

A SPECIAL MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 17<sup>th</sup> DAY OF OCTOBER IN THE YEAR TWO THOUSAND SEVEN OF OUR LORD IN THE LIBRARY OF GEORGE WATKINS ELEMENTARY SCHOOL, QUINTON, VIRGINIA, AT 4:45 P.M.

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IN RE: ROLL CALL

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

The Chairman called the meeting to order. Also present were County Administrator John Budesky, County Attorney Jeff Summers, Delegate Chris Peace, and Community Development Director George Homewood.

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IN RE: 2008 LEGISLATIVE AGENDA

Copies of New Kent's 2008 Legislative Requests were distributed.

Delegate Peace advised that it was uncertain as to what the profile of the General Assembly would be and it could be that he and Senator Tommy Norment would be in the minority, which could affect the fate of any legislation that they might sponsor.

It was noted that three items on New Kent's Legislative Agenda involved requests to add New Kent to existing sections of the Code relating to mandatory connections to water and sewer systems (Section 15-2-2110.C), allowing local regulation of well construction and well water quality (Sections 32.1-176.4A and 32.1-176.5B), and authority to require screening of automobile graveyards (Section 15.2-903.B).

Mr. Trout commented that these requests should not be contested because New Kent was asking to be added to a list of localities already in existing sections of the Code.

Delegate Peace explained that "special legislation" dealing with a single locality required a 2/3 vote of all members rather than a simple majority. However, he noted that often localities chose to "piggyback" on bills submitted by others, and if enough were interested, then legislation would become a statewide policy and because it would no longer be "special legislation", it would only require a simple majority to pass.

Regarding the request relating to mandatory connections, Delegate Peace advised that it would help to know who introduced the legislation on Buckingham County's behalf and when it was adopted.

The fourth request dealing with items specific to New Kent was a decrease in the minimum acreage required for a development agreement from 1,000 to 25 in Code Section 15.2-2303.1.

Mr. Trout commented that New Kent was the only county in the State authorized to use development agreements. Mr. Summers clarified that cities used them, and that this section was added granting authority to New Kent for Colonial Downs.

Delegate Peace noted that the County was asking for a dramatic decrease in the acreage size and asked why 25 acres had been chosen.

Mr. Summers responded that there were few large parcels left and reducing the acreage to 25 would increase the opportunity to use development agreements.

Mr. Homewood advised that there were maybe five or six parcels of 1,000 acres or more, but there were more instances of contiguous parcels owned by the same individual. He suggested that the section could be amended to remove any reference to acreage size.

Mr. Trout noted that other counties might be interested in having that authority as well, and the Board did not express any opposition to deleting New Kent's name from the section.

Mr. Sparks asked for an example when the County would want to enter into a development agreement with the owner of a 25-acre parcel. Mr. Summers advised that the ability to negotiate did not exist unless there was a development agreement.

Delegate Peace surmised that development agreements should appeal to the development community. He also requested an inventory of parcels in New Kent by parcel size so that he would have some rationale for this request.

There was a discussion about proffers. Delegate Peace advised that he was uncertain that a proffer policy would work. Mr. Summers noted that a neighboring locality was about to institute a proffer policy and it might be best if New Kent waited to see how that worked out. Mr. Budesky noted that New Kent had endorsed the legislative package of the Virginia Association of Counties, which was supportive of proffers.

There was discussion of New Kent's request for funding to help replace the Heritage Regional Library building.

Mr. Budesky explained that New Kent had been working with Charles City County and it had become clear that there would likely be two independent facilities governed by a single Library Board, but that both local governments would have major roles in funding and financing. He advised that New Kent's CIP included a future library; however, Charles City had never finalized its plan but had paid \$3,000 to an architect to develop rendering of a facility at an unspecified location. He reported that Charles City had been asked to put into writing their plans to have their own independent facility but had not yet done so. He indicated that if it was decided to continue with one joint facility, then the location would have to remain somewhere in Providence Forge in order to serve both communities. If there were going to be two facilities, then New Kent was considering other locations, including the renovation of an existing building. He advised that the funding included in the Legislative Agenda was for a 20,000 square foot facility.

Delegate Peace indicated that he remained of the opinion that a partnership would have a better chance of obtaining funding; however there was no money at all for regional or local libraries in the next budget cycle.

Mr. Davis commented that he thought there might be some advantages if New Kent were to join a larger system, like the Pamunkey Regional Library. Mr. Budesky advised that at some point, New Kent had established a regional library with Charles City County and requested State funding and that in order to dissolve the partnership, the elected bodies of each county would have to agree.

There was continued discussion about options. Mr. Budesky advised that staff had not analyzed the impacts of joining another regional system, and he did not have with him

information as to the amount of State funding being currently received by the Heritage Regional Library.

It was reported that Charles City County had a population of about 7,000.

Mr. Sparks inquired if there was any way to combine the need for library funding with an historical building renovation.

Delegate Peace advised that the General Assembly had enacted legislation wherein cities and counties were allowed to freeze assessments in instances where renovations were performed in historic districts as well as to residential, commercial and industrial structures that were 15 years or older. In those instances, localities could structure their own programs, setting forth the length of the freeze and what percentage of the building needed to be renovated, and the only criteria required by the State was that the building be at least 15 years old. He indicated that Hanover County recently implemented a program and suggested that if New Kent were interested, information could be obtained from Hanover's Commissioner of Revenue. He reported that only 17 of 95 counties in Virginia had taken advantage of the program while 30 of 31 cities had programs. He commented that this was an opportunity for residents to modify their homes in order to age in place and not suffer from an increased assessment because of the upgrades, and was also a good way to increase the value of the housing stock. He noted that the freeze usually ran with the land and would transfer to a future owner.

Mr. Budesky advised that staff was reviewing that program and would be bringing it to the Board for review and discussion.

There was discussion involving the County's request for enhanced funding for the lease/construction of a Human Services Building by increasing the State budget for both the Social Services and Health Department budgets.

Mr. Budesky explained that New Kent's Social Services physical offices had been deemed to be the worst Social Services location in the State, and the County had made a commitment to construct a new human services building to house Social Services, with space to lease to the Health Department and some other human service related agencies. He indicated that both the New Kent Health Department and New Kent Social Services had requested increased funding from the State for rent, and New Kent would appreciate Delegate Peace's support for an increase since whatever was approved would reduce the amount that the County subsidized for these State agencies.

There was discussion regarding lease payments through EDA bonds. Delegate Peace asked that Mr. Budesky provide him with information on how much the Health Department and Social Services were currently receiving from the State for rental costs.

Regarding the request to grant authority to a governing body to limit the duration of a special use permit, Mr. Summers explained that in localities such as New Kent where the Board of Zoning Appeals did not have full designation of power, some permits could only be granted by the Board of Supervisors and there was no mechanism in place to impose a duration. He noted that in some cases, the Agent of the Board had more authority than the principal.

Delegate Peace commented that this request might be of special interest to Senator Norment in light of his practice and expertise in that area.

Next discussed were the County's requests that the State provide incentives for Low Impact Development (LID) and for the development of brownfield sites, as well as tax credits for the construction of green buildings or green development.

Delegate Peace indicated that "Green Globes" was another measuring standard similar to LID which might have less of an impact on the local forestry and pulp and paper companies who had complained to him that the LID measures were driving up their costs to the point where they could no longer compete. He indicated all bills introduced in the General Assembly that would mandate certain environmental building standards had been opposed by the forestry and pulp and paper companies and he would like to see a standard that helped to protect the environment but was also business-friendly.

Regarding the County's request to provide tax incentives for the re-use of abandoned buildings, Mr. Summers explained that "abandoned" was defined as property upon which no one was paying taxes and was not being maintained. Delegate Peace asked if New Kent had adopted a local "grass ordinance", a tool enacted in a previous session. Staff and officials advised that a "blight" ordinance was expected to be submitted to the Board for consideration some time after the first of the year.

There was brief discussion regarding the request for an increase in funding for Purchase of Development Rights (PDR) programs.

Regarding the County's request that the State restrict and fund Comprehensive Services (CSA), it was reported to Delegate Peace that New Kent was currently paying what was equivalent to seven cents on the real estate tax rate (noted to be 8% of the budget) for CSA expenses for 29 children. Mr. Budesky advised that the parameters of the CSA program had been broadened last year but funding had been decreased. It was explained that parents of children in need could move into the County and be independently wealthy, and the County was still mandated to pay for services.

Mr. Summers commented that court clients were now competing with new "unforeseen" clients through the schools. It was noted that this was mandated by federal law and neither the Board nor the School Board had any control. It was confirmed that the School Board was working with the County to try to keep these costs under control.

There was discussion regarding the County's request that the State encourage the use of non-potable and recycled water in industrial processes wherever possible and initiate a fund to assist in converting and developing infrastructure. It was explained to Delegate Peace that this request arose from the concern about the drinking water supply. It had been suggested that the paper mills in Franklin and West Point, who consumed about one-half of the water pulled locally from the aquifers, shift away from using potable water for their processes and switch to grey water or some other type of non-potable water. Delegate Peace commented that this might be a good project for a new group recently formed of representatives of the Chesapeake Bay Foundation, Farm Bureau and some agri-businesses.

Regarding the County's request that the State protect local proceeds from fines paid for driving violations on interstate highways as local revenue, it was explained to Delegate Peace that fines for convictions brought by the State Police in New Kent were paid to the State rather than remaining in the County. Delegate Peace explained that civil remedial fees were dedicated to transportation while other costs were put into the Literary Fund, as required by the constitution. He advised that the General Assembly would look at legislation enacted last year and try to make it apply to everyone.

There was discussion regarding the County's request that the State protect the local real estate tax and not place a limit. Delegate Peace updated the Board on the reported State revenue shortfall. He noted that part of the shortfall was due to the problems with the real estate market, with new home construction being down about 10%, and some over-projections that had been made. However, he reported that additional funds had been located and that the potential shortfall had decreased from \$641 million to \$170 million, and would hopefully continue to decrease to a point where it would no longer be a concern.

Mr. Budesky indicated that if the proposed legislation was approved on a statewide basis, it would place local Boards in an awkward position if they did not adopt something.

Delegate Peace indicated that he did not foresee any major wholesale restructuring of the current tax system and that he did not feel that caps on assessments would benefit anyone.

Regarding the County's request for an increase in State funding for Enhanced Retirement Benefits for qualified law enforcement officers and paid firefighters, Delegate Peace advised that the current Chairman of the Appropriations Committee had always supported benefits for State employees but never seemed to see the merits of the locally hired, and that the upcoming session would be a good opportunity to educate him on the importance of supporting local government employees.

There was discussion regarding the County's request for additional funding for courthouse security and maintenance. Delegate Peace noted that there had been an increase in one of these fees during the last session. It was explained that the costs to localities to maintain and provide security to the courthouses continued to increase.

Lastly, there was discussion regarding the County's request to change the application of the "nexus rule" as it related to vendors who transacted business within the Commonwealth through catalog or internet sales. The Board thanked Delegate Peace for scheduling a meeting on its behalf with the House Finance Subcommittee on the issue. Board members explained that the sales tax issue was no longer a concern of the national retailer that New Kent had been courting for the past few years and that they were uncomfortable moving forward with the request when it was no longer an issue. Mr. Budesky further explained that the County's current Economic Development Director had argued in favor of the nexus ruling when he worked for the State and remained opposed to the change. Mr. Trout advised that he understood that there was federal legislation that was "in the pipeline" that would level the playing field among the states, but that he remained willing to speak to the Subcommittee and explain the issue.

Delegate Peace agreed that it would be a good opportunity to educate the Subcommittee members but that he could easily telephone and request that the item be removed from the agenda of the upcoming meeting.

There was consensus that the issue be removed from the agenda and Delegate Peace indicated that he would take care of that.

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IN RE:           ADJOURNMENT

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

Mark E. Hill	Absent
David M. Sparks	Aye
James H. Burrell	Aye

W. R. Davis, Jr.  
Stran L. Trout

Aye  
Aye

The motion carried.

The meeting was adjourned at 6:00 p.m.