

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 23RD DAY OF APRIL 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	Absent (arrived at 1:02 p.m.)
Stran L. Trout	Present
W. R. Davis, Jr.	Present

The Chairman called the meeting to order and welcomed back County Administrator John Budesky after recent surgery. It was reported that the representatives from Martin Branding Company were held up in interstate traffic and would be late.

Mr. Budesky expressed his appreciation to staff members, especially IT Director Jonathan Stanger and Financial Services Director Mary Altemus, for their coverage in his absence.

Mr. Budesky announced that New Kent would celebrate National County Government Week on April 27 with a picnic lunch at the Administration Building at noon, to be attended by the Lt. Governor of Virginia who had asked for an opportunity to speak to employees and the public regarding the importance of government service. Mr. Budesky issued an open invitation to the public, employees and elected officials to participate.

He advised that the County had received signed deeds to the former VDOT property and that staff would be meeting with VDOT officials on the following day to receive keys. He indicated that renovations were to begin shortly and that there was still interest from a highway maintenance contractor in renting one of the salt sheds. He added that he anticipated bringing a lease agreement to the Board for consideration in the near future.

IN RE: STORMWATER DETENTION AGREEMENTS

County Attorney Jeff Summers reminded the Board that the County had previously been informed by the Virginia Department of Transportation (VDOT) that it was necessary to enter into a countywide model storm water detention agreement. He advised that what was received from the State was an agreement between VDOT and New Kent that applied to one place and one intersection - the proposed McDonald's at the intersection of Routes 249 and 60 - which would relieve VDOT of its storm water risks on that lot. He indicated that even though the County's Environmental Planning Manager had advised that the property owner's storm water plan was adequate, he was advising the Board to pass on the maintenance obligation to the property owner with a similar agreement. He advised that the documents were designed to act as a pair and he suggested that they be approved as a pair.

Mr. Summers indicated that the property owner had already endorsed the agreement and was anxious to have it approved by the Board so that they could proceed as quickly as possible.

There was discussion regarding whether the obligation would run with the land. Mr. Summers advised that the County's agreement would be with the current owner, Tidneck, but that the agreements could be recorded in order that the obligation would rest with

whoever owned the property and that future potential owners would be aware of the obligation.

Board members expressed concerns about the impact of storm water runoff on adjacent property. Mr. Summers advised that would not be the County's concern but would be an issue between the property owners.

Board members asked if similar agreements would be necessary for other properties. Mr. Summers indicated that he did not know but that the County needed to remain alert and pass on any risk to the landowners. He stated that development could have potential effects upon the water table, and that with the increase in the installation of impervious surfaces, the Chickahominy River would have to accept more runoff in some form. He emphasized that the responsibility should remain with the property owner and not with the County.

Environmental Planning Manager Chris Landgraf reported that Tidneck owned the property onto which the storm water would run and owned surrounding property as well. He advised this situation was unique in that Tidneck was actually cutting an existing pipe and taking runoff from the highway into its system instead of it draining around the property, and that by signing the agreement, they were accepting responsibility for treating VDOT's runoff.

Mr. Hill moved to approve the proposed Storm water Detention Agreements with Tidneck Corporation and the Virginia Department of Transportation, and that they be recorded to run with the property. 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.

IN RE: FIRE & RESCUE ORDINANCE

The Board continued to review concerns regarding the proposed Fire & Rescue ordinance with Fire Chief Tommy Hicks.

Mr. Hicks reported that the Sheriff's Office and Fire Department currently responded to an average of 50 to 60 false alarms per month, spending an average of 30 minutes on each call. He described a proposed four-step program to deal with false alarms that would provide that a letter be sent to the resident after the fourth false alarm within 180 days; personal contact after the sixth false alarm; and billing after the eighth false alarm.

He advised that most false alarms occurred with new start-ups, both residential and commercial. He confirmed that billing would not take place until after the eighth false alarm and then would be billed retroactively.

The Board discussed open burning. Chief Hicks displayed a map from a recent Department of Forestry study that showed that the majority of New Kent fell within the high risk areas for fires.

Chief Hicks emphasized that the changes to the ordinance regarding burning were not proposed to prevent homeowners from cleaning up their yards but to have a mechanism in place so that burning could be done safely. He advised that the proposed burn times on Fridays, Saturdays and Sundays were times that burning could be done without a permit; however, homeowners could apply for a permit to burn at other times.

He said that since New Kent did not offer its residents curbside trash pickup, the State permitted residents to burn within certain distances of structures and wood lines at certain times of the year. He indicated that 80% of brush fires in the County resulted from controlled burns that "got away".

There was lengthy discussion on how to simplify the open burning regulations and make them easier to understand. There was consensus that burning would be permitted without a permit in all parts of the County between the hours of 4 p.m. and 12 midnight on any day of the week, and that residents who wanted to burn before 4 p.m. or within 50 feet of a structure or 300 feet of a wood line would be required to obtain a permit.

The changes were acceptable to Chief Hicks who advised that they would document any concerns or problems that arose and would come back to the Board if changes were needed.

It was reported that the section in the proposed Ordinance that dealt with fireworks was taken "word for word" from the State Code and that the County had no flexibility. He indicated that staff was not recommending any change to the current fireworks permit fee of \$50 which covered staff time. He advised that an average of four or five fireworks permit fees were issued each year.

Regarding appointment of the County's Operational Medical Director (OMD), Chief Hicks confirmed that the OMD was appointed by the Chief on behalf of New Kent Fire & Rescue following an application process. He advised that a separate agency working within the County could have a different OMD if it chose to, but its OMD would have to work to the same level of service as the County's.

Regarding cost recovery, Mr. Davis pointed out that between 600 and 700 households in Eltham were served by West Point Fire & Rescue and he expressed his concern that since the County would not be redirecting the funds from cost recovery to that agency, he feared that West Point would stop making calls in New Kent. Chief Hicks explained that the cost recovery revenue would result in having paid staff at Company 3 to serve that part of the County. He added that there was an upcoming meeting with mutual aid localities to address the issues of reciprocation and cost recovery and he would report back to the Board.

Mr. Budesky reminded that an annual donation was given to West Point and that the cost recovery funds would likely help offset that contribution, which was budgeted for \$17,500.

Mr. Davis indicated that West Point made 100 calls into New Kent last year and that the annual donation did not equal the cost recovery revenue.

It was pointed out that the same situation existed for Providence Forge Volunteer Rescue Squad which accepted a contribution from the County and would not be paid on a per-call basis for services rendered to New Kent residents.

Mr. Davis indicated that he would not be comfortable voting until these issues were resolved.

Chief Hicks advised that to his knowledge, there was no jurisdiction within the State that was using cost recovery and allowing reciprocation of a service fee, but that would be a subject for discussion at the upcoming meeting.

Mr. Davis indicated that he had no problem with the fee but had concerns about how the revenue would be distributed. He commented that if Eltham residents were required to give up the service they were receiving from West Point, they would expect to receive better service from New Kent than they had received in the past. Chief Hicks pointed out that adoption of the proposed ordinance would not set a standard of care but would be the "beginning of a process".

Mr. Sparks indicated that he still had questions on how the process would work when County residents received services from other localities.

Mr. Hill asked how the County could enhance fire and rescue capabilities and strengthen capabilities in all areas of the County if it was funneling money back to West Point and others.

Staff represented that every household in New Kent could join the subscription plan for a fee of \$50 and would have no liability for payment of any portion of an ambulance transport bill, and that those who could not afford the subscription fee would have the opportunity to apply for a scholarship. Mr. Budesky acknowledged that it would be difficult to serve those who won't ask for help.

Chief Hicks indicated that he would also speak with mutual aid localities about how to handle billing when one of New Kent's residents had paid a subscription fee. He advised that many of the details would have to be worked out with the billing company once the ordinance was adopted.

Mr. Sparks indicated that he would like additional information before a vote was taken. Mr. Trout commented that none of the information that would come back to the Board would affect the ordinance itself. There was consensus, since fees would not be adopted until May, to permit staff to make the discussed changes to the ordinance and bring it back to the Board for vote before the end of the meeting.

Mr. Hill stated that he had faith and confidence in the staff to get all of the billing issues and concerns resolved once the ordinance was in place.

IN RE: REVIEW OF THE BUDGET – IMPORTANCE OF TIMELINE

County Administrator John Budesky reminded the Board that the State required localities to adopt their budget by June 30, and he reviewed the reasons for the proposed timeline for a public hearing and adoption in May. He spoke about the need to send out teacher contracts, the burden on the Financial Services Department in trying to keep up with its routine work, the time needed to advertise for new positions, providing ample time for public inspection, and the needs of outside agencies that were dependent upon the County's contributions.

IN RE: REVIEW OF THE BUDGET – UPDATES SINCE LAST WORK SESSION

Mr. Budesky reported that one of the County's biggest budget challenges were the unfunded mandates in Comprehensive Services Act (CSA) cases. He warned that CSA staff would

soon be asking for additional funding to get them through the remainder of the fiscal year, which could essentially exhaust two of the contingency funds. He indicated that these expenses were mandated and were out of the County's control, but that the County needed to plan to cover whatever costs might surface. He warned that as the population increased, CSA needs increased and were actually growing faster than the population. He admitted that it was going to be a challenge but that staff was "trying to get a handle around it" and pay only for required services.

Mr. Budesky advised the Board that it had some new revenue opportunities, which included increasing the vehicle decal fee by \$10; increasing the lodging tax from 2% to 4%; increasing the courthouse security fee from \$5 to \$10; and increasing the admission tax from 2% to 4%.

He reported that the proposed CIP for the former VDOT facility had been inadvertently omitted from the Board's original package. Other recent changes were identified as a position upgrade for the General Services Director and an increase for a new postage meter. It was explained that the County would need to lease more expensive equipment in order to meet U. S. Post Office requirements that postage meters measure dimensions as well as weight.

There was Board consensus to proceed with advertising an increase in the courthouse security fee, as well as increases in the admissions and lodging taxes.

Mr. Budesky recommended that the County put the net revenue of approximately \$49,337 from the new sources into the contingency fund.

IN RE: REVIEW OF THE BUDGET – FUND BALANCES

Summary spreadsheets were distributed to the Board members reflecting the various funds. Mr. Budesky advised the Board that it had some level of flexibility with some of the funds, but that others were fixed.

Financial Advisor Ted Cole of Davenport & Company advised that he had reviewed the previous debt service scenarios and he advised against the Board using money from the fund balances to reduce the debt because it would reduce the County's liquidity but have no major impact on future tax rates. Financial Services Director Mary Altemus agreed that it was better if the funds were maintained rather than used to pay down debt service.

Mr. Budesky reminded the Board that the allocations of the meals tax revenue (50% to school capital, and 25% each to parks & recreation and economic development/tourism) was effective until 2008 at which time the Board could reallocate that revenue. It was reported that meals tax revenues had been higher than projected and that the County had collected \$275,323 to date and based upon that rate of collection, was projected to collect \$367,100 (had budgeted \$300,000). Mr. Hill suggested that the surplus be allocated in the percentages previously directed by the Board.

Mr. Sparks indicated that he was concerned with teacher salaries and didn't want to get further behind. He commented that it was hard to recruit and retain teachers in light of the lack of affordable housing.

Mr. Budesky cautioned against using surplus funds for any ongoing expenses other than one-time projects.

There was a discussion regarding school buses. It was reported that new school buses were included in the CIP and that the School Board also used surplus funds to purchase buses.

There was discussion regarding proffers and their being allocated as they were received.

Mr. Hill asked about the one cent of the real estate tax dedicated to County capital and the six cents for School capital. It was reported that those funds were in the debt service fund and the Board members were reminded of the Treasurer's assurance that all funds were properly invested.

Mr. Budesky indicated that the Schools had requested \$169,000 more than what was being recommended. School Board member Joe Yates spoke about an unanticipated 25% health insurance increase.

Mr. Davis asked staff to look for a way to transfer some of the money from the capital fund to the School Board.

IN RE: REVIEW OF THE BUDGET – NEW POSITIONS AND UPGRADES

The Board reviewed the recommended new positions as well as those that were requested but not included in the recommendations. It was pointed out that two of the new positions would not start until later in the year. It was also noted that an upgrade for the General Services Director had been added, and that there were four new utility positions, two of which would not start until January 1.

Mr. Budesky reported that staff had considered the use of contract labor for building maintenance and technology, but was not recommending it. He commented that he did not believe the County would get the necessary level of service from contractors.

Regarding the proposed position of Assistant Voter Registrar, Mr. Burrell clarified that upon the pending retirement of the current Registrar, her replacement would be an appointment made by the Board of Elections and would not necessarily be the Assistant Registrar.

IN RE: REQUEST FROM THE COMMISSIONER OF THE REVENUE

Mr. Budesky reminded the Board that they had budgeted for a full-time assessor last year but that the County had been unable to locate anyone for the position.

He indicated that Commissioner of the Revenue Laura Ecimovic had proposed to take over the assessment duties in exchange for a supplement to her salary as well as upgrades for some of her employees.

Board members expressed their concern that future Commissioners may not want these duties. Mr. Budesky indicated that the arrangements could be reanalyzed in the future and adjusted as necessary. He advised that Ms. Ecimovic had expressed confidence in her ability to handle those duties and to continue to handle them as long as she held office.

Mr. Budesky commented that Ms. Ecimovic had been much more diligent on collections and noted that the County was seeing an increase in revenues based upon her consistent follow-through. He indicated that he was comfortable with recommending the upgrades and a portion of the requested supplement, and felt that it was a true cost savings over other alternatives. Those alternatives were identified as continuing to hire an outside firm for re-assessment or to again attempt to create an assessors' office. He pointed out that the

proposed supplement and upgrades had been scheduled to take effect on December 1, after the next General Election.

Ms. Ecimovic explained that it would take her a year to develop the process and hire and train staff, and although she thought they could perhaps start assessment duties sometime within the second year (but couldn't guarantee), she felt that once the process was set up properly, it should run smoothly. She recommended that the next assessment should not take place during an election year in that it was not a good idea for a new Commissioner to come into office in the middle of the process. She indicated that having it performed in-house would reduce some of the current assessment gaps and some of the refund requests that result from duplication. She suggested that these arrangements could be addressed in a Memorandum of Understanding between herself and the Board. She advised that she had asked for a fair supplement for the additional work, and pointed out that the supplement and upgrades were less than what it would cost the County to hire a full-time assessor. She further advised that she would not be willing to accept these additional duties without the full funding she had requested, and pointed out that she would also be requesting a full-time field inspector next year (dedicated 100% to picking up new construction), whether she accepted the reassessment duties or not. She stated that she was willing to "put in whatever time it took to do the job" and she felt that this was the right move for the County.

It was reported that other localities were handling assessments in a similar fashion.

Ms. Ecimovic reported that she was continuing in her efforts to update assessment information on improvements and new construction, and had not yet mailed out any supplemental bills. She indicated that most of the improvements involved garages, and that there were about 150 homes left to add, most of them in Brickshire. She advised that with these updates, new revenue of approximately \$336,189 was projected based upon the work to date.

Following discussion among the Board members, there was a consensus that the County move to assessments every two years but the Board could not agree as to which option to choose.

IN RE: REVIEW OF THE BUDGET – COLA AND MERIT INCREASES

Mr. Budesky reviewed the proposed Cost of Living Adjustment (COLA) and proposed merit raises with the Board.

There was a discussion regarding salary studies, how often they should be done, and whether they should be done internally or by an outside party.

There was continued discussion regarding the proposed upgrades and supplement for the Commissioner of the Revenue and her staff. Mr. Budesky advised that Ms. Ecimovic had requested a supplement of \$6,400 more than what he was recommending. He reminded that the supplement was dependent upon duties and the Board could remove the supplement in the future if the duties of the officeholder changed. He indicated that the annual cost of the supplement would be \$16,104.57.

Mr. Hill asked for the total cost of all the upgrades, the supplement and the new positions. Mr. Budesky reported that \$107,376 (including benefits) would cover the upgrades, supplement and new positions.

Mr. Davis pointed out that there would be some cost savings by having the assessor in the Commissioner's Office and he commented about how much the County was losing by being behind in its assessments. He indicated that a full time person could keep assessments at 90% instead of at the current 70%.

Mr. Budesky reminded that last year the County had offered the full-time assessor position to two different candidates at an annual salary of \$70,000, and both had rejected the offers and both were of the opinion that a larger staff was needed than was being funded.

Mr. Hill questioned whether it was advisable to spend \$400,000 over four years for an in-house assessor when it only cost the County \$250,000 every four years for reassessment by an outside firm.

Mr. Davis reminded that the County was losing money every year from the State on Public Service Properties. He also predicted that the cost for a reassessment by an outside firm would continue to increase, based upon the increase in the number of parcels as well as in the "per parcel" cost.

Mr. Burrell commented that the County needed to give its citizens good and equitable service by having more frequent assessments.

Mr. Hill indicated that he felt that Ms. Ecimovic had done an excellent job; however, it was her job to assess new construction and improvements. He pointed out that the requested new positions would not produce income for three years. He conceded that he could understand the need for a field inspector but questioned the need for a data entry clerk when there wouldn't be data to enter for a couple of years.

Mr. Budesky indicated that Ms. Ecimovic was of the opinion that her office could perform these duties with the two new positions and the upgrades. He reported that she had explained that current employees would be taking on additional responsibilities and that was the reason for the requested upgrades.

Financial Services Director Mary Altemus reported that the County was paying \$288,000 for the current re-assessment, based upon 18,000 parcels at \$16 per parcel.

It was confirmed that the County would need an Equalization Board no matter how it chose to handle reassessment.

There was discussion regarding when the process needed to start and if the new positions would be needed as early as Ms. Ecimovic had requested. There was also discussion regarding which option would best serve the citizens.

Mr. Hill pointed out that if the Board agreed to the Commissioner's Office handling the reassessment, it needed to understand that the cost next year would be close to the value of one cent on the real estate tax rate.

It was noted that Ms. Ecimovic and her current three full-time employees were funded by the State Compensation Board but that none of the new positions would be.

There were suggestions from the Board members to move the starting date for the new positions, supplements and upgrade from December 1 to January 1.

Mr. Hill agreed with Mr. Sparks that the County should keep contracting for reassessments but do it every two years instead of four.

Following further discussion, there was consensus that the Board would offer Ms. Ecimovic a supplement bringing her compensation up to \$73,000 and Chairman Trout agreed to discuss that offer with her.

Mr. Budesky advised the Board that if it chose to continue to contract with an outside firm to perform the reassessment and wanted to do it on a 2-year cycle, then one-half of the cost would needed to be added to the budget under consideration.

IN RE: CAPITAL IMPROVEMENTS PROJECTS

Mr. Sparks inquired as to the cost to fully develop Criss Cross Park. Mr. Budesky reported that it was estimated anywhere between \$8 million and \$12 million, and that the CIP provided that \$250,000 be set aside each year for that.

Mr. Sparks commented that he felt the County should finish one park before it started on the next and that he thought it was premature to start on Criss Cross Park at this time.

It was reported that Quinton Community Park should be finished in the upcoming year.

There were discussions regarding the Wahrani Nature Trail and the County's agreement with Eastern Virginia Mountainbike Association (EVMA). Parks & Rec Manager Matt Spruill reported that EVMA was working on clearing trees, replacing damaged bridges and adding trails. He indicated that mountain bike enthusiasts from New Kent were enjoying the new use and he did not think that the presence of the bikers was discouraging others from using the trail. He confirmed that there were areas where only walkers were permitted.

Mr. Hill questioned the proposal to spend \$20,000 on a composting solar toilet and indicated he'd rather see the County spend that money to pave the parking lot. General Services Director Jim Tacosa described the units, which were cement type buildings, handicapped accessible, solar powered with fans and lights, used in national parks as well as other local parks, and would likely end up being less expensive than a conventional restroom. Staff reported that there may be grants available to fund the units. Environmental Planning Manager Chris Landgraf advised that it would be five years before there would be any waste to remove from the unit. It was pointed out that the Health Department would likely not permit the County to install a drain field for a conventional restroom on that side of Route 33, and that the County would have to bear the cost of boring under the highway in order to connect to public water and sewer.

Mr. Davis questioned the extent of the County's liability for injuries sustained from insect or snake bites, or falling trees. Mr. Spruill advised that "use at your own risk" signs were posted.

It was reported that connection to public water and sewer would be easier and less expensive at Criss Cross Park because it was in the vicinity of the upgraded I-64 westbound rest area. Staff indicated that the County was waiting for assessment from the Army Corps of Engineers and then would be in a position to move forward with issuing a Request for Proposal for a master plan. Mr. Tacosa indicated that he felt that the existing logging roads had a good base and were in good shape, and that the hunting trails were sound as well. He stated that this was a good place for passive recreation in the center of the County and he spoke about using existing small piers as bird watching decks and the development of

bird watching trails with little effort. There was discussion about using VDOT recreational access funds to help with the road and parking lot. Mr. Budesky advised that the County would continue to budget \$250,000 per year for these improvements.

Regarding the Quinton Community Center, it was reported that the kitchen was still not available for use, but there were plans to bring it up to commercial grade. Mr. Spruill advised that the rent on the Center was \$30 per hour, not to exceed \$200 per day, and that an increase could be considered once the kitchen became available for use. It was reported that parking remained a challenge and that staff was working with an adjacent property owner to hopefully expand.

The Board took a short break.

IN RE: CHICKAHOMINY WASTEWATER PUMP STATION

Under consideration by the Board was a request for an award of contract for construction of the Chickahominy Wastewater pump station.

Public Utilities Director Harrison announced that bids had been opened on the previous Friday and that the low bidder was M&W construction at \$1,930,094. He advised that the budget estimate for the project had been \$2.8 million. He attributed the higher-than-usual number of bidders on the Phase II, Chickahominy pump station, and Courthouse area projects to a soft market and "hungry contractors".

Mr. Hill moved to award a contract for construction of the Chickahominy Wastewater pump station to M & W Construction in the amount of \$1,930,094. 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: CLAIM OF G & G LIMITED – WATER FACILITIES FOR DEER LAKE SECTION C

John Montgomery appeared on behalf of G&G Limited, owners of Deerlake C. He advised that he was not asking for Board action tonight but wanted to make the Board aware of his client's claim.

He advised that a 1974 water agreement entered into by the County provided that if and when Deer Lake C was developed, the County would provide "water facilities" into the parcel. He speculated that the reason for that agreement was that the owner/developer of Deerlake A and B (Kenwood Farms, Inc.) had provided certain things including water facilities that were turned over to the County.

Mr. Montgomery advised that "water facilities" now included a requirement for 125,000-gallon fire flow, which added a significant cost. He indicated that his client's position was that the County agreed to provide these facilities and they were calling for the "benefit of the bargain".

Board members questioned whether "water facilities" could be construed to include fire flow. Mr. Montgomery indicated that it was their contention that the County would have used a more defined term if it had meant to limit what it would provide.

Mr. Montgomery advised that there was a preliminary estimate of \$500,000 but that it was not broken down between what was for fire flow and what was for the general water facilities.

It was reported that the developer was being asked to install fire flow that would also serve Deer Lake A and B as well as Kenwood and Greenwood Estates.

Public Utilities Director Alan Harrison explained that tank volume was the issue for fire flow and that the current hydrants drained the system. The required fire flow would provide sufficient hose stream for a sufficient amount of time to extinguish a house fire. He conceded that the needs were all "interwoven" and the systems interconnected and that installation of fire flow in Deerlake C would help in the other neighborhoods where it was not a requirement when those systems were installed. He indicated that if Deerlake C were not being developed, the County would not spend money to go in and upgrade the older systems, but with the new development, it was a good time to bring things up to speed.

He advised that the existing lines in the adjacent neighborhoods were fine and would be able to handle the flow.

Mr. Montgomery advised that discussions with County staff were continuing and he thanked the Board for allowing him to present the claim.

IN RE: REZONING APPLICATION AND REQUEST FOR CONDITIONAL USE PERMIT
FILED BY A & M ENTERPRISES AND ED KELLEHER

Planning Manager Kelli Zittergruen briefed the Board on an upcoming Public Hearing on rezoning and CUP applications. Gene Mobley of A & M Enterprises was present to answer questions.

Ms. Zittergruen reported that Gene Mobley of A & M Enterprises and property owner Ed Kelleher had filed an application to rezone 2.5 acres in Providence Forge from A-1 to B-2 and filed a Conditional Use Permit (CUP) in order to convert an existing real estate office into contracting establishment with an outdoor storage area. She indicated that the business would use the upper story of the existing structure for an employee residence. She advised that the subject property was directly east of Vincent Funeral Home and one-half mile east of the intersection of Pocahontas Trail and Courthouse Road. She reported that adjacent property to the east and north were zoned A-1; property to west B-2; and that to the south M-1. She indicated that the Comprehensive Plan designated the parcel as being on the extreme fringe of the Providence Forge Village area. She reported that B-2 zoning permitted a wide range of uses and the proposed use appeared to be compatible.

She spoke about the proffers which addressed lighting, hours of operation, site access, parking, outdoor storage, buffering/screening, prohibited uses, security alarms and refuse/containers. She reported that staff had suggested thirteen conditions in connection with the CUP which included requirements dealing with lighting, utility line placement, outdoor storage, dumpster areas, maintenance, safety gate, and signage. She indicated that the applications had been reviewed by Public Safety, Public Utilities, VDOT, Economic Development, Health Department, and Sheriff's Office and no issues had been raised.

Ms. Zittergruen indicated that typically a contractor services business would not be desirable in the midst of a village, but in this particular case, as the property was on the fringe of the village area and adverse impacts to surrounding property owners would be mitigated by the proffers and conditions, staff was recommending approval of both applications.

She reported that the Planning Commission had voted 9:0:1 to recommend approval.

Mr. Burrell confirmed that the Planning Commission had no problem with the applications.

Mr. Davis reported that he had spoken with the owner of Vincent Funeral Home who was initially against the proposed use; however, after speaking with the owner of a funeral home that was adjacent to Mr. Mobley's business in Manassas, Mr. Vincent had changed his mind and was no longer against it. Mr. Davis indicated that he had not talked to the neighbor on the other side but felt that staff had developed a good set of conditions.

Mr. Mobley advised that he agreed with the conditions that had been proposed. He indicated that he did not intend on lighting the site all night and there would be no equipment working on the site. He stated that delivery of materials could happen at any time during business hours and that his sister would be living upstairs and would keep him advised as to what was going on. He advised that he had talked with the owner of the funeral home and would work with him to coordinate deliveries so that they would not impact funeral services that might be in progress.

IN RE: REAL PROPERTY TAX RELIEF PROGRAM

Before the Board for consideration was Ordinance O-11-07 to expand the current income and net worth thresholds for the tax relief program for the elderly and permanently disabled.

County Attorney Jeff Summers reviewed the proposed changes in the ordinance. He advised that in addition to increasing the income limits and net worth amounts, other changes included a requirement that income from all non-spouse relatives living in the home had to qualify as set forth in a particular State Code section; included the definition of a mobile home; and added a provision that in any year where the requirements were changed, the deadline would be extended to July 1.

Chairman Trout opened the Public Hearing. There being no one signed up to speak, the Public Hearing was closed.

There was discussion as to how best to communicate these changes to the public. It was announced that the Commissioner of the Revenue had scheduled an upcoming workshop to assist those interested in filing an application.

Mr. Burrell moved to adopt Ordinance O-11-07 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: FIRE – RESCUE ORDINANCE (continued)

The Board continued to consider the proposed Fire-Rescue ordinance.

Mr. Summers distributed a redrafted ordinance and reviewed the changes that had been discussed earlier in the meeting.

Mr. Hill moved to adopt Ordinance O-02-07 as amended with the changes outlined by the County Attorney. 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.

IN RE: REVIEW OF THE BUDGET – PROPOSED FEE CHANGES

The Board returned to discussions on the budget.

Mr. Budesky confirmed that the only fee changes were those that had been reviewed earlier.

Mr. Hill advised that he had previously expressed concern about the increase in commercial fees. Building Official Clarence Jackson indicated that after again reviewing the proposed fee increases again, he had amended his recommendations. He explained to the Board how commercial projects required a minimum of three inspections which didn't come close to being covered by the existing \$35 fee, much less the plan review that had to be done with each permit.

Mr. Burrell commented that he agreed that the County needed to be "business friendly" and he didn't want to drive businesses away, but he felt that citizens should not be subsidizing business.

Mr. Jackson advised that he had revised his proposal for fee changes, increasing the minimum permit fee from \$35 to \$55. He also explained about the problems with missed inspections and advised that assessing a fee for missed inspections would help with those situations.

He advised that New Kent provided inspections within 24 hours of the request (State required inspections within 48 hours).

There was a discussion on the fee for burn permits. Chief Hicks explained the steps involved for a commercial burn and advised that permits were good for 90 days.

The Board discussed the proposed ambulance transport and other cost recovery fees. Chief Hicks reported that the mileage charge would only apply to the one-way transport to the hospital.

Mr. Trout expressed his concern that with the proliferation of 911 calls from the interstate, someone might be billed for a patient evaluation when they had not called for an ambulance. Chief Hicks explained that the charge would only apply when someone had consented to treatment but then refused ambulance transport.

The Board reviewed the proposed increases in the public utilities fees. The increases in the connection fees and water and sewer rates were reported to be 8% across the board, in line with the Utilities Proforma.

Environmental Planning Manager Chris Landgraf explained the more intensive process of handling land disturbance on commercial construction versus single family homes. He reported that New Kent's proposed fee would be less than those in James City County and Chesterfield. He indicated that not only did it take three to four times longer to inspect a commercial site, but the certification process was more intense and included storm water management. He commented that an environmental inspector "almost had to be an engineer" or be State-certified. He spoke about the new developments, mentioning Land Bay V at the New Kent Vineyard that had three sediment basins, and the considerable amount of time that was involved in the review and inspections. He indicated that the nature of the sites was wearing out the department's 4WD vehicle. He advised that the fee was only being increased from \$75 to \$100 and that he felt it was more appropriate that a developer pay for the costs involved rather than to pass it on to the citizens. He commented that he received no complaints about the fees and that his department also offered 24-hour turnaround.

IN RE: ADDITIONAL REVENUE (continued)

Financial Services Director Mary Altemus reported that her review of the State Code during the break reflected that legislative changes would be needed before New Kent could increase its lodging, or transient occupancy, tax above 2%.

Mr. Budesky advised that the Board still had the opportunity to increase its courthouse security fee and admissions tax.

IN RE: CAPITAL IMPROVEMENT PROJECTS (continued)

There was a discussion regarding the \$50,000 budgeted for village improvements. Community Development Director reported that there were no specific expenditures associated with that amount other than a "war chest" for improvements that might be needed. He indicated that there had been some discussions regarding the creation of a grant program wherein the County could cover one-half of the cost of improvements required in a village. He suggested that it could be used to add light posts to the remainder of the sidewalk project in front of the primary school. He indicated that there were some remaining ISTEPA funds that if combined with what the General Services Director had been able to negotiate, might be enough to do something.

There was conversation regarding backup generators for County facilities. It was reported that the administration building had no generator; there was funding in the current budget for a generator for the old courthouse; the Sheriff's Annex was bid with a generator; Fire Station No. 1 had a generator; and there was a generator that powered limited portions of the new courthouse.

There was discussion regarding the \$50,000 budgeted for affordable housing. Mr. Budesky advised that this was just a placeholder and that the Board had previously recommended

that amount. It was noted that the Board had formed an Affordable Housing Advisory Committee and had made appointments. Staff reported that there were ongoing efforts to put aside money so that there would be enough to "do something significant" when the time came. It was also pointed out that proffers for affordable housing would be received from Farms of New Kent and Rock Creek Villas.

There were questions raised about the \$19,000 in the budget for permitting software. Mr. Homewood reminded that this was to supplement what was already there for the Timmons program previously reviewed with the Board that would assist the County in tracking applications, permits and proffers.

There was discussion regarding the \$30,000 budgeted for a 2008 renovation of the old courthouse. Mr. Budesky advised that this proposal was based upon the assumption that renovation of the second floor of the new courthouse was accomplished, and that this would "get things started".

Mr. Hill questioned the \$70,000 to equip the new Sheriff's Annex. Staff confirmed that the building was due for completion within eleven months. Mr. Budesky advised that after trying to furnish and equip the Visitors Center, the proposed \$70,000 did not seem unreasonable.

Chief Hicks explained the request for the Quick Response Unit, which he advised would dispatch a higher trained individual and equipment to work with a Basic Life Support crew when needed.

There was a discussion on funding for the Heritage Library. Mr. Budesky advised that the budget team did support a large increase for the Library but not at the State recommended level. He advised that the proposed funding was an increase of 20% and he did not feel that he was in a position to recommend more than that. He advised that the amount of local funding would not affect the amount of State funding that the Library received.

There were concerns expressed that there was not enough space at the Library where funds could be efficiently spent. Mr. Budesky commented that he felt that the Library did a good job with the funding that it had, but that the biggest challenge New Kent would have was when Charles City built its own library and New Kent would have to operate the Providence Forge branch on its. Mr. Sparks advised that he would like more information and some direct conversation with the library. It was reported that attendance, membership and circulation had increased. Mr. Budesky indicated that if the Board decided to increase funding to the Library, he would recommend that it be paid from the new revenue sources discussed earlier in the meeting.

There was discussion regarding Providence Forge Volunteer Rescue Squad (PFVRS). Chief Hicks clarified that PFVRS would continue to respond to calls on a "first come first served basis" and that the agency normally had two ambulances marked up each day. Mr. Burrell confirmed that Charles City County had planned to bring an ambulance on-line in the coming year that would provide service to those areas in Charles City east of Route 155. Chief Hicks advised that in 2006 PFVRS made 400 calls in Charles City and 326 in New Kent, and that it treated both counties the same – who ever called first got the response.

Chief Hicks advised that only Volunteer Companies 1, 2 and 3 were eligible to participate in the volunteer incentives where they receive funding based upon marking up. He indicated that PFVRS and West Point Fire & Rescue operated in the same way – donations in return

for expected service. He clarified that when PFVRS responded to a call, the County would bill and receive the revenue.

Staff confirmed that the calls responded to by PFVRS were declining, mainly because of the availability of paid County staff as well as increased mark ups by the volunteer companies. There was concern expressed as to why the donation to PFVRS was increasing when the number of calls had decreased. Mr. Budesky explained that the County had asked PFVRS to add equipment and felt it should pay for it.

Mr. Davis again expressed his concern that West Point Fire & Rescue would not want to service the Eltham area if the County would not be passing on the money it collected under revenue recovery.

Mr. Sparks advised that he did not agree with the \$12,500 budgeted for laptops for the Board members and that he would not accept one. He suggested that the Board members review the proposed budget line items and highlight those that caused concern and maybe find some items where some money could be saved.

Other Board members commented that the budget team had done a good job and they had faith in staff's ability and were pleased with a budget that would not increase the tax rate.

Mr. Sparks pointed out that the budget had increased dollar wise even if there was no proposed increase in the tax rate.

There was consensus to meet again on April 25 at 3 p.m. to review school funding and the airport, and follow up on library funding and cost recovery/mutual aid issues. Mr. Budesky again asked the Board members to communicate any concerns so that he could have appropriate staff at the meeting to provide information and answer their questions. Mr. Trout advised that he would also try to meet with the Commissioner of the Revenue and report back to the Board.

IN RE: CONTINUATION OF THE MEETING

Mr. Hill moved to continue the meeting until 3 p.m. on Wednesday, April 25, 2007. 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 suspended at 8:49 p.m.