area that included both Hanover and New Kent. He indicated that after the three-month period, both localities would be able to evaluate the data and weigh the merits of the arrangement. He indicated that the biggest advantage to New Kent would be more timely responses to County residents in that geographical region as compared to what was possible from Station Two in Quinton, and there would be also be a financial savings for area homeowners on their insurance premiums because of the closer proximity of emergency response. He reported that the ambulance would be moved back to Station Two on the weekends. He clarified that this would not be mutual aid and that Hanover would be providing fuel.

Mr. Trout expressed concerns about inconsistencies in the language in the proposed agreement. Mr. Budesky advised that the Hanover County Board of Supervisors had already approved the agreement and if any changes were made, then it would have to go back through that process. Mr. Summers advised that the language of concern was in the recital paragraph and not in the performance and he did not believe that it would affect the agreement's intent. After further discussion, it was agreed that the language could be corrected in future agreements and should not delay approval of the trial arrangement.

Mr. Evelyn asked about staffing at Station Two. Chief Hicks reported that there was paid part-time staff at Station Two on Mondays through Fridays from 8 a.m. to 5 p.m., mixed in with the volunteers. He indicated that February shifts for all stations were being assigned based upon call and demand data that had been previously collected.

Mr. Burrell inquired if three months would be long enough to analyze the arrangement. Chief Hicks indicated that it would be enough to determine what adjustments might be needed but conceded that another trial period may be needed, pointing out that there was nothing like this happening anywhere else in the Richmond area.

Mr. Summers advised that it was not necessary to have a public hearing to approve the proposed agreement and the Board could either take action at this meeting or in a future consent agenda.

Mr. Evelyn moved to approve the Agreement between New Kent County Fire-Rescue and Hanover County Fire and EMS for a three-month trial period involving Black Creek Fire/EMS Station 12.

Mr. Davis asked about the differing ambulance fees. Chief Hicks advised that during the trial period, Hanover County would be billing and receiving the Cost Recovery for ambulance services rendered to New Kent residents. It was clarified that those New Kent residents who were on a subscription plan would not be covered for calls made by Hanover. There was consensus that was an issue that needed further consideration after the three-month trial. EMS Captain Lisa Atkins reported that 37 New Kent residents were currently enrolled in the subscription program.

The members were polled on Mr. Evelyn's motion to approve the Agreement:

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

The motion carried.

Chief Hicks next reviewed a request from Charles City County for New Kent Fire-Rescue to provide 30 hours of EMS services per week, similar to the arrangement with Colonial Downs. He indicated that this arrangement would provide Cost Recovery revenue and would help Charles City fill some voids in its coverage. Chief Hicks advised that his recommendation would be to use this revenue to fund a new full-time position but that it could be covered just as well with part-time personnel. He reported that Henrico had been providing service to Charles City on a regular basis but had advised that it would not be able to continue.

Chief Hicks reported that statistics reflected that Providence Forge Volunteer Rescue Squad (PFVRS) had responded to 100 calls in Charles City last year as well as 100 calls in New Kent. Mr. Trout indicated that the percentage of Charles City County calls made by PFVRS had increased over the past few years as a result of the growth of New Kent Fire-Rescue but he did not know if PFVRS had sufficient weekday staff to fill the need in Charles City.

There was discussion regarding political ramifications to the requested proposal as well as the proposed costs and projected revenue. There was consensus of the Board that it would be better if Charles City worked with PFVRS or one of the contract ambulance companies, but would continue to assess the request. Mr. Sparks asked that Chief Hicks provide information on the monthly cost to operate an ambulance.

EMS Captain Lisa Atkins then joined Chief Hicks to provide an update on the third-party Cost Recovery billing by Diversified Ambulance Billing (DAB). Chief Hicks indicated that when New Kent first began to use its services, DAB was a strong company used by many localities and had been the "right fit" for New Kent; however since then, the quality of DAB's services had declined significantly and other jurisdictions had stopped using them. He reported that of \$397,479 in net billable charges for ambulance services in New Kent, DAB had collected only \$219,538 and further, accounts totaling over \$43,000 had "aged out" and there was another \$134,181 in accounts that had not been recovered and were in jeopardy of aging out. He and Captain Atkins also expressed some concerns about inappropriate communications between DAB staff and New Kent residents. Chief Hicks summarized that basically DAB was not performing satisfactorily and it was staff's recommendation that the billing be done in-house with a new full-time position in the Fire-Rescue Department. He spoke about a grant that might be available to pay for the necessary software upgrades.

There was discussion regarding the non-responsiveness of DAB to correct their inefficiencies. It was reported that the County had a five-year contract which contained a 90-day termination clause and Mr. Summers confirmed that the County could "get out of it". There were concerns about what would happen with the billing during the 90-day termination period. Mr. Summers advised that DAB would continue to be obligated to perform or the County would have an action for breach of contract. There was also discussion regarding whether the County could get a return of the fees paid to DAB. Mr. Summers reminded that those were payments for services that they did perform.

There was discussion regarding the cost of the County to do its own billing. Board members asked that Chief Hicks bring back more detailed information on cost. Mr. Summers recommended that the County not terminate its contract with DAB until it "had something to put in its place".

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

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IN RE: PERSONNEL POLICIES MANUAL

Human Resources Specialist Darla Stanley reviewed with the Board the proposed new Personnel Policies Manual. She reported that the new manual was the product of 18 months of work and included extractions of parts of policies from other localities. She indicated that if adopted by the Board, the new manual would replace the one currently being used, which lacked policies and procedures that were needed. She advised that the new manual had been distributed to all department directors to share and review with their respective staff.

The Board reviewed and discussed some of the proposed new policies. Mr. Summers advised that State law required that the document be filed with the Circuit Court in order to make it enforceable regarding the grievance process.

Mr. Budesky indicated that the new Personnel Policies Manual would be on the Consent Agenda for adoption at the Board's March meeting. He added that the new policies would better ensure fairness and equality for County employees and would clearly set out expectations.

There were no objections to including the document for approval in the upcoming Consent Agenda.

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IN RE: FORMAT FOR TOWN HALL MEETING

The Board members discussed some proposed guidelines for the Town Hall meeting that would be held later in the evening. They also reviewed some of the questions that had been submitted in advance.

Mr. Burrell departed the meeting at 5:55 p.m.

The meeting was recessed until 7 p.m. when it was called back to order.

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IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Evelyn gave the invocation and led the Pledge of Allegiance.

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IN RE: APPLICATION DEADLINE FOR ADDITIONS TO AGRICULTURAL AND FORESTAL DISTRICTS (AFD)

Before the Board for consideration was Ordinance O-03-09 changing the date of the deadline to apply for additions to an AFD from March 1 to May 1.

Mr. Summers reviewed that the proposed Ordinance would effectuate the Board's request to align the deadline date for AFD addition applications with the deadline date for withdrawal applications. He represented that was the only change and noted that it would likely save on advertising costs because public hearings on all additions and withdrawals could be held at the same meeting. He also indicated that the extension of the deadline would allow more time for interested landowners to apply.

The Chairman opened the Public Hearing.

Dave Wentling suggested that the Board needed to look at the requirements for AFD properties, suggesting that parcels should be at least 50 acres and be truly involved in agricultural or forestal operations.

There being no one else signed up to speak, the Public Hearing was closed.

Mr. Sparks moved to adopt Ordinance O-03-09, as presented. The members were polled:

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

The motion carried.

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IN RE: MEETING SCHEDULE

The Chairman announced that the Board of Supervisors would hold its next regular business meeting at 6 p.m. on March 9, 2009, and a joint work session with the School Board at 4 p.m. on March 2, 2009, both in the Boardroom of the County Administration Building, New Kent, Virginia.

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IN RE: TOWN HALL

Chairman Davis explained the rules and guidelines and thanked Sheriff F. W. Howard, Jr. for agreeing to serve as moderator. He introduced other public officials present, which included School Board Vice Chair Terri Lindsay, Assistant Superintendent and School Finance Director Ed Smith, County Attorney Jeff Summers, County Administrator John Budesky, Commissioner of Revenue Laura Ecimovic, and Chief Deputy Treasurer Norma Holmes.

The Board members first addressed questions that had been submitted in advance.

The first two related to whether the Board had considered reducing staff levels or outsourcing in order to reduce expenses. Mr. Davis responded that the County had reduced three positions and would continue to look at reducing more, based on present work conditions and as vacancies occurred. He indicated that the County routinely considered outsourcing as part of the budget process and in fact did outsource some of its services.

Another question asked about any anticipated reduction in the tax rate. Mr. Davis indicated that the tax rate for FY10 would remain the same. It was pointed out that the County was facing a \$2.5 million shortfall that would be absorbed in the operating budget and would not be passed along to the citizens in the form of a tax increase, and that it was unknown how the Federal stimulus package would impact the County's budget. Mr. Evelyn advised that in November, the Board had given direction to staff not to increase taxes, but at that time the extent of the shortfall was unknown and staff had been working hard to find ways to cover it.

The next question concerned the County's plan to build or renovate the historic school for the library. Mr. Davis reported that the County's Capital Improvement Plan did include renovation of that facility for School, library and County uses; however, he emphasized that the project would not move forward until there were funds to pay for it.

There were questions regarding what plans the Board had to improve communication and trust by the citizens, and whether there would be future Town Hall meetings. Board members pointed out that the County had committed to holding this Town Hall meeting and would likely have others if it proved helpful. Mr. Davis spoke about several ways that the County used to communicate, including New Kent University, the annual State of the County event, quarterly newsletters, district and community meetings, and improved use of the government cable access channel and website. He emphasized that the Board worked hard to make goods and services available to the County and to keep taxes "in line". He acknowledged that dissatisfaction arising from the last General Reassessment had resulted in the formation of the Citizens Coalition group who had initially asked for a Town Hall meeting, but assured that the Board was not trying to "hide anything" and welcomed citizens at all of its meetings. Mr. Sparks commented that he felt that local government in New Kent was very open compared to other localities and he was glad that so many citizens were in attendance. He reminded that the Board worked for the citizens and were open to all suggestions. Mr. Trout pointed out that the Board's meetings were broadcast on the government cable channel and advertised on the website, and also noted that all of its business meetings and public hearings had opportunities for citizen comment. Mr. Evelyn reviewed some of the community meetings he held in his district as well as his plans for an upcoming mailing. It was emphasized that all of the Board members welcomed contact from their constituents and were happy to appear at community and civic association meetings and events.

Mr. Trout responded to a question regarding his support of funding requests as well complaints from his constituents in The Colonies about the General Reassessment. He spoke about the budget process and how it worked, the fact that there would be no tax increase in the upcoming budget, the cuts in school funding, the "unknowns" regarding Federal stimulus and State funding, and how the Board would try to develop something that was best for everyone. Regarding the problems with the General Reassessment, he explained about the procedure and how he had sent out emails to those for whom he had addresses regarding the error in the deadline appeal date. He talked about how the basic problem was that properties were assessed effective December 2007 but that the notices didn't come out until after the economy and home values had started to "fall apart". He indicated that the Board had shortened the time between assessments from four to two years and that in-house County staff was already involved in gathering data for the Reassessment that would become effective for 2010.

Regarding a concern that had been expressed about the increase in trash being illegally dumped along the roadsides, Mr. Trout encouraged citizens to report such instances to the Virginia Department of Transportation (VDOT) or to the County so that it could be addressed by VDOT crews.

Mr. Sparks responded to a question regarding why New Kent did not have a forensic audit. He explained that the County underwent a full audit every year and if that audit identified any major errors, malfeasance or fraud, then a forensic audit would be ordered. He indicated that to date the annual auditors had not found any of those concerns, and that forensic audits were much more expensive than regular audits so good management suggested that the County only pay for one when it was needed.

Another advance question concerned the last General Reassessment and the County's position regarding the contract with William Coalson of Tri-County Appraisal and his expired license, as well any efforts by the County Attorney on behalf of the citizens. Mr. Sparks stated that when Tri-Counties signed the contract, it was licensed, but that at some point during the contract it allowed its corporate license to lapse but Mr. Coalson himself maintained his license, which was legally sufficient according to the Virginia Code. He clarified that the County Attorney reported directly to the Board of Supervisors and represented its interests on matters pertaining to the County, and that the Board determined whether legal action was required in a particular matter.

There was a question about redistricting and who would be in charge of it. Mr. Sparks reported that the County Attorney had already begun a review of the Federal civil rights law governing redistricting in preparation for the 2010 Census and the redistricting that would follow. He advised that beginning in 2010, County departments and staff would propose potential redistricting options for the Board's consideration, based on statistics and demographics, and would make recommendations, and that there would be many opportunities for citizens and community advocacy groups to have input into the process. He noted that the Board would make the final decision, subject to review by the U. S. Department of Justice.

Mr. Trout fielded an advance question regarding vehicle decals. Mr. Trout advised that the Board was continuing to look at ways to eliminate the annual decal, explaining that one of the issues involved how to identify residents at the refuse and recycling centers.

An advance question regarding the ability to pay taxes twice a year was answered by Mr. Evelyn who clarified that tax payments were accepted by the Treasurer's Office at any time during the year, but that semi-annual billing would result in additional costs.

One of the advance questions dealt with the proposed outsourcing of custodial services by the school system which would result in the layoff of staff custodians. Mr. Evelyn advised that the Board of Supervisors allocated funds to the School Board and it was that body's decision on how those funds were to be used. He then invited Ms. Lindsay and/or Mr. Smith from the schools to provide additional information. Ms. Lindsay indicated that between \$2 million and \$2.5 million had to be cut from their budget, and it was still unknown as to what funding would be coming from the federal, state or local level. She explained that outsourcing custodial services would save between \$175,000 and \$200,000 annually, but that they would require that the contractor hire the schools' 18 custodian staff for a period of at least four months, with the hopes that they would be kept on permanently.

Commissioner of the Revenue Laura Ecimovic provided information in response to a number of questions posed both in advance and by attendees regarding the last General Reassessment, appeals to the Board of Equalization, and the assessments on driveways and irrigations systems. Ms. Ecimovic reported that the County's reassessment value given by Tri-County Appraisals was \$2,500,476,800 with a taxable amount of \$2,470,564.236. She advised that the total land value as of February 13, 2009 was \$2,532,564,236, with a taxable value of \$2,470,564.236, resulting in a difference of \$32,087,436 and taxable difference of \$82,826,536. She indicated that 1,179 new parcels had been created and assessed. She reported that the Board of Equalization had received 550 complaints, pointing out that some owners had multiple parcels, with one having 115 parcels. She stated that the Board of Equalization had made 746 parcel changes -- 476 were credits/refunds to taxpayers and 270 were increases to taxpayer, resulting in total value change of negative \$4,847,544. She advised that her office had made 3,005 changes, which included 423 new construction and 2,582 factual, 458 which were due to recent discovery of missing sprinklers and driveways.

Ms. Ecimovic clarified that taxes on driveways and sprinkler system features were not new and historically these features had been taxed but not itemized on the bills. She advised that once it was discovered that some properties had these features and had not been taxed on them, her office was required by law to equalize the assessment and send out supplemental bills. She emphasized that was to be fair to all citizens in the County who were being taxed on the same features. She explained that sprinklers and driveways had a contributory value to a property that was not related to its size but instead to the grade of the components used. She indicated that, for example, exposed aggregate had a higher contributory value than concrete due to its desirability in the marketplace. She stated that those and similar features were assessed by their grade, type and overall age, and that only homes of a similar age and made with similar construction material would reflect the same assessed values.

Julian Lipscomb asked that when applications were approved for a parcel to be added to an AFD, it be made retroactive to January 1 of that year rather than the next year. Ms. Ecimovic explained that January 1 was the effective date for changes to real estate and that she was "not sure of the legality" of what Mr. Lipscomb had requested. Mr. Davis agreed, stating that he doubted that would be changed.

Mr. Lipscomb also urged the Board, before it eliminated the decal, to recall that the use of the decal was initiated to help at the manned refuse sites to prevent out-of-county trash from being disposed of in New Kent, and the practice had since saved the County a lot of money. General Services Jim Tacosa explained how much money the County had saved by enforcing the regulations regarding commercial and non-resident trash at the disposal sites. Mr. Sparks remarked that the vehicle decals were another way to raise revenue.

One attendee asked about the possibility of natural gas services becoming available in the eastern end of the County and who was responsible for the cost of providing those services. Mr. Davis explained that it was a business and economic decision on the part of Virginia Natural Gas (VNG) as to where its services would be offered and he clarified that there would be no cost to the County nor would there be any revenue, other than that which might result from economic development. It was noted that VNG had tapped into the transmission line that crossed through New Kent, to provide service at Patriot's Landing and New Kent Vineyards, but it was not anticipated that natural gas services would be offered to any existing neighborhoods because of the cost to install the lines.

Isabel White expressed her concern about the proposed outsourcing of the jobs of lower paid staff.

Ms. Lindsay and Mr. Smith from the schools repeated that the school custodial employees would be hired by the custodial contractor for at least four months, and it was hoped that they would be able to become permanent. They added that this was just one of the first-round budget cuts and they were doing everything they could to reduce the number of teaching positions that would have to be eliminated.

Another gentleman commented that he understood why a vehicle would need a decal but questioned why he needed a decal for his boat.

Mr. George Oden spoke about the last General Reassessment, noting that he and everyone who lived along the river in The Colonies had a Resource Protection Area (RPA) in their backyard that was restricted in its use, and he thought it was unfair that residents whose property was in an AFD that had RPAs too paid a lot less in real estate taxes than he and his neighbors paid on smaller lots. He emphasized that it was not fair and he did not understand how one acre of land could be worth the \$370,000 it was assessed, especially with the presence of the RPA.

A resident from Brickshire commented that he was one of the citizens who had received a supplemental bill for his sprinkler and paved driveway, and he complained that he had not been able to validate that those features had been taxed previously because the details had not been included on previous assessments. He wondered if the value on sprinklers and driveways was being equally applied to all property throughout the County. Ms. Ecimovic indicated that when the missing features were first discovered, she did some research and found that those features were included in assessments throughout the County but were missing on some of the homes in Brickshire. She acknowledged that the detailed information was missing from the assessment notices but promised that was one of the improvements that would be made on future General Reassessment notices to be generated from her office. She explained that she had asked the prior assessor to include the details on his notices but he did not. She further stated that she would be happy to make an adjustment for anyone who brought to her office a legally recorded survey or deed which indicated an RPA on their property. She went on to say that as her staff was doing field work for the next General Reassessment, they would be correcting errors as they found them and she encouraged property owners to share information with them, as it was not the County's intention to tax anyone on something they did not have.

She did indicate that she had found some historical data from the 1800s reflecting that there were decals affixed to wagons as proof of payment of taxes, and she surmised that would explain the boat decals. However, she added that would be added to the list of things for reconsideration.

Mark Daniel complained about what he described as “hurdles” in working with the County in his efforts to develop some commercial space in New Kent. Although he spoke highly of County staff, he did criticize the lengthy process involved in permitting as well as the cost of fees. He complained that although the State had a threshold of 16% impervious cover before storm water measures were required, New Kent used a threshold of 8% which increased the cost of doing business. He complained about a State environmental fee that was being collected by New Kent when it was not being collected in other localities, and wanted to know why. He commented that these measures were “like a wet blanket” to doing business in New Kent and suggested that the Board schedule a work session at which time staff could explain why it was necessary for New Kent to have stricter standards than its neighboring localities. Mr. Evelyn indicated that he had heard some of the same concerns from other developers and he knew an environmental engineer who might be willing to meet with the Board and staff.

Jeff Inman asked about how the Board and County were preparing to deal with the worsening economy. Board members assured that they were monitoring the situation closely and were continuing to develop plans to deal with the worst-case scenarios, warning that it would likely call for “real sacrifice on the part of everyone”.

Mr. Wayne Haynes complained about the recent “miscarriage of assessment” and unrealistic home values. Mr. Trout advised that the County had switched to a two-year assessment to be done by County staff and would no longer have an outside contractor. He explained that the field work for the next assessment would be done this year and those values would recognize the change in the economy and hopefully address some of the concerns. He clarified that 2009 would be the last tax bills based on the 2008 General Reassessment.

Mr. Haynes commented that once home values decreased, it was likely that the tax rate would be increased in order to make up for the loss in revenue. He indicated that he was still “sore” that the County had built the new high school despite two negative referenda and now couldn’t reduce taxes because it had to pay the debt. He cautioned the Board that the County “can’t keep going this way”. Mr. Davis pointed out that the County had no new capital projects for the coming year but was obligated to pay the debt on the high school.

Ron Howser spoke about flooding problems on South Waterside Drive at Fannie’s Creek, which created a safety issue because rescue and law enforcement vehicles couldn’t get in and residents couldn’t get out. Mr. Trout indicated that the Board was very familiar with the problem and was continuously urging VDOT to develop a solution. He advised that the State had only gotten as far as providing a general plan and estimate of \$3 million to \$5 million. He indicated that his concern extended to the railroad crossing which could also block the sole access to Chickahominy Shores and could hamper emergency services. He reported that the Waterside Drive project would not qualify for any of the federal stimulus funding, and that no real plan to correct the problem had been developed, nor was there any State funding. Mr. Davis added that the Board had talked with its legislators and felt that the Army Corps of Engineers should be involved because of the nature of the problem.

Pat Hester indicated that despite receiving no communication from his district supervisor, he kept himself informed of what was going on in the County and although many of the concerns that had been expressed were valid, he was proud to live in New Kent where there were no newspaper reports of scandals or missing funds. He commended County staff and expressed his appreciation to the Board and staff for the work they were doing. As the spouse of a teacher, he commented that few were aware of the amount of personal time and money that teachers spent on their classes, and he voiced his thanks to all teachers.

Kim Claytor expressed her displeasure that the County had built a high school when the residents had voted it down twice and now the taxpayers were saddled with the debt payment for a school that they didn't want and she felt like it was a situation of "taxation without representation". She asked about time limit requirements between a negative referendum and when a Board could move forward with a project. Mr. Trout advised that he believed that there was a two-year limit between a negative referendum and when a locality could apply for certain financing. He explained that the issue that the Board had dealt with was not if the County was going to build a new high school but when. He stated that the County had an obligation to provide for the education of its students and there came a time when the Board "had to bite the bullet" and deal with growth and overcrowding and the need to replace the 1930s building that was serving as a middle school. Ms. Claytor stated that she would rather pay teachers than pay for a \$50 million school that wasn't needed, and she felt that the Board had gone behind the backs of the citizens and she resented the fact that the schools took over 50% of the County budget. Mr. Sparks defended the actions of the Board, stating that "it was the right thing to do" and was based on what was needed, and he'd do the same thing again. He acknowledged that the decision had pleased some and displeased others, but added that the Board had taken all circumstances into account and had made the best decision that it could. He pointed out that the school was built and was taking care of the needs of the students. Ms. Claytor responded that perhaps the Board could find another way to pay for it rather than raising taxes. She went on to question ownership of the land upon which the schools were situated. Staff reported that the County held title to all of the school property with the exception of the historic school property which was titled in the name of the School Board but would soon be deeded to the County as well. Mr. Budesky clarified that Ms. Claytor might have been confused about ownership because of the EDA bond financing mechanism that was used to pay for school construction. Ms. Claytor then complained that the County had only paid interest on the loan for the first four years and added that she was very disappointed in the Board's decisions in the past. She indicated that she appreciated the Board holding the Town Hall meeting because she was interested in what was happening in her community.

Richard Agans expressed his thanks for the things that had been done for fire-rescue and law enforcement. He complained about trash in the area of the Dairy Queen. He voiced his concern about outsourcing services, noting that it often resulted in decreased quality of service. He asked the School Board about the life cycle of school buses as well as performance standards for teachers, drug testing of students, and communication with other localities. Ed Smith advised that New Kent kept their school buses "on the street" for anywhere from 12 to 19 years, with State guidelines recommending 12 years. He reported that 25% of their buses were over 12 years old and that it was very expensive to purchase new ones, although the County had done a good job of helping them maintain their fleet. Regarding teacher performance, Ms. Lindsay advised that if a teacher was not performing up to standards, then they would either be terminated or placed on an improvement plan. She advised that they had decided against drug testing of students because of the expense involved and some other issues, but they did have random unannounced searches by the Sheriff's Office. Sheriff Howard explained that these searches resulted from a memorandum of understanding between his office and the superintendent and that no one was aware of a search until they arrived at the school.

Mr. Sparks asked about the dual bus routes. Mr. Smith indicated that New Kent had changed from single to dual bus routes for elementary and secondary students, explaining that the first run picked up students in grades 6 through 12, then went back out for students in kindergarten through grade 5. He reported that disciplinary problems had

decreased by 90% and that even though it was about 25% more expensive, the safety and discipline improvements warranted that they maintain the dual routes.

Mr. Agans commented that it was too bad that none of the State legislators were in attendance. He complained about some areas in Brickshire where the sides of the road were eroding and VDOT would not let them apply stone for stabilization unless engineering studies were done.

Mr. Pat Murphy commented that New Kent should be more receptive to ideas from its new residents. He wondered about why New Kent was having such a difficult time eliminating its annual vehicle decal when other localities had done it and had devised other ways to control who was disposing of trash at its refuse sites. He indicated that he had never been assessed on having a sewer system or patio, and he encouraged officials in New Kent to reach out to other localities rather than "try to re-invent the wheel". Mr. Trout indicated that New Kent did talk with and visit other localities, and reiterated that the Board welcomed new ideas.

Mr. Murphy stated that he was at a loss as to why New Kent had an inaccessible airport in the middle of a neighborhood and asked if it was an incentive to businesses considering relocating to New Kent. Mr. Trout explained that the New Kent Airport was developed in the early 1960s in that location as a private airport and the County had taken it over in the 1980s. Economic Development Director Mark Kilduff added that New Kent was currently marketing to several aviation services businesses and agreed that it would help if the airport had better access but predicted that it was more likely that any improvement in access would involve Route 106 rather than Interstate 64.

Ken Clark spoke about a situation in his neighborhood that involved containers full of hazardous liquid that were in close proximity to the Chickahominy River and neighborhood wells, and how he would like to see them safely removed. Mr. Trout indicated that he would look further into the matter.

Another gentleman indicated that he had moved to New Kent from a locality in another state that had gone through some of the same "growing pains". He advised that one of the early mistakes they had made there was to allow more and more homes to be built that resulted in the need for more schools. He talked about how important it was to attract good clean industries, which his former locality had aggressively sought out by setting up booths at various locations to promote and market their locality, and had been successful in attracting businesses that resulted in the decrease of real estate taxes. Mr. Kilduff explained that one of the most important things that New Kent had done to be in competition for those kinds of businesses was to provide public water and sewer. He talked about New Kent's efforts to use its comprehensive plan and utilities to drive development where it was most desired, along the interstate interchanges, and that for the first time the County had a product worthwhile for consideration by those types of industries. He indicated that New Kent worked closely with the State Economic Development Department on those kinds of targets, but had not gone as far as setting up shows.

One speaker reported that he had moved from York County to New Kent because he thought it would be less expensive, but was surprised to find that taxes on his boat, house and car were higher. He disputed the method of assessment where the market price was used over the cost of construction, noting that it cost him \$80 per square foot to build his home and the County had assessed it at \$150 per square foot. He said that his business did not pass on the cost of bad decisions to its customers and he did not think the County should pass on the cost of the new high school to the taxpayers. He indicated that he had

hoped to retire in New Kent but felt that wrong decisions were being made and that the County was spending money it didn't have.

Another gentleman stated that he wanted the County to conduct its business like he did his, and before it decided to spend any money, it needed to consider what it was doing to the homeowners.

The next speaker talked about how the growth of residential communities had resulted in the need for new schools, and then the housing market had "turned" and taken a source of revenue with it. He agreed with the comments of previous speakers that the County needed to attract more businesses and promote itself more aggressively.

Ms. Ecimovic responded to some of the comments regarding assessment methods. She explained that there were laws regulating general reassessments and she was required to use the same methodology used in the last assessment until the new one became effective on January 1, 2010, and until then she was only permitted to correct factual errors. She went on to say that the method used in the last general reassessment was an acceptable one. She indicated that she was looking at a new way to assess boats and trailers which would use depreciation each year by percentages. She stated that as a relatively new Commissioner, she was still looking at ways to improve all of the processes and would consider and implement changes as necessary. She spoke about how the Board had authorized her to conduct the next General Reassessment and how her staff was already out in the field collecting data. She offered to provide anyone who was interested with a copy of the itemized information on their assessments.

Someone expressed their concern about the high taxes being paid by landowners in The Colonies, where there had been a recent problem with the water supply needed to fight a house fire. Ms. Ecimovic explained that there was a move underway to change the way assessments were handled by using the cost approach instead of market price. She indicated that the need for change was starting to be recognized by the State legislators, but it would require an amendment to the State constitution. She advised that until that time, localities were required to assess homes at 100% of their market value. She invited anyone who wanted to discuss their assessments to contact her office.

Ms. Claytor suggested that the County needed to reconsider the amount of proffers that it required from new developments so that they would be sufficient to cover the cost of new schools. She also agreed with the comments made about the need to attract good industry.

Mr. Lipscomb commented that the County was getting new businesses. He explained about how three years prior the Board had appointed a Zoning Ordinance Rewrite Committee (ZORC) to make changes to the zoning ordinance. He described how the ZORC had completed the sections on business and industrial zoning, which had set high standards but included flexibility to accommodate new businesses. He indicated that ZORC was starting on the sections pertaining to villages and hamlets, and suggested that this would help the County to attract new businesses when the economy finally turned around.

George Slemp, on behalf of New Kent County Citizens Coalition who had originally asked for Town Hall meetings, commended the Board for their willingness to spend time listening to the citizens and stated that he hoped the next meeting would be scheduled soon.

Chairman Davis thanked Sheriff Howard, school officials and others for attending and suggested that the next Town Hall meeting would likely involve a focus on the budget.

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IN RE:           ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 9:22 p.m.