

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 9th DAY OF FEBRUARY IN THE YEAR TWO THOUSAND FOUR OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

County Administrator, Gary Christie, gave the invocation. Members of Boy Scout Troop 577 led the Pledge of Allegiance.

IN RE: ROLL CALL

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

Chairman Burrell called the meeting to order.

IN RE: AGENDA CHANGES

County Administrator Gary Christie reported the addition of the Planning Manager position to the agenda under Item 7

IN RE: CONSENT AGENDA

County Administrator Gary Christie presented the Consent Agenda, which consisted of approval of the minutes for the Regular Meeting of January 12, 2004; adoption of the Amended Bylaws; Resolution R-04-04, Resolution of the Board declaring its intention to reimburse itself from the proceeds of one or more tax-exempt financings for certain expenditures made in connection with capital improvement projects; Appropriations: to appropriate revenue the Clerk of Circuit Court received from The Library of Virginia for records preservation and to reclassify prior appropriation for Better Tracking Of Records Preservation Funds, \$75,928.00; to appropriate funds received from East West Partners of Virginia, Inc. for reimbursement of professional services for Patriot's Landing, \$250.00; to appropriate a Department of Criminal Justice Services grant – TRIAD/Project Lifesaver, Grant No. 02-A4409TR03, \$5,200.00; to appropriate additional state funding due to increased demand for services – View AFDC Working Day Care, \$4,000.00; to appropriate additional state funding due to increase demand for services – View Transitional Day Care, \$4,000.00; to carry over funds from FY03 for replacement of Engine 1, \$179,545.17 (from reserves); Total Supplemental Appropriations \$(268,923.17) \$88,578.00 Money-in/Money-out; \$800.00 From General Fund – Fund Balance; \$179,545.17 From Capital Fund – Fund Balance.

Mr. Davis inquired as to the appropriation for records preservation and when that project is expected to be done. Recently retired Circuit Court Clerk, Barbara Gregory, was in the audience and reported that the vendor who was supposed to do the work went bankrupt 2 – 3 years ago which had delayed the project, but it was hoped to be accomplished in the Spring.

Chairman Burrell inquired about the provision on page 4 of the Bylaws providing that Closed Sessions be held prior to 6:00 p.m. There was discussion on whether to remove that provision and leave the time up to the Chair, and whether removal of that would delay voting on the Bylaws for another 30 days. There was consensus to approve the Bylaws as presented and deal with any changes at a future meeting.

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

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

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

Chairman Burrell opened the Citizens Comment Period.

Valerie Smith and Chris Alley of 8140 Piper Drive, described the problems their neighborhood is having with standing water. They blamed part of the problem on a culvert pipe that was improperly installed by the developer, Paul White. They have been unsuccessful in getting the developer and/or VDOT to correct this for over two years. Ms. Smith suggested that the only way to get Mr. White's attention would be for the County to stop approving his permits and scheduling his inspections. She reported that she has spent over \$1,000 in reseeding and replanting costs because of this condition. She stated that part of the problem stems from different sized drainage pipes on Brown Avenue, Piper Drive and Curle Drive. VDOT has told them it is the County's problem and County refers them back to VDOT. With heavy rain, the river actually backs up onto Brown Avenue. They are concerned about West Nile Virus with the coming spring (reported spending \$60 last year to treat water for mosquitoes).

Mr. Davis stated that he was aware of this problem and has been trying to get it resolved. He confirmed that part of the problem is the culvert that Mr. White installed too high, and fixing that would alleviate some of the problem. Unfortunately, the drains for this area run across private property. The Brown subdivision was approved more than 30 years ago when little attention was paid to those types of issues. He understands that the standing water poses a health hazard and he will try to get with Mr. White and come to some kind of resolution.

There being no one signed up to speak, the Chairman closed the Citizen Comment period.

IN RE: RESIDENT ENGINEERS REPORT

Gary Jennings, VDOT Assistant Resident Engineer, indicated that he has looked at the drainage issue in the Brown subdivision. Unfortunately, VDOT is limited in what it can do about drainage issues that occur outside of the right-of-way. However, the Code of Virginia and some court precedents allow public entities to go after private landowners who block up private storm water access. He is dealing with the Attorney General's office now regarding blocked drains under the railroad tracks on Route 60.

Mr. Jennings reported that VDOT has finished storm debris pickup from the rights of way and the contractor is working on cleaning up the debris sites on Routes 106 and 155 scheduled to be completed by the end of February. The contractor was given extensions beyond the December 31 deadline to allow for the holidays and snow.

Mr. Jennings reported that in the past month, crews have been working on potholes, drainage, shoulders and dirt roads, as well as dealing with the ice and snow.

Regarding the Eltham Bridge, he reported that he is working with the Army Corps of Engineers to see if any environmental permits need to be modified in order to turn a portion of the bridge over to the County, and he hopes to have an answer soon.

Mr. Jennings reported on the bills in the General Assembly dealing with inmate labor, and provided information as to VDOT and State Department of Corrections policy for use of inmates. He reported that

state inmates could be used in some areas of New Kent to perform roadside maintenance. The rules are different for the use of local inmates, and there are less restrictions where they can be used. There would be hurdles for the Sheriff's Office and Henrico Jail officials in using local inmates. He is in discussions with the Superintendent of Camp 2 about bringing at least one work crew into New Kent. It is necessary that VDOT train their employees on how to supervise and handle the inmates (2-week course). He will continue to work on this and hopes to have inmate work crews in certain areas of New Kent by July or August. Mr. Sparks asked if the County would have any liability exposure. County Attorney Phyllis Katz reported that the State would have liability in this instance. Mr. Jennings asked that the Board decide whether they want state or local inmates and let him know. Mr. Davis thanked him for all of his efforts.

Mr. Davis inquired about who is responsible for potholes on the Eltham Bridge. Mr. Jennings indicated that the Saluda residency is charged with maintenance in that area. Mr. Davis reported that the stop sign needs to be replaced at the intersection of Route 600 and 601, and a speed limit sign needs replacing in the area of Tabernacle Church.

Mr. Davis asked that a culvert on Route 273 (Farmers Drive) be cleaned out. Mr. Jennings reported that they plan to clean out culverts there as soon as the weather breaks, and do some mill and resurfacing work in the summer from Route 30 to Route 33.

Mr. Sparks reported that he and Mr. Prezioso had toured his district. Mr. Jennings reported that temporary pavement work is being done now, and when the weather warms up they will return to perform more permanent repairs. The project at Route 1208 and 1245 is a large project and VDOT will need permits from the Corps of Engineers. The requested "children at play" sign is being taken care of.

Mr. Burrell reported that tractor trailers are continuing to run the red light at Routes 249/30/33, and again recommended that VDOT consider reducing the speed limit on Route 33 in that area. Mr. Jennings reported that there is a speed study in progress and he hopes to have the results by the April meeting. He indicated that he and a traffic engineer went to the site again last week and he is proposing to add signage warning motorists of the signal and include "eye poppers" to get their attention. If the speed study does not justify a reduction in the speed limit, he is prepared to install rumble strips in the eastbound lanes, but warned that this can increase the likelihood of potholes which are hard to patch. If the speed limit is reduced, it will take a concerted effort on the part of law enforcement to enforce the speed limit on commercial truck traffic. He reported that he has the light set with a 4 second caution and 2 second all red.

Mr. Burrell again asked for improved signs for truck traffic who mistakenly turn at this intersection when headed for West Point. Mr. Jennings agreed to consider "trail blazer" signs directing truck traffic to West Point.

Mr. Burrell also asked about the possibility of having different speed limits for trucks. Mr. Jennings reported that dual posting are used in Virginia and he will look into that as well.

Mr. Hill asked that Route 613 be put on the engineering study. Mr. Jennings reported that it had been, as a result of complaints that commercial truck traffic was using this route to bypass the scales, and running around school buses. Both the Hanover and New Kent Sheriff's departments will patrol that area, and the Virginia State Police will have their commercial enforcement unit in the area at least once week. Residents are complaining especially about logging trucks which appear overloaded, without lights and brakes.

IN RE: BARBARA GREGORY

Chairman Burrell presented an appreciation plaque to Barbara Gregory, who retired on January 31, 2004, as Clerk of the Circuit Court. Mr. Burrell thanked her for her years of service to the County in both the General District Court and Circuit Court. Ms. Gregory expressed her pleasure in having had the opportunity to serve. She received a standing ovation.

IN RE: COMMUNITY DEVELOPMENT BLOCK GRANT – PLUM POINT

Keith Sherrill, planning and development director for Quin Rivers Agency, brought the board up to date on the application process for a competitive community block grant for housing rehabilitation in Plum Point. Part of these funds could be used to install some deep wells to replace those shallow wells that became contaminated during the hurricane, as well as repairs to septic systems. The County is eligible to apply for up to \$1 million. His inspections to date show \$450,000 worth of work to be done to 12 units. They are continuing their door to door surveys and continuing to inspect other homes to try to involve more units in order to reduce the per unit cost. All homes are owned by low to moderate income residents. They would be able to apply up to 15% to additional activities such as administrative and engineering costs. He will be meeting with officials from the State soon to discuss the proposed activities. Most of the homes are owner occupied but it may be that rental homes may qualify if the owners agree to rent to low to moderate income families for a period of ten years. These are 10 year 0% interest loans. Once the scope of work has been identified, he can file the grant application. A final requirement is to have a Public Hearing which he hopes to schedule for March.

Following discussion, there was consensus among the Board to schedule this for Public Hearing at the March work session.

IN RE: SECOND PRECINCT IN DISTRICT 2

Charles Moss appeared on behalf of the Electoral Board to request a second voting precinct in District 2, to be located at Kentwood Heights Baptist Church. He reviewed the space, parking and traffic problems at the current single polling place at St. Elizabeth Ann Seton's Catholic Church. 200 new voters have registered since November and they expect 2200 registered voters in District 2 by the November presidential election.

Sheriff Howard echoed support of a second polling place and feels that the traffic congestion getting in and out of the parking lot at St. Elizabeth Ann Seton will only get worse. He described how vehicles park along the sides and the shoulders, creating a blind spot for drivers.

Mr. Moss indicated that the cost to establish this second precinct would be about \$2,000. They had planned to order five more voting machines anyway, three to four of which will be used to equip the new precinct. The vendor has agreed to honor the previous sale price.

Mr. Hill inquired as to whom at the churches the electoral board speaks with in order to make these arrangements. He was concerned that no one at his church, Providence United Methodist, was aware that their church would be used as a polling place, and that he has recently spoken with the pastor at Kentwood who was unaware of the Electoral Board's intentions. Mr. Moss explained that he had spoken with someone at Kentwood whom he thought had authority, but has since talked with the pastor and worked out the details. The arrangements with Providence United Methodist were made through Mrs. Ringley

Mr. Sparks inquired how the Electoral Board determines how many voting machines to place at each precinct. Mr. Moss indicated that they try to assign one terminal to each 400 voters.

Ms. Katz reported that it will be necessary to draft an amendment to the polling ordinance and advertise for public hearing. After adoption it will need to be sent to the Justice Department which has 60 days to approve it. She thinks that a June public hearing will be early enough so that it is accomplished in time for the November election.

Mr. Sparks moved to establish a second precinct in District 2. The members were polled:

D. M. "Marty" Sparks	Aye
Stran L Trout	Aye

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

The motion carried.

IN RE: BOTTOMS BRIDGE SERVICE DISTRICT

Mr. Christie brought the Board up to date on the proposed service district. The Board will need to decide whether to include the area north of I-64. The cost of the project for just the south side of I-64 is \$4.6 million, and increases to \$5.7 to incorporate the north side. The Board will also need to decide whether the connections will be mandatory. Once there is a consensus as to the shape and size of the district, then it will need to be re-advertised for Public Hearing at the April 13 meeting for adoption of the final ordinance. Letters will be mailed to every postal patron in the area and Mr. Sparks plans on holding another community meeting, similar to the one held last week at the Quinton Community Center.

Mr. Sparks reported that 140 letters were sent out to property owners in Bottoms Bridge, and there were 40 – 50 people at the community meeting.

Chairman Burrell opened the Public Hearing.

J. C. Francisco Jr. of 3141 New Kent Highway, stated that he is interested in the County-wide system. He owns property north of I-64 in Bottoms Bridge, 7 acres of which is adjacent to the Food Lion. He stated that there is a lot of interest in that property, but it needs water and sewer. He feels property north of I-64 should be included in Phase I. There are 15 – 20 healthy businesses there that would benefit.

John Sowder spoke in favor of including businesses from the north side of I-64 in the service district. He owns property on both the north and south side of I-64.

W. O. Isgett praised the draft of the sewer district plan, but feels that water and sewer should be offered to the property north of I-64. He stated that there was merit, in the long term, in considering running the sewer line down the I-64 corridor, but thinks that short term it may create a residential problem.

Paul Robinson applauded the Board's efforts but is in support of including the north side of I-64 in the service district. He believes that it would be consistent with the comp plan and enhance and promote a good tax base on both sides, and that not including it would create a disparity of property values and development in Bottoms Bridge.

Liz Chatham, from Bank America, trustee of the 600 acre Williams tract, addressed the Board. She reported that the tract has been surveyed and the wetlands delineated. The Bank is pleased with the economic opportunity designation given to this tract, but needs water and sewer in order to proceed with development. They would like to be included in the service district.

Laura Robbins, who lives on Pocahontas Station Road, does not want to be a part of the district, nor do the others in her subdivision. The 15 – 20 homes in this subdivision have been built in the last two years and they have just recently invested in well and septic systems and do not want to have to connect.

Ree Ellis owns 45 acres on Routes 60 and 249, and would like to see this draft completed and the County move forward to send sewer to Henrico County. He urged the Board to sign the 2000 agreement and move forward.

Shelley Wilson of Matachanna Lane agreed with Ms. Robbins in that she does not want to be included in the service district. She was joined by her neighbors, Barry Pate and George Fleming, who live in the same subdivision. None of their neighbors want to be part of the service district.

Lody Mordhorst of 3511 Redwood Court in Five Lakes Forest, wants to be excluded.

John Montgomery, who represents the Bottoms Bridge Property Owners Association, stated that they have been involved in this process for more than two years. Their members are from both the north and south side of I-64. He stated that no one's goal is to exclude any of the commercial property from the service district. He urged the Board to consider two things: 1) time is of the essence and 2) equitable distribution of the costs. He stated that "a good solution today is better than a grand solution down the road". Regarding equitable distribution of costs, he stated that those who are using the service should pay no more than their fair share.

Chester Alvis expressed his concern about traffic issues that may arise if the north side is excluded, and people who live on the north are required to come to the south side of I-64. He feels that it would be expedient to run the sewer to Henrico County for now, which will suffice for five years. That would give the County time to develop a commercial tax base at Route 106, the revenue from which would pay to run a line to the County's wastewater treatment plants. He does not feel it is necessary to run that line now.

George Philbates, Jr. was of the opinion that the north side of I-64 should be included in the service district, and that a line should be run to the Parham landing Road plant. This would permit the County to connect the schools and the county buildings. He does not think the citizens will mind spending the money. Taking the sewer line down the I-64 corridor will provide service at all of the interchanges. He urged the County to run the line all at one time and not to piece meal it.

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

Mr. Trout was in agreement to excluding the residential areas at the eastern end of the proposed district. He wants to include the business areas of the County. He stated that the County will have some time until build out before reaching capacity with Henrico County.

Mr. Sparks stated that it was good to hear of interest from property owners on the north side of I-64, but wonders where the capacity will come from. Patriot's Landing will need half of it.

Mr. Davis stated that Mr. Robinson had a good point about inequality, but reminded that each prospective owner needs to know how much it will cost them to connect.

Mr. Hill stated that he was inclined to include the property from the north side, and wants information on the feasibility of doing it all at one time. However, he does not want this to slow the project down. He wants to proceed to do the survey work now.

Mr. Davis thanked all of the speakers for their comments.

Mr. Burrell wanted the Bottoms Bridge property owners to know that the County is moving full steam ahead and the Board is committed to bringing water and sewer to Bottoms Bridge.

There was a general consensus that there will be a difference in customer costs for properties on the north and the south side of I-64, and it is important that everyone know what it will cost them to be connected. There was discussion on whether to require mandatory connections for property located within 200 feet of the right of way, as well as the beginning and ending properties along Route 60.

Mr. Hart indicated that the estimates of \$4.6/\$5.7 million did not include running the lines all the way west to the River and east to the Star Motel. There will be some additional costs for those extensions and he will provide those figures as soon as possible.

Ms. Katz reported that the way she interprets the agreement with Henrico, New Kent would be responsible for the payment of the fees Henrico incurs in obtaining the rights of way and the costs of laying the line. Mr. Sparks stated that he thought that Henrico would bring the pipe to the county line. She will review the agreement again.

Mr. Hart reported that he does not have sufficient information regarding the Williams tract to estimate their flows. It would be in the best interest for the Bank to provide a “feel” for what kind of development it anticipates, rather than him having to guess. Liz Chatham from Bank of America, stated that they will hire this out if necessary in order to get those figures for Mr. Hart.

Mr. Hart would like to move forward with aerial survey next week. He will be identifying location for pump stations and elevated storage tanks, and will be filing permits for ground water withdrawal.

In response to an inquiry from Mr. Davis regarding the largest cost of including the north side of I-64, Mr. Hart responded that would be the directional drilling under interstate. He will consider going across the river (a longer distance), and compare those costs. The cost of directional drilling is \$300 - \$350 per foot. Mr. Hill asked for the costs of running the line along the river.

There was discussion regarding the water tank. Mr. Hart’s plans are for a 500,000 gallon elevated water tank (as opposed to a ground storage water tank) which will be 135 – 140 feet. This will be a larger capital cost in the beginning, but less maintenance cost down the road. He displayed the four basic designs, and is in the process of obtaining cost figures.

Mr. Sparks indicated that he would like some citizen input into the water tanks. Mr. Hart reported that it takes 9 – 12 months to construct a water tank, and it is important to schedule construction so that painting can be done in warmer weather. That is a separate contract from the sewer line. He would like an answer by March 1, no later than March 15.

There was discussion as to how the type of tank would affect Patriot’s Landing. Chris Corrada of East West Partners reported that their cost estimate was based upon an elevated water tank of 500,000 gallons.

Mr. Sparks indicated that he will try to schedule another community meeting for public comment on the water tank within the next two weeks. Mr. Hart will have price information this week.

Mr. Sparks had environmental concerns about drilling along the river bank and there was discussion about wetlands impact and accessibility. There were also discussions about culverts under I-64 that may feed the lakes at Five Lakes.

Steve Jacobs from Robinson Farmer Cox reported that the model is finished and he is just waiting to plug in the numbers. Mr. Christie reported that he will need a special meeting to discuss Henrico v. Parham Landing and it was agreed to meet on Tuesday, February 24 at 7 p.m. to discuss those options as well as rates and what it will cost the various property owners.

Mr. Christie reviewed the proposals for the aerial photos. The lowest is from Tuck Engineering for \$14,600. Mr. Hart explained that he will need to “have the photos in the can” before the leaves are on the trees. March 1 is the latest he’d like to start because of the budding on the trees. After discussion, there was consensus to wait until the next work session to make this decision.

IN RE: INTERPRETATION OF SUBDIVISION ORDINANCE

Mr. Christie asked for the Board’s comments regarding whether or not the utility connection requirements under the subdivision ordinance would apply to lots larger than 15 acres. The Economic Development Authority has asked the County Attorney for a legal opinion as to whether two parcels subdivided out of the Weir Creek Commerce Park property, zoned M-2, would be required to connect to public water and sewer.

Ms. Katz pointed out that the definition of subdivision in New Kent’s Code states that it applies to any parcels less than 15 acres; the exception is that this only applies to land that is zoned A-1. She stated that the subdivision agent has the authority to interpret, and that any applicant can appeal that decision to

the Circuit Court. The problem with excluding some parcels from having to connect is that the County ends up with piecemeal development, where some parcels are connected and some are not.

Mr. Davis stated that it would be a bad precedent to treat the EDA differently from any other landowner.

There was discussion about definitions and whether this should be sent to the Planning Commission for recommendations on if and how the definitions may be changed.

Community Development Director George Homewood stated that the exemption has always been intended to apply solely to A-1 land. He stated that the subdivision ordinance dates back to when most of the County's land was unzoned and that most of that previously unzoned land is now A-1. He questioned why anyone wouldn't want roads and public infrastructure as part of an industrial park. This land is in an area that is zoned M-1 and M-2 and is also in the Route 33 Overlay District. The previous boards fully intended this area to be treated in a more "planned" manner than the wide open spaces of the County. His position is completely consistent with the intentions of his predecessors and the overlay district. However, it is the Board of Supervisors who is charged with resolving any utility conflicts.

Mr. Hill stated that he is not comfortable with making a determination based on what he has heard tonight.

Mark Daniel was asked to comment and suggested that it was a good idea to send this to the Planning Commission.

Mr. Trout agreed that was a good solution and that the Planning Commission was the appropriate body to analyze the situation.

Mr. Christie asked if this would be a part of the subdivision ordinance re-write. Mr. Homewood responded that he has finished the first draft of the rewritten subdivision ordinance, and doesn't want to slow down that process. This issue is one of many problems with the current subdivision ordinance, which has not had a major overhaul in over 30 years. He would like to move forward with adoption of the new ordinance; however, if this is something that the Board wants dealt with in a rapid way, he would recommend a quick and hopefully a relatively temporary text amendment to the definition. What he would suggest doing is defining a subdivision as it is defined in the Code of Virginia, which is the division into two parcels of land, and go on to say that provided however in the A-1 district, and then bring in the information about 25 acres which he believes is precisely what the current intent is. He is adamantly opposed to regulating by definition, which this would do, but it would be a quick fix that would preserve the intent of the Board's predecessors.

Mr. Burrell directed that this be forwarded to the Planning Commission.

IN RE: PROPERTY AT THE AIRPORT

Mr. Christie reported that at one time there were three small parcels of land owned by the County adjacent to the airport that were marketed as an industrial park. One parcel was sold to Dr. Bennett and one to Willie Glass. The third parcel was offered to Mr. Keck and then the offer was retracted. Mr. Christie and Bill Kelly, the airport manager, recommended that the Board designate the use of this third parcel to the airport and let it fall under the airport's permanent use. This action would remove the property from potential sale and have it permanently tied to the airport.

Mr. Kelly stated that this would eliminate immediate use conflicts. Taking this a step farther and having the FAA recognize this as airport property would qualify it for federal funding. It is not a flat piece of land but it is possible to build some hangars there or build and lease an industrial building. The airport would then have control over the use of the property.

Mr. Davis inquired whether this action would result in any legal trouble for the County. Phyllis Katz responded that it would not, that there are no outstanding contracts on the property, and there has been no interest in it for years.

Mr. Kelly reported that the offer to Mr. Keck was retracted because the deed and covenants that were sent to the Department of Aviation were found to be inconsistent with property surrounding the airport.

Former supervisor, Julian Lipscomb, reported that this was described as industrial land. Dr. Bennett and Mr. Glass bought two of the parcels and the third sat for "quite a few years" before Mr. Keck made an offer on it. When the FAA and the state did not approve the use, the offer was retracted. He stated that Mr. Worley had made an offer on the property years earlier and had threatened to sue if the County sold it to Mr. Keck. It is his opinion that it would be best to give the property to the Airport. It is hilly and contains a silt pond.

Mr. Kelly stated that if the property is given to the Airport, the County could have it appraised and use its fair market value as the County's matching share under FAA grants over a period of years, which would reduce the County's out of pocket cash expenditures. Under all federal grants, the FAA's share is 95%, the state's is 4% and the local share is 1%.

Mr. Trout moved to designate tax map parcel 20-69D as airport property. The members were polled:

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

The motion carried.

Mr. Christie reported that the lease for the Social Services office will expire in July and suggested that the County negotiate with the landlord for an extension. There was discussion regarding Mr. Christie's meeting with officials from Charles City County, Mental Health, Quin Rivers and Social Services to investigate centrally located office space for the human services offices. Mr. Sparks suggested that a lease no longer than one year be negotiated. Mr. Burrell approved of looking at ideas that might save both localities some money.

Mr. Christie suggested that an RFP be sent out to see what is available for short term office space for the extension service and how much it would cost, so that the County could use extension's current space for Public Works. Other costs would include providing telephone and computer lines. Once the County decides what it is going to do about office space, the extension service could be brought back. Mr. Davis suggested that since we share extension personnel with Charles City, Providence Forge would be an ideal location.

Mr. Christie also indicated that he was going to move forward to negotiate a three year lease for the Commonwealth's Attorney office space and lock in a rate.

Regarding the dais renovation, Mr. Christie asked permission to hire someone to help pull this information together. Ms. Katz reported that it could be done under the County's small purchase procedures. Mr. Burrell wondered if there were some architects in the County that might do it *pro bono*. Mr. Sparks suggested involving the high school students.

IN RE: PERSONNEL POLICIES

Mr. Christie stated that the Board had removed President's Day as a County holiday in 2003. He described the problems that are presented by having the County open when the State is not, including the fact that the Memos of Understanding with the Constitutional Offices provide that they follow the state

holiday schedule. He asked the Board to keep the County's schedule consistent with the State and add President's Day back to the holiday schedule.

Mr. Sparks suggested that the Board be given a list of the state holidays and make this decision at the next board meeting. Since President's Day is February 16, that information will be located and provided to the Board members this evening prior to the end of the meeting.

Regarding the Clerk's Memo of Understanding which will expire in June, Mr. Christie reviewed the items which he thinks should be reconsidered before executing a new one. He indicated that in the current MOUs with the Constitutional Officers, with the exception of the Clerk's, terminating employees do not receive payment for unused leave unless paid for by the Comp Board. The current MOU with the Clerk provides that its employees are paid no matter what.

Mr. Davis provided some history regarding the MOUs and stated that it was the County's intention to bring those employees under the County personnel policies and pay plan.

Returning to holidays, there was discussion regarding adding President's Day and removing Easter Monday. Mr. Christie suggested that the Board take some time to consider this, and to keep County offices open on February 16. No further action was taken.

Mr. Sparks moved to create the position of Planning Manager, grade 29, as presented. The members were polled:

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

The motion carried.

IN RE: CALENDAR

The Board members were given copy of the strategic plan prepared for Caroline County for use as a tool to start developing a strategic plan for New Kent. The Chairman appointed Mr. Sparks, Mr. Trout, Mr. Christie and Mr. Crump as a committee to start working on this project.

It was agreed that the agenda for the work session on February 23 would be the school budget, a presentation by the EDA, and an update from the strategic plan committee.

There was discussion regarding scheduling of the department and constitutional office budget meetings. A final decision will be made at the work session.

IN RE: APPOINTMENTS

The Board will continue to make appointments to various committees.

Mr. Hill moved to appoint Pat Wilson as District One's representative to the Airport Advisory Commission to serve a one-year term beginning January 1, 2004 and ending December 31, 2004.

Mr. Hill moved to appoint Chester Alvis as District One's representative to the Village Activity Review Committee.

Mr. Sparks moved to recommend Linwood Throckmorton for Circuit Court appointment as District Two's representative to the Board of Equalization.

Mr. Sparks moved to appoint Mitzi White Jenkins as District Two's representative to the Village Activity Review Committee.

Mr. Burrell moved to appoint James Moody, Sr. as District Three's representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2004 and ending December 31, 2004.

Mr. Burrell moved to appoint J. Lawrence Gallaher as New Kent's Coordinator of Emergency Management to complete a one-year term beginning January 1, 2004 and ending December 31, 2004, as required by Virginia Code Section 44-146.19.

Mr. Trout moved to appoint William Jeffries as District Four's representative to the Airport Advisory Commission to serve a one-year term beginning January 1, 2004 and ending December 31, 2004.

Mr. Trout move to appoint David Horsley as District Four's representative to the Village Activity Review Committee.

Mr. Davis moved to appoint Jim Wallace as District Five's representative to the Village Activity Review Committee.

The members were polled:

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

The motion carried.

For Boards and Commissions not delegated by District:

Mr. Sparks moved to appoint Rebecca Ringley as New Kent's representative to the James River Development Corporation Board.

Mr. Sparks moved to appoint Mark Daniel as New Kent's Planning Commission representative to the Richmond Regional Planning District Commission to serve a one year term beginning January 1, 2004 and ending December 31, 2004.

Mr. Hill moved to appoint William Cunningham as an at-large representative to the Village Activity Review Committee.

Mr. Davis moved to appoint Kerry Shackelford as an at-large representative to the Village Activity Review Committee.

The members were polled:

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

The motion passed.

Mr. Davis stated that the Public Facilities Authority hadn't met for at least 8 – 10 years and suggested that perhaps it be disbanded until it was needed. Mr. Trout stated that he was on the initial board and to his knowledge, the Authority had never met. It was originally established in case some kind of special funding was needed for the race track. It was the consensus to disband this board.

Mr. Burrell suggested having the chair of each board and committee report to the Board on attendance as well as give a synopsis of their meetings. Some do that already. Following discussion, it was agreed that letters should be written to the chair of each committee asking for attendance and meeting information.

There was discussion regarding the School's Six Year Plan Committee. Mr. Davis moved to appoint Marty Sparks as the Board's representative to the School's Six Year Plan committee. The members were polled:

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

The motion carried.

Mr. Davis moved to appoint Stran Trout as the Board's representative to the School's Six Year Plan Committee. The members were polled:

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

The motion carried.

There was discussion about what to do with the AFD Board whose configuration does not comply with State law. The Code of Virginia provides that the AFD Board consist of a Board representative, the Commissioner of the Revenue and no more than 8 appointed landowners, at least 4 of whom must be actively engaged in agriculture or forestry. Mr. Trout recommended that the Board be reconfigured to consist of one member from each district, and 3 at large members. It was reported that there is an AFD meeting scheduled this month to hear a withdrawal request. Ms. Katz stated that since the AFD Board and the Planning Commission only make recommendations, and it is the Board of Supervisors that makes the decisions, she is not concerned if the makeup of the committee is not changed immediately. Mr. Davis stated that it is best if the committee is changed before they meet. Mr. Homewood stated that the withdrawal scheduled to be heard is tied to a rezoning application that has not yet been filed and he does not think that any hardship will be created if the AFD meeting is rescheduled. There was some discussion about making some of the appointees alternates. Mr. Trout moved to vacate all current appointments to the Agricultural and Forestal District Board and reorganize it to be comprised of one representative from each district and three members at large, with staggered terms, plus the Board representative and the Commissioner of the Revenue, as required by the Code of Virginia. The members were polled:

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

The motion carried.

IN RE: ELECTED OFFICIALS REPORT

Commissioner of the Revenue John Crump stated that he felt moving the Elected Officials Report to the end of the meeting will result in very few elected officials staying through the meeting. He had two comments on the Memos of Understanding. He stated that the Memos of Understanding were brought to the Constitutional Officers by the County, and were not requested by the Constitutional Officers. The Constitutional Officers themselves are not affected by the MOUs, just their employees. He stated that these were negotiated in good faith on behalf of their employees and he cautioned the Board about trying to make adjustments. Regarding holidays, his office expects to be open when other County offices are.

Mr. Crump stated that according to the 2003 Richmond Statistical Digest, the only County which has smaller sales than New Kent (\$57,356) is Charles City County (\$18,744), and if the Governor is successful in abolishing the food sales tax, that would reduce New Kent's sales by \$37,000.

Mr. Crump also expressed his concern about the amount of money that the Board has spent during the last few meetings, and wants to work with the Board to make sure that the County has the revenues to support this spending. He is interested in participating in the development of a strategic plan and a revenue strategy to support the County.

Mr. Trout stated that the 350th kick off at Grubb's farm was an outstanding event and commended the committee for a job well done.

Chairman Burrell reminded voters about the primary election on Tuesday and urged them to vote.

IN RE: MEETING SCHEDULE

The next regular meeting of the Board of Supervisors will be held at 6:00 p.m. on Monday, March 8, 2004, in the Boardroom of the County Administration Building. A work session will be held at 6:00 p.m. on February 23, 2004 and another on February 24, 2004, at 7:00 p.m., both in the Board Room of the County Administration Building.

IN RE: CLOSED SESSION

Mr. Hill moved to go into closed session to discuss a personnel matter pursuant to §2.2-3711A.1 of the Code of Virginia involving performance of a county employee. The members were polled:

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

The motion passed. The Board went into closed session.

The Board emerged from closed session. Mr. Hill moved to come out of closed session. The members were polled:

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

The motion carried.

Mr. Davis 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.

Chairman Burrell inquired whether there was any member who believed that there was a departure from the motion. The members were polled:

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

The motion passed.

IN RE: ADJOURNMENT

There being no further business, Mr. Davis moved to adjourn. The members were polled:

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

The motion carried.

The meeting was adjourned at 11:21 p.m.
