

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 5<sup>th</sup> DAY OF FEBRUARY IN THE YEAR TWO THOUSAND SEVEN 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

Mark E. Hill	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: SECONDARY SYSTEM SIX YEAR PLAN

Resident Administrator John Crews, Assistant Resident Administrator Richard Wood, and Resident Staff Engineer Keith Rider from the Sandston Residency of the Virginia Department of Transportation met with the Board to discuss the Secondary System Six Year Plan (SSSYP) in preparation for a public hearing to be held on March 12, 2007.

It was reported that a new financing package was not yet available and that in order to meet statutory requirements, the Department was proceeding with a budget based upon the most recent official revenue estimates. The Board was reminded that the overall budget for the State Secondary System had been reduced by approximately 21% in 2006. Other changes that were pointed out was a required breakdown of the allocations between state and federal funds, as well as the policy that all construction deficits were required to be financed within twelve months of project completion. A Secondary Funding Report was distributed that contained the breakdown between state and federal funds on the projects in New Kent's SSSYP.

Deficits of \$96,592 in the completed Terminal Road project and \$882,685 in the ongoing Stage Road project were noted, and it was reported that funds allocated for improvement projects on Mount Pleasant Road and Henpeck Road would have to be re-allocated to pay those deficits. Furthermore, VDOT representatives advised that there was no money to fund any new projects, other than federal funding, and that there were only three "rural major collectors" in New Kent that would qualify for federal funding: Routes 618, 606 and 609.

The Board was reminded that in July of 2006, it agreed to a federally-funded improvement project on the New Kent portion of Route 618, in conjunction with a similar project in Charles City County. Mr. Rider advised that the Board could leave that project as a priority, or it could substitute improvements on either Route 606 or Route 609. It was reported that federal funding would cover 80% of the cost of the project and the remaining 20% would come from state funds allocated to the County.

There was discussion as to which of the designated "rural major collector" roads the federal funds should be allocated. It was reported that if the County did not obligate federal funds for the current year, future funding could be jeopardized. It was pointed out that although Routes 609 and 606 were more heavily populated and traveled than Route 618, many Charles City County residents used Route 618 to travel to businesses in Providence Forge and it would be more practical to improve Route 618 at the same time in both counties.

Mr. Rider agreed to have estimates on improvements to Routes 606 and 609 for the Board's consideration at the public hearing on March 12, 2007, at which time the Board would decide which qualifying road to designate as a federally-funded priority.

There was discussion regarding the Rural Rustic Roads (RRR) program. Mr. Rider reported that estimates had been updated on the three roads remaining on the program (Routes 603, 620 and 647) and would be provided to the Board in the event that it wanted to make any changes. There was also discussion regarding whether Homestead Road (Route 620) should be added to the RRR program, and there was consensus to include that as an option for consideration.

Mr. Davis asked for a study to update the rural major collector roads in New Kent. It was reported that a study could take as long as a year to complete.

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IN RE: PATRIOT'S LANDING

Chris Corrada of East West Partners reported on the status of the Patriot's Landing project. He advised that the project was outperforming the market, which he attributed to the looks and location of the development. He reported 32 home sales to date, with six sales in just the past week. He advised that they were about to finalize a deal on the 200 quad town homes (3 bedroom, 2 ½ baths, 1,600 – 2,000 square feet) with a Virginia Beach-based builder which units would sell for amounts starting in the low \$200,000 range. He also indicated that they were close to finalizing arrangements for the 100 "empty nester" villas -- maintenance-free detached single family units on small lots.

He reported that there were two occupied homes in the development. There was discussion regarding the slow response by Cox Communications for service connections and both Mr. Sparks and Mr. Corrada agreed to contact Cox in an effort to assist the residents.

Mr. Corrada reported that although 640 residential units had been approved for the PUD, it was anticipated that there would be "just shy of" 600 units at completion.

Regarding the commercial component of the project, Mr. Corrada reported that they had a commitment from a fitness center for a 30,000 square foot free-standing facility with an indoor pool. He indicated that the road was being installed and the site work should be completed by mid-March, and he anticipated that the fitness center could be constructed in about six months. He advised that although there were no other commitments, there was a lot of interest in the sites and they remained optimistic.

Mr. Trout explained his concerns that there may not be sufficient room to increase the size of the cloverleaf at the interstate interchange. Mr. Corrada indicated that they had extensively explored that issue with VDOT officials who had advised that an increase in the cloverleaf was not in any of its long range plans; however, East West had included 200 extra feet from the right-of-way and he pointed out that there were modern designs that would fit in the same footprint.

Mr. Corrada advised that they remained interested in obtaining property adjacent to the County's water tank but, because it was heir property, there were a lot of issues that needed to be resolved before they could acquire it. He indicated that if they did come back to the Board for permission to add it to their PUD, they would not ask for an increase in the number of residential units.

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IN RE: HISTORIC COMMISSION

Before the Board for consideration was a request to reorganize the Historic Commission from ten district appointments to five district and five at-large appointments. Historic Commission Chair Debbie Downs explained the problems that they were having with participation and attendance by some of the members. She indicated that they felt that they could have a strong group with five district members and five willing and interested members from the community at large who had expertise and talent to share but wouldn't have to live in a particular district. She conceded that fewer at-large appointees might work just as well but cautioned the Board that with the rapid growth and development taking place in the County, it was important that the Commission continue to fulfill its mission and help the County to identify and preserve its historic resources.

There was also discussion regarding the use of alternate appointees.

Ms. Downs agreed to speak with the Historic Commission members about the possibility of having five district appointments, two at-large and two alternates, and report back to the Board at its February 26 work session.

Chairman Trout noted that policies regarding boards and commissions would be an item of discussion at the upcoming Retreat and at which time the Board would have additional opportunity to consider this and other issues.

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IN RE: DEVELOPMENT & PERMITTING SOFTWARE

Before the Board for consideration was a request to obtain development and permitting management software.

County Administrator John Budesky explained that staff had some ongoing concerns about the current software used by County departments, pointing out that there were twelve different packages in use, many of which did not communicate with the others. He reported that the County spent about \$140,000 in annual maintenance costs, tech support and licensing. He reminded that the County had budgeted \$50,000 in the CIP for a study to replace the Bright system, but that he intended to use due diligence and spend more time working with Bright over the next year or two to rule out all options before making a recommendation to convert to a different financial package. He explained some of the immediate development and permitting management needs in the Community Development Department that were not being met by Bright system and indicated that staff was recommending that the County use the \$50,000 currently budgeted for a study towards a software package that had been determined to meet their needs.

Community Development Director George Homewood explained that the Bright system did not have any modules for zoning or building, although it was being used for permitting. He reminded that in 2002 the Board had allocated funds to acquire a permits management software package; however, the qualified bids that were received were substantially over budget and had been rejected. He indicated that the need for an automated management system for permitting and development had grown and that the current Bright system could not meet the requirements. He explained that with the developments that were coming in with complex proffers and extensive phasing triggers, staff feared that continuing with manual calculation and tracking would result in uncollected fees and proffers and also cause time delays and frustration for everyone.

He indicated that staff had continued to monitor the "off the shelf" packages and had determined that GovPartner software was the only affordable one that met the County's needs. He advised that it would be fully supported with remote hosting and would interface with the Bright system so that no changes would be required for those departments supported by Bright.

Tim Davey with Timmons Group (partner in GovPartner) was present to answer questions and provide information. He reported that although there were 120 GovPartner applications in use around the country, there were none in use in Virginia, although they were working with Rockbridge and Covington. He explained that one of the reasons the Timmons Group had bought into the company was that it would fit their smaller jurisdiction clients with populations of less than 30,000. He advised that he had spent time with the Community Development staff to make sure that the proposed system would meet their needs.

Mr. Budesky described the support problems that were encountered with the Bright system, noting that with the proposed new system, staff would have direct contact with Timmons and/or GovPartner when it needed tech support. He also explained that the system was web-based and would be compatible with other systems that the County might want to use in the future.

Mr. Sparks expressed his concern that staff had not followed procurement procedures and obtained proposals from other vendors. Mr. Homewood reported that when the request for proposals was advertised in 2002, there were 13 responses – and the County could not afford any of those that met the specifications.

Mr. Budesky reported that the Timmons Group was on State contract for these types of services. Mr. Summers inquired whether software purchase was a part of its State contract and Mr. Davey advised that he would obtain confirmation that they were. There was also some discussion regarding sole source.

Mr. Budesky advised that staff was not asking the Board to make a decision but wanted to introduce the subject in order to generate discussion and answer questions.

Mr. Davey explained the breakdown of the total \$171,000 cost which included an \$80,000 one-time cost with a portion of the initial costs to be spread out over a three-year period, together with annual hosting and monthly maintenance fees.

Mr. Budesky explained that the County could use the \$50,000 that was budgeted for the financial package study towards the one-time cost. It was noted that the Timmons Group had offered a "financial bargain" to the County ("guinea pig discount"); that Timmons would be on-site during three years; and that the price included a warranty on the software as well as all training.

There was discussion regarding the optional Economic Development and Parks & Rec components of the system. Mr. Davey advised that the Economic Development Authority had not seen the presentation, and that neither of those components were included in the \$171,000 price quote.

Mr. Homewood indicated that the proposed system would allow customers to apply online for building permits as well as pay fees.

Mr. Hill explained that Parks & Rec received complaints from customers about not being able to register and pay for classes online and that he would like to get information on the cost to add that component to the package.

Mr. Summers asked that copies of the appropriate State contract documents be provided to him for his review.

It was agreed that Mr. Timmons would return at a future work session with information and estimates on the Parks & Rec and Economic Development components.

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IN RE:           PAY FOR PERFORMANCE SYSTEM

Human Resources Specialist Darla Stanley reviewed the new Pay for Performance system being implemented for employee evaluations. She explained that the new system would provide an opportunity for those who excelled to be rewarded with larger merit increases and would prohibit those who did not meet expectations from receiving merit increases. Information was distributed to the Board members for their review, including the Self-Appraisal Form, Supervisor Feedback Form, Rating Standards, and Evaluation packet. Ms. Stanley confirmed that this process would not affect the annual Cost of Living Allowance increase. She reviewed the rating standards and goal setting process, and commented that this system would provide an opportunity for honest feedback for both the employee and the supervisor. She explained that any rating other than "successfully meets expectations" would require justification and supporting comments.

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IN RE:           EMERGENCY RESPONSE REIMBURSEMENTS

Sheriff F. W. Howard, Jr. and Fire Chief Tommy Hicks introduced a proposed draft ordinance providing for reimbursement for emergency services.

Sheriff Howard commented that his office issued summonses in order to make the highways safer and not to generate revenue, but admitted that revenue was a byproduct. He reported that State Code Section 15.2-1716 allowed localities to assess fees for emergency response to an incident that resulted in a conviction (in any of the Courts, including Juvenile) of driving under the influence (DUI); reckless driving; driving without a license or on a suspended or revoked license; and leaving the scene of an accident. He advised that the locality had the option of charging a flat fee of \$250, or up to \$1,000 with a minute-by-minute accounting of actual cost.

He reported that in 2006, his department issued 2,705 summonses (104 DUIs, 129 driving under suspension or revocation; and 244 reckless driving). He advised that had this fee been in effect, it would have generated revenue of \$118,000.

Sheriff Howard also reported that in 2006, his department issued 1,399 speeding tickets and that there were 446 reported accidents with 10 fatalities.

He emphasized that there had to be a conviction of one of the listed offenses in order for the fee to become due.

He advised that a similar fee had been adopted in King William, Chesterfield, Henrico, Virginia Beach, and Powhatan.

He recommended that the Board consider instituting the \$250 flat fee because the data required for a minute-by-minute accounting would be difficult to capture with existing

equipment. He added that he would not recommend that the fee be imposed for convictions of driving without an operator's license.

Sheriff Howard reported that the General District Court would not be able to handle collection of the fees for the County, but a Notice could be handed out as the individual left Court, advising them that the fee would be assessed and due within 120 days. He pointed out that this would be a civil action separate from court costs and that if the fee was not paid within 120 days from the date of conviction, late charges would be assessed and a civil action filed, which would also add interest and court costs. If the fees remained unpaid after that point, request could be sent to the Department of Motor Vehicles for the operator's license to be pulled.

It was clarified that the revenue generated by these fees would go into the General Fund and be appropriated during the budget process.

It was also clarified that a conviction for "reckless driving speeding" was not included in the convictions that would trigger a fee.

Sheriff Howard noted that about one-half of the summonses issued in New Kent were to non-residents.

Chief Hicks reviewed the proposal for instituting a fee for ambulance transport. He advised that ambulance transport normally took between 1 and 1 ½ hours. He reported that 1,596 ambulance calls were made in 2006, with 57% resulting in transport to the hospital (909 calls), noting that fee of \$396 would have generated \$351,000 in revenue. He indicated that the charge would be billed to the patient's insurance and if there was no insurance, no amount would be due from the patient. He suggested that a billing firm be retained to handle the billing. He clarified that this fee would not be triggered by an accident or a conviction, but would apply only to those ambulance calls that resulted in transport and not to any level of service or skills.

There was concern expressed that instituting the fee would decrease the amount of donations to the local volunteer fire and rescue organizations. Chief Hicks reported that research had shown that fees had no impact on donations but, in fact, provided revenue that would allow localities to enhance volunteerism and improve coverage and services. He advised that the proposal had been discussed with the volunteer companies and had their support.

It was reported that the revenue from these fees would also go into the General Fund to be appropriated through the budget process.

There was consensus among the Board members to proceed with a public hearing on the proposed \$250 fee under Section 15.2-1716 as well as the ambulance transport fee.

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IN RE: REVERSE 911

Before the Board for consideration was a request for funds to join Charles City, Surry, James City, Prince George and York in a regional Reverse 911 system.

It was explained that this system would allow the County to reach out to the citizens, or a targeted segment, in order to relay emergency or critical information, reaching 5,000 citizens in five minutes. Costs were reported to be \$38,000 plus annual maintenance of 12%. Chief Hicks reported that New Kent could apply for and receive grant funds from the

Surry Nuclear Power Plant that could be used towards maintenance fees. Sheriff Howard reported that prisoner confinement costs had decreased and that he could transfer unneeded funds from that line item to help pay for the system.

It was suggested that the system could be used to reach citizens in the event of hurricane evacuations, interstate inversions and diversions, escapes from Henrico Jail East, and runaways from Cumberland Hospital.

There was consensus among the Board to consider a Budget Transfer and/or Appropriation as part of the Consent Agenda at the February 12 meeting.

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IN RE: UPDATE ON SHERIFF'S ANNEX PROJECT

Mr. Budesky reported that the Sheriff's Annex project was moving forward and that contracts would be executed within the near future, with completion estimated for October 2007.

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IN RE: 2007 NACO ANNUAL CONFERENCE

Mr. Budesky reminded the Board members that the 2007 NACO Annual Conference would be held in Richmond in July. He advised that the costs for participation in the conference were being included in the proposed budget. He indicated that local officials and staff from all counties were being asked to provide support for the event, and that each county was being asked to host one of the buses that will be used to transport conference attendees to Jamestown. He advised that additional information would be supplied to the Board as it was received.

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IN RE: LANDSCAPING ORDINANCE

County Attorney Jeff Summers advised the Board that when it previously considered the landscaping ordinance, the version in the meeting packet did not include the definitions that had been requested by the Board. He represented there were no other changes to the ordinance other than the addition of the requested definitions.

He advised that the Board needed to re-adopt the correct version of the ordinance. He indicated that another public hearing was not necessary because the ordinance was not changing and that "definitions did not regulate".

Mr. Hill moved to adopt corrected Ordinance O-18-06 as presented. The members were polled:

Mark E. Hill	Aye
D. M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Stran L. Trout	Aye

The motion carried.

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IN RE: MEETING SCHEDULE

The Chairman announced that the Board of Supervisors would meet at 6:00 p.m. on February 12, 2007, in the Boardroom of the County Administration Building; for a Retreat

on February 10, 2007, at 8 a.m. at the New Kent Conference Center; and with the School Board on February 13, 2007, at 6 p.m. in the Boardroom of the County Administration Building, New Kent, Virginia.

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IN RE:           CLOSED SESSION

Mr. Davis moved to go into Closed Session for discussions relating to real property pursuant to Section 2.2-3711A.3 of the Code of Virginia involving acquisition of real property for public purpose, and for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving actual or probable litigation. The members were polled:

David M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
Stran L. Trout	Aye

The motion carried. The Board went into closed session.

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

James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
David M. Sparks	Aye
Stran L. Trout	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:

W. R. Davis, Jr.	Aye
Mark E. Hill	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye

The motion carried.

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IN RE:           ADJOURNMENT

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

Mark E. Hill	Aye
David M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Stran L. Trout	Aye

The motion carried.

The meeting was adjourned at 8:00 p.m.