

A SPECIAL WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 5th DAY OF OCTOBER IN THE YEAR TWO THOUSAND FIVE OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

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

Chairman Davis called the meeting to order.

IN RE: CLOSED SESSION

Mr. Trout moved to go into Closed Session for consultation with legal counsel pursuant Section 2.2-3711A.7 of the Code of Virginia about specific legal matters that require advice. 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. The Board went into Closed Session.

The Board emerged from Closed Session. Mr. Trout 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:

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 CDA

Those present for discussions with the Board from Farms of New Kent included Pete Johns, Chuck Rothenberg, John Combs, Bonnie France, Doug Anderson and David Peter.

County Attorney Dan Siegel reported that the Board of Supervisors is comfortable with the Farms of New Kent proposal to include in the Community Development Authority the major water and sewer infrastructure, major road improvements, the underground 3-phase power loop, Parham Landing related improvements, and the other costs set forth on its Preliminary Opinion of Costs dated October 5. He indicated that he has been directed by the Board to work with bond counsel to limit the powers of the CDA to just those major infrastructure items. He added that inasmuch as these items have been proposed for inclusion in the CDA so that the projects can be accomplished sooner than what was provided in the PUD documents, the Board will be looking to establish a schedule for completion of the projects. Another request from the Board is that the County Administrator be an *ex officio* member of the CDA Board, and the other CDA Board members be chosen by the Board of Supervisors based upon some qualification requirements.

Ms. France reported that the CDA Board is limited to five members but could have some alternate members as well as an *ex officio* member. She indicated that there is no limit on the number of alternate members but she recommended at least one or two.

Mr. Budesky explained that the Board was concerned with appointing members to the CDA Board who had some expertise, and although each Board member would make an appointment, those appointments would not be tied to districts. He clarified that the Board had approved the framework of the CDA as proposed by Farms of New Kent, but there is some language that they want included that would clarify some of the timelines. The Board is not agreeing to a bottom line dollar amount but is in agreement with the projects to be included. He indicated that there is some work that needs to be done with some of the design elements which may change some of the estimates, but the Board has agreed in concept.

Mr. Budesky further explained that the Board is concerned that language be included that will clearly protect the County. Additionally, all subsequent bond issuances must be brought back to the Board for approval.

He indicated that the Board also wants the assessments paid at the time of sale of the lots, and would prefer that to be when the developer buys the lots, but the Board is open to discussion on that. The Board recognizes the enticement to smaller businesses to be able to pay off their assessments over time, but the larger businesses should not have the same concerns and should pay the assessments up front. The Board is open to finding a way to set some criteria to control when a business would be permitted to pay an assessment over time and wants the language to be clear.

Mr. Davis commented that he wants the assessment collection as consistent as possible.

Mr. Budesky stated that he intends to work with Farms of New Kent on a timeline to make sure that the County is not causing any kind of delay in the process. Mr. Siegel and Ms. France will work together to complete the documents so as to accommodate the deadlines,

as it is the Board's understanding that Farms of New Kent intends that the bonds be issued by the end of June.

Mr. Cole asked if the Farms had selected an underwriter. Mr. Rothenberg stated that they are working towards making that decision. Mr. Johns stated that should be resolved within the next ten days.

It was confirmed that advertising has been done for a public hearing on October 11 on an ordinance that will permit the Board to consider CDA petitions.

Mr. Rothenberg stated that on assessments for commercial properties, they were looking at that being an economic incentive for a commercial developer to come to the County and he would like for the Board to consider that. If a business is required to pay up front, that will take away the incentive. It might be more of an incentive to a commercial developer to be able to pay the assessment over the length of the bond rather than prepay it with borrowed money from a bank.

Mr. Davis stated that the Board wants to try to work that out but if a grocery store or restaurant could afford to pay it up front and would rather pay it up front, then the County needs to have that mechanism in place to handle both situations.

Mr. Trout asked about the method of calculations for the assessments. Mr. Johns indicated that there is a methodology based on a formula.

Mr. Budesky expressed willingness to work with the Farms on these issues.

Mr. Hill asked how quickly this process could take place and when documents will be ready for review by the Board members. Ms. France stated that they are hoping to have a petition, articles of incorporation and ordinance finalized by the end of this month in order to stay on schedule.

Mr. Davis suggested that a public hearing could be scheduled for December.

IN RE: DONATION OF PARK PROPERTY

Mr. Budesky stated that the County is still working toward a January closing on the park property donation, and there are some items needed from the Farms of New Kent.

Mr. Hill announced that he had recently tried to walk the property but he could hear guns being fired and he elected not to do so.

Mr. Johns reported that a plat of the property has been created and are they working on the paperwork. He confirmed that there will be a 50-foot right-of-way provided.

IN RE: CONSTRUCTION CAP IN LAND BAY I

Mr. Budesky advised that the Board of Supervisors is open to further discussion on this issue but it will need to go back through the Planning Commission process. He encouraged Farms of New Kent to revisit the proffer issue and make sure that it is clear. It is possible that it could be back to the Board with a recommendation by December.

IN RE: SCHOOL CONSTRUCTION

Mr. Budesky reported to the Board that he is recommending that the County proceed to borrow up to \$3.5 million to get the site work started on the new high school before the prices increase further. If that work can get completed by July 1, then the school construction project can timely go out to bid. He emphasized that this is not new money, but included in the total project costs.

Mr. Sparks asked who provided the cost estimates. Mr. Budesky indicated that they were received from the architect. Mr. Sparks indicated that he would like more detailed information before making any decisions. It was agreed that action on this request would be delayed until the meeting on October 11 and that Mr. Budesky would get some itemized information for the Board to review.

IN RE: OTHER BUSINESS

Mr. Burrell asked if County or school staff had made any projections about additional appropriations that might be needed as a result of rising fuel costs. Mr. Budesky indicated that he believes the schools might have something, but that he is personally worried more about the cost of heating fuel than gasoline.

Mr. Hill remarked that the Schools are considering the purchase of two additional school buses and perhaps they could be encouraged to delay those purchases and use the extra money to cover fuel costs. Mr. Budesky stated that he would be cautious in cutting capital expenditures this early and would like to try to make operational cuts first. He indicated he would follow up and get some projections in the next few weeks.

IN RE: ANNUAL VACO CONFERENCE

The Deputy Clerk reminded the Board members that they needed to designate a representative to cast the County's votes at the Annual VACo Conference business meeting.

Mr. Trout moved to designate W. R. Davis, Jr. as the voting delegate and James H. Burrell as the alternate voting delegate. 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.

IN RE: CLOSED SESSION

Mr. Trout moved to go into Closed Session to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia involving performance of an employee. The members were polled:

Stran L. Trout	Aye
Mark E. Hill	Aye
D. M. Sparks	Aye
