

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 29TH DAY OF APRIL IN THE YEAR TWO THOUSAND EIGHT OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 8:30 A.M.

IN RE: ROLL CALL

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

The Chairman called the meeting to order and reminded that Mr. Trout was out of town at a conference.

IN RE: PERFORMANCE STANDARDS FOR TRANSPORTATION, UTILITY AND TEMPORARY USES

Planning Manager Rodney Hathaway recounted that at the last meeting, the Board had requested that staff revise the proposed ordinance to address concerns raised at that meeting.

Mr. Hathaway noted that the revised language set forth that there was no fee for the administrative permit required for carnivals, circuses, fairs, festivals, temporary craft sales or show, flea markets, and truckload sales. He reported that the language had been further revised so that only a sketch plan was required with the application, but the zoning administrator would retain the authority to require a plan drawn to scale if it was found to be necessary.

Mr. Budesky clarified that for-profit concessionaires would still be required to have a business license, even if it was for an event that was hosted by a tax-exempt group.

Mr. Hathaway advised that "craft show or sale" had been removed from Section 98-876 (a) (9) that imposed limitations on the frequency of flea markets.

He reviewed the changes made regarding mobile food units (MFUs), which had been previously prepared at the request of the Planning Commission but had never been voted upon by that group. He advised that the revisions provided for two classifications of MFUs – a true mobile unit and a stationary one.

He explained that for stationary units, requirements were that it be either approved as a self-contained unit by the Health Department or had to have a commissary within 100 feet. He said that the revisions would permit the unit to be adjacent to or under a permanent awning or similar structure as long as the structure was inspected by the Building Official and deemed to be safe. He noted other restrictions regarding hours of operation and that these units were only permitted in zoning districts that permitted restaurants. He confirmed that this was the same language that the Board had reviewed at a prior meeting, and that the owner of Bill's Hot Dogs had reviewed the proposal when it was previously prepared for the Planning Commission.

Mr. Davis inquired if the requirements in Section 98-876(d)(1)E would affect ice cream trucks. Following discussion, County Attorney Jeff Summers suggested a revision to that

sentence to change "be located" to "park", noting that there was a definition of "park" in the Code that would prevent any confusion.

Mr. Burrell commended the staff for the revisions, noting that they had developed some good designations.

Mr. Sparks reminded that Mr. Trout had requested that a vote not be taken until he could be present, but that he was willing to proceed with a vote if that was what the Board wanted to do.

Mr. Summers suggested that even though the revised ordinance was less restrictive than what had been advertised, he felt that because substantial revisions were being made to the zoning ordinance, he would advise that the matter be re-advertised for another public hearing.

There was consensus to follow the County Attorney's recommendation and Mr. Summers indicated that he would take care of re-advertising the matter.

IN RE: PHILBATES REZONING APPLICATION

Planner Kelli Le Duc and Environmental Planning Manager Amy Walker reviewed with the Board the rezoning application filed by Mr. and Mrs. George Philbates to rezone approximately four acres from *A-1, Agriculture* to *B-2, Business Limited*, which was scheduled for Public Hearing on May 12, 2008.

Ms. Le Duc advised that the applicants' intent was to construct a fully enclosed mini-storage building and a fenced-in area for outdoor storage of recreational vehicles, with the intention of renting storage space to the public, on property located on New Kent Highway across the road from the Philbates Auto Wrecking and Towing. She advised that staff reviewed the application and found that it was not consistent with Comprehensive Plan. She noted that the property was within a Rural Lands buffer along New Kent Highway, a designated scenic byway. She reported the receipt of negative comment letters as well as negative oral comments at the public hearing held by the Planning Commission.

There was mention of a zoning violation resulting from the filling of the property. Mr. Davis commented that the filling had been done by VDOT. Staff advised that the violation resulted because the property had been used for parking and storing vehicles, and that parking lots were not allowed in A-1 zoning districts unless they were associated with another use. Mr. Hathaway noted that the last violation had been issued about a month prior and was still open. Mr. Philbates argued that he was only parking his personal vehicles on the property, within the State's right-of-way. He also advised that school buses often turned around on the property, without his permission. Mr. Hathaway countered that the site had been cleared of vehicles in just the last two or three weeks. Mr. Philbates responded that those vehicles had been brought to the property without his knowledge and that he had been required to wait for authority to move them.

There was additional discussion regarding VDOT's filling of the property. Ms. Walker explained that VDOT usually received permission from a property owner, and that the locality had no control over the process, nor was she aware of any limitation on the use of the property after the filling was complete, or whether there was any mitigation required. Mr. Philbates advised that VDOT hired the contractor and had approved the project.

Ms. Le Duc advised that the Planning Commission had received information obtained from the Commissioner of the Revenue that tax revenue from existing mini-storage businesses in the County averaged about \$2,000 per year. She also pointed out that Mr. Philbates had made some changes to his proffers, adding additional trees to the sketch plan.

She reported that the Planning Commission had voted 7:1 to forward the application to the Board with a recommendation for denial, and that staff was also recommending denial.

Mr. Summers advised that the legal issue was that the application was inconsistent with Comprehensive Plan and if the Board approved it, it may well undermine any defense in other cases where it had denied applications. He urged the Board that if it was inclined to approve the rezoning, then such decision would imply a general policy change and the Board should tell the Planning Commission and staff that it no longer wanted this part of the County to be Rural Lands.

Mr. Budesky asked if the chain link fence proposed by Mr. Philbates would conform to the performance standards recently adopted by the Board. Mr. Hathaway responded that it would not – that the standards required a vegetative buffer and that open storage would have to be completely enclosed with a privacy fence and could not be visible. Mr. Sparks commented that some recreational vehicles were ten feet high or higher and doubted they could be adequately screened with vegetation, but Mr. Hathaway indicated that they could.

There was discussion regarding zoning and uses on some of the other parcels in the area. Staff reported that there was a parcel zoned M-2 in the area, but as part of its conditional use permit, it had “proffered everything away but one use”.

Mr. Evelyn noted that not every rezoning had been consistent with the Comprehensive Plan. Mr. Summers countered that the Board had generally been consistent, but in some cases had made a deliberate decision not to be and had directed staff to make that change in the Comprehensive Plan.

Mr. Davis asked if it would be better if Mr. Philbates applied for a conditional use permit (CUP). Staff advised that only certain uses required a CUP, and that a mini-storage business would not be allowed in A-1, even with a CUP.

Mr. Davis commented that he did not want to see this property become “another junk yard” but did not want to see Mr. Philbates not be able to do anything with it. He said that storage units could be attractive and that there must be a need since they “were everywhere”, and he’d like to see something that would enhance the property and bring in revenue but would not require County services.

There was discussion regarding the property on which the auto wrecking and towing business was located. Mr. Davis acknowledged that Mr. Philbates could improve its appearance but reminded that it was “grandfathered” and was patronized by a lot of customers.

Mr. Philbates represented that it was his intent to wait until the proposed hedges were large enough to completely screen the property before he started construction, and he would be willing to proffer that the County would have to approve that the buffer was sufficient before he could apply for his building permit. He commented that the other only thing that he could use the property for was a goat or pig lot, but he wanted something more attractive that would bring in some tax revenue. He indicated that he intended to hire a contractor for the construction as well as a professional to plant the buffer.

He advised that he was working on improving the appearance of his junk yard and had recently spent a significant amount of money on a "false front".

There was discussion regarding the proposed entrance. Mr. Philbates advised that it would be designed so the buildings would not be visible from the roadway, and he also intended to plant shrubbery along the rear of the property so it would not be visible to the neighbors.

There were concerns expressed that the buffer vegetation might not grow on land that had been filled with road construction debris. Mr. Philbates advised that he had consulted with a professional and that it could be done and the plantings would be covered by a warranty. He indicated that he would like to proceed with planting this spring in order to get it started.

Mr. Sparks expressed his concerns that even though Mr. Philbates had intentions of only using the property for a storage business, once it was rezoned, other uses would develop. Mr. Summers confirmed that property zoned B-2 would permit all of the B-2 by-right uses as well as the B-1 by-right uses, and any of the uses allowed with CUPs; however, Mr. Philbates was free to proffer away any of the uses that he did not intend to do.

Mr. Summers advised that there were two issues. The first was that the Board could find the current proffers inadequate because they don't limit the use of the property. The second was that the rezoning was inconsistent with the Comprehensive Plan. He added that staff could not advise the Board until a revised set of proffers was received, but it was entirely possible for the applicant to proffer away all but one use and still have that one use not consistent with the Comprehensive Plan.

It was noted that uses on the property would be limited because it would not support a septic system. Mr. Summers reminded that this was a land use concept, not one of suitability.

There was discussion regarding the sufficiency of the sketch provided with the application, which failed to show the number of buildings and outside storage spaces. Mr. Philbates advised that the outside storage spaces would be for boats or recreational vehicles whose owners lived in subdivisions that had no place for those vehicles to park. Mr. Davis commented there was nothing in the proffers to prevent the property from ending up as a parking lot full of boats and RVs.

There was additional discussion regarding performance standards, screening and buffering.

Mr. Davis commented that he was not comfortable with what had been proffered, but noted that this was a piece of property that would likely remain an eyesore if some use wasn't determined for it.

There was discussion regarding about the fill at the site. Mr. Burrell recounted that it was reported to the Planning Commission that the fill material consisted of asphalt, concrete and soil from the excavation of the Eltham Bridge, and asked about compaction. Mr. Philbates advised that it had been compacted every day, and that he understood that before any building could be started, compaction tests would have to be performed. He represented that it was his intention for the mini-storage units to have concrete floors.

Building Official Clarence Jackson advised that solid compaction was required before any commercial building was constructed. He indicated that there should not be any asphalt

buried there because of problems with the seepage of petroleum from the asphalt into the ground.

There was discussion regarding other mini-storage businesses around the County.

Mr. Jackson asked if a building could be used as screening, such as a pleasing, aesthetic building front. Mr. Hathaway responded that it could.

Mr. Davis suggested that Mr. Philbates do some more work on his application and plans, and encouraged him to consult a professional. Mr. Sparks suggested that he consult with an attorney to help him on the proffers.

Mr. Philbates advised that he was willing to do whatever was necessary to get the application approved, including a proffer that the property would only be used for storage.

Mr. Budesky summarized that the Board was not comfortable with the site plan or proffers as submitted and that it was up to the applicant to change them. He suggested that it may take longer than two weeks for the additional work to be completed and the applicant might want to request a delay of the public hearing. Mr. Philbates advised that he would be amenable to a delay.

Mr. Sparks advised that he would prefer having the revisions go back through the Planning Commission.

Mr. Burrell noted that the site plan needed to be more detailed and there was still an issue with the Comprehensive Plan.

Ms. Walker reminded Mr. Philbates to include some storm water measures on any revised site plan that he might submit, commenting that gravel was considered an impervious surface and storm water would be an issue.

Mr. Burrell clarified that the Board was not sending the applicant a message that if he made the suggested changes, the application would be approved.

Mr. Sparks acknowledged that some of the suggestions would represent a financial commitment and he suggested that Mr. Philbates carefully weigh those costs against any projected return on investment.

There was conversation about some existing businesses selling mulch, stone and top soil.

Mr. Philbates was again encouraged to obtain professional assistance with his proffers, landscaping and site plan and he was reminded that proffers were voluntary and could not be dictated by the County.

Mr. Philbates asked the Board to delay the public hearing to give him some time to address these concerns. Mr. Summers advised that once the revised proffers were received, it could be decided whether or not the matter needed to go back before the Planning Commission.

There was consensus that the public hearing on the application scheduled for May 12 would be postponed.

The Board took a break and then reconvened.

IN RE: FY09 BUDGET

Mr. Budesky advised that the budget items on the agenda for consideration included the utilities budget, changes to the Fee Schedule, and the CIP, as well as any additional items that the Board wanted to discuss, and indicated that additional budget work sessions could be scheduled if there were additional items for discussion or budget holders with whom the Board wanted to meet. He reminded that there would be an opportunity to further discuss the budget at the regularly scheduled work session on May 27, the day prior to the special meeting on May 28 for public hearings on tax levies, fees, and the budget. He assured the Board members that he would continue to meet with them independently and update them on an individual basis.

He reminded that there was a Closed Session scheduled for a personnel evaluation at the end of the meeting.

IN RE: PUBLIC UTILITIES

Present to answer questions regarding the Utilities Proforma and the proposed Utilities budget were R. T. Taylor from Davenport & Company and Public Utilities Director Larry Dame. Mr. Budesky reminded that the projections were based upon anticipated revenue and expenses for both water and sewer. He pointed out that there were no new major projects anticipated and that the only borrowing planned for the next year was to finish up the Parham Landing Wastewater Treatment Plant expansion.

Mr. Budesky advised that user fees collected had surpassed projections but that connection fees were below projections, especially in the Bottoms Bridge area where many of those who had committed had not yet connected. He reported that County staff was working with some of the property owners and reminded that there was an ordinance requiring connection by those located in the service district. He estimated that about 50% of those in the Bottoms Bridge Service District who were required to connect had not yet done so, and identified some of those who had and had not yet connected.

He projected that the uncollected connection fees were in the neighborhood of \$.75 million, and that as a result, there were certain projects that were being deferred. He indicated that with Mr. Dame's help, the Utility CIP projects list was being revised, but that some items, including the additional well at Whitehouse Farms, could not be deferred. He stated that they would have to temper existing needs with the needs for the expansion projects. He reminded that the Utility Fund, a self-sufficient enterprise fund, operated differently from the General Fund. He reported that approximately 50% of the public utility systems in the State were subsidized but that New Kent used the model of an independent, self-sufficient system. He indicated that although the Utility fund was not funded with general tax dollars, the County would become one of the system's biggest users once the schools and county buildings were connected.

There was discussion regarding utility connections at the new high school. It was reported that two of the three connections had been made the previous weekend, and the final one would be made in the upcoming week, depending on the weather. Mr. Budesky advised that the three-month delay was on the part of Dominion Virginia Power, reminding that it had taken six months to have power connected at the Visitors Center. Mr. Sparks suggested that it would be a good idea to request that someone from Dominion Virginia Power appear at an upcoming meeting in order to review the chronic problem with delays.

In response to an inquiry from Mr. Evelyn, Mr. Budesky confirmed that currently, the public water and sewer system had not cost the taxpayers anything.

Staff advised that even though the slowing economy had delayed some of the utility projects, the County had also been able to delay some planned borrowing and was continuing to earn interest on the funds in the bank which would subsequently reduce the amount of funds needed to be borrowed. Mr. Budesky advised that staff would be updating the Board at a future meeting on the utility system, but did report that the expansion of the Parham wastewater treatment plan would likely be scaled back from a 3 million gallons per day (mgd) plant to a 2 mgd plant. He noted that there were some opportunities for substantial savings and some "unique alternatives" pertaining to grey water that staff would be sharing with the Board.

He reminded that there was an 8% annual increase factored into the Proforma to keep the utilities system solvent, and that because of a decrease in revenues, and in order to maintain the system, planned projects would either have to be pared down or there may be the need for additional borrowing. He suggested that a 10 – 20 year CIP for utilities would be more appropriate than a 5-year plan, to cover continuing needs such as additional wells, storage, and planned preventive maintenance. He reported that they had already substantially reduced projected revenue from connections by almost 50% and that under that model, the system should be self-sufficient until 2013 or 2014 at which time the County should see cash positive operations. He noted that in reality, user charges should be used to operate the system and connection fees should be used for capital improvements. He noted that once the connection fees picked up, and user fees were being used solely for operations, then the County might be in position to take a dividend of interest earnings for General Fund use.

Mr. Budesky reminded that the Farms of New Kent had paid all of its connection fees up front, and that developers in the Courthouse area had committed to prepay their connection fees over five years' time, whether their developments were built out or not. He advised that connections were more speculative in the remainder of the Kentland PUD and on Route 33.

He reported that the Utility Fund was exceeding projections by 25% on other fees, except for connections, and that the debt service under existing borrowings was in the neighborhood of \$1.1 million. He explained that the fund balance from the previous year had offset the current year's operating loss and confirmed that the Utilities system was not truly operating at a deficit.

There was discussion regarding the wastewater treatment plant expansion. Staff advised that the 2 mgd plant expansion would be completed in 2010, and would have the potential to expand to 3 mgd. Mr. Dame advised that the Chickahominy plant would be shut down, but that a line could be built to transport grey water from Parham to the Chickahominy lagoon. Mr. Budesky reported that it was cheaper to put in a grey water line than it would be to modify the Chickahominy plant. It was suggested that users could be asked to share in the expenses and that with some creative options being considered, it might be possible to achieve zero discharge to the Pamunkey River, which would be the first time in Virginia.

Mr. Dame spoke about the status of groundwater withdrawal permits, advising that the only permits being issued were those for potable water – hence the increasing need for grey water for irrigation, noting that there were "people lined up asking for grey water". He explained that the Chickahominy plant had many problems and would need substantial upgrade in order to continue to operate. He advised that by having just one plant, there

would be only one cost center, and would reduce the need for staff, electricity, inspections and permits. He advised that he had not yet considered whether any of the equipment could be capitalized, but that he suspected that they would keep the lagoon open for grey water storage.

Mr. Budesky spoke about whether to build a 3 mgd plant when it would not be needed for another ten years, keeping in mind that the Department of Environmental Quality routinely changed its requirements, and as long as the plant could be expanded if needed. He noted that there was a cost to create grey water but there would be associated fees and users would possibly share in the cost, pointing out that DEQ would not let a locality make money but could charge fees to cover its costs.

Mr. Dame reported that a 12" line would likely be needed to transport the grey water, noting that the County had most of the easements that would be needed, although staff was looking at some other alternatives.

Mr. Burrell commended staff for its "forward thinking". Mr. Budesky advised that he felt comfortable with the utility projections and reductions, commenting that it was a dynamic process and that staff would continue to keep its eye on the market. He indicated that the Board's direction had always been to not use general fund money for utilities and they would continue to follow that direction.

IN RE: FEE CHANGES

Regarding utility fee increases, Mr. Budesky pointed out that, in line with the Proforma, there was a proposed 8% increase in user fees, connection fees and availability fees.

Regarding the proposed increase in the commercial building permit fees, Building Official Clarence Jackson advised that in the previous year when the base fee was increased from \$5.00 to \$5.50, those adjustments were not made throughout the fee schedule and that these changes would correct that oversight.

Mr. Jackson reported that he had updated the Market Value schedule upon which residential building permits were based in order to reflect more realistic values. He advised that in the past, the fees had been increased rather than adjustments made to the Fair Market Value chart. He indicated that as a result of this proposed change, he was suggesting that the residential permit fee be reduced from \$5.50 to \$1.75 per \$1,000 of fair market value, which would result in permit fees that were slightly higher than those being currently collected. He estimated that permit fees covered about 80% - 85% of the cost of running his office. He provided a handout showing the permit fees in some of the surrounding localities and how New Kent's would compare.

Mr. Burrell commented that he did not think it was fair for citizens to have to subsidize this department for the builders. Mr. Budesky reminded that the fees also applied to those residents who were renovating or building additions, and that the majority of the costs were borne by permits for new construction. Mr. Burrell maintained that the fees, not taxes, should fund the department. Staff corrected that in the current year, fees were only covering 73% of the cost of the Building Development department. Mr. Budesky noted that even though the State allowed localities to charge fees that would fully cover the costs of the Building, Environmental and Planning departments, very few did so.

Mr. Jackson reported that the adjustments in the residential building permit fee and Fair Market Value table would result in an approximate 12% increase in fees. He explained that

the commercial fees would remain the same, and were based on project costs, where residential structures were based on fair market value. He advised that the Commissioner of Revenue had helped with updating the Fair Market Value schedule, adding that it would help her office as well because the amount listed on the building permit would be closer to fair market value.

Mr. Jackson reported that his department was pretty well staffed, and for some exceptional things, like the sprinklers in the new high school, plan reviews helped to get the inspections done in a timely manner.

Mr. Davis asked if burglar alarms were inspected. Mr. Jackson advised that they were low voltage devices and required neither a permit nor inspection, but that fire alarms did.

There was discussion regarding the proposed increase to \$500 in the fee for an appeal to the Building Code Board of Appeals. Mr. Jackson advised that the increase was intended to cover the cost of advertising, but admitted that appeals were rare and he had never seen one in his ten-year career. It was noted that the proposed fee would not be sufficient to cover the cost of any work that might be required on the part of the County Attorney. Following additional discussion, there was consensus to increase the fee to only \$250, with the understanding that it could be further increased in the future if needed.

Mr. Jackson assured the Board that he and his inspectors "did not stray away from the Code" and that he had never had one of his decisions appealed.

Regarding the proposed increase in the mileage reimbursement fee related to ambulance transports, Fire Chief Tommy Hicks explained that the increase from \$7.50 per mile to \$8.25 per mile would cover some of the increase in fuel and mechanical costs, noting that most localities had increased the fee to \$8.50. He clarified that the mileage charge was only for the one-way trip to the hospital.

Mr. Evelyn inquired about the ambulance subscription program. Chief Hicks explained that the \$50 annual fee covered all costs involved with an ambulance transport and that there was also a hardship scholarship program for eligible residents. He advised that the program renewed every July, so that the \$50 premium covered at least 12 months. He reported that there were between 20 and 30 residents currently enrolled in the program.

He also advised that if a New Kent resident was transported, any amount not covered by their insurance was offset, and that only non-residents were billed for co-payments or deductibles. He acknowledged that most ambulance calls were for incidents on interstate. It was reported that, as of the end of March, the County had collected approximately \$69,000 in cost recovery revenue, noting that there was about a 9-month lag time between transport and payment.

There was no objection expressed to increasing the mileage fee as proposed.

County Attorney Jeff Summers explained the request for the increase in the legal review fee. He advised that the current fee of \$750 was "grossly inadequate" to cover the often extensive time needed to review such things as homeowners association documents, noting that often the documents from the smaller developers were the most time-consuming because they tended to use attorneys with less expertise. He indicated that in keeping with the guideline that one-half of the costs should be borne by developers and in estimating the total cost of his time to be in the neighborhood of \$3,000, he was suggesting that the fee be increased to \$1,500. Mr. Burrell again expressed his position that the

taxpayers should not be subsidizing development and that the fee should cover 100% of the costs.

There was consensus among the Board to increase the legal review fee to \$1,500.

IN RE: CAPITAL IMPROVEMENTS PLAN (CIP)

Mr. Budesky commented that the CIP was a budget planning document and was constantly under revision. He reviewed that the funding for CIP projects was a mix of loans, grants, donations, proffers, general fund transfers, and a percentage of the end-of-the-year audit balance. He warned that with the base budgets growing tighter, there would be less residual funds at the end of the year and it would be a challenge to meet CIP needs in the future. He advised that there were no CIP projects in the coming year that would require borrowing and that everything would be cash-funded with the exception of the Parham wastewater treatment plant expansion, which was not funded through the General Fund. He advised that some projects had been deferred until later years.

He also noted that the County had changed the way that it budgeted for replacement computers and vehicles. He reported that computers were on a five-year replacement schedule and that vehicles were replaced every five years or 120,000 miles, except for those of the Sheriff, which required earlier replacement. He spoke about the problems with not adhering to the replacement schedule but admitted that they were delaying replacements where possible. He explained that vehicle sharing was used wherever feasible.

Regarding the Airport, he noted that the local share of the proposed \$50,000 project was \$10,000.

He spoke about the rehabilitation and replacement of the HVAC systems in the administration building.

He pointed out that, because of the recent relocation of the Heritage Library, the design project for a new library had been deferred, but that the Board could expect to hear from the Library Board in the coming months about the issue.

He noted that the project for a transfer station in the Bottoms Bridge area had been deferred, with the hopes that someone would proffer the land needed, estimated at around two acres.

There was discussion about the Purchase of Development Rights program and Mr. Davis inquired about PDR applications. Mr. Budesky advised that he was not certain but would check on the program and report back to the Board.

He noted that the funding for the Economic Development incentives was from meals tax revenue, and explained the new Small Business Site Development project that would provide funding for signage and site work.

There was discussion regarding the squad vehicle for Company 3. Chief Hicks explained that because of the growth in the Bottoms Bridge area and the increase in the potential for fires to spread to adjacent properties, they needed to relocate to Company 2 some equipment currently at Company 3. He advised that the squad vehicle proposed for Company 3 was a four-man, single axle vehicle, similar to a "toolbox on wheels".

Chief Hicks also described a tanker that the County was able to obtain from the Virginia National Guard for the sum of \$1,400 and he was commended for his efforts.

He noted that a new ambulance had been removed from the CIP because the County had applied for a grant for that piece of equipment that would pay for between 80% and 90% of the apparatus, and he expected the grant results to be announced in July.

Mr. Davis commented about the difficulty of Company 2 staff accessing the interstate and asked about the possibility of a temporary interstate ramp near the Airport. Chief Hicks advised that when a new fire station was built to serve development along Route 106, Station 2 would likely be relocated to Bottoms Bridge.

Mr. Budesky reported that residents received discounts on their homeowners' insurance premiums for being located close to a fire station. Chief Hicks indicated that a recent study in the Lanexa area showed that a fire station in that part of the County would reduce premiums by \$103 to \$308, depending on the size of the structure, and that he was planning to bring a plan to the Board at one of its future work sessions. Mr. Burrell suggested that the plan should be presented to the citizens as well so that they could see that any tax increases were being offset by a reduction in insurance premiums. Chief Hicks agreed, adding that the savings for commercial establishments would be between \$500 and \$700 annually.

Mr. Budesky revised the planned IT improvements, which included server improvements to provide redundancy.

Regarding park projects, he pointed out that the funding for Criss Cross Park had been reduced from \$250,000 to \$185,000, noting that would allow some development to begin in phases. He indicated that \$15,000 was proposed for improvements at Wahrani Nature Trail.

He reported that the Colonial Downs reverse osmosis project had been deferred, and staff was working on some alternatives that were becoming available with changing technology.

He confirmed that staff was not able to recommend the amount requested by the Schools for the planning of another elementary school.

Mr. Budesky again warned that with the tightening of the operational budget, there would likely be little funds left over at the end of each year to cash fund the CIP as in years past. He noted that with the savings realized from the construction of the Sheriff's Annex, there may be enough to pay for the renovations of the second floor of the courthouse.

Mr. Evelyn noted that bids on some of the school projects had come in under the estimate and inquired if those savings could be used to pay for additional bleachers at the high school stadium. Mr. Budesky reminded that the recent bond financing was for the amount of the bids and not for the amount of the original estimate.

There was discussion regarding improvements at the transfer stations. Mr. Burrell advised that it was his understanding that the increased revenue from the recycling of corrugated would pay for the facility upgrades to collect corrugated at the transfer stations. Mr. Budesky reminded that the upgrades were currently in the design phase and that it would take about a year to determine any savings.

There was discussion regarding mandatory recycling. Mr. Summers advised that it would first be necessary for the County provide citizens with a way to recycle, obtain information on savings and cost benefits, and then the Board could decide if it wanted to make recycling mandatory.

Mr. Budesky suggested that the Board members advise as to whether there were any other budget items about which they wanted or needed further information, or any departments or agencies with whom they wanted to meet.

There was some discussion regarding another meeting with the Schools. Mr. Sparks advised that it was his information that the Schools were in a very difficult situation with the various cuts, noting that the Board had not met with the School Board since the cuts were made. Mr. Burrell reminded that the Schools were getting \$1 million more from the State and \$814,000 more from the County than they received last year, and that the Finance Committee had reviewed and agreed with the level of school funding.

Mr. Budesky advised that the Board may have one or two cents of flexibility in the tax rate, based upon information recently received from the Commissioner of Revenue regarding new construction and supplemental assessments, and that the Board may be able to adopt a rate of \$0.73 instead of the \$0.75 rate that was advertised, if it chose the current expenditure proposals. He reminded that \$128,000 was budgeted for value reductions that might be made by the Board of Equalization. He indicated that by the time the date for adoption of the budget arrived, staff might have a better idea if \$128,000 would be sufficient.

Mr. Evelyn asked if there had been any change in the value of a penny on the real estate tax rate. Staff reported that value was currently being projected to be \$232,500.

Mr. Budesky advised that if the Board was inclined to increase school funding above the \$814,000 being recommended, it had that extra two cents. However, he reminded that CSA and prisoner confinement costs were still unknown and any overages in those areas would have to come out of contingency.

Following additional discussion, there was consensus among the Board members not to meet again with the School Board.

IN RE: NEW POSITIONS AND EMPLOYEE RAISES

Mr. Sparks advised that he continued to have problems with the proposed new Human Resources position, commenting that he'd rather have a new position that dealt with the public rather than with employees. Mr. Budesky explained that the County was putting itself at risk by having just one person handling over 200 employees, dealing with payroll changes, retirements, etc., and little time for training and other areas that needed serious attention.

There was a review of the new positions that were added for the current fiscal year.

IN RE: BUDGET ADOPTION SCHEDULE

Mr. Budesky reminded that the Board had its regular work session at 8:30 a.m. on May 27 and a special meeting for public hearings on May 28 at 7 p.m., with adoption scheduled for its regular meeting on June 9.

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 May 12, 2008, and the next work session at 8:30 a.m. on May 27, 2008, a public hearings on May 28, 2008 at 7 p.m., all in the Boardroom of the County Administration Building, New Kent, Virginia.

IN RE: CLOSED SESSION

Mr. Evelyn moved to go into Closed Session to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia involving performance evaluation of an employee. The members were polled:

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

The motion carried. The Board went into closed session.

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

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

The motion carried.

Mr. Davis 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:

Stran L. Trout	Absent
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye

David M. Sparks	Aye
James H. Burrell	Aye

The motion carried.

IN RE: ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 12:46 p.m.