

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 28<sup>th</sup> DAY OF JANUARY IN THE YEAR TWO THOUSAND EIGHT OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

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IN RE: ROLL CALL

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

The Chairman called the meeting to order.

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IN RE: REZONING OF SCHOOL PROPERTY

Before the Board for consideration was Resolution R-01-08(R1) initiating the zoning reclassification of approximately 186 acres of land in the St. Peters and Cumberland Magisterial Districts from *A-1, Agricultural* to *R-2, General Residential*. Present on behalf of the Schools were Superintendent J. Roy Geiger II, School Board Chair Joe Yates, and School Board staff Tim Pollock.

Planning Manager Rodney Hathaway explained that the Board was being asked to initiate this rezoning action in light of a problem with setbacks that surfaced during construction of the dugouts and concessions stands at the athletic competition fields for the new high school. He reported that a number of the school parcels were zoned residential and it made sense that all school property be zoned the same, and it would also bring the offending structures at the new high school into compliance. He indicated that the proposed resolution would send the matter to the Planning Commission for public hearing and recommendation and then back to the Board of Supervisors for action. He admitted that this was something that should have been caught during the site plan phase of construction and that the proposed action would rectify something that had been overlooked.

He advised that the proposed resolution had been modified in order to add Watkins Elementary to the list of parcels to be rezoned. Staff reported that after this action, all school and County-owned property would be zoned R-2, with the exception of some outlying well lots and sewage stations, the fire station which was located in the Kentland Planned Unit Development (PUD), and Quinton Community Center which was zoned R-1. Mr. Budesky added that staff would research into whether there were additional County-owned parcels that should be rezoned, but that the immediate needs would be satisfied with the requested action. Mr. Summers indicated that some parcels might be discovered during the zoning map process.

Mr. Davis expressed his approval of the proposed action, commenting that he had received complaints that the County did not abide by the rules that it enforced on others. He expressed concern that if all school property was rezoned, it could result in someone with R-2 zoned property opening a private school. Mr. Hathaway reported that private schools were permitted only on property zoned for business.

Mr. Davis asked if the County shouldn't consider having a separate government zoning classification. Mr. Summers advised that government uses were allowed in every zoning

category, although there were some localities that had a separate government zoning class. He reminded that government-owned property was fundamentally different from private property and although it was important that government property be subject to the "process", retaining flexibility was in the best interest of the County and its citizens. He advised that by rezoning the subject parcels, the County would achieve what it needed to, without inflicting any costs on the taxpayers.

Mr. Sparks expressed his concern that if all of the Watkins school property were rezoned to R-2, a future Board could sell off the unused portion and the purchaser could then construct homes on it. It was confirmed that possibility could happen and had happened in the past. Mr. Hathaway advised that rezoning only a portion of the Watkins parcel could address that concern.

Mr. Trout moved to adopt Resolution R-02-08(R1) as presented. The members were polled:

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

The motion carried.

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IN RE: CHESAPEAKE BAY SMALL WATERSHED GRANT

Community Development Director George Homewood explained that as staff was starting the process of devising some green initiatives and putting together a list of things to do, it had reached out to some of its partners to find out what kind of assistance was available and the Colonial Soil and Water Conservation District (Colonial SWCD) had responded with an idea for a grant program. He introduced Jim Wallace, Agricultural Water Quality Specialist, and Brian Noyse, Conservation Specialist and District Coordinator, as well as Steve Lueke, New Kent's elected Colonial SWCD Board member and Paul Davis, Extension Office representative to the Colonial SWCD Board.

Mr. Wallace explained that the objective of the Colonial SWCD was to work closely with its five localities – New Kent, James City, Charles City, York and Williamsburg – to achieve locally identified goals. He indicated that the Community Conservation Partnership (CCP) arose from a cooperative program among their office, the Virginia Cooperative Extension, the James City/Williamsburg Master Gardeners, the Virginia Dept. of Forestry, the James River Association, and Williamsburg Land Conservancy to offer bare root seedlings after Hurricane Isabel, and had since developed into a program to address larger environmental concerns in residential neighborhoods. He advised that in 2006, the Colonial SWCD and James City County had partnered on a \$150,000 grant for the development of conservation plans (micro scale watershed plans) for twenty-two neighborhoods and reported that the program had been an overwhelming success. He explained that they went into the neighborhoods and identified site variables and Best Management Practices (BMPs) that could be implemented. He advised that they educated homeowners associations (HOAs) and were involved in negotiation with landscape management contracts. He said conservation easements donated by developers were often made off-limits to the community, and that their program served to "bridge the gap" between the developer and the community by eliminating undesirable vegetation and diverting storm water into the landscape thereby improving the quality of the water flowing into the structures and helping to maintain the conservation easement.

Mr. Wallace reported that the grants required a 50/50 match from the HOA, which could be in either cash or "in kind" and the HOA had to agree to maintain the area over the lifespan of the practice, with Colonial SWCD providing oversight for the technical work. He advised that at the end of the grant period (usually two years), the HOA may need to find a new source of funding.

Mr. Wallace described some of the improvements in which he participated in his Brickshire neighborhood, which eliminated standing water on the playground and improved the ball field, as well as addressed some storm water issues.

He advised that the grant they were proposing for New Kent was a two to three year grant, and could help address erosion problems along roadsides, banks and ditches in the neighborhoods. He indicated that they would reach out to the residential neighborhoods to see who was interested in participating and whether there was a need or desire to leverage some of their own money.

He summarized that their goals would be to write site-specific conservation plans, identify opportunities, and offer financial assistance. He clarified that the two-year grant would apply only to those residential neighborhoods within the Chickahominy watershed. He indicated that some entity, such as a HOA, would need to be in place in the neighborhood.

There was discussion regarding whether Newport News Waterworks might be asked to assist since it drew drinking water from the Chickahominy River.

Mr. Wallace advised that they proposed to apply for a \$200,000 grant from the Environmental Protection Agency (EPA), of which \$125,000 would be spent within the communities and \$75,000 would go to Colonial SWCD to establish a new position to administer the project. He advised that the match from the community could be through implementation, time and travel, or equipment. He emphasized that they were not asking for funding from the County - only for its support to move forward with the grant application.

It was clarified that the grant funds would be from the EPA and not the State, and that the County would be the sponsor of the grant. Colonial SWCD would file the application and although the grant funds would be paid to the County, they would need to be transferred to Colonial SWCD who would issue the checks. He admitted that it would take some County staff time to assist in the movement of the funds. He reported that February 29, 2008 was the deadline for filing of the grant application.

There was consensus of the Board members to include approval of the proposed grant application on its February 11 Consent Agenda.

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IN RE: SEPTIC PUMP-OUT ASSISTANCE PROGRAM

Under consideration by the Board was a request for additional funding for the Septic Pump-Out Assistance Program.

Environmental Planning Manager Amy Walker reported that \$6,000 in grant funds from the State had been exhausted within the first two days of the program. She reported that the response had exceeded expectations in that 59 eligible elderly and/or disabled homeowners

had applied prior to the November 30 deadline. She advised that the grant funds covered the first 29 eligible applicants, but with a County contribution of \$5,600, the remaining 31 applicants could be covered as well.

She spoke about the cooperation from the local haulers, reporting that most charged the maximum allowed of \$200, but that one hauler, Parsley, had charged only \$185 for pump-outs and \$75 for inspections, which had helped make the program work.

Mr. Budesky reminded that the Board was not required to provide this funding but it would be an opportunity to help some of the qualified elderly and disabled citizens for whom pumping of their septic system was a hardship.

Staff reported that any funding from the County would come from the grant contingency fund.

Mr. Davis asked about the possibility of obtaining assistance from Quin Rivers. Ms. Walker reported that Quin Rivers' grant funding was used for failing septic systems and that she was not aware that it had any funds to help with the septic pump-outs being required by the State.

Mr. Evelyn asked if the pumpers were giving price breaks when pumping several systems in the same neighborhood and Ms. Walker advised that she wasn't aware of that. She emphasized that the County could not dictate to the haulers, only notify them of the program, the payment threshold, and the process through which they could obtain payment.

Mr. Davis commented that he felt the County should approve funding this time, but for future grants, he suggested that the total grant be split up among all of the applicants. Ms. Walker advised that there was never a plan to ask the County to provide funding but that they had received many more applications than anticipated and the \$5,600 requested would help all who were eligible who had applied. She assured the Board that staff had carefully checked the eligibility of all applicants and reported that there had been some who were found to be ineligible and had been denied.

Mr. Sparks moved to approve a budget transfer of \$5,600 from General Fund contingency to provide additional funding for the Septic Tank Pump-Out Assistance Program. The members were polled:

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

The motion carried.

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IN RE: FINANCIAL ADVISORY SERVICES

Before the Board for consideration was an agreement with Davenport and Company for financial advisory services.

Staff reviewed the changes in the terms compared to the prior agreement as well as those items that had been negotiated with Davenport. It was pointed out that the effective dates of proposed Agreement had been adjusted to align with the County's fiscal year.

Board members commented that they had been happy with Davenport's service, responsiveness, and extra effort expended on behalf of the County.

Mr. Davis moved to approve the proposed Agreement with Davenport & Company LLC for a three and a half year term with two optional one-year extensions. The members were polled:

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

The motion carried.

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IN RE: SPECIAL PERSONAL PROPERTY TAX RATE FOR FIRE-RESCUE VOLUNTEERS  
AND AUXILIARY DEPUTIES

Mr. Budesky reviewed with the Board a recommendation to establish a special personal property tax rate for vehicles owned by fire-rescue volunteers and auxiliary deputies. He explained that staff was trying to obtain a sense of the Board as to whether it would consider this action as part of the upcoming budget.

Sheriff Howard reported that his office had seven auxiliary positions, classified "A" (academy graduates) and "B" (non-sworn). He explained the rigors of attending the academy which required class attendance every Tuesday, Thursday and Saturday for one year. He commented that both groups did a lot of good and saved the County a lot of money. He reported that he currently had two classified as "A" and four as "B", with one vacancy. He stated that all were valuable to the Sheriff's Office and he felt that anything the County could do for them would be a valuable investment.

Fire Chief Hicks reported that New Kent Fire-Rescue had 88 active volunteers, 60 of whom lived in the County and approximately 55 vehicles that would qualify for the proposed special tax rate. He indicated that fire-rescue volunteers worked many hours and were committed to working at least 24 hours per month, and that his department could not render the services that it did without their help.

Mr. Budesky advised that it was not being recommended that the County discontinue its practice of issuing a free vehicle decal to each qualified volunteer.

It was clarified that the special tax rate would be a benefit only for those volunteers residing in the County who were the registered owner of a vehicle, and that the special tax rate would apply to only one vehicle per volunteer. Mr. Budesky reported that staff was proposing to budget \$20,000 as loss of revenue based upon a special tax rate that was one-half of the personal property tax rate. It was explained that the data base for the 62 eligible vehicles had been provided to the Commissioner of the Revenue who had estimated the impact to be in the neighborhood of \$13,000. Mr. Budesky added that the remainder would cover any new volunteers or changes in the qualifying vehicles.

Mr. Davis suggested that it might be better to have a set amount so that all volunteers would receive the same amount of reduction.

Mr. Trout noted that a similar proposal was studied about ten years earlier, at which time the cost to the County had been estimated to be about \$30,000. He advised that because he was Rescue Squad volunteer and would likely benefit from such an action, he would remove himself from discussion and vote on the issue.

It was noted that the Personal Property Tax Relief Act (PPTRA) percentage for the upcoming fiscal year had not yet been determined.

Following further discussion, the Board members were in agreement that they would consider a special tax rate for qualified volunteers in the upcoming budget process and directed staff to look at both the 50% rate and a set credit amount.

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IN RE: REAL ESTATE TAX RELIEF FOR ELDERLY AND HANDICAPPED

Mr. Budesky explained that the Commissioner of Revenue was out of the office and had asked him to review with the Board her recommendation for an increase in the income and net worth thresholds for the elderly and handicapped real estate tax relief program. He indicated that if the Board was in agreement, the proposed changes could be advertised for public hearing and be in place prior to the time that the budget was adopted.

He advised that the recommendation to increase the individual income limits from \$25,000 to \$35,000, the household income limits from \$35,000 to \$45,000, and the net worth limit from \$50,000 to \$75,000, had been projected to double the number of program participants.

Mr. Budesky admitted that the biggest challenge remained educating the public that participation in the program would not affect the value of their home.

He indicated that staff was suggesting that a \$50,000 loss of revenue be included in the upcoming budget and that if the Board was comfortable with the figures, then a public hearing on the changes could be advertised for the March meeting. He pointed out that early adoption would also enable the County to advertise and better market the program.

There was discussion about the application deadline. The County Attorney pointed out that the County Code allowed for a May 1 deadline, except in years where changes were made, when the deadline was extended to July 1.

Mr. Davis commented that this was the first time that HUD figures were being used and asked if there was a way to use those figures as a trigger point rather than have to change the Code every year. Mr. Summers advised that recommendation would be taken into account when drafting the change but regardless, a duly advertised public hearing would be needed for this year.

Mr. Trout asked if the \$50,000 loss in revenue was a limit or an estimate. Mr. Budesky advised that the \$50,000 was a proposed limit and that there would be a maximum relief amount of \$500 proposed for each eligible applicant.

There was consensus to proceed to advertise a public hearing for the March 10 meeting and to start marketing the program.

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IN RE: BUDGET PROCESS

Mr. Budesky reviewed the upcoming budget process and calendar. He advised that he had suggested to the School Board that it meet with the Board of Supervisors to review the School budget at the Board's February work session. He confirmed that, as in previous years, the Budget Team would meet with all departments on their requests and thereafter bring a proposed balance budget to the Board for review, with a target for budget adoption in May. He indicated that departments had been requested to provide justification with their requests, which should answer many of the Board's questions.

He advised that the Finance Committee, which was composed of staff, Treasurer Herb Jones, Jr. and Commissioner of Revenue Laura Ecimovic, Supervisor Stran Trout, and citizen member William O'Keefe, had reviewed the budget package and CIP, and had been an active part of the process.

There was discussion regarding whether the Board should entertain presentations from any of the agencies. Mr. Budesky suggested that if the Board heard from one agency, it should offer the same opportunity to all of them. There was consensus from the Board that they would prefer not to have the presentations but recognizing that in some instances, it would be necessary to meet with an agency, as it did with the Heritage Library the previous year.

Mr. Budesky requested that Board members provide him with information as soon as possible regarding any new initiatives or cuts in which they were interested. He advised that he would meet with each of the Supervisors prior to the time the proposed budget was presented.

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IN RE: DISTRICT APPOINTMENTS

The Board continued to make appointments to boards and commissions designated by districts.

Mr. Evelyn moved to recommend William Wallace for Circuit Court appointment as District One's representative to the Board of Equalization. The members were polled:

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

The motion carried.

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IN RE: ZONING ORDINANCE REWRITE COMMITTEE

Julian Lipscomb, Chairman of the Zoning Ordinance Rewrite Committee (ZORC) was present to review the progress of the ZORC. Mr. Burrell noted that he had a telephone conversation with ZORC Vice Chairman Paul Robinson and had explained the Board's sentiment that the project was taking too long and wanted to explore ways to speed up the process.

Mr. Lipscomb advised that he had reviewed the project with Planning Manager Rodney Hathaway and that, in light of the recent speedier pace of the project and unless they "hit a

snag", they were comfortable that Phase I could be completed in eight more meetings, in time for the Board to be able to adopt it prior to the end of the fiscal year. Mr. Evelyn pointed out that it would have to go through the Planning Commission before it came to the Board for a vote.

Board members explained that they were getting complaints about how long the process was taking. Mr. Lipscomb indicated that ZORC had completed the industrial, business and commercial portions and felt that the residential and agricultural would not take as long.

Mr. Lipscomb reported that the ZORC was making a lot of progress and operating much more smoothly than it had in the past. He said that they had finished "all of the hard stuff" and that the zoning matrix would not be as difficult. He stated that the ZORC was still meeting twice a month, and although it was demanding on the ZORC members and they were "fifteen people with fifteen different opinions", they were committed to "doing it right". He assured the Board that there was no section that came before them that hadn't been discussed thoroughly. He reported that many of the ZORC members who had personal agendas at the beginning of the process had learned what zoning was and now had a countywide focus.

Mr. Summers suggested that the Board adopt Phase I as a "cohesive whole" in June.

There was discussion regarding timetables and deadlines for the remaining work to be done. Mr. Summers advised that much of the work would be done in the comprehensive rezoning. Mr. Lipscomb advised that he would expect that after June, the ZORC could meet once a month until it started working on the residential and agricultural sections, and that he felt that with the help of the County Attorney, he could impress upon the ZORC the necessity of the suggested timetable.

There was discussion regarding pending General Assembly legislation and how it might impact the process. There was also discussion regarding "villages" or mixed use developments. Mr. Sparks expressed his concern that villages be addressed in the near future so that "something was in place" in time to guide development in Bottoms Bridge. Mr. Lipscomb indicated that there were a lot of things already in place that would apply.

There was discussion regarding PUDs and time limits for development.

The Board members thanked Mr. Lipscomb for attending and for the effort and commitment of the ZORC members.

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IN RE: LEGISLATIVE MATTERS

There was discussion regarding some recent correspondence from State Delegate Chris Peace.

Some of the Board members expressed interest in attending the upcoming Legislative Day and Mr. Budesky advised that he would try to set up some appointments with New Kent's legislators for that afternoon.

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IN RE: ASSISTANT COUNTY ADMINISTRATOR

Mr. Budesky introduced Bill Whitley, former Gloucester County Administrator and successful candidate for New Kent's Assistant County Administrator position. The Board members questioned Mr. Whitley about his experience in Gloucester and growth management. Mr.

Whitley advised that he felt the most important thing was to have a plan in place and to be consistent and firm in its application. He talked about some of the right and wrong things that had been done in Gloucester. He advised that he would be available to begin work the first of March. There was discussion regarding whether or not it would be better for him to work as a contract employee as opposed to a permanent employee, and it was agreed to let Mr. Budesky and Mr. Whitley work out those details.

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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 February 11, 2008 and the next work session at 8:30 a.m. on February 26, 2008, both in the Boardroom of the County Administration Building, New Kent, Virginia.

It was also reported that hunters may be appearing during the Citizen Comment Period of the February 11 meeting to ask the Board to support their position on hunting with dogs in reaction to action reportedly being considered by the Game Commission.

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IN RE: ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 5:06 p.m.