

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 25th DAY OF SEPTEMBER IN THE YEAR TWO THOUSAND SIX OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

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

Chairman Sparks called the meeting to order at 6:00 p.m. and announced that Mr. Hill was recovering from recent surgery and was not expected to be in attendance.

IN RE: FACILITY USE POLICY

Before the Board for consideration was a request for approval of a policy governing the community's use of school and County facilities.

County Administrator John Budesky explained that the County's Parks & Recreation office had been providing oversight to the rental of school facilities to the public and would be providing the same type of oversight for the recently acquired Quinton Community Center (QCC). He explained that the proposed use policy was crafted as broadly as possible, with the intent to make the rules fair and consistent, but recognizing the costs associated with staff, custodians and electric bills. He pointed out that the policy also addressed long-term lease situations, limiting them to 36 months so as to encourage groups to find permanent homes. Mr. Budesky explained that the proposed policy was more liberal than policies in other localities in that fees would be assessed beginning at the end of custodial hours as opposed to the end of the school day.

Parks & Rec Manager Matt Spruill explained that staff had worked with the School Board on the policy and admitted that there was some concern about the use of alcohol at QCC. He indicated that alcohol use was not permitted on School properties and that same prohibition was being proposed for QCC, but could be amended.

Mr. Budesky reported concern among the members of the Parks & Recreation Advisory Board and recognized the concern relating to the County's investment in QCC and the use by some week-end renters. He suggested that the County could permit alcohol use at QCC if the applicant obtained and provided the necessary permits and the lease agreement contained the required liability waiver language.

There was debate as to whether an ABC permit would be required of a user who would be serving alcohol, but not selling it, or in a situation where guests brought their own alcohol. Mr. Burrell reported that all renters of the Cumberland Community Center were required to have a permit in order to have alcohol on the premises. Mr. Summers advised that there were ABC permits available to cover different situations, and it was his advice that the renters should obtain and furnish a copy of the permit to the County in order to be able to rent the QCC when alcohol would be present.

Mr. Sparks invited Alan Files, who had handled rental of the facility for the Ruritan Club, to speak about the issue. Mr. Files advised the Board that it was his opinion that not allowing alcohol at the QCC would have a substantial effect on rentals, explaining that most people

rent the facility for wedding receptions and other gatherings because churches would not permit alcohol.

Mr. Summers advised that there should be an agreement that the applicant would have the responsibility to apply for and supply a copy of the ABC permit to the County.

Mr. Davis suggested that the policy be reviewed every two years.

There was a discussion regarding liability of the County in the event of an alcohol-related accident. Mr. Summers advised that the person serving alcohol and the person consuming it had the responsibility of deciding when to stop, and although the County could be included as a defendant in a suit, he felt it was questionable that a claimant could prevail.

There was consensus among the Board members that the policy should allow alcohol use at Quinton Community Center with the renter obtaining and providing the necessary permit.

There was also discussion regarding maximum capacity, and whether that should apply to outside gatherings. Mr. Spruill reported that the Fire Marshall had recently visited the building and it was his information that the maximum capacity for the premises was going to be around 380. Mr. Trout suggested that the language regarding capacity be modified to clarify that capacity applied to the building, and not the grounds.

There was discussion involving liability insurance requirements. It was explained that a certificate of insurance showing New Kent as an additional insured would be required in most instances, but that the County did have the ability to waive those requirements in certain circumstances for certain events. Mr. Sparks suggested that the criteria for waiving the insurance requirement should be established and applied consistently.

There was also discussion regarding long-term leases. It was reported that members of the School Board were of the opinion that 18 months might not be long enough for a Church group to locate land and erect a building and that a term of 36 months would be more appropriate. The Board members were in consensus that 36 months was too long, and that a 12-month lease, with options for two 12-month extensions, might better serve the County's interests.

There was discussion regarding custodial services. Mr. Spruill reported that custodial services did not apply to QCC, and that renters would have the responsibility to clean up or forfeit their security deposit. Staff was requested to change the wording to delineate the policy regarding custodial services as they applied to school buildings versus the QCC.

There was discussion regarding hours of use and whether it was feasible to require events to end no later than midnight at QCC. Mr. Budesky pointed out that there were nearby residences and staff felt the midnight deadline to be appropriate. Mr. Files reported that there was never a mandatory closing time when the building was owned by the Ruritan Club, but that most events held at the QCC were over by midnight, with the exception of New Year's Eve events. Staff was asked to add a New Year's Eve exception to the policy.

Staff was also asked to clarify the policy regarding use of the kitchen at school facilities as opposed to QCC.

There was discussion regarding the proposed fees. Mr. Budesky reported that the fees were less than what was charged in other localities. He explained that the fees were to cover expenses for staff, electricity and custodians, and were largely cost-neutral. Any excess

resulting from use of school facilities would go to the schools, and excess from use of the QCC would be retained by Parks & Rec. Mr. Spruill explained that applications for rental of the QCC would not be subject to School Board review.

Staff was requested to make the requested changes to the proposed policy for the Board's consideration as part of the Consent Agenda at the October 10 meeting.

IN RE: 2007 LEGISLATIVE AGENDA

Before the Board for review was the proposed 2007 Legislative Agenda. Mr. Budesky recommended changes in priorities of some of the items, and suggested that the Agenda be approved earlier than in previous years. He also advocated adding an item in support of a bond bill for funding of a new library.

Mr. Trout spoke about some of the pending legislation, including the proposed new Instant Racing bill that would dedicate 49% of its revenue to transportation. He expressed his concern that there were no references as to what percentage, if any, of the funding would be paid to the localities. He also indicated that there was pending legislation that affected vineyards that the Board might want to include.

Mr. Davis suggested an addition requiring State funding for LEOS coverage.

There was discussion regarding the requirement for screening of junkyards. It was reported that this would permit localities to require new and existing junkyards to provide reasonable screening.

Mr. Homewood reported that a \$90 million *Safe Routes to Schools* program had just been enacted in Virginia, and that item could be removed from New Kent's Agenda. He indicated that New Kent would have an opportunity to apply for funding through that program and that staff was working with the Schools to meet the application deadline.

There was consensus to add the suggested items to the 2007 Legislative Agenda and staff was given direction as to priorities. Mr. Budesky indicated that once the proposed Legislative Agendas from VACO, VML and the Richmond Regional Planning District commission were released, the Board may be asked to endorse, support and/or oppose additional items.

IN RE: ECONOMIC DEVELOPMENT CONSULTANT

Before the Board for consideration was a request that the County engage an independent contractor to serve as Economic Development Consultant on a part-time basis while the search continued for a full-time Director.

Mr. Budesky reviewed the request, indicating that although there had been previous consensus reached by the Board, it was necessary to formally approve the engagement of Mark Kilduff, former Director of the Virginia Economic Development Partnership, as a consultant and to approve the transfer of funds.

Mr. Davis moved that the Board approve the engagement of Mark Kilduff as Economic Development Consultant to work 20 hours per week at \$45 per hour through December 31, 2006, and further approve a budget transfer of \$13,500 from Salaries & Wages (81050-1100) to Contract Services (81050-3125). The members were polled:

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

The motion carried.

IN RE: SCHOOL BOND SALE

County Administrator John Budesky reported that when capital projects were discussed during budget time, the Board had made a commitment to fund debt service in an amount equivalent to 6 cents per year for four years. He indicated that the County had a very successful bond sale and based upon the interest rate obtained, the amount needed for debt service could be reduced by an equivalent of one cent per year for the next three years.

Financial Advisor Ted Cole of Davenport & Company confirmed that the bond sale did go very well and that there was strong investor demand and a favorable market. He reported that the true interest cost for the bonds was 4.38%. He advised that the proceeds had been deposited into an account bearing interest at 5% and, based upon conversations with the architect, some of the funds had been invested in a fixed fashion to lock up the interest rate to coincide with the expected spend-out on the high school project. He indicated that the County may be able to keep some of the earnings, depending upon the rate and nature of the spend-out.

IN RE: CDA BOND SALE

Farms of New Kent CDA Board Chairman Ronald Jordan reported to the Board on the recent \$85.7 million bond sale which closed on September 19, 2006, which he advised was the largest non-rated issue in the Commonwealth of Virginia, with orders exceeding the amount of available bonds by 300%. He reported a blended rate of 5.486% for the three-series bonds and indicated that most of the bonds had been purchased by institutional investors. He advised that \$65.9 million would be invested into the project, \$8 million for the debt service reserve, and that upon closing, \$35.1 million was paid to New Kent for the remainder of the developer's portion (\$39 million) of the Parham Landing improvements. Mr. Jordan advised that the funds were with SunTrust Bank and that a request for bids had been sent out for a money manager to invest the funds.

Mr. Jordan also reported an appraisal of \$104 million on the current ground value of the land in Farms of New Kent. He indicated that it had been estimated that as of January 1, 2008, once the roads and other infrastructure were completed (no buildings), the appraised value would increase to \$265 million. He advised that the developer had reported that activity would be picking up and they were "on time and on budget". He commented that the CDA Board had done a lot of work and he expressed special thanks to Steve Miles for his assistance and efforts.

Mr. Davis, a member of the CDA Board, thanked Mr. Jordan for the wonderful job he had done as Chairman.

Chairman Sparks thanked Mr. Jordan and recognized the other members of the Board, Alan Files, Ray Davis, Richard Ellyson, Steve Miles, Mark Daniel and John Budesky, for their hard work.

IN RE: VPSA BOND SALE

Before the Board for consideration was Resolution R-32-06 authorizing the issuance of sale of bonds through the Virginia Public School Authority for permanent financing for the renovation project at the George W. Watkins Elementary School.

Bond Counsel Dan Siegel reminded the Board that temporary financing for the elementary school project had been obtained last year while waiting for approval of the Literary Loan application. He reported that New Kent's application had worked its way up to the top of the list and would be a part of the subsidy sale with VPSA that would be priced in October and closed in November. He indicated that the advertised amount was 5% more than the loan amount in order to give the VPSA more flexibility in offering premium bonds. The County would be responsible for paying 4% on \$7.5 million, and VPSA would make up the difference in a lump sum payment to the County at closing.

There was discussion regarding the length of the wait for Literary Loans. It was noted that New Kent had to wait approximately two years, as had been predicted.

Chairman Sparks opened the Public Hearing.

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

Mr. Burrell moved to adopt Resolution R-32-06 as presented. The members were polled:

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

The motion carried.

IN RE: CINGULAR WIRELESS COMMUNICATIONS TOWER

Before the Board for consideration was Resolution R-33-06 regarding a request from Cingular Wireless PCS, LLC and property owners Jack Chalmers and Barbara Gilroy for a conditional use permit for the construction of a 199' monopole communications tower on a 24 acre parcel located at 1915 Carter Road in Lanexa, approximately one mile south of Route 60.

Planning Manager Rodney Hathaway reported that the subject communications tower would have the capacity to support 12 antennas and would provide space for County equipment at no cost, as well as an easement for ingress and egress to access the site for maintenance of County equipment and an easement for utilities. He reported that the facility would include a 12 x 20 foot equipment shelter and a 50 x 50 foot fenced compound surrounded by an 8-foot security fence and natural tree buffer at the north end of the property, 525 feet from Carter Road and at least 750 feet from the nearest residence. He indicated that the subject property was zoned A-1, Agricultural, as was the surrounding parcels which consisted of vacant land and residential development. He advised that staff found the proposed use to be consistent with the A-1 zoning as well as the Rural Lands designation in the Comprehensive Plan future land use map.

Mr. Hathaway reported that the applicant had submitted propagation studies and an affidavit setting forth that the tower would fill a gap in coverage and that there were no existing structures in the area that could serve that purpose.

He indicated that balloon tests had been conducted, with advance notice being given to adjacent property owners (one of whom attended). He reported that staff had also attended the balloon tests, had driven by all three residences from which the tower was visible, and no complaints had been received from any of the residents.

He advised that staff found that the application met the criteria of the zoning ordinance, that the proposed use was in compliance with the Comprehensive Plan, and was recommending approval.

Bert Lewis, attorney for the applicant, was present, along with Colleen Hall and Peter Kormanos, in order to answer questions from the Board.

It was noted that the site plan showed the tower site to be 665 feet from Carter Road, rather than the 525 previously reported.

There was discussion regarding the nearby electrical tower. Mr. Lewis indicated that the electrical tower was only 100 feet tall, and although Dominion Virginia Power would permit a 15-foot extension, the height would not be sufficient to fill the current service void. Ms. Hall reported that once the tower was approved, then Cingular would send out notices to other carriers that co-location spaces were available. She indicated that they expected a lot of interest in the location.

Mr. Sparks expressed his concern that co-location was not being actively pursued by carriers.

There was some comment regarding the wind resistance of the structure. It was reported that the required strength was typical in the industry and that the structures were placed away from homes and designed to collapse upon themselves.

There was discussion regarding the required right-of-way. Mr. Hathaway reported that the property owners had submitted a signed affidavit that there was a clear legal right-of-way to the site, and that one of the conditions of approval was that the property owners were required to dedicate an easement to the County for ingress and egress.

County Attorney Jeff Summers reported that he had reviewed all of the documents and found them to be acceptable.

Property owner Jack Chalmers briefly described the structure and the different antennas that would be affixed to it.

Chairman Sparks opened the Public Hearing.

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

Mr. Trout moved to adopt Resolution R-33-06 as presented. The members were polled:

W. R. Davis, Jr.	Aye
Mark E. Hill	Absent
James H. Burrell	Aye

Stran L. Trout	Aye
David M. Sparks	Aye

The motion carried.

IN RE: MEETING SCHEDULE

Chairman Sparks announced that the next regularly scheduled meeting of the Board would be held at 6 p.m. on Tuesday, October 10, 2006 in the Boardroom of the County Administration Building.

IN RE: ADJOURNMENT

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

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

The motion carried. The meeting was adjourned at 7:22 p.m.
