

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 27<sup>th</sup> DAY OF FEBRUARY IN THE YEAR TWO THOUSAND SIX OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

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IN RE: ROLL CALL

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

Chairman Sparks called the meeting to order at 6:00 p.m.

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IN RE: SHERIFF'S REQUEST FOR FUNDS FOR FUEL COSTS

Before the Board was a request from the Sheriff for funds to cover a deficit in his fuel budget.

Sheriff Howard explained that his department had exhausted the \$50,000 budgeted for gasoline for the current fiscal year (in comparison, they spent \$36,161 in 2005). He reported that there were no new positions or cars, they used regular unleaded gasoline in their vehicles, and the deficit was solely a result of the increase in gasoline prices. He indicated that after working with the Finance staff to try to locate other sources of funds in his budgets, they found they would still be short about \$30,000 for the remainder of the fiscal year.

County Administrator John Budesky warned the Board that there would likely be similar requests from other departments because of increased fuel costs. He reported that fortunately the County had used less than 50% of its contingency fund for the year. He advised that he felt this was an appropriate request and he was recommending approval.

Mr. Burrell moved to approve a budget transfer of \$30,000 from reserved for contingency to the Sheriff's gasoline line item. The members were polled:

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

The motion carried.

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IN RE: PUBLIC TRANSPORTATION SYSTEM

Kathy Vesley-Massey, Chief Operating Officer with Bay Aging, was present to discuss the public transportation system in New Kent. Also present were Cleveland Johnson, Region Manager; Allyn Gemerek, President and CEO; and Simon Gemerek, New Kent/Charles City County lead dispatcher.

Ms. Vesley-Massey reviewed that the New Kent/Charles City County system consisted of three buses, and during the first year under an experimental grant, each locality paid 5% of the cost, or \$12,975. She indicated that grant would end on October 1 (and was not

renewable), at which time the match due from each locality would increase to 35%, or \$53,850. The Federal Transportation Administration would continue to pay 50%, with the State picking up the remaining 15%. She reported that there were provisions in both Governor Kaine's proposed budget and the Senate's proposed budget that would provide additional State contributions and, if passed, would reduce the amount of the County's match. She indicated that Charles City County had indicated that it intended to renew its participation in the service.

She reported that ridership had increased slowly, increasing from 100+ in October, to over 500 riders in January, and ridership so far in February was over 700. She reported that capacity, according to industry standards, was 600 riders per bus per month, or 1,800 for the three buses.

Ms. Vesley-Massey admitted that there had been a few problems, including their not being able to access the water tower for their radio system, which had caused some communication difficulties. She stated that problems with staffing had been resolved.

Mr. Budesky reported that the County had, approximately two months earlier, authorized Bay Transit to temporarily locate on the Eltham water tower, with the understanding that it would later transfer its equipment to the EDA's radio tower. Ms. Vesley-Massey advised that she would investigate this further with Transportation Director Ken Pollock.

It was reported that they were in the process of initiating rides to Williamsburg (\$2) and Richmond (\$3 to either the Airport Park & Ride lot or to MCV), both to be at designated times, and they were looking into partnering with RideFinders and the Greater Richmond Transit Authority. The cost to ride to Toano Dialysis Center would remain at \$1 (they currently have 3 regular riders to that destination on Mondays, Wednesdays & Fridays, and expect more). Ms. Vesley-Massey indicated that these were the fees recommended by the Advisory Commission.

She reported that riders from New Kent were using the service to travel to work, school, the library, day care, retail stops and medical centers in both Providence Forge and Charles City County. Of the 250 riders from New Kent last month, 35 rides were for medical care or health-related reasons. She commented that many of the riders from Charles City County were traveling into New Kent to shop.

There was discussion regarding VDOT's intention to abandon property at the corner of Angel View Road for use as a Park & Ride lot. Ms. Vesley-Massey indicated that her organization would be willing to assist in that process and Allyn Gemerek suggested the possibility of a CDBG grant.

It was reported that Bay Transit's vans and drivers were available for rent on nights and weekends at a cost of \$40 per hour. Riders less than 13 years of age must be accompanied by someone older than 13, and Mr. Johnson indicated that they prefer that the first ride for children accompanied by teenagers be authorized by a parent or legal guardian.

There was discussion regarding the poor attendance of recent Advisory Board meetings. Ms. Vesley-Massey reported that it was not unusual for attendance to decrease as the "novelty wears off".

The Board members thanked Bay Transit staff for the update and indicated that it would consider its funding request during budget deliberations.

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IN RE: COURTHOUSE UTILITIES

Before the Board was a request for approval of a change order to the contract with R. Stuart Royer for design of the Courthouse utilities.

Mr. Budesky pointed out that the County had changed the scope of the project whereby the cost had increased from \$3 million to \$6.5 million. He emphasized that this was not a new funding request, and that the engineering fees were included in the \$6.5 project amount that the Board had previously approved. He pointed out that although the change order had not yet been formally approved, Mr. Hart was proceeding with the project design.

Public Utilities Director Alan Harrison and Roger Hart of R. Stuart Royer were present to answer questions.

Board members expressed their concern that the County might be getting more than it needed, and that the Board was being put in a position where it would have to approve additional homes.

Both Mr. Hart and Mr. Harrison advised that including enough capacity to potentially serve the Poe property was not a significant part of the increase in the project costs. Mr. Hart indicated that increase was mainly the addition of the water system (which was not a part of the original project) that included two wells (required) and an elevated water tank (requested by the County). He emphasized that nothing in the project was "exotic or gold-plated" and that the systems were being designed to provide a good quality product using standard specifications. He further indicated that his engineering fees were at the lower end of the standards recommended by the USDA - Rural Development.

It was pointed out that it would cost less to include the extra capacity for additional development in the Courthouse area at the time of construction, than it would to add it in the future. Mr. Budesky pointed out that this extra capacity was built into the overall financial model and that 19 homes would need to be added to the system each year in order to cover the debt service on the project. With 144 homes in the Oaks and 89 in Crump's development, there should be sufficient connections to meet this benchmark without obliging the County to approve additional residential development. Mr. Harrison commented that 19 homes a year was very conservative, and that they anticipated more connections than that.

Mr. Trout commented that the Courthouse system was never intended for a massive residential area but to serve the government and school complexes, but without the developments participating in the system, the County would have to bear the entire cost. Mr. Budesky agreed, stating that it would cost the County about \$1.5 million to provide sewer service to the government buildings, and it would not otherwise have sewer capacity for the new high school.

Mr. Trout moved to approve the change order to the contract for engineering services with R. Stuart Royer for Courthouse utilities to \$629,358, as requested.

The members were polled:

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

The motion carried.

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IN RE: ELTHAM FISHING PIER

Before the Board for consideration was Resolution R-10-06 requesting Recreational Access Funds from the Commonwealth Transportation Board for the proposed Eltham Park.

Mr. Budesky explained that staff was in the process of submitting a grant application for Recreational Access Funds and a resolution in support of the grant application was needed as part of the package. Deadline for the application was reported to be March 1, 2006 and that was the reason for the last-minute request.

Mr. Davis moved to adopt Resolution R-10-06 as presented. The members were polled:

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

The motion carried.

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IN RE: CLOSED SESSION

Mr. Hill moved to go into Closed Session for discussions relating to business and industry development pursuant to Section 2.2-3711A.5 of the Code of Virginia and to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia involving discipline of an employee. The members were polled:

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

The motion carried.

The Board went into closed session.

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

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

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The motion carried.

Mr. Burrell made the following certification:

Whereas, the New Kent County Board of Supervisors has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed session was conducted in conformity with Virginia law;

Now, there, be it resolved that the Board hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open session requirements by Virginia law were discussed in closed session to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board.

Chairman Sparks inquired whether there was any member who believed that there was a departure from the motion. Hearing none, the members were polled on the certification:

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

The motion carried.

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IN RE: JOINT MEETING WITH THE SCHOOL BOARD

The Board was joined by the School Board who was called to order by its Chair, Dr. Gail Hardinge. Present were School Board members Van McPherson, Joe Yates, Cynthia Gaines, Gail Hardinge and Teresa Lindsay, as well as Superintendent J. Roy Geiger II.

Dr. Hardinge identified reviewed the strengths of their schools as: all schools were accredited via SOL testing program; all schools had met federally-mandated *No Child Left Behind* Adequate Yearly Progress; New Kent's SAT average of 1,053 exceeded State's average of 1,024; New Kent's 88% graduation rate exceeded State's average of 80%; system was deemed to be effective and extremely efficient in the 2004 Governor's study; and its collaborative efforts, including partnership with Kent, England

She cited their challenges to be the ability to attract and retain quality teachers; a mandated VRS increase of \$615,000; their ability to continue to meet increasing State accreditation and *NCLB* student achievement standards; and the impact on utility costs as a result of a larger physical facilities footprint after renovations to the Primary and Elementary Schools.

Dr. Hardinge indicated that components of their current budget requests correlated to the Six-Year Plan which was developed by a panel of parents, citizens, teachers and board members. Highlights of their proposed 2006/2007 budget included a salary increase of 6%; maintenance of competitive benefits; five additional teaching positions and two

paraprofessionals; increased operational costs and technology demands; and providing support for State-mandated requirements for special-needs children.

She reported that the bulk of the additional anticipated State revenue of \$1,396,961 would be absorbed by the increases in VRS (\$615,000), utilities (\$217,000), health insurance (\$140,000 – a 15% increase), OT/PT contracting (\$141,000), technology replacement (\$107,000), fuel costs (\$50,000) and internet upgrade (\$40,000). She indicated that they were required to use contract services for occupational and physical therapists because the salaries were not competitive enough to attract interest.

Regarding the proposed salary increases, she reported requests for a 6% increase for their teachers and staff as well as a \$2,000 paraprofessional salary scale increase. She reported that teacher salaries in New Kent had fallen behind in comparison with other like-size school divisions. A 1% increase was reported to equal \$152,000.

Dr. Hardinge reported that two key reductions in their budget were debt service (\$211,000) and textbook adoption (\$164,000).

In summary, it was reported that the School Board was requesting an additional \$964,350 in local funds above the current 2005-06 local appropriation, representing a 10.72% increase. 40.4% was attributed to salary improvements, 40% to mandates, 7.5% to growth, 28.4% to cost increases, with 7% text reduction and 9% debt reduction.

There was a discussion regarding teacher loss rate, "highly qualified" teacher requirements, increased cost of benefits, utilities and fuel, and bus replacement schedule. The School Board reported that they are continuing, with the help of the Virginia School Board Association, to try to develop a pool of small systems to purchase health insurance.

The Board thanked the School Board for its presentation. The School Board adjourned its meeting at 8:07 p.m.

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IN RE: ZONING ORDINANCE REVISION PROCESS

The Board continued to discuss the zoning ordinance revision process.

Planning Manager Rodney Hathaway reported that the Planning Commission reviewed all four options at its last meeting and had chosen the first option (staff's recommendation) but had added a request that the Blue Ribbon Committee (BRC) members have the opportunity to participate in the preliminary informational sessions. He indicated that those sessions were projected to be more of a dialogue between staff and property owners to address technical questions.

Mr. Hathaway indicated that the BRC would have the option of identifying specific issues (i.e. horse-keeping, scenic overlays, forestry) and appointing subcommittees to study and make recommendations on those issues. The village overlay committees would be appointed by the Board.

The Board members expressed their concern that the village overlays, especially Bottoms Bridge, would not be considered until Phase 3. Staff explained their rationale for this and indicated that as they were reviewing applications, they were working carefully with any property owners who might be affected. It was also reported that staff was continuing to

work on the comparison chart to help property owners understand the changes that were being proposed.

There was discussion regarding the BRC. Mr. Budesky surmised that the BRC would need to meet twice a month in order to be effective. Mr. Hill expressed his concern that the committee might not be large enough and there may be more than fifteen people who would like to participate. Mr. Budesky stated that there would be plenty of opportunities for people to be involved.

Mr. Burrell expressed his concern that holding informational sessions at three different places would stretch staff beyond its capacity, and suggested one site instead. Mr. Hill indicated that he would have no objection to just one site as long as staff made themselves available at other times or places to meet with those property owners who were unable to attend.

Mr. Trout indicated that he shared Mr. Burrell's concerns and felt one site would be sufficient for general issues, and the process could go into the communities to address specific issues at a later date.

There was discussion regarding the subcommittees. Mr. Budesky asked that the Board focus on the BRC and staff would come back for appointments to the village overlay committees at a time in the future. He indicated that he would like to have the BRC appointed as soon as possible in order to get the process started.

Mr. Sparks indicated that he was agreeable to the proposal and, although it was not what he would have chosen, he had respect for the work and recommendations of the Planning Commission, noting their vote of 8:1:1.

There was consensus that a more appropriate name for the main committee would be the Zoning Ordinance Revision Committee.

Mr. Burrell moved to authorize staff to move forward with the recommendation for the zoning ordinance review process.

The members were polled:

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

The motion carried.

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IN RE: LANDFILLS

Mr. Trout announced his intention to make a motion to request that the Planning Commission consider whether landfills are appropriate for New Kent, noting that New Kent had been approached by several landfill companies in the last two years and that there were applications pending for a rezoning and to establish a landfill. He indicated that his motion would allow for discussion of landfills in general and not a specific landfill at a specific location. He stated that no matter what the outcome of the rezoning application scheduled

to be considered by the Planning Commission in March, it would not establish whether or not landfills were appropriate for New Kent County. His motion would allow the public to get involved in the discussion.

There was no comment from the other Board members.

Mr. Trout moved that the New Kent Board of Supervisors request the New Kent Planning Commission to consider amending the Code of New Kent County to remove "landfills or dump sites" as a use in Agricultural zoning allowed with a conditional use permit and to designate "landfills, sanitary landfills and dump sites" as prohibited uses in New Kent County. The members were polled:

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

The motion failed.

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IN RE: DISTRICT APPOINTMENTS

Mr. Hill appointed Karen Cameron as a member of the Affordable Housing Board.

Mr. Sparks appointed Kathy Stroube as a member of the Affordable Housing Board.

Mr. Burrell appointed Bryant Allen as a member of the Affordable Housing Board.

The members were polled:

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

The motions carried.

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IN RE: APPOINTMENTS NOT DELEGATED BY DISTRICT

Mr. Burrell appointed Rev. Barbara Allen as the ministerial member of the Affordable Housing Board.

Mr. Trout appointed David Sisk as the EDA representative to the Jamestown 2007 Committee, replacing Larry Forbes.

The members were polled:

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

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