

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 26TH 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.

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. It was announced that County Administrator John Budesky would not be in attendance because of illness.

IN RE: HISTORIC COMMISSION

The Board continued its discussion on the request for re-organization of the Historic Commission. Present from the Historic Commission were Chair Deb Downs and Vice Chair Jean Street.

County Attorney Jeff Summers explained that at its recent Retreat, the Board had been receptive to his suggestion that all boards, committees and commissions be given a charter that would provide for its formal design, mission, make up, spending authority, reporting requirements, etc. He clarified that the Board's discussion had been a general one and not specifically about the Historic Commission, and that there was a plan to use the summer legal interns to work on the project.

There was discussion as to whether or not to proceed with re-organization of the Historic Commission or to wait for the chartering process. Ms. Downs advised that she had not yet been able to speak with the members of the Commission to obtain feedback on the proposal to decrease the body from 10 district appointments to 5 district appointments, 2 at large and 2 alternate appointments.

It was agreed that Mr. Summers would attend the March 27 meeting of the Historic Commission to explore the chartering process with its members, and that the Board would postpone action on reorganization until it had some feedback from the Historic Commission. Mr. Summers indicated that if deemed appropriate, he could draft a charter for the Historic Commission prior to the time that the summer legal interns started work.

IN RE: BOTTOMS BRIDGE WELL, PHASE 2

Before the Board for consideration was a request for an award of contract on the Bottoms Bridge well project.

Public Utilities Director Alan Harrison reported that this well was the last major item in the Bottoms Bridge Utilities project and would provide the bulk of the water for the area as it grew. He indicated that four bids had been received, with the lowest bid being submitted by A. C. Shultes in the amount of \$353,222. The remaining bids were reported to be \$353,780, \$380,000 and \$393,000.

Mr. Harrison acknowledged that the low bid exceeded the amount budgeted for this part of the project but pointed out that the overall project had come in under the estimates and had a 5% contingency. He indicated that one reason for the higher than budgeted cost was the size (100 – 125 horsepower) and depth (600+ feet) of the well pump.

He advised that the scope of the project was such that there was no room to negotiate because the prices were set by the suppliers of the equipment (well pump, generator, piping and controls).

He indicated that project engineer R. Stuart Royer had worked with the low bidder in the past and that everyone was comfortable with recommending the contract award to Schultes.

It was clarified that this project was being paid for out of the Utility Fund and not from the General Fund.

Mr. Hill moved to award a contract to construct the Bottoms Bridge Well, Phase 2, to A. C. Schultes in the amount of \$353,222. 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.

IN RE: VISITORS' CENTER – SOLE SOURCE DETERMINATIONS

Before the Board for consideration was Resolution R-08-07 authorizing sole source determinations in the completion of the Visitors' Center.

County Attorney Jeff Summers explained that in the push to complete the Visitors' Center in time for the Jamestown 2007 festivities, there were some instances where "on the site" decisions would save time and money and that the proposed resolution would give the County Administrator authority to make sole source determinations in those instances. He advised that the County not being the contract-holder for the project complicated matters even further and that if every decision required having to get three quotes, it would likely impact the timely completion of the project. He advised that the Procurement Act allowed this process and that the County would be required post a notice of the sole source determination and allow comments after the fact.

Mr. Sparks expressed his concerns, indicating that he would be more comfortable deferring action until he had more specific information and instances where this authority would be used.

Other Board members indicated that if Mr. Budesky felt that he needed this authority in order to keep the project on track, they were comfortable in granting it.

Mr. Summers suggested that the Board could defer action; could amend the resolution to add a budget cap; or could adopt it and later rescind the authority if it was misused.

Mr. Hill moved to adopt Resolution R-08-07, as presented. The members were polled:

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

The motion carried.

Chairman Trout asked that Mr. Budesky report back to the Board on the types of instances where this authority would be used.

IN RE: ISTEA REIMBURSEMENTS

Before the Board for consideration was Resolution R-07-07 authorizing the execution of agreements with the State to obtain ISTEA reimbursements.

Community Development Director George Homewood reported that a Resolution was required in order to delegate authority to the County Administrator to execute agreements with VDOT to obtain reimbursements for the funds expended on the Courthouse sidewalk improvement project. He clarified that this Resolution was not committing funds but providing for reimbursement by the State for funds the County had already expended.

Mr. Burrell moved to adopt Resolution R-07-07, as presented. 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.

IN RE: DRIVEWAY STANDARDS

Community Development Director George Homewood, Fire Chief Tommy Hicks and Planning Manager Rodney Hathway were present and reported to the Board on problems with interpretation of the residential driveway standards in the current County Code, and that the County Attorney had advised that it was best to amend the language in the Code in order to clarify the requirements. Mr. Homewood advised that it would require an initiating resolution from the Board, referring the matter to the Planning Commission for review, public hearing, and recommendation.

The proposed changes to the ordinance were reviewed. It was reported that the changes would apply to new residential driveways (75 feet or longer), extensions to existing driveways, and to unimproved rights-of-way where no work had ever been done.

Mr. Davis advised that there were a significant number of driveways leading back to valuable parcels where the only ingress and egress ran across someone else's property and he did not think it was fair that a property owner would be responsible for upgrading that driveway for use by an adjacent property owner. Mr. Homewood suggested that, in those instances, the County could withhold the issuance of building permits unless the access met the requirements.

It was reported that Chief Hicks had participated in clarifying and defining "all weather surface" and requiring that driveways be constructed in a manner that would safely accommodate emergency vehicles in all weather conditions. Chief Hicks indicated that the proposed requirements were those set forth in the Statewide Fire Prevention Code and the National Fire Protection Association, Standard on Rural Water Supply. He described the problems encountered by his emergency crews when trying to travel down some of the driveways in the County, reporting that two fire engines and one ambulance had become stuck in driveways within the past six months.

Mr. Trout advised that as a member of the Providence Forge Volunteer Rescue Squad, he was familiar with the problems of low hanging branches in driveways and Chief Hicks advised that the proposed width requirements would address those problems.

County Attorney Jeff Summers advised that staff was looking for a "sense of the Board" regarding whether or not it wanted to move forward with the proposed amendment. There was consensus among the Board members to consider an initiating resolution at their next meeting.

IN RE: RELEASE OF RECREATIONAL ACCESS FUNDS

Before the Board for consideration was Resolution R-06-07 requesting release of the appropriation for Recreational Access Funds for Eltham Park.

Community Development Director George Homewood reviewed that the County had previously applied for and been approved to receive Recreational Access Funds from the State for the Eltham Park/Fishing Pier project; however, when it became evident that those funds would make up only about 10 cents of every dollar needed for the project, the Board had declined to proceed. He indicated that the State had requested a Resolution from the Board releasing that appropriation so that it could be applied to other projects.

Mr. Hill moved to adopt Resolution R-06-07, as presented. The members were polled:

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

The motion carried.

IN RE: REAL PROPERTY ASSESSMENTS

Commissioner of the Revenue Laura Ecimovic reported that she had located over 700 open permits for inspection for additions and improvements. She indicated that she had inspected approximately 50 of the properties so far, resulting in an estimated \$10,000 in additional taxes. She warned that some dated back to 2004 and could result in individual supplemental tax bills exceeding \$2,000. She indicated that the files were found in various places in the Commissioner's Office and included some commercial properties, some 50 – 100 new homes (some developer-owned where final inspections were never requested), and some additions and other improvements. She estimated that the increased property values would exceed \$2 million. She also warned that she was still running reports and might find more.

She advised that when she realized the number of properties involved, she contacted the County Administrator who had approved some sub-contracting assistance to help her with the data collection process. She indicated that it was her goal to have inspections complete within a month, and supplemental tax bills out around April 1.

She and Treasurer Herb Jones, Jr. indicated that it was their intent to send out an explanation letter to the affected property owners, clearly outlining the situation and advising that supplemental tax bills would be forthcoming. Mr. Jones explained that supplemental real estate tax bills were normally payable within two to four weeks but in this instance and for those who request it, he would work out payment plans and permit the outstanding taxes to be paid by October 1. It was confirmed that there would be no late fees or interest added to the amounts due.

Ms. Ecimovic indicated that it was normal procedure for supplemental bills to be mailed when the final inspection was done and the added value of the improvements included in the property's assessment in subsequent years.

She explained that the current system was archaic and staff-intensive, with an "inconsistent" paper trail, and that she was working with the Permits Manager and Bright on a new program. She advised that State Code permitted localities to assess value on new construction when a substantial amount of the building had been completed, rather than having to wait for the Certificate of Occupancy to be issued. She emphasized that with the growth in the County, a new system was needed.

She expressed her concern about how the unexpected supplemental bills might negatively affect some property owners but commented that the County could not ignore the situation because it affected the tax rate and was not fair to the rest of the taxpayers. Although she recognized that there was an argument that the property owners knew or should have known that the value of improvements had not been added to their assessed value, there were some who might not have realized that fact because of changes in the tax rate.

Ms. Ecimovic and Mr. Jones warned that with the large number of supplemental bills that would be mailed, they were certain that the Board members would be hearing from their constituents.

There was discussion regarding the General Reassessment in progress. Ms. Ecimovic indicated that she had some concerns about the time that the reassessment staff was in the office and also was recommending that copies of the cards be included with the reassessment notices so that property owners could review them and report errors early. There was also some discussion regarding how storm events could affect the reassessments.

Ms. Ecimovic predicted that many property owners would experience "sticker shock" at the increase in real estate values and that she was concerned that State's sales ratio (used in allocating State funds for public school systems) was going to be at about 60% this year and predicted to be at 50% or lower next year.

Mr. Hill asked if it was fair to say that State funding during the current Board's term had decreased by \$100,000. Financial Services Director Mary Altemus advised that she would research that and report back.

IN RE: VEHICLE DECALS

Present were Sheriff F. W. Howard, Jr., Commissioner of the Revenue Laura Ecimovic, Treasurer Herb Jones, Jr., and Financial Services Director Mary Altemus, all of whom had been working with the County Administrator to review and recommend alternatives to the annually-issued vehicle decal.

There was discussion on the problems encountered by law enforcement with an elimination of the decal; the need to identify county residents at the refuse sites; potential loss of revenue, increased delinquencies or delay of revenue from loss of decal fees and/or late payment of personal property taxes; failure of residents to register their vehicles with the County; and some of the methods used by other localities.

There was consensus that the requirement for an annually-issued decal prompted residents to properly register their vehicles and to timely pay their personal property taxes.

Sheriff Howard advised that he would support a permanent decal or a decision to remain with the annually-issued decal, but that he would not recommend elimination of the decal.

Mr. Jones indicated that Norfolk was the only locality that charged a flat administrative fee and he was not aware of any problems that they were having. It was noted that some of the larger jurisdictions that had eliminated their annual decals were better able to handle the shortfall in revenue.

Sheriff Howard, Ms. Ecimovic and Mr. Jones were not confident in the DMV's ability to assist the County in the collection of unpaid personal property taxes and fees.

It was reported that the County received approximately \$400,000 from the sale of decals.

Ms. Ecimovic advised that if the Board wanted to eliminate the decal and the decal fee, it could increase the personal property tax rate to make up the revenue, but she would not recommend that. She pointed out that the shortfalls caused by delinquencies in personal property taxes might result in the County having to increase tax rates, which would penalize those who were properly paying their taxes.

Mr. Jones suggested that the County could survey the citizens to see what they would prefer. Ms. Ecimovic commented that although many of the residents might support elimination of the annual decal, very few realized that the fee would remain. She also commented that she felt more people would complain about having to pay an administrative fee for no decal than those who complained about having to annually replace decals.

Mr. Davis asked if there was a way to make the decals easier to remove and replace each year, or if they could be displayed in a different location. Sheriff Howard indicated that local decals were required to be placed next to the inspection sticker.

Mr. Jones advised that decals were ordered in July and that if there was going to be a change, a decision would have to be made prior to that time. Ms. Altemus indicated that the Board would have to make a decision prior to budget time. Both advised that they would work with whatever the Board decided.

Fire Chief Hicks noted that State EMS funds were distributed based upon how many vehicles were registered in a locality, making it important that vehicles were properly registered.

Mr. Hill indicated that he was concerned with the potential loss of revenue and he would not be comfortable making a change until he could see how other localities had fared after three or four years.

Ms. Ecimovic pointed out that every locality that had eliminated the annual decal had had to make accommodations for unanticipated problems.

There was no action taken.

IN RE: REAL ESTATE TAX RELIEF

Mr. Davis emphasized the importance of educating the public on the real estate tax relief program and about the May 1 deadline to file for relief. He suggested articles in the local newspapers as well as distribution through the ministerial association. There was general agreement that there were qualifying property owners in the County who were unaware of the program.

Ms. Ecimovic advised that she would be willing to hold a workshop and assist citizens in completing the paperwork.

Mr. Burrell commented that there was a misconception among those who might qualify that there would be an attachment on their home or property and he emphasized that it was important that the correct information be provided.

Sheriff Howard offered to distribute the information to the participants in the Seniors Telephone Answering Response (STAR) program.

There was discussion regarding the May 1 deadline and whether it should be moved back.

Ms. Ecimovic commented that should the Board decide to change the deadline, a deadline of no later than July 1 would be preferred to provide sufficient time to process the applications.

Ms. Ecimovic also suggested that, with the significant value increases that would likely result from the General Reassessment, the Board might want to consider changing the thresholds.

There was a consensus among the Board to extend the deadline to July 1 for both exemptions and deferrals.

IN RE: BRAND DEVELOPMENT

Dave Martin and Jake Crocker of Martin Branding Worldwide were present to brief the Board on the brand development process.

By PowerPoint presentation, they reviewed the objectives of the project. They reported that internal research participants had helped to identify six key values: "historical roots", "ideal location", "rural integrity", "welcome home", "outdoor action" and "growing smart". They explained that through an online branding survey, 407 participants were requested to rate those six values, which had resulted in the highest scores given to "rural integrity" and "growing smart". It was reported that "rural integrity" was uppermost in the hearts and minds of New Kent citizens, and that adherence to "rural integrity" would complement the County's efforts to attract commercial development, while gaining citizen support and approval.

Mr. Martin commented that commercial interests wanted what New Kent had to offer: a good life coupled with quick access to markets and customers. He explained the proposed "brand essence" which combined "rural integrity", "easy access" and "the good life". He suggested possible key messages that included "the county is dedicated to preserving its rural integrity as it grows"; "an unspoiled place to live and do business"; and "best location anywhere, easily accessible to local or world markets by land, air and sea".

There was a discussion regarding the sufficiency of the number of survey responses, which was roughly 2.2% of the population. They indicated that they were happy with the number and that they did not believe that more responses would have changed the trends, clarifying that this was a qualitative and not quantitative statistical process. They reported that they were looking for ideas, feelings, values and trends and that "critical mass" was normally reached at 100 – 150 responses.

Mr. Martin advised that they were currently in the creative stages of developing logo and slogan ideas and hoped to have designs by the end of the week in that they were on a fast track because of the opening of the Visitors' Center.

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 March 12, 2007, in the Boardroom of the County Administration Building, New Kent, Virginia. He further announced that some of the Board members might be attending a regional VACo meeting at the Hanover County Administration Building at 9 a.m. on March 22, 2007.

IN RE: CLOSED SESSION

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

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 Board went into closed session.

Mr. Hill moved to return to open session. 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.

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

The motion carried.

IN RE: ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 9:38 p.m.