

A SPECIAL JOINT MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS AND NEW KENT COUNTY SCHOOL BOARD WAS HELD ON THE 8<sup>TH</sup> DAY OF OCTOBER IN THE YEAR TWO THOUSAND THIRTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 8:40 A.M.

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IN RE: CALL TO ORDER

Chairman Davis called the Board of Supervisors' meeting to order and School Board Chair Leigh Quick called her Board's meeting to order.

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IN RE: ROLL CALL

Thomas W. Evelyn	Present
C. Thomas Tiller, Jr.	Present
James H. Burrell	Present
Ron Stiers	Present
W. R. Davis, Jr.	Present

All members were present. School Board members present were Leigh Quick, Gail Hardinge, Dean Simmons and Sarah Barber, with Brett Marshall being absent.

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IN RE: HISTORIC SCHOOL RENOVATION PROJECT

Members of the School Board explained their concerns about the decision made by the Board of Supervisors at its previous meeting that it would manage the remainder of the school renovation project instead of the School Board, advising that this action was not consistent with what had been communicated to them in past meetings.

Mr. Davis explained that among the issues that led to the recent decision was the request by the School Board for \$500,000 for architectural and engineering fees, as well as a letter received from the State Board of Education confirming that the project would proceed under a design-build process managed by the School Board. He reminded that there was a budget of \$8.5 million for the entire project, that the decision on process was not up to the School Board, and that the Board had concerns that the project would not be kept under budget and as a result raise the tax rate.

School Board members advised that the letter from the Department of Education was based on a misunderstanding that could have been quickly resolved had they been given the courtesy of being contacted. They further indicated that the \$500,000 architectural and engineering fee was just a planning estimate and that they had since obtained more detailed figures that they had not had a chance to share with the Planning Committee because meetings of that group had been canceled. They commented that they had been under the impression that both Boards were working in collaboration to stay within the budget, and had felt "blindsided" by the Board's action to "cut them out of the process" without letting them know and failing to extend any professional courtesy. They indicated that there appeared to be two issues – the budget and the process – and they asked that the Board reconsider its decision and allow the School Board to manage the rest of the project.

School Board members maintained that they understood that there was a budget for the project and that they would do all they could to stay within that amount. However, School Superintendent Richardson pointed out that the renovation project at Watkins Elementary, which was similar in scope, had cost \$13.1 million in 2006, and he wanted the Board to

understand that structural and safety issues would come first, and there may not be enough funding to accomplish those aesthetic items that might be important to the Board and community, such as restoring the auditorium in a matter befitting this historical building.

County Administrator Rodney Hathaway advised that the original estimate received from the School's consultant Roger Richardson, after adding in some missing costs, was around \$10,278,679, which was a concern when the budget had always been \$8.5 million.

School Board members advised that there had only been one school project in Virginia in the last five years that had been managed by an entity other than a school board, and that City of Richmond project had been "unsatisfactory". They commented that the process needed to be transparent, needed to be done by an entity with knowledge about building schools, and they felt they had the expertise and experience to manage the project and stay within the budget.

There were comments about issues with Phases I and II of the Historic School renovation, and problems encountered during construction of the facility that now serves as the middle school, as well as the escalation in costs during the construction of the current high school. Mr. Burrell commented that "we can't let the past dictate what we do in the future" and asked for suggestions on how to move forward.

Mr. Stiers commented that he did not care who was in charge of the project, but it was important to work out the issues and move forward.

Mr. Evelyn noted that time was of the essence.

There was discussion regarding the timetable, with School Board members advising that construction would take 12 months to complete and could meet the target opening date of September 2015. Mr. Hathaway advised that it was his understanding that it would take longer.

There was discussion regarding process, and how the School Board might handle any unsolicited proposal made under the Public Private Education Act (PPEA). School Board members indicated that they would have to discuss any proposals that came in, but did not understand what difference the process was when funding was what was important.

There was discussion regarding next steps should management of the project be given to the School Board and the future of the Planning Committee. Mr. Evelyn suggested that another Board member be appointed to replace him as its representative on that Committee if any of them felt he had not done a good job. There was discussion regarding whether two Board members should serve, and what that would require as far as minute-taking and notice.

Mr. Stiers moved to go into Closed Session pursuant to Section 2.2-3711A.7 of the Code of Virginia for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel involving Public Utilities and PPEA competitive negotiations; pursuant to §2.2-3711A.3 of the Code of Virginia for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County involving

acquiring real property for public purpose; and pursuant to §2.2-3711A.1 of the Code of Virginia for discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or County employees involving performance. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye

The motion carried. The Board went into closed session.

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

C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye
W. R. Davis, Jr.	Aye

The motion carried.

Mr. Burrell made the following certification:

Whereas, the New Kent County Board of Supervisors has convened in a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed session was conducted in conformity with Virginia law;

Now there be it resolved that the Board hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open session requirements by Virginia law were discussed in closed session to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board.

The Chairman inquired whether there was any member who believed that there was a departure from the motion. Hearing none, the members were polled on the certification:

James H. Burrell	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
W. R. Davis, Jr.	Aye

The motion carried.

Chairman Davis asked the School Board to share the new architectural and design figures that it had received. A handout was distributed reflecting fees and costs of \$324,420 for the Design Phase and \$121,780 for the Construction Phase, for a total of \$446,200, as well

as an Overall Project Schedule, all based on a project budget not to exceed \$5.6 million. It was confirmed that these figures were obtained from BCWH, a consulting firm under contract with the School Board. County Attorney Michele Gowdy advised that she had previously requested a copy of the contract with this firm but had never received it.

There was discussion regarding what had been spent on Phases I and II, and work to be done in the back of the building and in the cafeteria in the next phase under the current contract, and what the engineering and architectural fees had been for those phases. It was also noted that site work had been removed from the first phases and was still an important issue to be addressed, and that HVAC work in the gym was a separate CIP project but would be done in conjunction with the work to be done in the next phase under discussion.

Board members expressed hope that there would be enough funding to allow for restoration of the auditorium and Dr. Richardson again cautioned the School Board against taking on the project with the assurance that those things could be done, in light of the many "unknowns" in the project. He also warned that failing to have the proper "front end" design and engineering work performed could likely result in a number of change orders and there was a possibility that bids on any design that was advertised could come in above what had been budgeted.

After Board members suggested that they needed additional time to study the issues and receive additional information, Mr. Burrell moved to defer a decision on the request to turn the project back over to the School Board until the Board's meeting on October 15, 2013. The members were polled:

Ron Stiers	Nay
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Nay
James H. Burrell	Aye
W. R. Davis, Jr.	Aye

The motion carried.

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IN RE: ADJOURNMENT

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

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye

The motion carried.

The meeting was adjourned at 10:28 a.m.

The School Board Chair also adjourned the School Board's meeting.

