

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 12th DAY OF SEPTEMBER IN THE YEAR TWO THOUSAND FIVE OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Burrell gave the invocation and led the Pledge of Allegiance.

IN RE: ROLL CALL

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

The meeting was called to order.

IN RE: CONSENT AGENDA

County Administrator John Budesky presented the Consent Agenda, which consisted of approval of the minutes of the regular meeting of August 8, 2005 and retreat of August 19, 2005; Resolution R-94-05 approving application to participate in the Virginia Public School Authority 2005 Interest Rate Subsidy Program for the primary school renovation project; Resolution R-115-05 accepting utility easements on tax map parcels 33B2-1-1, 21-86, 30-6-1, 30-6-2, 30-6-3, 30-6-4, 30-6-5, 19-43-F, 19-4-4, 32-5-1, and 30-1G, and accepting option agreements on tax map parcels 30-6-3, 22-5-A, 22-6-A, 32-3, 32-1B and 19-40; Appropriations FY2004-2005: reduce FY05 Appropriated Funds actually received for Wireless E911, \$1,740.24; funds received for reimbursement of professional services for Farms of New Kent, invoices 2FNK-14, -16, -17, -18, -19 and -20, \$22,826.18; funds received for reimbursement of professional services for Patriot's Landing, invoice PL-09, \$367.50; funds received for reimbursement of professional services for Schiminoe Meadows Waste Management Facility, invoices SMDW-01 and -02, \$3,687.51; funds for reimbursement of professional services expended in FY05 for Schiminoe Meadows Waste Management Facility, invoice SMDW-03, \$879.14; funds for reimbursement of professional services expended in FY05 for New Kent Farms LLC, invoice 2FNK-20, \$3,464.38; funds from Capital Fund balance to the General Fund for an interest payment on the 1997A bond, \$1,090.83; Total Supplemental Appropriation; \$(30,575.30) Total; \$29,484.47 Money-in/Money-out; \$1,090.83 from Capital Fund – fund balance; Appropriations FY2004-2005: funds for reimbursement of professional services expended in FY05 for New Kent Farms LLC, invoice 2FNK-22, \$494.29; Total Supplemental Appropriation \$(494.29) Total; \$494.29 Money-in/Money-out; Carry forward appropriations FY2005-2006: funds for Grant #SC-05-51175, New Kent Speed Awareness Program, \$51.76; funds for DMV Grant #154AL-05-510332-02, DUI Strike Force, \$758.42; funds for Local Law Enforcement Grant #05-I1160LO04, \$1,168.00; Clean County Committee funds not used in FY05 that were approved at the July 11, 2005 Board of Supervisors meeting, \$7.20; adjust carry forward funds for furniture and fixtures in Administration and Reception not delivered by June 30, 2005 – P.O. numbers 25299, 25300, 25295 and 25298, \$767.25; funds for the T-hangar Design Project for New Kent County Airport, \$2,250.00; funds for Terminal Building Demo/Repair for the New Kent County Airport, \$10,000.00; utility funds for the Utilities Master Plan project, \$55,000.00; utility funds for the Virginia Power generators, \$78,697.60; utility funds for purchase order #25301 to Hughes Supply co., meter reader not received on or before June 30, 2005,

\$7,165.00; utility funds for purchase order #25290 to Goodman & Co. – entire rate study not received on or before June 30, 2005, \$6,000.00; funds for special project – reorganization of office space, \$25,260.39; utility funds for R. Stuart Royer for the Courthouse Sewer project, \$181,625.84; capital funds for the Courthouse complex emergency generators project, \$117,237.65; utility funds for R. Stuart Royer for the WWTP Expansion, \$67,711.74; utility funds for R. Stuart Royer for the Phase II forcemain project, \$56,437.68; capital funds for the Rt. 618 concrete pad project, \$256.00; utility funds for purchase order #25088 to R. Stuart Royer & Assoc. for upgrade water/sewer specs, \$1,236.37; Airport funds for the runway project, \$97,000.00; Total Supplemental Appropriation; \$(707,082.00) total; \$102,669.42 Money-in/money-out; \$24,610.14 from General Fund – fund balance; \$51.76 from Fund 6 – Grant fund balance; \$125,883.65 from Fund 7 – Capital fund balance; \$(7.20) from fund 15 – Litter Control; \$453,874.23 from Fund 98 – Utilities fund balance; Appropriations 2005 – 2006: funding for the Program Improvement Plan to provide direct services for children and families involved with the child welfare system, \$5,232.00; funds from the Virginia Office of Emergency Medical Services for a Rescue Squad Assistance Fund Grant for training manikins and audio visual equipment, \$4,375.00; funds from the Dept. of Emergency Management for State Homeland Security Funds to be used by the Fire and Emergency Management Dept. for activities in planning, equipment, training and exercises to enhance the coordination of regional efforts to prevent, respond to, and recover from terrorism related to chemical, biological, radiological, nuclear and explosive (CBRNE) incidents, cyber attacks and natural disasters, \$31,725.00; Wireless E911 funds as approved by the Wireless Board for FY06, \$5,991.00; Total Supplemental Appropriation \$(47,323.00) total; \$36,490.77 Money-in/Money-out; \$10,832.23 from Fund 9 fund balance; Inter-Departmental Budget Transfers: \$392 from Other Operating Supplies (4-1-81080-6014 and 4-1-81080-6014) to Advertising (4-1-81060-3600 and 4-1-81070-3600) to correct negative balances; \$187.15 from Sheriff-Selective Enforcement (21070-1303) to N.K. Speed Awareness Program (96400-5924); \$1.77 from Machinery & Equipment (21070-8001) to LLEBG Equipment Grant (96000-8006); \$15,000 from Engineering Services for Parham WWTP (4-98-94300-3140) to Engineering Services for Phase II force main project (4-98-94200-3140); \$1,308 from Reserved for Contingency (4-1-91020-1) to Social Services Fund (4-1-99010-6600) as local share of appropriation for Program Improvement Plan; \$61,142.00 from Primary School Renovations (4-3-66600-8200-1) to Architectural/Engineering – Primary School (4-3-066300-8200-1); \$47,044.00 from Reserved for Contingency (4-098-91030-5890) to Debt Service Interest (4-098-9500-9120); \$18,200.00 from Primary School Renovations (4-3-66600-8200-1) to Primary School Bond Counsel Fee (4-3-67100-3150-1) and Primary School Financial Advisor Fee (4-3-67100-3199-1); \$169,554 from Reserve–Capital Projects (4-3-066500-8200) to Architectural/Engineering–Elementary School (4-3-066300-8200-2); \$757.20 from Wetlands line items (4-1-81080-6001, -6014, -5845 and -6012) into Board of Zoning Appeals (4-1-81070-3600), Agricultural and Forestall (4-1-81090-3600) and Planning Commission (4-1-81060-3600 and -5530) to correct negative balances; Treasurer’s Report: cash in bank as of July 2005: \$17,631,763.85,

Mr. Trout moved to approve the Consent Agenda as presented. The members were polled:

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

The motion carried.

It was the consensus of the Board that for future meetings, it will not be necessary to read the Consent Agenda aloud as long as printed copies are available for review.

IN RE: CITIZENS COMMENT PERIOD

Chairman Davis opened the Citizens Comment Period.

There being no one signed up to speak, the Citizen Comment Period was closed.

IN RE: RESIDENT ENGINEER'S REPORT

Tracy Lassiter, Acting Assistant Resident Engineer with Virginia Department of Transportation, reported that Gary Jennings has left VDOT and that she will be temporarily taking his place.

Ms. Lassiter reported that they are in the third cycle of mowing the primary and secondary roads, and have graded all unpaved roads twice. In the past month, they have worked on dead/leaning trees, clearing vegetation around guardrails, patching potholes, and cleaning ditches and drop inlets.

She reported that the bids on the Route 632/Stage Road project have come in lower than the last bid. The contract has not yet been awarded. She indicated that she did not believe that this would delay the advertising of the Route 686/Terminal Road project scheduled for November. However, she was not sure how these two projects might affect the timing for the Route 628/Mt. Pleasant Road project.

Ms. Lassiter reported that the Sheriff's Office had been provided with a copy of the waiver allowing larger units to use the secondary roads during the Hurricane Katrina recovery as well as the special permit issued for shippers and carriers of relief supplies.

She indicated that the bids went out last week for the westbound I-64 rest area using design build, and the rest area may be closed down by February once the contract is awarded. The project is not anticipated to be completed in time for the Jamestown 2007 events. She should have additional information next month.

Mr. Burrell thanked Ms. Lassiter for her efforts since Mr. Jennings' departure. He inquired about dust control on the unpaved roads. Ms. Lassiter reported that equipment on their truck is broken and they are working to get it repaired. Mr. Burrell also reported dead trees along Route 249 which need attention.

Mr. Trout stated that he was pleased to learn that the Route 686/Terminal Road project is still on schedule and thanked her for the culvert work recently done along that road, as well as brush cutting at Routes 640 and 60. He pointed out that mowing needed to be done in front of the Route 60 trash transfer station to improve visibility.

Mr. Trout reminded everyone of the State transportation meeting on October 17 in Petersburg and encouraged attendance in order to show support for the widening of I-64 through New Kent.

Mr. Burrell asked about the rough areas along I-64. Ms. Lassiter reported that the interstate paving work should be completed within the next month, and that there are areas where the final layer has not yet been applied.

Mr. Sparks thanked Ms. Lassiter for the brush and tree trimming work recently done at intersections in Five Lakes, and inquired about the mowing schedule for Route 60. Ms. Lassiter reported that the mowing on Route 60 should soon be completed, and there will be one more cycle before the end of the season.

Mr. Hill asked if ditching work had been done on the Tunstall side of Route 612. Ms. Lassiter reported that it had, in the area of Deerlake. Mr. Hill reported that there are three property owners in Greenwood Estates whose property backs up to Route 612, who complain about flooding in their backyards from over-flowing ditches after heavy rains, and asked her to have the ditches cleaned in that area.

Mr. Hill asked about the paving work that was promised in Greenwood Estates and Kenwood Farms. Ms. Lassiter reported that the contractor is "out there" and she has been assured that the surfacing work will be done, but she will check on the schedule.

Mr. Hill reported that Planning Manager Rodney Hathaway has information to share with her regarding a portion of a road in Sherwood Estates that was supposedly accepted into the State system but has never been paved. Ms. Lassiter indicated that they cannot find where the State owns it, but she will follow up with Mr. Hathaway.

Mr. Davis asked if the lifting of some restrictions in the aftermath of Hurricane Katrina applies to the weight limit on the Eltham Bridge. Ms. Lassiter indicated that she did not think so as not all restrictions were lifted.

Mr. Davis asked about the status of the commercial truck restrictions on Farmers Drive. Ms. Lassiter indicated that she did not believe that the Commonwealth Transportation Board met in September, so it would probably not be considered until the October meeting. She did report that there had been no negative feedback from the public.

Mr. Davis reminded Ms. Lassiter that the Resident Engineer normally participates in the quarterly meetings of the Transportation Safety Board.

Mr. Davis indicated that there is poor line of sight for vehicles at the intersection of Route 249 and Cooks Mills Road, as well as at the intersection of Polish Town Road and Route 30, because of overgrown brush.

IN RE: HURRICANE KATRINA RELIEF EFFORTS

Lieutenant Joe McLaughlin reported that six deputies and two communications officers left Sunday morning to assist the Biloxi, Mississippi police department in the aftermath of Hurricane Katrina. They will return in one week after which time a critique will be conducted. There are also groups who have volunteered to deploy on September 25 and October 2 if needed. Lt. McLaughlin thanked the Board members who attended the send-off on Sunday morning, which was very well-attended. He described how New Kent's staff will be assisting in Biloxi and reported that the homes of 21 members of the Biloxi Police Department (out of a force of 125), were demolished, and many of those officers are working in the only clothes they have. He commended Communications Officer Sandra Bowles for her efforts in gathering supplies for transport, and thanked Ukrops who donated fully stocked trailers as well as the Hammond family of Top Gun Trucking from Amelia, who provided the drivers and trucks to get the supply-loaded trailers to Biloxi. He described how the undertaking developed through the efforts of Deputy Steve Long. He emphasized that this was not just a Sheriff's Office effort, but an effort of County staff, churches, the New

Kent community and others from as far away as South Hill. He thanked the Board and Administration for their support, as well as the community.

Mr. Sparks asked about fund-raising efforts. Lt. McLaughlin reported that close to \$15,000 has been raised and it is reported that Citizens & Farmers Bank plans to match donations, up to \$15,000.

Mr. Sparks commented on how much he enjoyed attending the send-off and how proud he was of the community and the initiative undertaken by the Sheriff's office.

Mr. Hill described how proud he was of the deputies and dispatchers who left for Biloxi as well as those who have offered to deploy in the future.

Mr. Trout commented that New Kent has always been proud of its Sheriff's Department, and he has never been more proud as he is now. He described the efforts of Steve Long as well as Charles Gardner, who earlier drove supplies down in his personal vehicle. He emphasized that donations, and not tax dollars, have funded this endeavor, and stated that he had participated in unloading the truck that came from South Hill. He commended April Davidson and Sandra Bowles for their efforts in collecting and loading supplies, and asked for more volunteers. He recognized Grand Graphics and Mike Salmon for donation of the banner that was taken to Biloxi by the New Kent contingent. He publicly recognized those that had traveled to Biloxi, which included Steve Long, Lee Bailey, Jamie Hamby, Farrar Howard, Brandon Jenkins, Jerry Simpson, Karen Johnson and Cheryl Rocha.

Mr. Hill stated that there were two Katrina relief fund-raising efforts in progress through Citizens & Farmers Bank. In addition to the Sheriff's, there is also an effort to raise funds for the American Red Cross through the schools and local scout troops. He encouraged everyone to make a donation.

Mr. Burrell asked if New Kent schools had accepted any displaced students from the affected area. Mr. Budesky indicated that those efforts were being coordinated through the Red Cross. It was reported by Lt. McLaughlin and Mr. Hill that there are currently several students from the affected areas that have enrolled in New Kent schools.

Mr. Davis stated that the Sheriff's Office has made the Board and County proud.

IN RE: INTRODUCTION OF NEW EMPLOYEES

Community Development Director George Homewood introduced Chris Landgraf, who has been promoted from Planner I to Environmental Planning Manager. Mr. Landgraf then introduced Zuzanna Lesniak, the new Environmental Code Compliance Inspector.

Interim Social Services Director Bill Geniesse introduced Rebecca Kilgore, new Social Worker who began work on August 22 and will be dealing with foster care and adoption services.

The Board members extended welcomes to the new staff.

IN RE: EMERGENCY PREPAREDNESS

Michael Barmer, Delivery Operations Center Manager-Central Region, and Larry Cormier, Delivery Operations Manager-Central Region, with Dominion Virginia Power, were present to review emergency preparedness.

Mr. Barmer, through a PowerPoint presentation, reviewed the data sharing improvements being made by Dominion Virginia Power, using their website to show current outage and resolution information. He explained what "special condition customers" were and how restoration is prioritized based on classifications as "critical infrastructure", "high profile" and "public interest".

Mr. Barmer also clarified the process dealing with "medical condition customers", explaining that this is a communications tool and not a restoration priority. Medical condition customers are contacted prior to an outage that is anticipated to last three days or longer, so that they can make the necessary arrangements to protect their health; however, this does not change their priority status in the restoration process.

Mr. Barmer illustrated the priority in which customers are restored after a widespread outage, and how his company's efforts are coordinated with local and state emergency operation centers. He reported that not all of their infrastructure is built to withstand hurricane force winds. He explained that the first day is often the damage assessment phase and sometimes restoration to critical infrastructure may not be addressed until day two.

He emphasized that it is important for customers to report outages to them and not depend on the fact that their neighbors have made outage reports. These individual outage reports are a vital part of their outage and restoration system.

There was a discussion regarding the "medical condition customers". Mr. Trout stated that there should be a way in which Dominion Virginia Power and the individual localities could share information. Mr. Sparks stated that three days is too long to restore customers who have power-dependent medical devices and he cannot see the benefit of the program. Mr. Barmer explained that outages of less than three days are often caused by events that cannot be anticipated. However, he did indicate that medical condition customers, after their initial call to report outages, should be able to get better restoration information than other customers during follow up calls to Dominion Virginia Power. Mr. Trout commented that outages could be life-threatening to those who depend on power for their medical devices and he suggested that Dominion Virginia Power should work with the Sheriff and the Fire Chief to develop something that would work well for everyone. Mr. Barmer admitted that this concern has been expressed by other localities as well.

Mr. Davis inquired about the utility poles and the load that they are designed to carry. Mr. Barmer explained that poles are designed to accommodate the addition of a typical telephone line, and he did admit that fiber optic cables and cable telephone lines add extra load. Mr. Davis described some of the problems that he has, as a farmer, with cable television lines hanging too low.

Regarding the Hurricane Katrina recovery efforts, Mr. Barmer reported that Dominion Va. Power sent a work force of 260 to Florida which was re-directed to Louisiana. Contractors are now performing the utility restoration in the Gulf region and Virginia's force is returning home because of Hurricane Ophelia.

Chairman Davis took the opportunity to read aloud a portion of a release from the Department of Emergency Management asking localities and residents to prepare for Hurricane Ophelia, and be prepared to be without power for three to five days.

IN RE: ENHANCED 911 TAX

Under consideration by the Board was Ordinance O-26-05 to impose the E-911 tax of \$3.00 per month on each telephone line.

County Attorney Phyllis Katz explained that will change the language in the Code to reflect that the E911 tax is imposed upon each telephone line, which is the way it is currently being collected. The New Kent Code currently provides for the tax to be imposed on each bill. This discrepancy was brought to the County's attention by one of the utility companies and it needs to be corrected. She advised that the change will not increase the amount that any customers are currently paying.

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

Mr. Sparks moved to adopt Ordinance O-26-05 as presented. The members were polled:

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

The motion carried.

IN RE: BOTTOMS BRIDGE UTILITIES PROJECT

Under consideration by the Board were the bids on the three parts of the Bottoms Bridge utilities project.

Public Works Director Alan Harrison reported that the bids on the Bottoms Bridge project, which had been re-bid as three separate projects, were collectively less than the previous bid of \$7.8 million which had been rejected. Although dividing the project into three sections resulted in a savings of about \$1.2 million, he indicated the total project is running above what was budgeted, and there are a few more things that will need to be advertised for bids.

Mr. Harrison asked the Board to accept the bid of G. V. Layne for the sewer project; the bid of Anderson Construction for the pump stations/well improvements; and the bid of Godsey & Son for the water project, and to award the contracts. He also requested that the Board accept the bid of Sydnor Hydrodynamic for the Bottoms Bridge test well and to award that contract as well. Mr. Harrison reported that the lowest bidder on the sewer project withdrew its bid because of some legitimate paperwork errors. In addition he requested approval of the Board to borrow additional funds of up to \$3.4 million for the Bottoms Bridge utilities project.

Mr. Davis inquired about the water project. Mr. Harrison indicated that these are water main lines just within the service district.

Roger Hart of R. Stuart Royer reported that the I-64 line work has started, and the contractor is in the process of setting up for the borings, with one crew between Route 106 and the rest area, and the other near Patriots Landing.

Mr. Hill asked if all four projects will be completed by the June 30, 2006 deadline. Mr. Harrison indicated that they should all be completed before or by the deadline, which has now been moved back to July 2006. Mr. Hart clarified that the deadline is now the third week of July, dependent upon any change orders or problems that might be encountered, but should be completed during the summer of 2006.

Mr. Sparks asked how many bids had been received. Mr. Harrison reported that 3 bids were received on the well; 5 on the sewer; 2 on the pump stations; and 3 on the water. There was much more local representation than last time.

Mr. Hill asked about Mr. Harrison's memo regarding the need to borrow more money and the effect that this might have on rates and *ad valorem*s. County Administrator John Budesky indicated that the rate study will be reviewed at the work session on September 21 and it is fair to say that rates may increase.

Mr. Hill asked if the length of time to recoup costs would exceed 20 years and about the source of any other funding. Mr. Budesky explained the importance of making sure that costs are recovered during the borrowing period and stated that the County would not look to any other funding other than the utilities system to pay these costs. County Attorney Phyllis Katz pointed out that *ad valorem* taxes are not the only way to recover costs and the Bottoms Bridge Service District ordinance also allows for assessments. Mr. Davis commented that the current 10 cent *ad valorem* tax was the lowest he had seen, but the Board could discuss this further at the work session on September 21, although he admitted that he would like to avoid assessments.

Mr. Trout moved to accept the bid of G. V. Layne in the amount of \$2,672,554 for the Bottoms Bridge sewer project and to award the contract, to be paid from Fund 198 Bottoms Bridge; to accept the bid of Anderson Construction in the amount of \$1,053,615 for the Bottoms Bridge pump stations/well improvements and to award the contract, to be paid from Fund 198 Bottoms Bridge; to accept the bid of Sydnor Hydrodynamic in the amount of \$229,456 for the Bottoms Bridge test well and to award the contract, to be paid from Fund 198 Bottoms Bridge; and to accept the bid of Godsey & Son in the amount of \$2,852,655 for the Bottoms Bridge water project and to award the contract, to be paid from Fund 198 Bottoms Bridge and borrowed funds. The members were polled:

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

The motion carried.

Mr. Trout moved to approve the borrowing of additional funds of up to \$3.4 million for the Bottoms Bridge utilities project. The members were polled:

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

The motion carried.

IN RE: COURTHOUSE VILLAGE UTILITIES

County Administrator John Budesky reported that representatives from the school system and the high school architects were on hand to describe the proposed layout of the new high school, which is critical to moving forward with the courthouse utilities.

School Superintendent Roy Geiger introduced Dwayne Harver and Larry Simerson with the firm of Rodriguez, Ripley, Maddux and Motley, who are designing the new high school. Mr. Harver displayed the proposed location of the high school, loop road and parking areas, and explained that a topographical survey showed some deep ravines in some of the areas. Mr. Budesky explained that this was a concept site plan which is likely to be "tweaked", but he wanted the Board to see what the proposal is and why it is laid out the way it is. He explained that it was important to see how the high school will be sited before deciding on the exact layout of the vehicle maintenance facility. He indicated that they are also looking to relocate an existing easement with an adjacent property owner and hope to be able to move forward relatively soon.

Mr. Budesky explained that there are some water and sewer issues to work out with Taylor's Trace and The Oaks subdivisions, and he has met with them in order to try to develop one large system that will meet everyone's needs rather than three or four independent systems. He indicated that the sewer issue is a "no-brainer", and the cost is estimated to be \$2.3 million. They have been able to work out issues with pump stations and gravity sewers in order to save some money. Installing a septic system at the new high school would be a costly use of land and sewer is also needed for government services buildings.

He explained that the water system was the "unknown". Distributed to the Board members were cost estimates for 250,000 and 350,000 gallon water tanks, both ground and elevated, and proposals as to how those costs would be divided among the County and the developers of The Oaks and Taylor's Trace. He explained that the 250,000 gallon tank (ground tank \$2.6 million/elevated tank \$2.2 million) would be sufficient to serve 50 homes in The Oaks and 39 units in Taylor's Trace, as well as government buildings and the schools, but may well require future expansion at additional costs. He pointed out that a 350,000 gallon tank (ground tank \$2.7 million/elevated \$2.5 million) does not cost that much more, and would serve additional development. Mr. Budesky recommended that the Board consider the 350,000 gallon tank to serve long term needs.

There was discussion regarding ground tanks versus elevated tanks. It was reported that in the Courthouse area, there is a slight savings to having an elevated tank. Mr. Davis asked about adequate pressure with a ground tank. Public Works Director Alan Harrison explained that he feels larger systems need an elevated tank in order to keep consistent pressure in the event of generator failure. Low and/or negative pressure can lead to contamination. Consistent pressure is also needed for fire protection. He admitted that elevated tanks are visible, but balloon studies can be conducted to determine the best place (where it is least visible) to locate the tank. He suggested that it could be located close to the high school, which would be away from Route 249 and the village. He distributed photos of different kinds of elevated tanks.

Mr. Trout asked if there was a pressure problem with the ground storage tank at Colonial Downs. Mr. Harrison indicated that was a smaller size tank and he thinks the water system at the Courthouse will be large enough to warrant an elevated tank. Mr. Trout expressed his concern with the visual shock of an elevated tank.

Mr. Hill asked about the cost of a balloon test. Mr. Harrison indicated that it would probably cost less than \$5,000 for 2 days' work.

Mr. Hill asked where the cost estimates came from. Mr. Harrison indicated that they were provided by R. Stuart Royer. Mr. Hill commented that a savings of \$200,000 is significant and he feels that nearby residents would easily adjust to an elevated tank. The Board members are stewards of County funds and this is money that needs to be saved.

Mr. Davis asked about the height of an elevated tank. Mr. Harrison estimated its height, depending on the site, would be between 140 and 150 feet. It was reported that the height of the elevated water tank being built at Bottoms Bridge is 152 feet.

Mr. Budesky stated that he would like to obtain consensus to move forward as it will take about 9 months to permit the well. Mr. Davis stated that if the tank is sited on school property, at \$200,000 less, and kept to 150 feet, it shouldn't be an issue.

Mr. Hill and Mr. Sparks both indicated that they did not want to spend money on a balloon study. Mr. Burrell agreed.

Mr. Trout stated that he preferred the ground tank. He indicated that there is a ground tank at Woodhaven Shores and residents there never lost water during Hurricane Isabel. Ground tanks are a lot more pleasing and often cost less than an elevated tank.

Mr. Sparks asked Mr. Hart if he was comfortable with the cost estimates. Mr. Hart responded that he was "as comfortable as he could be, taking into account the current bidding atmosphere". He indicated that he cannot say that Hurricane Katrina will not affect prices. There has been a 15% - 18% increase in construction costs in the last year.

Mr. Davis asked about obtaining a used tank. Mr. Harrison admitted that was an option but there are often lead paint issues with used tanks.

Mr. Hill asked how soon the tank could be sent out for bid. Mr. Harrison stated that he has tried to add enough contingency, as there will be some additional costs for the line to the high school. The developers will pay for the lines within their developments. He explained that it will take 9 months for the permitting and survey process, during which time they could be designing the tank. It will take three months to design the well, two months to review it with the health department, two months to advertise and one month to start construction, and nine months to build, or a total of 18 - 26 months for the process. If it is approved now, it could be on-line in November 2007, and available for the opening of the new high school in July 2008. The sewer system is scheduled to be finished in May 2007. There was some discussion about purchasing the water tank now. Mr. Hart indicated that there might be some problems with DEQ or the health department on a certification to construct without a water source. Mr. Harver stated that he would have to get his building permit before the water system is ready, but it was noted that he could proceed with a temporary source for construction.

Mr. Budesky reviewed the alternatives for paying for it. He provided information on projected connection and availability fees paid by both developments as well as three scenarios based on water tank size, revenues based on minimum and maximum units in both developments, and what it would cost in each scenario. Scenario I was based upon a 250,000 gallon water tank, and with The Oaks connecting 50 units and Taylor's Trace connecting 39 units. The County's responsibility, using an elevated tank, would be

\$2,605,300 (exclusive of interest and debt service). Scenario II was based on a 350 gallon tank, 140 units in The Oaks and 89 units in Taylor's Trace, and with an elevated tank would cost the County \$458,300 (exclusive of interest and debt service). Scenario III was based on a 350,000 elevated gallon tank, 140 units in The Oaks, 89 units in Taylor's Trace, and 350 units resulting from approval of anticipated rezoning applications in the Courthouse village, which would result in a net profit of \$3,846,700.

It was noted that it would cost \$750,000 to install a septic system for the new high school and another \$750,000 for a water system. These costs are just short of what it would cost for Scenario I.

The Board was asked for authorization to borrow \$4.8 million to build water and sewer systems for the Courthouse area.

Mr. Sparks asked if the proposed timeframe meets the needs of the developers.

John Crump, developer of Taylor's Trace, commented that the estimates has quadrupled in the time that he has been working on this project, and complained that the numbers seem to change weekly. He indicated that he has a different opinion on the proposed water system, and stated that he was not sure that the options have been investigated enough to see if everybody is getting what they need. He complained that the completion dates keep changing, and now water won't be available until November 2007. He said he was encouraged to look at a public private partnership to make it work, but he needs answers as to what they can build and when they can build it, and it seems that they still don't have all the pieces in place. He suggested that maybe the County needs to get an "independent" to look to see how to speed things up and decrease the costs, and maybe save some money by having a ground tank.

Mr. Budesky stated that different engineers have different opinions. He indicated that he is open to ideas but delays will result in increased costs, delaying the high school and delaying the developments. He suggested that the County can apply for the well and still review systems if necessary. He needs some direction to move forward, but is open to suggestions from Mr. Crump's engineer as to what will reduce costs. The goal is not to build a system that Mr. Crump cannot afford.

Mr. Davis asked Mr. Harrison about the well depth. Mr. Harrison stated that depth is dictated by DEQ.

Mr. Davis suggested that the Board agree to move forward with the well and tank. Mr. Crump stated that he does not have the details on how the numbers were developed, but that Mr. Budesky has the right idea and the engineers need to work this out. He also suggested that the County look at the entire complex and see what is going to be permitted, as he will have a hard time making a commitment without zoning.

Mr. Trout agreed that the County needs to go ahead with the withdrawal permits. However, he indicated that he still has questions about the estimated costs of the tanks.

Mr. Hill moved to authorize the County Administrator to borrow up to \$4.8 million for an elevated 350,000 gallon water storage tank and to start the sewer system for the Courthouse area and high school water and sewer facility.

Mr. Trout indicated that he will vote in favor of it to save time but he will want to look at both tank options. Mr. Hill agreed to amend his motion to authorize the County

Administrator to borrow up to \$4.8 million for a 350,000 gallon water storage tank, to start the sewer system for the Courthouse area and high school water and sewer facility, and to encourage the County Administrator to continue to explore water tank options with a strong emphasis on an elevated tank.

Mr. Davis asked about committing to any of the scenarios. Mr. Budesky reported that The Oaks has committed to 50 homes and, if they can get their second entrance, will commit to 140. He indicated that he will meet with the developers as quickly as possible to iron out the details. Mr. Harrison indicated that they had been waiting for a high school site decision before moving forward with the sewer.

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

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

The motion carried.

IN RE: COURTHOUSE VILLAGE MASTER PLAN

Under consideration by the Board was a request that the County contract with Hopke and Associates (partnered with Rickmond + Bury) to develop the New Kent Courthouse village plan for the lump sum of \$28,940.

Community Development Director George Homewood explained the need for the village master plan and that Hopke and Associates was most familiar with the project since it had prepared baseline plans for one of the courthouse developers, and could do it in a shorter time for less money. The approved master plan would then be adopted as a part of the Comp Plan.

Mr. Hill asked what comes first: the village plan or a zoning change. Mr. Homewood stated that it was his view that the plan comes first and then the landowner will see how much he can live with and may come back and ask for an adjustment.

Mr. Hill asked if the Board can make this decision or will it need to go through the Planning Commission. Mr. Homewood stated that the Board needs to make the decision to pay for it. What he is asking for is a commitment from the Board for money to finish the master plan. It will then go to the Planning Commission and then come back to the Board for adoption. Community Development has some money in its budget for consulting work, and is willing to donate some of that towards this, but he is asking the Board to appropriate \$20,000. He would anticipate that the Board would be asked to consider both village zoning and the village master plan at the same time, either at the end of this year or the beginning of 2006. The plan would be developed with the work of Hopke & Associates, Rickmond + Bury, himself and the Richmond Regional Planning District Commission.

Mr. Hill asked how the Village Activity Review Committee would come into play. Mr. Homewood responded that the Village Activity Review Committee assisted with the text side of the zoning ordinance for villages and hamlets. Those changes are with the Planning Commission's zoning review committee now. That committee is almost completed with their work and should be reporting back to the Planning Commission soon.

Mr. Hill expressed his frustration at the length of time that this is taking, and he stated that now the County is faced with a situation where it will be rushed through the Planning Commission and to the Board to come up with something, and there will not be adequate time to study it. If the Board had had it six or eight months ago, it would be in a position now to make a decision.

Mr. Davis asked if most the work hadn't already been done. Mr. Homewood said that it had, and that is the reason to use Hopke because they have done a lot of the work already. Plans for the villages in Eltham, Barhamsville and Lanexa will take more work and the cost will be greater. This is relatively less expensive and will be completed more quickly because of the work that has already been done.

Mr. Sparks asked what the County will get for the \$28,000. Mr. Homewood explained the scope of the work, which includes design guidance, profiles, perspectives, and a design book.

Mr. Hill asked if this would be done for all of the villages. Mr. Homewood indicated that it would.

Mr. Trout stated that it was his understanding that what has already been done is a preliminary plan, which the County is not paying for. Mr. Homewood agreed, stating that the County would only be paying for the consultant to take that base and build upon it. If the Board doesn't like that base, it can change it.

Mr. Hill stated that he is concerned that the Board is telling landowners what they can do with their own land. He suggested that the developers pay for the plan and then bring it to the Board for approval. The cost of these village plans could amount to the equivalence of one cent on the real estate tax rate, and the Board needs to be conservative. He does not understand why the old system can't continue to work, and why the County has to dictate to landowners what they can and can't do.

Mr. Burrell stated that was the problem. If there were no guidelines, developers could come up with anything, and the County needs to have something in place to say what is acceptable in villages.

Mr. Homewood stated a master plan sets forth basic information – where the roads will be, provides for clustered residential, deals with density, but doesn't say what has to be there to any greater degree than zoning does.

Mr. Hill stated that the County doesn't need to spend \$30,000 for "pretty pictures".

Mr. Budesky suggested that staff continue to work on this so that that the Board can be sure of the actual outcome of the project and have more details.

Mr. Sparks suggested that there may be one done in another locality that could be used.

Mr. Trout asked if this could be available by the work session on September 21. Mr. Budesky suggested that it be delayed until the October meeting in order to give ample time.

IN RE: ELECTED OFFICIALS REPORT

Commissioner of the Revenue John Crump commented on the increasing number of homes and building permits. He reported that he is meeting with some landowners as sales do not seem to be matching the County's assessments. He stressed the importance of hiring a full-time assessor. He also reported that he has submitted meal tax information for the next Weekly Reader.

Mr. Trout reported that the two events held over the Labor Day weekend, the Festival of Flight and the Talleyville Farmers Market, were well-attended. The next farmers market will be held on October 30 in conjunction with the Fall Festival at Farms of New Kent. He reminded that on October 17 there will be a VDOT meeting in Petersburg, which would be an excellent time for New Kent to bring up the need for additional lanes on I-64 as well as a light rail system that would run through Providence Forge. He stated that a Board resolution demonstrating official support would be good to have and he has asked George Homewood to work on that. There is an earlier session just for elected officials and that might be a good time to try to get the points across. There is also a later meeting for the Tidewater region at which New Kent should also have representation. He asked that the Resolution be available for consideration by the Board at the next meeting.

Mr. Burrell reported that he had attended the NASCAR museum presentation given at last week's board meeting of the Richmond Metropolitan Convention and Visitors Bureau. This is projected to bring in 700,000 visitors a year and could have positive effects on New Kent, especially if DragonsRidge is up and running and during racing season at Colonial Downs. He acknowledged Mr. Budesky's efforts in trying to curb fuel consumption in County vehicles. He also commented on a curved podium located in the Roanoke County boardroom that would accommodate the use of laptops during the meetings and suggested that staff should contact them to obtain information.

Mr. Sparks announced Community Safety Day at the Quinton Food Lion on October 8 from 10 a.m. to 2 p.m. sponsored by the Sheriff's Department and Quinton Fire & EMS. Considering the increased price of gas, he encouraged commuters to contact RideFinders to explore carpooling options.

Mr. Davis asked that the Board consider reducing the BPOL tax rate on gasoline retailers. He commented that the BPOL tax is the "most egregious tax forced upon anybody". Gasoline sales have doubled in the last year, and the station owners aren't making any more money but they have to pay this tax on their gross sales.

Mr. Trout cautioned that the County needs to be careful because the prices of other things are increasing as well. Mr. Davis agreed, but indicated that nothing else has doubled in price. He said that the BPOL tax on gross fuel sales is "killing" the retailers and maybe there is a way to set a limit. He inquired if there was a way to break fuel sales out of retail sales.

County Attorney Phyllis Katz stated that the County can treat them differently if there is a legitimate reason. She will research this and get with the County Administrator.

Mr. Sparks suggested that it should be indexed in case the prices go down. Mr. Davis stated that the gasoline retailers shouldn't be penalized. He asked the Board members to think about it and the County Attorney will see if it can be done legally. He asked Accounting and Budget Director Mary Altemus if gasoline sales can be broken out of the

retail sales. She indicated that this is confidential information given only to the Commissioner of the Revenue.

Commissioner of the Revenue John Crump said that retailers report total sales only but he can ask them to break it down as to fuel sales. He'll get that information to the County Administrator.

County Attorney Phyllis Katz reported that on October 19 there will be a seminar on open spaces and conservation easements at Rappahannock Community College. She will be participating as a presenter between 10:30 a.m. and 2 p.m. and invited interested Board members and staff to attend.

IN RE: STAFF REPORTS

County Administrator John Budesky thanked the Sheriff's Department for its Hurricane Katrina relief efforts and spoke about how impressed he was with the generosity of County staff and the community, and how glad he is that he has located in New Kent. He indicated that this is a good time to review the County's emergency response plan and that will be addressed at the next senior staff meeting to make sure that the County is prepared. He also recognized and thanked the Fire Chief and his department for their efforts in emergency preparedness and the continuing monitoring of Hurricane Katrina effect as well as other storm situations.

Mr. Budesky presented budget overages in three departments for FY04/05, and asked the Board to make appropriations from the General Fund fund balance to clear them up. He indicated that this should not happen next year because departments will be required to ask for appropriations prior to expenditures of amounts over-budget.

Mr. Sparks moved for supplemental appropriations to be made from the General Fund fund balance for FY05 for Legal Services (4-1-12040-3151) Litigation Expenses \$3,500 and (4-1-12040-3600) Advertising \$6,000; for Treasurer (4-1-12130-6001) Office Supplies \$3,900; and for Magistrates (4-1-21030-5510) Mileage \$250. The members were polled:

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

The motion carried.

IN RE: DISTRICT APPOINTMENTS

Mr. Sparks moved to appoint Maria Wilder as District Two's representative to the Heritage Library Board – Board of Trustees to serve a four-year term ending June 30, 2009.

Mr. Burrell moved to appoint Louis Abrams as District Three's representative to the Cable Franchise Renewal Committee

The members were polled on the motions:

Stran L. Trout	Aye
Mark E. Hill	Aye

D. M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye

The motions carried.

IN RE: APPOINTMENTS TO BOARDS AND COMMISSIONS NOT DELEGATED BY DISTRICT

Mr. Davis moved to appoint Kim Turner as a New Kent representative to the New Kent/Charles City Transportation Advisory Board. The members were polled:

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

The motion carried.

IN RE: MEETING SCHEDULE

Chairman Davis announced that the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Tuesday, October 11, 2005, in the Boardroom of the County Administration Building. The next work session will be held on Wednesday, September 21, 2005, at 6:00 p.m. in the Boardroom of the County Administration Building.

IN RE: CLOSED SESSION

Mr. Hill moved to go into closed session to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia involving assignment of an employee; discussions related to real property pursuant to Section 2.2-3711A.3 of the Code of Virginia involving acquisition of real property for public purpose; and for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia regarding specific legal matters that require advice. The members were polled:

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

The motion carried. The Board went into closed session. Mr. Sparks moved to return to open session. The members were polled:

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

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 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:

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

The motion carried.

IN RE: SCHOOL BOARD OFFICE SPACE

Mr. Sparks moved that the County enter into a seven-year rental agreement at \$40,800 annually (\$3,400 per month) with Taylor Moore for school board rental space located at 11920 New Kent Highway listed in the records of the Commissioner of the Revenue under the name of Vaiden House LLC, to be paid from general fund contingency. Vote was 5:0, motion carried. The members were polled:

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

The motion carried.

Mr. Burrell moved that the County agree to assume liability for annual utilities, as well as one-time start-up costs for moving and telephone and computer connections, not to exceed \$10,000, to be paid from general fund contingency. The members were polled:

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

The motion carried.

IN RE: FARMS OF NEW KENT

Before the Board was a request from Farms of New Kent to accept 100 acres of property on Criss Cross Road for a central park complex to take the place of the balance of the surety for availability fees, as well as removal of the cap on the annual number of homes that can be constructed in Land Bay I.

County Administrator John Budesky advised representatives of Farms of New Kent that the Board has given consideration to these requests and would need to consider them as two separate issues. He indicated that the Board is open to consideration of the delay of the balance of the surety payment to July 1, 2006 as long as the CDA process is actively moving forward. Should the CDA not be completed and fully paid, payment will be due July 1. In exchange, the County would accept the 100-acre parcel of property that has been offered for a central county park. The Board is open to hearing the other component, but can only take action on the delay of the surety.

Pete Johns indicated that they would like the flexibility in Land Bay I to build those homes as the market dictates. County Attorney Phyllis Katz advised that any amendments to the proffers or PUD ordinance must go through the Planning Commission and then come back to the Board.

Mr. Johns indicated that he must confer with his partners before proceeding any further.

Mr. Davis expressed that in order to accept the park property, the County would need a 50-foot right-of-way coming off Route 617 instead of the 30 feet shown on the plat.

It was agreed that this would be further discussed at the work session on Wednesday.

IN RE: ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 11:24 p.m.
