

A WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 26<sup>th</sup> DAY OF JANUARY IN THE YEAR TWO THOUSAND FIVE 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
D. M. "Marty" Sparks	Present
James H. Burrell	Present
Stran L Trout	Present
W. R. "Ray" Davis, Jr.	Present

Chairman Davis called the meeting to order.

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IN RE: JAMESTOWN 2007

Rebecca Wagar, Chair of New Kent's Jamestown 2007 Committee, reviewed the goals of the Jamestown 2007 Steering Committee which are to increase tourism in Virginia, expand economic development throughout the State, and renew educational awareness of Virginia's role in the creation of the United States. It has offered Virginia communities an opportunity to participate and be recognized an official Jamestown 2007 community by organizing a planning committee, looking at the past, discovering the community's unique assets, developing special projects legacy (to be in place by 2007), and join in its theme of "Come Home to Virginia" by inviting the world to special events and programs.

She indicated that New Kent's Jamestown 2007 Committee's mission is to provide economic benefit to New Kent County through the support and stimulation of tourism. She reviewed the charge made by the Board of Supervisors to expand tourism opportunities in New Kent by visioning and supporting infrastructure development; develop and encourage the creation of community and special events which would increase the number of visitors to New Kent; work with local and state officials as appropriate to market the County and the region; and to develop a comprehensive tourism plan and make implementation recommendations to the Board of Supervisors. She emphasized that this project is not a single year of festivals and celebrations, but has a focus on long lasting projects, to facilitate and streamline the development of income-producing businesses or events in the community, and to increase the visibility of New Kent and its unique assets.

She reported that their estimated cultural budget needs include \$16,000 for eight new welcome signs and \$12,000 for historic displays in the County admin building. For FY2005/06, they need \$10,500 for an archaeology project and \$500 for Garden of Virginia. Under business development/tourism, they have estimated that they will need \$2,000 seed money for organizing a golf tournament and another \$2,000 for the Kent, England partnership (hosting visits to New Kent and collaborative events). In FY05/06, they will need \$10,000 for seed money, promotion and insurance for an equine event, as well as another \$10,000 for seed money and insurance for agri-tourism and eco-tourism events, such as boat tours on the Pamunkey River, farm tours, bike tours, nature and birding trails.

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Under education, they estimate that they will need \$250 this year for expenses involved with a lecture series starting in the fall of 2005, and \$400 for next year for prize money for a school poster competition. For marketing, they need \$5,000 this year and \$15,000 for next year, for producing New Kent image ads, reprinting of the historical brochure, as well as marketing and publicity for County programs, events and sites.

She also reviewed possible joint advertising opportunities with Virginia Tourism Corporation.

Under operations, they have estimated their need for this year at \$2,400 for salaries (for 8 hours/week administrative support), \$3,000 for professional services (expenses and studies for grant applications), \$200 for printing and binding, \$50 for postage, \$100 for membership dues, \$50 for copying and \$100 for office supplies. Those expenses for next year are estimated to be \$11,520, \$5,000, \$500, \$150, \$250, \$100 and \$200 respectively.

Mrs. Wagar provided a proposed job description for a Tourism Administrator for consideration as a future position, and reported that this person should have tourism experience. She identified three potential grants that might be available: Parsons (Mary Morton) Foundation, Safeco Community Grants and Virginia Recreational Trails Fund, and reviewed the pertinent application deadlines. The first two are for beautification, and the last is for eco-tourism and agri-tourism projects. Mrs. Wagar indicated that they are no longer asking for a grants writer in that Melissa Dean has volunteered to assist in helping to identify the grants and Johnna Cossaboon has offered to help write them. However, there will be some expenses involved, and they will need administrative help with the required recordkeeping. Mr. Davis asked if they could get a grants writer who would work on a percentage basis. Mrs. Wagar indicated that they are looking at all possibilities.

There was a discussion regarding the proposed signs. John Crump indicated that this purchase new signs, not replace existing ones. The intent is to have them larger and easier to read, and the \$2,000 price is just an estimate. Mr. Davis requested more information on the proposed locations for the signs and a firmer price.

Regarding the partnership with Kent, England, Mrs. Wagar stated that it is evident that Kent's focus is on the State, although there are three areas in which New Kent might be a factor: a motorsports event at DragonsRidge, a golf tournament, and a fox hunt connected to the Virginia Derby at Colonial Downs.

Mrs. Wagar indicated that another primary focus of New Kent's committee is establishing a Visitor Center. Mr. Davis reported that he is working on that, and has possibly found a site. He also indicated that he is working on a deal with the Jamestown 2007 Steering Committee that they build it.

Mrs. Wagar reported that they are attempting to find other funding sources, but at this time is asking the County for \$10,000 for project costs and \$5,900 for administration and operation costs, for the period ending June 30, 2005.

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Mr. Sparks expressed his concern whether \$3,000 would be enough for the grants process. Mr. Crump indicated that sum would help identify the grants and cover the expenses.

Mr. Davis suggested that aerial flights could be offered from the New Kent Airport, for which there may be some aviation grants.

Mr. Crump indicated that they are considering a type of business incubation. They are looking to work with the EDA to help get enterprises started and then be assumed by private industry.

Mr. Trout stated that he felt the issue of personnel staff support should be left up to the County Administrator. Mr. Ellyson confirmed that he had met with Mrs. Wagar and was trying to find her some help.

Mr. Hill moved that the Board appropriate \$15,900 from the contingency fund for the New Kent County Jamestown 2007 Committee for the period of January 2005 through June 2005. Mr. Sparks asked who would decide how those funds are spent. Mrs. Wagar said that would be decided by the committee but she would anticipate that it would be spent on signs, an historical display and the golf tournament. Mr. Burrell asked what the committee would do with the proceeds from the golf tournament. Mrs. Wagar explained that they expect the golf courses themselves to participate and she would assume that the revenues would belong to them.

Mr. Trout asked who would authorize expenditures. Mr. Hill stated that New Kent's Jamestown 2007 Committee had among its members the Commissioner of the Revenue and the Economic Development Director and the Board should be able to rely upon them to make sure that the appropriated funds are spent in a proper way.

Mr. Davis asked if the funds would be appropriated through the EDA. Mr. Ellyson indicated that he would prefer that the funds flow through the County, just like other departments.

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

Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
Stran L. Trout	Aye
James H. Burrell	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion passed.

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IN RE: REVENUE SHARING

Gary Jennings, Assistant Resident Engineer with Virginia Department of Transportation, reported that March 1, 2005 is the deadline for the County to request participation in revenue sharing for the upcoming fiscal year. New Kent did participate in FY02/03 and FY03/04 but did not participate for FY04/05. Revenue from FY02/03 was used to surface seven dirt roads, and funds for FY03/04 will be

used to pave four more dirt roads this year, all under the Rural Rustic Roads program. Mr. Jennings and Dan Mott reported that the County has approximately \$455,000 in unspent funds from those years and, unless there is a large project that the Board wants to do, there does not seem to be a need to ask for more. The County could choose to use those unspent funds to accelerate projects on the Secondary Six Year Plan, but is not obligated to spend them.

On another subject, Mr. Mott reported that the Route 632 project is going to be advertised in February for bids to be received in March and contract awarded in April. They hope construction can start in May 2005.

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IN RE:           ROADS IN PLUM POINT

Mr. Jennings reported that they have determined that it will cost about \$2,500 to bring Old Ferry Road to passable condition. VDOT will require is something in writing from the County showing that the County has legal ownership. The County Attorney agreed to provide that information to VDOT.

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IN RE:           FINANCING THE CAPITAL IMPROVEMENTS PROGRAM

Ted Cole from Davenport & Associates reviewed the financing options available to the County for the proposed Capital Improvements Program. He explained that in preparing his report on these options, his goals and objectives were to establish a comprehensive plan of finance for all identified general fund and school-related capital projects (excluding utilities); maintain strong debt and fund balance ratios (preserving current strength); and provide the County with a perspective on how to best use its cash reserves while minimizing the impact on the County real estate tax rate.

He explained that projects were divided into those that could be financed and those that had potential to be cash-financed. He determined one-time revenues to be \$4,318,928 in Capital Projects fund monies (estimated end of FY05 balance) and \$1,100,000 in the FY05 budget for the school bus garage (assumed not to be spent in FY05). Ongoing revenue sources were determined to be 1¢ designated to the General Fund capital needs beginning in FY05, 6¢ designated to the School Fund Capital needs beginning in FY05; \$120,000 FY05 budget revenues for 2004 primary school borrowing debt service, potential for 25% incremental growth in assessed value, annual capital projects fund deposit of \$1,500,000, and a natural decline in existing debt service. Key assumptions were that the value of a penny on the real estate tax rate is \$133,000 in FY05 and that there would be an annual 5% growth rate on that penny.

Based upon those assumptions, Mr. Cole developed different options for financing, based upon scenarios covering part and/or all of the proposed projects; using cash and not using cash to shave debt service or borrow less; using the growth of a penny, and various methods of structuring the balance after the Literary Loan. The impact on the tax rate varied accordingly, ranging from 1.1¢ to 40.5¢, with the year of impact ranging from 2006 to 2010.

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Mr. Burrell asked if Mr. Cole could do similar projections on the operating budget. Mr. Cole indicated that he could, and he will work with Mary Altemus to get the information that he needed.

The Board thanked Mr. Cole for his presentation.

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IN RE: STIPEND FOR INTERN

Chairman Davis asked Mr. Homewood to explain his request for an appropriation for an intern. Mr. Homewood reported that he no longer needed an appropriation in that he had the money in his budget, and just wanted permission to pay the intern a stipend rather than an hourly wage.

Mr. Burrell moved to approve the payment of a stipend of \$1,200 to an intern in the Community Development, to be paid from part time salaries & wages existing in the Community Development budget. The members were polled:

D. M. "Marty" Sparks	Aye
Stran L. Trout	Aye
James H. Burrell	Aye
Mark E. Hill	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion carried.

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IN RE: CHANGE IN AGENDA

Chairman Davis announced that the Subdivision Ordinance had been removed from tonight's agenda.

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IN RE: UTILITIES

Public Works Director Alan Harrison requested to remove Dispatch Station from the proposed sewer service areas as it was not realistic to put that area on sewer. He is concerned that there is not enough capacity at the Chickahominy wastewater treatment plant.

Interim County Administrator Richard Ellyson stated that the subject area is environmentally fragile and he doubts that septic systems would work there.

Ms. Katz stated that removing the subdivision from the sewer service area would conflict with the subdivision ordinance.

Community Development Director George Homewood explained his concerns that this property flows directly into the Chickahominy River and that its soils are not suited for septic systems. He continued that alternative systems only work if they are maintained and most homeowners have no way to determine if the systems are being properly maintained or not. He feels it would be environmentally preferable if that subdivision was connected to the sewer system. The property is already zoned R-1

and perhaps it would be best if they requested that the Board add them to the Bottoms Bridge Service District.

Mr. Harrison repeated his concern about capacity at the plant.

Mr. Davis inquired about the subdivision's timetable. It was reported that the developer proposed to build a total of 150 homes, at a rate of 50 homes per year for three years.

Mr. Davis inquired if the developer could increase the number of homes if the County did offer sewer service. Mr. Homewood suggested that the County could issue its approval based on a septic plan, and could then offer sewer without increasing the number of homes that could be built.

Mr. Trout shared his concerns with permitting them to connect to sewer. Mr. Harrison asked if the County could agree to sewer service but make them wait.

Mr. Burrell suggested that Mr. Homewood meet with the various environmental agencies. Mr. Homewood indicated that this application is scheduled for Public Hearing with the Planning Commission at its February meeting, and if there are still outstanding issues, then they can delay it. Mr. Davis stated that the Board needs to know more about it. It was agreed that Roger Hart would be asked to get preliminary figures on what it would take to add this to the sewer service area. Ms. Katz reminded that the Board will need to decide if it should become part of the service district or just be allowed to connect.

Mr. Harrison suggested that once the service areas have been added to the Comp Plan, then the County can take the water and sewer service area maps and hire someone to create a master plan on how to deliver service to those areas. There was discussion about the water and sewer service areas matching up in most areas. Mr. Harrison stated that the service areas could then be updated every five years along with the Comp Plan. He indicated that he could develop the proposed boundaries and bring them back to the Board before sending them on to the Planning Commission, hopefully by the March 14 meeting.

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IN RE:            PETROLEUM CONTRACT

Mr. Harrison reported that Massey Oil was the low bidder on the recent petroleum request for proposal and a contract will need to be signed by Mr. Ellyson. Ms. Katz recommended that the County wait until ten days from the deadline has elapsed in case there was a protest. Mr. Ellyson indicated that he had advised Massey Oil that we wanted service as of February 1. Mr. Harrison stated that he was waiting for a certificate of insurance from Massey.

Mr. Trout moved that the Board authorize the County Administrator to sign the contract with Massey Oil, subject to receipt of needed documentation and after ten days have passed. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye

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Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion passed.

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IN RE: SEWER SERVICE AT WATKINS ELEMENTARY SCHOOL

Darrell Rickmond of Rickmond Engineering explained his request for a letter from the Board regarding sewer service for the elementary school. He is working with the School Board and they have learned that they will not be able to use the drain fields that lie beneath the proposed bus loop. The Health Department has requested something in writing from the County that sewer service will be available for use at the school if the septic systems fail. Mr. Rickmond indicated that the current septic system was designed for a 600-student middle school which uses more water than an elementary school. He does not think that the usage meets the design needs and the probability of failure is fairly minimal. He has a meeting with the Health Department on Friday and will need this letter by that time.

He reported that they will have to move only one distribution box. He alluded that another option was available, but it would increase costs by \$40,000.

Mr. Burrell moved to authorize the County Administrator to sign a letter confirming that the County will allow Watkins Elementary School to hook up to the sewer if the existing septic system fails. The members were polled:

Stran L. Trout	Aye
Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
James H. Burrell	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion passed.

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IN RE: UTILITY PROJECT – PHASE I

Roger Hart of R. Stuart Royer was available to report on the progress of the utility projects. He indicated that he had broken down the sewer project into three separate projects in an attempt to meet the Board's schedule. #1 has been submitted to the health department and there have been no questions or comments. #2 will be submitted to the Health Department on Monday, but is 30 days behind schedule on account of delays by Patriots Landing, but did result in a cost savings to the County. The negotiations with Patriots Landing actually resulted in an 8 week delay which he was able to reduce to 4 weeks. He indicated that by the end of February, they should be ready to advertise (one month behind schedule). However, he reported that the habitat of the small whorled pogonia has been identified in five different sites along the project area, and May 20 is the earliest date when certified experts can determine if the endangered plant is actually present. Evidently, its presence cannot be determined until it blooms, and there are only six to eight people in the State who are certified to look for the plant.

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Mr. Royer indicated that one option would be to directionally drill under the possible habitat areas. That would increase the cost of the project by \$250,000 - \$300,000, and would complicate the contractors' time table for ingress and egress.

He indicated that he could advertise and hold the bids open for 60 days. He suggested that he could advertise March 1, take bids by April 15 and require the bids to be good through June 15. Mr. Harrison suggested that that the bids require proposals for both directional drilling and conventional trenching.

Mr. Hill asked if there would be an incentive for completing the project by the due date. Mr. Hart indicated that there would be significant dis-incentives for late completion, but that the language will need to be carefully crafted.

Once there is clearance, the contract can be awarded at the June meeting. However, that would put the completion date in March. Or the County could request a 7-month schedule, at a higher price.

Mr. Hart indicated that the pump station is the problem, not laying the pipes. He stated that he could break the pump station out and bid it separately, which could increase costs by \$5,000 - \$7,000. That way the contractor could be working on the pump station while we are waiting to determine the status of the endangered plant.

Mr. Hart announced that he has received approval from DEQ for the line from Talleysville to the Chickahominy plant, and once the easements are acquired, he can advertise. However, the poor response to the easement requests could also delay the project. Mr. Davis agreed, indicating that he didn't want to spend extra money when the easements may delay the project anyway. Mr. Hart indicated that he only needs two parcels of property for the pump station.

Mr. Trout cautioned that the Board needs to be realistic when setting the completion date. Mr. Hart responded that the pump station will take nine months to construct to get the best value.

Mr. Burrell asked what the effect would be if the project was not completed in January. Mr. Harrison indicated that many things can happen to change a completion date.

Following discussion, it was the consensus that Mr. Hart proceed to advertise the projects so that the pump station would be separate from laying the pipes, which he indicated he will do as soon as he has received approval from DEQ. Mr. Harrison can give permission to go to bid, and they will come back to the Board to award the contract.

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IN RE:           UTILITY PROJECT – PHASE II

Mr. Harrison and Mr. Hart provided estimated utility expansion costs and proposed timetable for Phase II of the utility project. Completion date for construction of the forced main from the Chickahominy plant to the Parham Landing plant is currently set for September 2007, and expansion of the Parham plant in November 2008. Based

upon an assumption of 200 gpd per household connection and an assumption that development projections are 100% correct, it was reported that capacity will be reached at the Chickahominy plant in spring of 2007. In order to have capacity available for development (with or without the Farms of New Kent), Phase II needs to be started now.

Mr. Harrison asked the Board for authority to spend \$171,250 for a full survey for the forced main and for a preliminary engineering report for plant expansion. He indicated that the CIP includes money for expansion of the Parham Landing plant and construction of the forced main from the Chickahominy to Parham in FY06; construction funds for the forced main in FY07; and for expansion of the Parham plant in FY08.

It was reported that Farms of New Kent will affect the size of the plant and pump station. Without Farms of New Kent, expansion of the plant is estimated to be \$20 million and the forced main \$9.6 million. With the Farms of New Kent, those estimates increase to \$27.5 million and \$12.9 million, respectively. Mr. Hart warned that these are "snapshot" estimates only, as DEQ is in the process of changing limits which may impact the cost.

There was a discussion about the easements that will be needed for the Phase II forced main. It was reported that there will be no easements needed on Mt. Pleasant Road as they intend to use the VDOT easement in the median. Mr. Hart did suggest having the certified experts look for the small whorled pogonia in the proposed route for Phase II at the same time that they are looking at the areas for Phase I, to save time and money, to which the Board was in agreement.

Mr. Burrell moved that the Board authorize expending \$171,250 for a full survey for the forced main and a preliminary engineering report on expansion of the Parham Landing wastewater treatment plant, for Phase II of the utility project from the Chickahominy plant to the Parham Landing plant. The members were polled:

Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
Stran L. Trout	Aye
James H. Burrell	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion passed.

Mr. Hart announced that he had some good news. On March 21, Virginia Rural Water Association will be taking a tour of the Parham Landing wastewater treatment plant because of its design and operation.

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IN RE: APPOINTMENTS

Mr. Hill moved to appoint Thomas Evelyn as the Planning Commission representative to the Richmond Regional Planning District Commission. The members were polled:

D. M. "Marty" Sparks	Aye
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Stran L. Trout	Aye
James H. Burrell	Aye
Mark E. Hill	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion carried.

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IN RE:           CLOSED SESSION

Mr. Burrell moved 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; for discussion relating to business and industry development pursuant to Section 2.2-3711A.5 of the Code of Virginia involving a prospective business or industry; for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving regarding specific legal matters that require advice. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion passed. The Board went into closed session. Mr. Burrell moved to emerge from closed session. The members were polled:

Stran L. Trout	Aye
Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
James H. Burrell	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion carried. Mr. Sparks made the following certification:

Whereas, the New Kent County 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.

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Chairman Davis 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:

Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
James H. Burrell	Aye
Stran L Trout	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion carried.

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IN RE: UTILITY EASEMENTS

Mr. Hill moved to adopt Resolution R-09-05, Emergency Procurement Resolution, as presented. The members were polled:

D. M. "Marty" Sparks	Aye
Stran L. Trout	Aye
James H. Burrell	Aye
Mark E. Hill	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion passed.

Mr. Burrell moved to adopt Resolution R-05-05, requesting the Planning Commission for a recommendation on amending the comprehensive and capital improvement plans to provide for public water and sewer system and to identify water and service sewer areas in the County. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion carried.

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IN RE: MISSION STATEMENT

Mr. Hill moved to adopt the New Kent County Mission Statement to read *"We will provide the citizens of New Kent County with the highest quality services in a professional, efficient and fiscally-responsible manner"*.

Mr. Trout suggested that the Mission Statement be circulated to the employees for comment. Mr. Sparks agreed. Mr. Hill withdrew his motion.

Mr. Davis asked Mr. Ellyson to distribute the Mission Statement to the employees for comment.

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IN RE:           ADJOURNMENT

Mr. Burrell moved that the meeting be adjourned. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion carried. The meeting was adjourned at 10:23 p.m.

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