

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 12th DAY OF MARCH 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: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Burrell gave the invocation and led the Pledge of Allegiance.

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

Chairman Trout called the meeting to order.

IN RE: CONSENT AGENDA

County Administrator John Budesky presented the Consent Agenda as follows:

1. Approval of Minutes
 - a. Work session of February 5, 2007
 - b. Retreat of February 10, 2007
 - c. Regular meeting of February 12, 2007
 - d. Joint meeting of February 13, 2007
 - e. Special meeting of February 16, 2007
 - f. Work session of February 26, 2007
2. Miscellaneous
 - a. Award of contract to construct the Courthouse Area Elevated Water Storage Facility to CB&I in the amount of \$1,036,000
 - b. Approval of Change Order in the sum of \$80,377.35 to the contract with G. V. Laynes Construction for construction of Bottoms Bridge sewer
 - c. Award of contract for professional auditing services to Robinson Farmer Cox Associates (three years plus two one-year renewals June 30, 2007 – 2011)
 - d. Resolution R-05-07 perpetually designating April as *Alcohol, Drug, Tobacco and HIV/AIDS Awareness Month* in New Kent County
 - e. Resolution R-10-07 in recognition of John Crump
 - f. Resolution R-09-07 in recognition of Jaquelin Pomeroy
 - g. Resolution R-11-07 recognizing April 22 – 28, 2007 as *National County Government Week*
 - h. Road Name Additions
 - i. Bailey Branch Lane
 - ii. Hopewell Acres Lane
 - iii. Haley's Hill Road
3. Refunds
 - a. \$308.60 to Showcase Builders, Inc. for cancelled permit
 - b. \$97.95 to John & Valerie Waters for duplicate boundary line adjustment fee

- c. \$44.77 to Robert Wingate for permit fee
- d. \$2,972.50 to Mark P. & Kimberly Arsenault, for over-assessment

4. Appropriations FY2006-2007

- a. Funds received for co-sponsorship for Parks and Recreation new programs, \$250.00
- b. Funds received for participation in the Eltham Bridge 5K Run, \$5,515.00
- c. Funds received for participation in the Habitat for Humanity 5K Run, \$265.00
- d. Insurance proceeds for the Jan 21 07 accident involving a deputy's vehicle striking a deer, \$1,536.00
- e. Insurance proceeds for the Jan 14 07 accident involving a Sheriff's vehicle striking a deer, \$697.00
- f. Funds received from the High School for security administered at the Jan 13 and 19 2007 basketball games \$210.00
- g. Funds donated by Attorney T. Scott Renick to Fire Station #1, \$50.00
- h. Funds donated by Law Office of Jean M. McKeen to Fire Station #1, \$100.00
- i. Funds approved from the State Compensation Board for a computer, printer and monitor in the Commonwealth's Attorney's Office, \$1,550.00
- j. Funds approved from the State Compensation Board for computers and printers in the Sheriff's Office, \$2,145.00
- k. Funds approved from the State Compensation Board for printers in the Office of the Commissioner of the Revenue, \$424.00
- l. Funds reimbursed to Utilities by Leland Homes for repair and maintenance of a construction water meter, \$1,456.00
- m. Additional State Social Services funding due to increase demand for services, \$7,731.00
- n. Funds from Fund Balance in the Sheriff's Forfeited Asset Account to purchase a Harley Davidson motorcycle, \$13,772.00
- o. Funds received in the Treasurer's office for DMV collection fees, \$80.00
- p. Funds received in the Treasurer's Office for Discover Card fees, \$25.00
- q. Additional funds received for Utility Irrigation connection fees, \$7,050.00

Total Supplemental Appropriation: \$ (42,856.00) Total
\$ 29,084.00 Money-in/Money-out
\$ 13,772.00 From Sheriff's Forfeited Asset – fnd bal

5. Carry Forward Appropriations FY2006-2007

- a. Funds remaining in Fund 7 – Capital for Schools from FY06, \$183,403.88

Total Supplemental Appropriation \$(183,403.88) Total
\$ 183,403.88 From Fund 7 – Capital fnd bal

6. Inter-Departmental Budget Transfers

- a. *Financial Services*: \$1,500 from salary line items to ADP equipment
- b. *Fire & Rescue*: \$12,700 from Machinery & Equipment to Fire & EM Vehicles
- c. *Treasurer*: \$1,000 from Furniture & Fixtures and ADP Equipment to Part-time and Office Supplies
- d. *Plum Point CDBG Grant*: \$556 from Professional Services Management to salary line items
- e. *Economic Development*: \$300 from Gasoline expense to Overtime
- f. *Reassessment*: \$99,504.00 from salary line items to Assessor-professional charges
- g. *Extension*: \$2,000 from Part time Salary & Wages to Operating Supplies

7. Treasurer's Report: Cash in Bank as of January 2007, \$36,972,854.71

Mr. Burrell moved to approve the Consent Agenda 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.

IN RE: CITIZENS COMMENT PERIOD

Chairman Trout opened the Citizens Comment Period.

Sherry and Alan Mills were signed up to speak but did not respond when called.

Timothy Dice spoke on behalf of *Arts Alive, Inc.* advising that this organization, which was sponsored by and served the citizens of New Kent, King & Queen, King William and the Town of West Point, was in its third season. He pointed out that New Kent had quite a few connections to the organization, including Operating Board member Betty Wallace (who coordinated the ushering teams, most of whom were New Kent residents); New Kent artists who were actively supported, encouraged and invited to participate in exhibits; local musical performers who had entertained before performances and during intermission; and Board of Supervisors' member James Burrell who had recently been invited to join its Board of Directors. Mr. Dice reviewed the upcoming season and encouraged the Board to continue its support and perhaps increase its financial contribution in order that they could attract top talent.

Mr. Burrell thanked Mr. Davis for initially bringing this organization to the attention of the Board. Mr. Davis indicated that he had been a season ticket holder since the program began and he had found about half of those attending events were New Kent residents.

There being no one else signed up to speak, the Citizens Comment Period was closed.

IN RE: RESIDENT ADMINISTRATOR'S REPORT

John Crews, Resident Administrator with the Sandston Residency of the Virginia Department of Transportation, reported on issues raised at previous meetings.

He reported that they were expecting the latest update on speed limit data on Route 249 by April 1 and would report back to the Board on whether it would support a reduction in the speed limit in the area between Route 60 and Route 106.

Regarding Cosby Mill Road/Route 638, he reported that pavement repairs would be performed in the coming week, weather permitting.

He advised that drainage ditches along Route 640 had been cleaned and that dead trees at Bottoms Bridge and along Stage Road would be removed within the next few weeks.

Mr. Crews reported that fallen tree limbs along Terminal Road had been removed and that dead trees in the same area would be removed during coming weeks.

He reported that the installation of Raised Pavement Markers (RPMs) along a portion of Route 33 in Eltham had been re-evaluated and it appeared that, based upon preliminary estimates, they would be able to install RPMs in the requested area.

Mr. Crews reported that maintenance work performed in February included the blading of roads, application of gravel and stone, road patrols to look for fallen trees and debris, pavement patching, pipe cleaning and shoulder repairs.

He reported that the Stage Road project was still scheduled for completion in July 2007.

Mr. Davis thanked Mr. Crews on behalf of the residents in Eltham. He also asked for attention to the numerous dead trees on Route 249 east of the Courthouse area. Mr. Crews advised that they were dealing with some of the dead trees themselves but would be hiring contractors to help because of the widespread problem. Mr. Davis suggested that it would be easier to survey for dead trees before the leaves started to fill in.

Mr. Burrell thanked Mr. Crews for the rumble strips on Route 33. He also spoke about the dead tree problem and how often it was the residents who cleared the roads when a tree fell. He noted that although many of the dead trees were behind the rights-of-way, if they were to fall, they would block the roadways.

Mr. Sparks inquired about the status of line-of-sight problems at the entrance to Patriot's Landing. Mr. Crews indicated that it was his understanding that request had been forwarded to the engineer and he would follow up on its status and call Mr. Sparks.

Mr. Trout reported that he had received communication from a resident of The Colonies advising that the pavement at the railroad crossing was again "falling away", and he asked Mr. Crews about a permanent fix, commenting that he felt that water was eroding the surface from underneath. Mr. Crews indicated that they were willing to work with the railroad and see what else could be done.

Mr. Trout reported that he would be attending an upcoming meeting of local mayors and chairs and the Governor to review the proposed transportation bill, and he solicited any suggestions that Mr. Crews might have.

IN RE: INTRODUCTION OF NEW STAFF

Financial Services Director Mary Altemus introduced new Accountant I, Pam Lehman.

Community Development Director George Homewood announced that former Permit Technician Andrea Finn had been promoted to Administrative Assistant for his Department. He reminded that Ms. Finn had started with the County as a student intern through the high school cooperative program.

The Board welcomed Ms. Lehman and congratulated Ms. Finn.

IN RE: GENERAL REASSESSMENT UPDATE

William Coalson of Tri County Appraisals reported on the status of the reassessment process.

He reviewed State mandates governing reassessments, as well as the purpose and the procedure being used.

He advised that State mandates required that properties be assessed at 100% market value and that the rates be "equalized". He reported that reassessments were required to be done at least every six years.

Mr. Coalson described how the reassessments were performed. He indicated that they reviewed sales conducted within the past twelve months, and discounted those determined to be "bad" or "distressed" sales. He advised that they often contacted the parties involved to determine if any personal property was included in the sales price so that information could be considered as well. He explained that sales were also classified by type and location. He advised that they continued to monitor sales on a monthly basis to determine if the values changed. He noted that although the current real estate market had slowed in the number of sales, home values were continuing to increase.

He advised that his staff would visit each property and attempt contact with the homeowner in order to verify the information. If no one answered the door, hangers would be left on the door asking them to call. He advised that an updated digital photo would also be taken of each residence.

Mr. Coalson indicated that he anticipated that all field work would be completed by the end of the year, after which time they would mail out reassessments notices to property owners at the end of January or beginning of February, containing the old and new information. He advised that property owners could contest the figures to his office and also would have a later opportunity to appeal to the Board of Equalization (BOE) and ultimately to the Circuit Court.

He advised that it was his opinion that current assessments in New Kent were, on average, at 70% of the current market value, which he attributed to the fact that the last assessment was done four years ago. He explained the different real estate markets in New Kent and that, although there might be no consistency of percentage of increase in a particular area, similar property types in a particular area would be valued the same.

Mr. Coalson explained that the State trained the BOE members and that the BOE's purpose was to equalize value when a property owner has proven that their property was not equalized. He stressed that it was important for those contesting their reassessments to provide information as to why the values were incorrect – not just that they were too high.

Mr. Sparks asked about the effect on home values of fluctuating costs of building supplies. Mr. Coalson advised that they often called builders to find out what it cost to build new houses and they also looked at building permits. He explained that the quality of construction and condition of a property would also affect the assessment, noting that there were a lot of diverse structures in New Kent. He indicated that in some cases, the assessment team was not able to get all of the information it needed from an external inspection, at which time he would send out a special mailer asking for additional information so as to arrive at a better evaluation. He spoke about some of the things that could affect land value, including road frontage, topography, shape, cutover, water frontage, and presence of power lines.

Mr. Coalson confirmed that his team would be picking up new construction, most likely through November 1, 2007.

He also confirmed that in the event that a storm event occurred during reassessment (as it did in 2003 with Hurricane Isabel), he would have sufficient manpower to conduct re-evaluations where requested.

He advised that he would like to report to the Board on a monthly basis to provide updates on the process and the market.

Mr. Trout reminded the citizens and property owners that the County would be required to accordingly adjust the tax rate after the reassessment, and encouraged cooperation with the reassessment team.

IN RE: ELECTED OFFICIALS' REPORTS

Commissioner of the Revenue Laura Ecimovic requested that the Board consider expanding the limits of the elderly tax exemption policy in order that more residents could qualify. There was consensus among the Board to consider changes and for staff to provide information and recommendations.

Treasurer Herb Jones, Jr. provided information regarding investment of County funds. He advised that his office was certified by the Treasurers' Association of Virginia and that it was unlawful to put the County's money at risk. He emphasized that his investment policy was based on prudence, safety, liquidity and yield.

He distributed information and pointed out that funds were invested in Evergreen at 4%; with the Local Government Investment Pool (LPIG) at 4%+; in money market accounts with Raymond James at 2%; and in CDs of varying lengths for the soil and erosion bond money. He also noted that the County's checking account with Citizens & Farmers Bank was earning 3.5%. He emphasized that every cent was properly invested.

There was discussion regarding the large amount of funds in the checking account and Mr. Jones reminded that the County had just finished tax collections season and that the checking account balance historically decreased as the year progressed. He further indicated that he felt it was preferable to earn 3.5% and have liquidity than to earn 4% without liquidity.

There was discussion regarding the "surplus" that might exist between revenues and expenditures and how those funds could be used to offset increases in the real estate tax rate. Staff was directed to determine how much surplus would likely exist at the end of the fiscal year so that the Board would have that information for the budget process.

Mr. Davis commented that he was glad that everyone had survived the change to Daylight Savings Time and asked Chief Hicks to explain the burning laws. Chief Tommy Hicks advised that there was increased fire risk at this time of year due to lower humidity and higher winds. He noted that cigarettes were a main source of ignition and commented that cutovers also contributed to the threat of wildfires. He explained that the State Department of Forestry routinely limited open fires at this time of year to the hours of 4 p.m. to 12 midnight, but that in the last few days, because of the lack of rain and high winds, they were not allowing any burning at all. He encouraged everyone to be careful.

Mr. Burrell announced that along with Sheriff Howard he had attended a recent U. S. Army Reserve promotion ceremony for Herb Jones, Jr.

Mr. Sparks announced the details of an upcoming workshop hosted by the Purchase of Development Rights Advisory Committee for those interested in land conservation easements. He commended the PDR Advisory Committee for its hard work.

Mr. Hill announced the participation of Herman Berry in America's Most Wanted All Stars. Fire Chief Hicks confirmed that Mr. Berry had been a volunteer fireman for many years and was now a career firefighter with the County. Interested citizens were encouraged to support Mr. Berry's nomination and it was suggested that the Board might consider a resolution recognizing his accomplishments. It was also noted that Mr. Berry was the grandson of George and Becky Philbates.

Mr. Trout noted that a new business had opened at the intersection of Routes 249 and 60 and encouraged patronage. He announced that Board members would be attending a VACo meeting later in the month to consider General Assembly legislation that would assist counties.

Mr. Trout announced that New Kent had been elected to receive the *Guardian of the River* water quality protection award from the James River Association, noting that New Kent had scored higher than all 45 jurisdictions in the James River watershed. He congratulated the Planning Department for its promotion of protective measures.

IN RE: SECONDARY SIX YEAR PLAN FOR FY2007/08 – FY2012/13

Before the Board for consideration was Resolution R-04-07 approving the Secondary Six Year Plan for FY2007/08 through FY2012/13 in New Kent County and the Secondary System Construction Budget for FY2007/08.

John Crews, Resident Administrator, Richard Wood, Assistant Resident Administrator, and Keith Rider, Engineer, with the Sandston Residency of the Virginia Department of Transportation, was available to answer questions and provide information.

Mr. Crews advised that the proposed priorities were the same as those discussed at previous meetings. He pointed out that the funding the deficits in the Terminal Road and Stage Road projects were the first two priorities, followed by a federally funded project on Route 618. He noted that projects on Mount Pleasant Road, Henpeck Road and Cosby Mill Road remained as the fourth, fifth and sixth priorities, although there was no money to fund them.

He noted that both Route 606 and Route 609 were designated major collectors eligible for federally funded improvements estimated \$5 million and \$2.16 million, respectively.

He noted that Routes 647, 628 and 602 remained in the Six Year Plan for paving in place under the Rural Rustic Roads revenue sharing program, and that if the Board wanted to move forward with those projects, additional local money of \$52,552 would be needed to augment the \$62,448 surplus being held by the State.

In response to inquiries from the Board, he noted that Route 620/Homestead Road could be paved in place for \$149,000 and paid for with funds allocated to various Cost Centers.

There was some confusion regarding funding. It was clarified that the County did not budget for road improvements, other than for revenue sharing funds to help pave some of the graveled roads that were not on the Six Year Plan. Mr. Budesky reported that the

County budgeted \$250,000 per year towards revenue sharing, and had sufficient funds with which to pay the amount needed for the Rural Rustic Road projects.

The Chairman opened the Public Hearing.

Neale Kosier spoke in favor of paving Homestead Road. He spoke about safety concerns, dusty conditions, and poor surface, noting that Homestead was used as a cut-through by many non-residents.

There being no one else signed up to speak, the Public Hearing was closed.

Mr. Hill commented that the County should use its budgeted funds to move forward to improve the roads as the costs were just increasing. Mr. Davis disagreed, reminding that these were State, not County roads, and that it was not the County's responsibility to fund the Six Year Plan. He cautioned that such measures could jeopardize the funding formula when State funds again became available. Mr. Davis suggested that the County needed to continue to encourage its legislators to restore funding to road improvements. He indicated that the County could not use taxpayer money for improve private roads but that there were still a lot of unpaved public roads that could be surfaced using revenue sharing funds. He recognized that there were some residents who did not want their roads paved but encouraged those who did to contact the County with those requests. He commented about the upcoming difficult tax year and suggested that the County might have to use some of the revenue sharing funds for other purposes.

There was discussion regarding which of the major collectors eligible for federal funds (Routes 618, 609 or 606) should be chosen for improvements. It was noted that there were only about 10 homes on the New Kent portion of Route 618 but that it was used by Charles City County residents who patronized Providence Forge businesses and was a companion project to one in Charles City County. Mr. Rider indicated that the daily traffic count on Route 618 was over 1,000 vehicles. The daily traffic count for Route 609 was reported to be 11,000 vehicles.

Mr. Rider emphasized that once a federally funded project was identified, it was important to fully fund the project before adding another eligible road to the plan. He reported that two other routes in the County were being considered for upgrade from minor collectors to major collectors: Routes 613 and 611. It was noted that truck restrictions had recently been imposed on Route 613 and that it would be difficult to maintain those restrictions if federal funds were used to make improvements.

Mr. Trout inquired about the impact that a new transportation bill might have on the Six Year Plan. It was reported that the final allocation package was due out in April or May and that if funding was increased, the Residency would come back to the Board and adjust New Kent's funding, but that it would not affect the priorities to be adopted at this meeting.

Mr. Burrell moved to adopt Resolution R-04-07 as presented to include paving in place on Homestead Road/Route 620 using reallocated Cost Center funds.

Mr. Rider explained that the funds being used from the Cost Center were coming from funds set aside for minor maintenance and suggested that \$141,000 be used from Rural Addition and \$8,000 from somewhere else. He advised that using these funds in this manner would not affect their ability to do routine repairs in New Kent.

There was additional discussion regarding major collectors and whether improvements on one of the other eligible routes would be more beneficial to the citizens of New Kent. It was explained that eligibility was based on functionality and what the road tied into. It was pointed out that Route 618 was a sister project to one in Charles City and that the project could be fully funded within this Six Year Plan. Mr. Rider advised that Route 609 was in good shape but that Route 606 could use some improvements; however, that project would be much more expensive and would take ten years to fully fund.

The members were polled:

David M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye
Mark E. Hill	No
Stran L. Trout	Aye

The motion carried.

IN RE: STAFF REPORTS

There were none.

IN RE: DISTRICT APPOINTMENTS

There were none.

IN RE: NON-DISTRICT APPOINTMENTS

There were none.

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 April 9, 2007, and the next work session at 4:00 p.m. on Wednesday, March 28, 2007, both in the Boardroom of the County Administration Building, New Kent, Virginia.

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 personnel; for discussions relating to business and industry development pursuant to Section 2.2-3711A.5 of the Code of Virginia involving prospective business or industry; 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:

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

The motion carried. The Board went into closed session.

Mr. Sparks moved to return to open session. 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.

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:

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

The motion carried.

IN RE: ADJOURNMENT

Mr. Davis moved to adjourn the meeting. 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 meeting was adjourned at 10:07 p.m.