

A SPECIAL MEETING (RETREAT) OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 21ST DAY OF OCTOBER IN THE YEAR TWO THOUSAND SIX OF OUR LORD AT ROYAL NEW KENT GOLF CLUB, PROVIDENCE FORGE, VIRGINIA, AT 8:00 A.M.

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. He acknowledged the full Agenda and explained that the items that the Board was unable to cover would be deferred until the next work session.

IN RE: RELATIONSHIP WITH KENT, ENGLAND

County Administrator John Budesky asked for direction from the Board as to how much time and effort it wanted staff to spend on activities relating to Kent, England.

There was discussion as to whether there were any advantages for New Kent in this relationship. Some of those identified were a school exchange program, the annual golf classic, and the fact that New Kent was in a "leadership" role and had some stature among other jurisdictions in items of tourism and business.

Mr. Budesky pointed out that the County's part-time Economic Development consultant did not have time to devote to this venture, and the Economic Development Admin Assistant likewise would have little time in that she would be in charge of the day-to-day operations of the Visitors Center.

There was also discussion regarding the proposal to bring Kent County, England in as a partner in the Visitors Center.

Mr. Budesky explained that the Economic Development Authority did not see itself as a tourism group and had delegated it to the Jamestown 2007 Committee.

He spoke about his discomfort in light of an elected official/developer who would be deriving a direct economic benefit from the relationship. He agreed that there was merit and good will involved, but wanted the Board to understand the realistic benefits to the County and to determine if it was willing to make a financial commitment. He explained that he was placed in an awkward position in being requested to help fundraise for the recent golf classic, pointing out that the golf tournament was not about establishing a relationship but about establishing a golf trip back and forth to England.

Mr. Budesky was directed to meet with Mr. Trout and develop for the Board's further consideration a list of the benefits to the County as well as any proposal or need for funding.

IN RE: SHERIFF'S ANNEX

Before the Board for consideration was a request for authority to enter into a base contract with a vendor for construction of the Sheriff's Annex as well as to enter agreements for utility service to the new annex.

Public Works Director James Tacosa reported that twelve vendors had requested project information and that three had responded, two of which had submitted qualified proposals. He reported that Harlan Construction had submitted a bid of \$2.398 million and had the best package. He indicated that although the E-911 Center would be located within the building, it would be bid separately.

Mr. Tacosa advised that both bidders had excellent reputations and references. Harlan Construction built the recently completed Crater Academy.

He distributed an Executive Summary of the project which included detailed bid information, drawings and a site photograph. There was discussion about the design of the facility

Staff represented that the process was in compliance with the July 1, 2006 revisions to the State Code regarding the Public Private Education Act (PPEA), and that no public hearing was required.

Mr. Trout moved to authorize staff to enter a base contract of \$2,398,798 with Harlan Construction and to negotiate additional options for the Sheriff's Office Annex, and further authorize staff to enter into agreements with Verizon and Dominion Virginia Power for 911 trunk lines and primary power.

There was discussion regarding federal funding. It was reported that the Sheriff's Office was investigating that possibility.

The members were polled on Mr. Trout's motion:

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

The motion carried.

IN RE: BREAKFAST WITH CONGRESSMAN BOBBY SCOTT

The Board along with Fire Chief Tommy Hicks met with Congressman Bobby Scott to review issues and concerns in New Kent.

Scott Congressman Scott distributed handouts regarding the Federal budget and described some of the budgeting, deficit and borrowing concerns.

Board members shared problems that had resulted from Interstate 64 traffic, which included increased court dates, staffing needs, courthouse expansion, prisoner confinement costs, and new Sheriff's Annex/E911 Call Center.

There was dialogue regarding FEMA reimbursements, and the recent denial of New Kent's claim for costs resulting from Tropical Storm Ernesto. Congressman Scott explained the formula (based on population) that was used to determine eligibility for reimbursement, indicating that costs had to be at least around \$3 per person in order to qualify.

Board members explained the flooding problems with South Waterside Drive. Congressman Scott agreed to work with the County Administrator to determine if there was mitigation funding available. He also suggested that the County contact the Army Corps of Engineers for assistance.

In that many of the formulas for reimbursement were based on census populations, which in New Kent's case were significantly outdated, Congressman Scott agreed to obtain and provide information on how to challenge the population numbers.

There was a discussion regarding the Chickahominy River/Captain John Smith Water Trail. Congressman Scott confirmed that there was a resolution floating in Congress which he was supporting; however, he cautioned that in an election year it was hard to predict what would be approved. He did agree to check to determine who would be responsible for repairs of the dam lock on the Chickahominy River.

Congressman Scott also agreed to check to see if there was any recourse regarding unsolicited faxes or cell phone solicitation calls.

Another item that was discussed was New Kent's library needs and Congressman Scott agreed to determine if federal funding would be available.

There was also dialogue regarding how New Kent could best work with the federal government to determine what programs were available. The Congressman urged continuing participation with VACO and NACO.

Mr. Trout provided Congressman Scott with information regarding upcoming events in New Kent as well as the *Godspeed* visit scheduled for November 16 – 17, 2007.

Congressman Scott expressed his willingness to meet and work with New Kent and welcomed the opportunity to assist the County and the Board in any way that he could.

IN RE: PART TIME CAREER FIRE AND RESCUE STAFF

Before the Board for consideration was the request of Fire Chief Tommy Hicks to hire seven part-time personnel.

Chief Hicks explained that the plan would be to advertise for those with experience in Advance Life Support (ALS), teaching/training, emergency preparedness and grant writing. He explained how this would save money, bring diversity to the department and enable the department to meet more of its objectives. He advised that no new funds would be required for the current fiscal year in that the new positions would be funded through vacancy savings and overtime. He described how he could use the part-time staff to fill in during leave taken by full-time personnel which would reduce the amounts paid out in overtime. He indicated that it could also be funded by a reduction in the funds paid to other localities for mutual aid. He reported that New Kent had not used mutual aid from Henrico County during the past two months because of the efforts of the volunteers.

Chief Hicks explained that the part-time staff would be able to respond to calls and would more or less be a resource pool from which he could draw. When asked if it was likely that these would be filled by current volunteers, he indicated that it was possible but that realistically most of the volunteers had full time careers. He said it was more likely that the positions would be filled by career staff on shift work in surrounding jurisdictions.

Mr. Burrell moved that the Board authorize the request of the Fire Chief for seven part-time positions to be funded through payroll savings. The members were polled:

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

The motion carried.

The Board members thanked Mr. Hicks for his fine performance and they related comments they had received, including compliments from the volunteers.

There was also conversation regarding the stationing of two full-time fire and rescue staff in Quinton as well as a letter received from the Medical Director requiring that volunteers meet certain standards. Mr. Hicks advised that he would soon be meeting with the volunteer companies in order to review these standards. Chief Hicks invited Board members to participate in a leadership retreat on December 8 at the Forestry Center.

IN RE: ADDITIONAL STAFF FOR FINANCIAL SERVICES

Financial Services Director Mary Altemus explained the need for additional staff in her office, citing problems with stress, overtime, missed/shortened lunches, lost leave, and missed education/training opportunities. She indicated that having an additional position would help them provide the necessary level of customer service as well as protect the health of her employees and permit a balance in their lives.

She related the increased responsibilities falling to her department, which included increase grant reporting requirements, proffer tracking and the new utility system, as well as the software conversion proposed for next year.

Her request was for a new position of Finance Manager at grade 26, step 3, which would cost, including benefits, around \$60,000 per year or \$34,360 for the remainder of the current fiscal year (if hired at December 1, 2006).

Board members remarked on the low turnover in the finance department and expressed their concern for the well-being of the staff.

The Board agreed to consider approval of this request at the next work session. The Board also asked the County Administrator to work with Human Resources on ways to address stress levels among employees and report back to the Board.

IN RE: CHECK REGISTERS

County Administrator John Budesky requested that the Board consider eliminating the need for the Board Chairman or Vice Chairman to sign off on check registers, citing the increasing instances where checks were needed quickly.

Following discussion, there was consensus to grant this request by considering a change in the bylaws at the January organizational meeting, and that Board members could thereafter receive printouts of the check registers for review if they wished.

IN RE: BOTTOMS BRIDGE SERVICE DISTRICT – SEWER CAPACITY ALLOCATIONS

Mr. Budesky explained problems that had arisen with sewer capacity allocations in the Bottoms Bridge Service District. He reported that in the initial phase, only eleven property owners had responded to surveys requesting usage needs. As the process evolved, a decision was made to design the system based upon current zoning, and the ordinance establishing the district required that in the event that property was rezoned to a more intensive use, the property owner would be responsible to pay sewer availability fees for the increased amount.

At issue was whether or not the survey responses represented an obligation, moral or otherwise, on behalf of either the County or the property owner.

Mr. Hill reported that this had resulted in a rather substantial cost to developer Billy Cunningham because the County had computed and allocated usage for his property at the less dense formula for *R-1, Residential* when it knew that he had a more intense use planned for the property.

There was prolonged discussion about the process and the decisions that were made. Mr. Hill stated that the County should not penalize property owners for lack of good advice and leadership.

Project Engineer Roger Hart reviewed the history of the project and indicated that he was directed to use current zoning in order to allocate usage, which he reported was a common method used. He indicated that he was never instructed to consider future land use and that he could not recall staff from Community Development ever being a part of the discussions regarding usage.

It was emphasized that there was no problem with total capacity, but that there were gaps between what some property owners may have predicted that they needed and what they were allocated. It was explained that sewer availability fees were to be used to upgrade the system and that if those fees were not collected as uses within the service district were intensified, then it would be left to the County to pay for expansions.

Public Utilities Director Alan Harrison explained that much depended on timing and growth in the Service District, advising that initial estimates were that expansion would be needed in six to twelve years.

It was pointed out that the system had been designed, based upon the Health Department's requirements, on the premise that a single family dwelling would use 300 gallons per day, when in actuality it appeared that usage would be 200 gallons per day or less. If the

County was able to convince the Health Department, based upon history, of the actual usage, it may be that future expansions could be designed based upon a lower number.

County Attorney Jeff Summers advised that it was his opinion that the surveys were not contracts, had no legal weight, and were not obligations on the part of anyone to do anything. It was his advice to let the ordinance function and that everyone be treated fairly and consistently, including those who had opted to respond to the surveys.

The majority of the Board was in agreement to let the ordinance stand as it was.

It was reported that Mr. Cunningham would be required to pay approximately \$124,000 in availability fees but would not be required to pay water connection fees (\$189,000 on 60 lots) because his property was covered under the Five Lakes water agreement.

There was discussion regarding the *ad valorem* tax and there appeared to be consensus that the rate would need to be increased now that the system was in place and the true costs had been determined.

There was discussion regarding the costs that some property owners were facing in installing main line extensions. Mr. Harrison reported that he was encouraging property owners to work together and share these main line costs, but conceded that once a property owner incurred those costs and turned the line over to the County, he would not be in a position to recover those costs from property owners who might later connect and use it.

Mr. Harrison pointed out that availability fees were payable in five installments. He also distributed copies of proposed letters to be mailed out to service district members confirming the completion of the system and outlining the connection requirements.

IN RE: ADDITIONAL BOARD MEETINGS

Mr. Budesky requested that the Board consider adding another monthly meeting in order that it could have more time to be educated and briefed on matters prior to the regular business meeting, as well as to shorten the length of all of the meetings. Mr. Summers suggested that the Board might consider two extra meetings per month.

There was discussion regarding the logistics of the additional meeting. There was consensus to add one additional meeting on the 1st Monday of the monthly from 4 p.m. to 7 p.m. starting in December. Mr. Burrell reported that he had a prior commitment on the first Monday in December and the Deputy Clerk was directed to determine an alternate date and confirm with the Board.

IN RE: ZONING ORDINANCE REWRITE COMMITTEE

The Board reviewed some issues that had developed with the work of the Zoning Ordinance Rewrite Committee (ZORC), including its slow pace, frustration of the members, dominance by a few, poor attendance, and the tendency to waste time rehashing items that had already been decided. Planning Manager Rodney Hathaway indicated that this process was taking a serious toll on staff and on the ZORC members.

The Board was requested to consider imposing a January deadline on the committee to complete its work on Phase I. It was also suggested that the more technical Phase II of the process be referred directly to the Planning Commission, and to let the ZORC then work on Phase III.

It was reported that the section on Landscaping had been completed ahead of schedule.

Staff was directed to request the ZORC Chairman to attend the next work session in order to discuss these issues and suggestions.

IN RE: LUNCH WITH THE CONSTITUTIONAL OFFICERS

Commissioner of the Revenue John Crump and Treasurer Herb Jones, Jr. joined the Board for a working lunch to discuss issues of concern.

Mr. Crump reported that he and the Financial Services Director had designated a PPTRA rate of 58%, which would result in vehicle owners having to pay 42% of the personal property tax rather than the 30% paid last year. He pointed out there would no longer be 100% tax relief for vehicles valued at \$1,000 or less (16,000 of which are registered in New Kent), which would result in owners of those vehicles having to pay personal property tax for the first time in a long time. He stated that the process was still "evolving" in other localities as well and that he expected issues to arise as the process continued.

It was confirmed that there was a Request for Proposals being advertised for general reassessment services for New Kent. Mr. Crump encouraged the Board not to give up on hiring a full-time assessor to work with the reassessment team. He predicted problems with assessments of the higher end homes and explained how it was difficult to establish data in the current system that would capture the value of upgrades in those more costly homes.

Mr. Crump reported that Jane Palenski would serve as Interim Commissioner until the Special Election in January, and that he would be working with the new Commissioner to help him/her get acclimated. He noted that he had heard from three or four people interested in the position.

Mr. Crump shared information regarding problems collecting meals tax from the owner of two local eating establishments, including chronic late payments and bounced checks. He reported that he would be meeting with the owner to discuss the matter and to emphasize that the County could shut down the businesses if he failed to carry out his fiduciary responsibility of turning over to the County the meals tax collected from his customers. He admitted that New Kent could not afford to lose any of its restaurants; however, unless some immediate action was taken, later action would be much more drastic.

Mr. Budesky reported that Mr. Jones and Mr. Crump had been working with staff on the issue of County vehicle decals, and that the Board would likely receive a recommendation at a future meeting to institute a permanent decal beginning in 2007, unless the Board was interested in instituting fees for service at the refuse stations. He explained that in order to make up the \$460,000 revenue from decal fees, it would be suggested that the County use the higher wholesale value of vehicles rather than the trade-in value, or to increase the personal property tax rate.

Mr. Burrell inquired about DMV collection of the decal fee. Mr. Crump reported that DMV records were often incorrect and he would not feel comfortable recommending that option.

There was a discussion as to how to maintain the incentive for fire and rescue volunteers who were used to receiving a free decal. Suggestions were to provide a credit on the personal property tax bill of one vehicle to those volunteers who were confirmed to have worked a certain number of hours.

Mr. Jones reported that real estate tax bills had been printed and that they were getting ready to print the personal property tax bills, all of which will be mailed out on the last day of October.

Mr. Crump shared some of his concerns about keeping up with assessments. He explained his feelings about what quality of assessment the County would get for \$15 a parcel, and again spoke about the problems he foresaw with assessing the specialized buildings (winery, golf courses) as well as the high end homes. He also spoke about the many additions that were taking place and often not included in assessments.

Mr. Jones commented that the past year had been the best of his years in office in terms of working with County Administration. He complimented Mr. Budesky for his responsiveness and support.

IN RE: ADJOURNMENT

Mr. Trout moved to adjourn the meeting. 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.

The meeting was adjourned at 12:49 p.m.