

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 14th DAY OF MAY 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

The Chairman called the meeting to order and welcomed guests.

IN RE: CONSENT AGENDA

County Administrator John Budesky presented the Consent Agenda as follows:

1. Approval of Minutes
 - a. Work session on March 28, 2007
 - b. Regular meeting on April 9, 2007

2. Miscellaneous
 - a. Resolution R-13-07 approving transfer of title to the Governor's School building
 - b. Resolution R-23-07 requesting VDOT to add the extension of State Route 673 into the State system for maintenance
 - c. Annual merit increases for the County Administrator and County Attorney
 - d. Road Name Additions
 - i. Angels Share Drive
 - ii. Barrique Road
 - iii. Crush Court
 - iv. Blanc Street
 - v. Porto Court
 - vi. Amarone Way
 - vii. Meritage Lane
 - viii. Canopy Circle
 - ix. Verdot Court

3. Appropriations FY2006-2007
 - a. Funds received for participation in the Eltham Bridge 5K Run, \$1,886.00
 - b. Funds received for participation in Habitat for Humanity 5K Run, \$1,593.00
 - c. Funds received as donations for the Parks & Rec Easter egg hunt, \$165.00
 - d. Funds received from the Rotary Club of New Kent for Quinton Community Park Development, \$6,000.00
 - e. Insurance proceeds for the Apr 9 accident involving a deputy's vehicle striking a deer, \$1,804.00
 - f. Insurance proceeds for Oct 23 house fire involving a lost fire-rescue radio, \$545.00
 - g. Additional State Social Services funding due to increased demand for services, \$2,076.00
 - h. EDA funds received for the Eltham Battlefield Project, \$9,237.00

that 63 agencies in the State were accredited, out of a 417 eligible agencies. He indicated that an agency was required to maintain its accreditation once it was received and to submit to an annual verification.

He reported that the New Kent Sheriff's Office had undergone its assessment in March, was found to have met or exceeded every standard, and was the first agency ever to receive a "flawless" assessment.

He congratulated Sheriff Howard and Chief Deputy Joe McLaughlin, Jr., as well as the rest of the Sheriff's staff for their commitment to law enforcement excellence.

Sheriff Charles Jett, VLEPS Chairman, commented that New Kent's outstanding accreditation exercise demonstrated that Sheriff Howard led by example. He congratulated Sheriff Howard, a founding member of the VLEPS, for being a leader in law enforcement in New Kent and across the Commonwealth of Virginia. He stated that it was his honor and privilege to present Sheriff Howard with the certification that commemorated the re-accreditation.

The certification was presented.

Sheriff Howard thanked the members of the Commission, colleagues, and those sheriffs and representatives who traveled from other parts of the State to share the occasion. He spoke about how difficult and stressful re-accreditation could be and stated that the process in New Kent had truly been a team effort. He reminded that the New Kent Sheriff's Office was a small agency where everyone "wore a lot of different hats" and that it took everyone to "understand and believe in the process" in order to it to be successful. He recognized some of the key people in the process, which included Joe McLaughlin, Jr., Charles Gardner, Karen Johnson, Theresa Morris, Wiley Carter, Jay Barbour and Mark Thatcher.

He gave special thanks and recognition to Chief Deputy McLaughlin, whom he referred to as his "right hand man" and who served as the Accreditation Manager as well as a Master Assessor for the Commission. He noted that the process had occurred during a year in which Chief Deputy McLaughlin had lost his father and father-in-law, and in the midst of preparing for the budget and the Strawberry Hill races. He expressed his appreciation to Robin McLaughlin who, because of space constraints in the Sheriff's Office, had consented to having the accreditation files at their home for many months and who helped them work on the process and to stay focused.

Chief Deputy McLaughlin was presented with a gift from the Sheriff's Office staff as a token of appreciation for the outstanding job and the standards that had been set for others to follow.

Board members expressed their congratulations. Various guests were recognized, including the Sheriff's parents, McLaughlin family members, and law enforcement officials from some of the other localities.

IN RE: PARTNERSHIP BETWEEN NEW KENT HIGH SCHOOL AND THE ASTOR COLLEGE
OF THE ARTS IN KENT, ENGLAND

Chairman Trout introduced Chris Russell, Principal of the Federation of Arts College and former principal of the Astor College in Kent County, England, who was in New Kent working with students on a production of *West Side Story*, a cooperative effort between New Kent High School and the Astor School.

Mr. Russell spoke about the importance of international education for students, and how such efforts promoted understanding between cultures and appreciation of differences, as well as helped to prepared youth to be "global students" in competition with students all over the world.

He spoke about the historical connection between Virginia and Kent, beginning with the settlement at Jamestown. He reminded that the link between Virginia and Kent, which was memorialized by the signing of a Memorandum of Understanding, had begun with a relationship between New Kent and Kent, commenting that New Kent "had been forgotten along the way". He commented that of the goals to forge links in business, tourism, commerce and education, only the link with education in New Kent County had "delivered".

He recalled that the successful joint production of *Jesus Christ, Superstar* last year was the first real project, and had set the standard by challenging the schools, actors and community. He recounted that the theatre had been filled for three nights and that the performances had been attended by the Deputy and State Superintendent of Schools as well as the Governor's Chief of Staff. He reminded that five New Kent students had traveled to Kent to participate in productions at the Astor School.

Mr. Russell commented that he felt fortunate to have obtained the rights to *West Side Story* which was scheduled for performances at New Kent High School on October 18, 19 and 20 and at the Kimball Theatre in Williamsburg on October 23 and 24, and it was expected that the Governor and his staff would attend. He indicated that *West Side Story* "fundamentally changed American theatre" and was difficult to do; however, he commented that the students were working hard and staying focused, and that working with them had been wonderful. He recognized Leigh Quick and other staff from New Kent High School who were contributing to the production.

He indicated that this production would not be possible without the leadership, support, vision and patronage of County leaders, and would take New Kent's students to the "leading edge of international education". He spoke of the "bravery" of the County to build a new school that included an excellent performing and creative arts facility, which would bring a good balance between arts and sports. He commented that New Kent's students had an enormous sense of pride and achievement after the production of *Jesus Christ, Superstar*, and that he anticipated that *West Side Story* would be even better and he hoped that the County would continue to support this strong partnership.

Mr. Trout thanked Mr. Russell for his contribution to the projects, and directed interested parties to the fundraising information that was included in the handouts. Mr. Trout also recognized the presence of Superintendent J. Roy Geiger II and School Board member Terri Lindsay.

IN RE: CITIZENS COMMENT PERIOD

Chairman Trout opened the Citizens Comment Period.

There being no one 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 advised that dead trees along Route 249 had been marked for removal, rights-of-way had been checked for ownership, and removal would begin on May 16.

He advised that Route 620 had been graded and stone had been applied.

He reported that dead trees had been removed along Route 60 at Route 647, at B & B Seafood, and at Route 618, and that they would continue to remove dead trees in other locations.

He indicated that ditches at Route 638 and Route 656 had been cleaned, and that those at Route 607 were scheduled to be cleaned on May 18.

He advised that a contractor was scheduled to make pavement repairs at Routes 1208 and 613 at the end of May or first of June.

Regarding complaints about line-of-sight deficiencies on Route 60 at Patriot's Landing, he reported that their engineers had advised that the guardrail had to remain because of the difference in elevations, but that 50 – 75 feet of it had been removed in an attempt to improve sight distance.

He indicated that their engineers had again determined that the speed limit on Route 249 could not be reduced and that he would be contacting the Sheriff regarding speed limit enforcement.

He advised that their engineers had advised that the speed limit on Route 60 between Patriots Landing and Five Lakes did not meet the regulations to be reduced, but that he would appeal that decision.

He reported repairs were complete at Route 128 and Route 60.

Mr. Crews advised that maintenance activities performed around the County in April included ditch work, blading; shoulder repairs, stone applications, and beaver dam maintenance.

He reported that two lanes of the new Eltham Bridge were scheduled to open to traffic on May 25.

He advised that the Route 632/Stage Road project was scheduled to be completed by July 2.

Mr. Crews distributed an update on the Secondary System Six Year Plan. He recounted that in July 2006, the County had lost funding of about \$1.5 million; however, as a result of the new budget recently passed, \$2 million in funding had been restored. He admitted that the restored funding would not change much in the plan but would allow New Kent to pay off the deficiencies in the Terminal Road and Stage Road projects in 08/09 and to start some preliminary engineering work on the Atkins Road project.

He reported that there were sufficient funds to improve Homestead Road under the Rural Rustic Roads program but that a resolution was needed from the Board in order to move forward. County Attorney Jeff Summer was asked to prepare the requested resolution for the Board's consideration at the next work session.

Mr. Crews reported that the Sandston Residency would be partnering with other agencies around the State on May 20 to test the closing of eastbound I-64, from the I-295 interchange to Hampton Roads. He advised that the exercise would involve lowering of all ramp closure arms and preventing traffic from entering the eastbound lanes, but that the exercise would not affect the westbound lanes. He indicated that observers would be welcome and that press releases would be sent to the newspapers.

Mr. Davis asked that Mr. Crews look into having some "wrong way" signs installed on Route 33 for those who were leaving the Wahrani Nature Trail in the wrong direction.

He also reported a missing sign for Curtis Road.

Mr. Burrell reported on complaints about trash along the roadways leading to the transfer stations on Route 618 and Route 612.

He spoke about a dangerous drop off along Stage Road in the area of the construction project and suggested that a guardrail be installed as soon as possible.

Mr. Sparks thanked Mr. Crews for the repairs performed at Route 1208 and Route 60.

He inquired why the paving project had not been finished along Cosby Mill Road. Mr. Crews advised that lack of funding prevented them from completing the project but that it would be finished as soon as funding became available.

Mr. Hill asked who was responsible for replacing street name signs. Assistant Resident Administrator Richard Wood reported that VDOT was responsible for state route identification signs and the County was responsible for the street name signs.

Mr. Trout inquired about the status of repairs to the crossing into The Colonies. Mr. Wood advised that railroad officials had changed the date of the repairs several times and that he would continue to try to obtain some reliable information.

Mr. Trout asked about Delegate Peace's efforts to set up a meeting to discuss improvements along South Waterside Drive. Mr. Crews confirmed that several dates had been supplied to the Delegate's office and that he anticipated a meeting would be scheduled sometime after the Memorial Day holiday.

IN RE: GENERAL RE-ASSESSMENT UPDATE

Bill Coalson of Tri-County Appraisers reported to the Board on the re-assessment project.

He advised that they remained on schedule, had completed close to 5,000 parcels, and were still working north of I-64.

He indicated that he continued to monitor property sales, most importantly "double sales" (wherein property had been sold twice) since 2003, which he advised would show a true measure of appreciation. He reported that there had been 30 double sales in New Kent within the last four years, reflecting 18% average appreciation in 2004; 14% for 2005; and 7% for 2006. He commented that even though the market may have "cooled", property values continued to steadily increase, and those increases would be recognized when reassessment notices were issued.

He advised that issues with Walkers Dam might affect property values, depending on how long it would take to make repairs. He indicated that if repairs were completed within a year, there would probably be no effect on values but that he would continue to monitor the situation. Mr. Trout shared with Mr. Coalson the details of the upcoming informational meeting being sponsored by Newport News Waterworks.

IN RE: INTRODUCTION OF NEW STAFF

Financial Services Director introduced new employee, Melanie Parsons, Finance Assistant/Utility Clerk.

The Board members welcomed Ms. Parsons.

IN RE: REQUEST FOR ADDITIONAL FUNDING FOR COMPREHENSIVE SERVICES

Before the Board for consideration was a request from the Comprehensive Services Act (CSA) office for additional funding for the remainder of the fiscal year.

Mr. Budesky advised the Board that CSA mandates continued to be the biggest challenge to be faced in both the short and long term, as new cases were presented daily. He warned that the request under consideration might be "just the beginning" of a number of requests for additional CSA funding as the end of the fiscal year drew closer.

CSA Coordinator Michele Freeman reviewed her request for additional funds totaling \$79,689.49, of which the local match was \$34,497.58. She advised that those funds would be used to assist the mandated service population, including foster care and special education clients. She indicated that the CSA client population continued to increase and that they had just received their 40th client (served 31 clients in 2005/2006). She stated that they were doing their best to monitor and control expenses wherever possible. She explained that when New Kent inherited cases from other localities or states, the County was mandated to provide those services.

Mr. Burrell moved that \$34,498.00 be transferred from General Fund contingency for additional CSA funding as requested. 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: REQUEST FOR APPROPRIATION FOR PURCHASE OF FIRE & EMS REPORTING SYSTEM

Before the Board for consideration was a request for an appropriation from the Capital Fund balance for the purchase of a Fire & Rescue reporting system.

Chief Hicks reviewed his request for an advance on 2008 CIP funds of \$225,000 for the purchase of a fire and EMS reporting system which would coordinate the fire stations and rescue squad, provide opportunity for common reporting to meet State requirements, and provide a mechanism to move forward with the cost recovery process on July 1. It was

confirmed that this was a shift of funds from next year's budget into this year's budget in order to provide the required 60-day set up period. Mr. Budesky added that this would allow the County to be set up and ready to go on July 1.

Mr. Davis expressed his concern that this was premature since the Board hadn't adopted the budget or approved the proposed fees. Mr. Budesky advised that these were capital funds and that the revenue from the proposed cost recovery program were not being utilized to make this purchase.

It was explained that the system was needed, even if the Board did not move forward with the cost recovery program. Chief Hicks explained that the existing systems did not support common reporting and although the new system would help with the cost recovery program, it was needed in other areas as well and would document all events occurring in New Kent, no matter what agency responded.

Mr. Davis suggested that the motion be worded so that it did not reference the cost recovery program.

Mr. Hill moved to appropriate \$225,000 from Capital Fund Balance for the purchase of a Fire & Rescue reporting system.

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: REZONING AND CUP APPLICATION FILED BY A & M ENTERPRISES AND ED KELLEHER

Before the Board for consideration was Ordinance O-13-07 regarding an application filed by A & M Enterprises and property owner Ed Kelleher to rezone 2.5 acres in Providence Forge from *A-1, Agricultural* to *B-2, Business Limited*, and Resolution R-22-07 regarding a Conditional Use Permit application to convert the existing real estate office to a contractor service establishment.

Planner Kelli Zittergruen reported that the subject property was located east of Vincent Funeral Home and 1 ¼ mile east of intersection of Routes 155 and 60. She advised that properties to the north and east were zoned A-1; property to the west was zoned B-2; and to the south zoned M-1. She indicated that the Comprehensive Plan designated the parcel as part of and on the fringe of the Providence Forge Village. She stated that B-2 zoning allowed a wide range of uses and appeared to be compatible with the Future Land Use designation.

Ms. Zittergruen spoke about the Proffer Statement which addressed several items including lighting, hours of operation, access, parking, outside storage, screening, and buffering. She advised that staff had recommended thirteen conditions in connection to the CUP which addressed lighting, utilities, outdoor storage, hazardous spills, maintenance, access, signage, and storage yards.

She indicated that the applications had been reviewed by Community Development, VDOT, Economic Development, Health Department, Public Utilities and the Sheriff's Office and no issues had been raised.

Ms. Zittergruen admitted that typically contractor service establishments would not be desirable in the middle of a village, but considering that the subject property was located on the fringe of the village area and any adverse effects would be mitigated by the proffers and conditions, staff had recommended approval of both applications.

She further reported that on April 16 members of the Planning Commission had voted 9:0:1 to recommend approval.

She then introduced application Gene Mobley of A & M Enterprises to answer questions.

Mr. Hill advised that he had received communication from a church that was interested in the property if Mr. Mobley did not proceed. He also shared some concerns that had been relayed to him that migrant laborers would be permitted to stay in the upstairs residence. Mr. Mobley discounted those reports and represented that his sister would be living in the residence.

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

Mr. Davis advised that he had some initial concerns about the applications but had not received any complaints from the neighbors. He reported that the owner of Vincent Funeral Home investigated the applicant's business in Northern Virginia, where coincidentally a neighbor there was also a funeral home and had no complaints. Mr. Davis expressed his approval of the proposed conditions, noting that one of them provided that the CUP would expire in one year should the proposed use not be commenced or two years after termination of the use.

Mr. Hill moved to adopt Ordinance O-13-07 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.

Mr. Burrell moved to adopt Resolution R-22-07 as presented. 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: SEPTIC TANK FILTERS

Before the Board for consideration was Ordinance O-12-07 amending Chapter 38 of the New Kent County Code to require and/or provide for effluent filters for septic tank systems.

Environmental Planning Manager Chris Landgraf explained that the request was to amend Section 38-172 of the New Kent Code to address standards for septic tank systems by providing that a filter be installed on newly constructed septic systems and replacement septic systems, and that the installation and proper maintenance of such filter would exempt the homeowner from the five-year pump out requirement.

He indicated that a filter added about \$300 to the cost of a new system, but he was not aware of the cost to retrofit a filter to an existing system.

He explained that the effluent filter prevented fine solids from getting into drain fields, thereby improving the operation of the drain fields and reducing potential failures. He added that if the filter was not properly maintained (hosed off) by the homeowner, the system would back up into the home.

Mr. Landgraf confirmed that having an annual inspection of one's septic tank would continue to exempt the homeowner from the pump out requirement.

Mr. Davis expressed his opinion that these mandates should come through the Health Department, who was responsible for permitting and inspecting the installation of septic systems, rather than through the County. He also questioned how the installers would know about the new requirements.

Mr. Landgraf explained that once the requirement was in place, the Health Department would provide the information to those obtaining permits. He advised that the addition of filters to septic systems was supported by the Health Department in that proper maintenance would prolong the life of the system but he admitted that there was no way to enforce proper maintenance.

Mr. Davis expressed his concern that no one would be keeping track of the systems that had filters. Mr. Landgraf conceded that it would take enhanced cooperation with the Health Department but that once the information was in the County's data base, those homeowners would no longer receive pump out notices, which would lessen the burden on County staff in following up on pump outs.

It was reported that no other locality in the State currently required effluent filters. Mr. Landgraf clarified that this was a recommendation and not a mandate from the Chesapeake Bay Local Assistance Department.

There was a discussion regarding the pump out notices that were recently mailed to citizens. Mr. Landgraf reported that the County had recently received its Phase I compliance from the Chesapeake Bay Local Assistance Board and that it was critical to have a septic tank pump out program in order to be fully compliant.

He explained that the Health Department recommended that all septic systems, not just those in a Chesapeake Bay protected area, be pumped out every three to five years. He confirmed that if any part of a parcel was in a Resource Management Area (RMA) or

Resource Protection Area (RPA), the entire parcel was considered to be a part of the RMA or RPA and the pump out requirement would apply.

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

Mr. Sparks indicated that he was not in support of this amendment and he thought it would end up costing the residents more and make more work for County staff.

Mr. Davis commented that this was the "bailiwick" of the Health Department and they should be the ones to ask for the change, or the changes should be made Statewide. Mr. Landgraf explained that until last week, New Kent had not been in compliance since 2002 because of its lack of a pump out program. He indicated that counties and towns were required to have a pump out program and to attempt to adopt programs that would make the process as simple as possible, and that was why CBLAD made the recommendation to add a filter to the ordinance.

Mr. Landgraf indicated that since much of New Kent had poor soils, more alternative systems might be needed, and those systems came with filters as a design requirement and would be exempt from the pump out requirement. He admitted that those alternative systems had not been tracked by the Health Department and that homeowners using alternative systems would have to notify the County of the existence of the systems in order to be exempt from pump out.

Mr. Budesky suggested that the ordinance be amended to permit a filter as an option that would exempt a homeowner from the pump out requirement, but not to require it on every new system.

The Board members agreed with Mr. Budesky's suggestion that the filter be an option.

Mr. Davis moved to adopt Ordinance O-12-07 with the following changes: in paragraph 2 changing the word "mandated" to "recommended"; and under Section 38-172 (1) changing "A filter shall be installed" to "A filter may be installed". The members were polled:

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

The motion carried.

The Board took a short break and then resumed the meeting.

Chairman Trout clarified that the next four items would consist of public hearings only and that action would not be taken until the May 29 work session.

IN RE: COURTHOUSE SECURITY FEE

Before the Board for consideration was Ordinance O-10-07 increasing the costs in criminal and traffic cases for the funding of courthouse security personnel from \$5 to \$10 as permitted by changes in the Code of Virginia, to be effective July 1, 2007.

Mr. Budesky explained that this increase had been included in the Board's legislative agenda for the past two years and that the General Assembly had approved the increase during its last session, giving the County the opportunity to raise additional revenue directly from those using services at the courthouse.

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

There was no discussion among the Board.

IN RE: CHANGES TO APPENDIX A - FEES

Before the Board for consideration was Ordinance O-08-07 amending Appendix A of the New Kent County Code (Fee Schedule) to change certain fees charged for County Services.

Mr. Budesky reviewed a few changes made since the last meeting, including a change of name for one fee from "subdivision -- record plat review" to "plat endorsement and coordination fee".

Mr. Davis inquired about the CBPA Exception Permit fee. Community Development Director George Homewood explained that currently when someone applied for an exception to the Chesapeake Bay Preservation Act for a house that encroached into an RPA, those applications had to be reviewed and then advertised for public hearing before the Wetlands Board, which was fairly costly to the County. He indicated that the proposed fee would cover those expenses.

The Chairman opened the Public Hearing.

Isabel Davis White expressed her concern about the impact that the ambulance transport fees would have on the elderly and said that the proposed charges were too high.

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

Mr. Hill shared some concerns of constituents regarding who would be responsible for an evaluation fee if the ambulance was called by someone other than the injured and the injured person refused transport. Chief Hicks explained that the injured individual would receive a bill for patient evaluation only if they were a non-resident and had received an evaluation but had declined transport, and that the person making the call would not be responsible.

Chief Hicks also confirmed that the County could set aside any balances remaining after insurance payments on bills incurred by New Kent residents.

There was some confusion as to why the subscription fee was not included in the fee ordinance. Mr. Budesky indicated that staff would look into that and if was required to be included, it would be advertised for a future date.

IN RE: TAX LEVIES FOR FY2008

Before the Board for consideration was Ordinance O-09-07 imposing tax levies on real and personal property for the 2008 tax year.

Mr. Budesky confirmed that no increases in any of the tax rates were being recommended.

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

There was no discussion among the Board members.

IN RE: FY08 BUDGET

Before the Board for consideration was the proposed FY07/08 budget.

Mr. Budesky reviewed the proposed budget by PowerPoint. Highlights included the following:

- o The efforts taken to maintain fiscal responsibility and the move to outcome-based budgeting
- o The challenges faced, which included increases in health insurance, debt service and CSA mandates
- o That revenue from real property tax constituted 75% of revenue
- o That the meals tax revenue was continuing to increase and projected to be \$435,000, and would continue to be appropriated to school capital (50%), economic development and tourism (25%), and parks and recreation (25%)
- o That revenue from the proposed revenue recovery projected at \$312,000 and from the new fee for emergency responses for incidents resulting in conviction of certain traffic offenses projected at \$112,500, was equal to three cents on the real estate tax rate
- o That the public water and sewer systems were continuing to operate as an enterprise fund and were not being subsidized by any general fund tax dollars
- o That water and sewer rates and fees were being proposed to be increased by 8% across the board
- o That four new utility positions were included beginning January 1, 2008 when utility operations would expand to a seven-day operation
- o Changing from a four-year to a two-year reassessment cycle
- o New undertakings, including a quarterly newsletter and New Kent University
- o Installation of credit card terminals at key areas in the administration building as well as ability for tax payments to be made online
- o Installation of a handicap door opener
- o A business incentive fund to be operated through the Economic Development Authority
- o Proposed budget of \$56,472,604, with 55% going to schools, 17% to the general fund and 9% to public safety
- o New positions and upgrades, to include funding to provide a supplement to the Commissioner of the Revenue, two new positions and two upgrades for existing employees in return for the Commissioner assuming the reassessment duties beginning January 1, 2008
- o Cost of living allowance (COLA) of 2.5% and a 2% average earned merit increase for employees (impact of 1% increased reported to be \$64,188)
- o An increase in school funding of 8.5% over current year
- o A decrease in building permits issued in 2006 compared to 2005
- o Continuing increase in assessed values
- o That vehicle owners were continuing to pay increased percentages of personal property tax bills because the number of vehicles continued to increase while State tax relief had been capped at a fixed amount
- o That a one-cent tax equivalent was projected to be \$152,000

- o A 40% increase in funding to the Heritage Library, bringing New Kent's contribution to the State-recommended level
- o That the County was continuing to set aside funds for future debt service
- o That no increase in any tax rates were being recommended

Mr. Budesky noted that several programs that had been discussed by the Board, including some recycling initiatives, were not included in the recommended budget because of the costs.

The Chairman opened the Public Hearing.

Lee Tyson, Vice Chairman of the Heritage Public Library Board of Trustees, thanked the Board for its past support of the Heritage Public Library, as well as its consideration of full funding which would provide for new computers, new circulations system and increased staff for children's programs. He advised that a new fundraising effort was beginning which, when combined with a series of grants, would permit construction of a new building. He encouraged the Board to adopt its budget with the proposed increase for the Library.

Jan Haviland, new president of the Friends of the Heritage Public Library, thanked the Board for the proposed increase in funding. She also thanked County staff for participating and circulating a new survey by the Friends of the Heritage Library.

Alan Bernstein, librarian at the Heritage Public Library, echoed the sentiments of the previous speakers and thanked the Board for revisiting the Library's funding requests and allocating the amount requested.

Sam Snyder reiterated the comments of the others, thanking the Board for the extra funding and for all the work that the Board did.

Gilda Black expressed her thanks for the Board's support of the School Board budget and the School Board, which would provide funding for a 5% increase in salaries for the teachers and staff and give New Kent an opportunity to compete with other localities. She congratulated the Board for its good working relationship with the School Board and also for the extra funding for the Library.

Jack Crane spoke on behalf of his wife, a member of the Friends of the Library, thanking the Board for the extra funding for the Heritage Library.

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

Mr. Trout reminded that votes on the fees, tax levies and budget would be taken at the May 29 work session.

IN RE: ELECTED OFFICIALS' REPORTS

Commissioner of the Revenue Laura Ecimovic reported that her office had finished inspections on outstanding permits and were 90% complete in data entry. She indicated that there were about 150 properties left to enter but all had been inspected. She advised that they were hoping to send out supplemental bills in a couple of weeks.

Mr. Davis complimented the State on the newly renovated westbound I-64 rest stop. He announced that dedication of the Eltham Bridge would be held on May 24 at 7 p.m.

Mr. Trout announced details on the upcoming safety fairs, a blood drive at the Providence Forge Volunteer Rescue Squad, and a yard sale at The Colonies.

Board members expressed their regret at the departure of Environmental Planning Manager Chris Landgraf and wished him well at his new job.

IN RE: STAFF REPORTS

Mr. Budesky commented that Mr. Landgraf had been a great addition to the Community Development staff and the Management Team and he joined the Board in wishing him well in his new employment. As one of his final duties, Mr. Landgraf was asked to bring the Board up to date on the recent septic pump out mailings.

Mr. Landgraf reported that on May 8, the County had received notice of Phase I compliance from CBLAD. He advised that in order to be compliant, New Kent was required to update its pump out program and send it to CDBLD for review. He described that the plan called for the County to send out notices every January and July for those who were due for pump outs. He reported that the first set consisted of notices on 3,980 of the 5,600 affected parcels in the data base. He advised that some of the notices had been returned because of incorrect addresses but would be corrected and re-mailed within the near future.

He explained that there had been some confusion because since the last mailing in 2002, there were some properties, primarily in Five Lakes, whose status had changed because of an update. He said that a considerable portion of Five Lakes was still not in the Ches Bay protection area and he encouraged anyone who had a question as to whether not they were required to pump to call first, as the notice letter had suggested.

He advised that, for the most part, the County had a good working basis on which to move forward with the program. He indicated that more notices would be sent out in July, and that three months later ads would be placed in the newspapers. He anticipated that after the first three mailings, the program should be at a stage where it would just be a renewal process.

He reported that in the last week the County had received updated information from approximately 100 property owners. He indicated that he had been in contact with the local septic pumping companies who were becoming overwhelmed and had waiting lists for up to 60 days.

Mr. Landgraf advised that at one time the entire County was in an RMA but in 1999 changes were made so that some properties were in RMAs, some in RPAs and some in non-protected areas. He indicated that this had resulted in inconsistencies in some of the neighborhoods where some homes were in and some were not.

On a different matter, Mr. Budesky asked for clarification from the Board as to his authority to make certain pay and grade adjustments that were within the budget, without Board approval. He explained that in one department, two existing positions were being adjusted so that they were equal, and another position was being changed from non-exempt to exempt, and that these would not impact the budget for that department.

Following discussion, there was consensus among the Board members that Mr. Budesky had the authority to make those types of changes as long as it had no budgetary impact.

IN RE: UTILITY EASEMENTS

Before the Board for consideration was Resolution R-24-07 approving condemnation of property for an easement for the Courthouse area utility project.

County Attorney Jeff Summers apologized for submitting a late item for consideration and explained that negotiations with the property owner were about 95% complete but a "stumbling block" had been encountered. He advised that another meeting with the property owner was set for the coming week and that he was asking for the Board's approval of condemnation if the negotiations were not successful, in order to keep the Courthouse utility project on schedule. He indicated that the condemnation affected a single parcel and that if a deal could be reached, condemnation proceedings would not be commenced.

Mr. Sparks moved to approve condemnation because the following actions were immediately necessary in order to construct New Kent County Courthouse utility project, by adopting Resolution R-24-07 which approved 1) the condemnation of a portion of and/or an easement across the property identified in the plat attached to the resolution; 2) obtaining such property and/or easement immediately pursuant to Chapter 3 of Title 25.1 of the Code of Virginia, 1950, as amended; and 3) giving notice to the property owner as provided in the resolution that the County and the Board intended to enter upon, and take, the property. That parcel was identified as Tax Map Parcel number 24-10-1. 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: DISTRICT APPOINTMENTS

The Board continued to make district appointments.

Mr. Sparks moved to appoint Mark Bailey as District Two's representative to the Clean County Committee to complete a term ending December 31, 2007. 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: NON-DISTRICT APPOINTMENTS

The Board continued to make non-district appointments.

Mr. Davis moved to appoint Bill O'Keefe as the citizen representative to the Finance Committee.

Mr. Trout moved to appoint James Burrell as New Kent's representative to the Richmond Metropolitan Convention & Visitors Bureau Board of Directors for a term beginning March 8, 2007 and ending December 31, 2010.

Mr. Burrell moved to appoint Stran Trout as the Board's representative to the Finance Committee.

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: MEETING SCHEDULE

Chairman Trout announced that the next meeting of the Board of Supervisors would be held at 6:00 p.m. on June 11, 2007, and the next work session at 4:00 p.m. on Tuesday, May 29, 2007, both in the Boardroom of the County Administration Building, New Kent, Virginia.

IN RE: CLOSED SESSION

Mr. Hill moved to go into Closed Session for discussions relating to real property pursuant to Section 2.2-3711A.3 of the Code of Virginia involving acquisition of real property for public purpose and for discussions relating to business and industry development pursuant to Section 2.2-3711A.5 of the Code of Virginia involving prospective business or industry. The members were polled:

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

The motion carried. The Board went into closed session.

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

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

