

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 8th DAY OF MARCH 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 and 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: CONSENT AGENDA

County Administrator Gary Christie presented the Consent Agenda, which consisted of approval of the minutes for the Work Session of January 26, 2004; Joint Work Session of February 5, 2004; Regular Meeting of February 9, 2004; Work Session of February 23, 2004; Work Session of February 24, 2004; authorization to execute Addendum to Special Project Service Agreement for the CVWMA's Used Oil and Antifreeze Program; authorization to execute Addendum to Special Project Service Agreement for the CVWMA's Household Hazardous Waste Program; credits on airport hangar rentals for the period of time when repairs were being made to damage resulting from Hurricane Isabel to Edward Covington, \$40.00; Mark Williamson, \$40.00; A. C. Worley, \$73.60; Appropriations: revenue received from the State for Animal Friendly license plate sales, \$424.87; additional funds received from the Commonwealth of Virginia, Dept. of Emergency Management, \$5,500.00; funds received from the sale of police dog, Buzz - funds to be used to purchase a new K9 and train the Sheriff's new K9 officer, \$8,000.00; payments received from New Kent Farms LLC for reimbursement of professional services for Farms of New Kent, \$212.00; payments received from East West Partners of VA, Inc., for reimbursement of professional services for Patriots Landing, \$500.00; funds from the Sheriff's Drug Seizure Asset Forfeiture Money to the Sheriff's uniforms line item, \$2,000.00; funds received from the Dept of Aviation for the SWP3 Prevention Plan, \$4,400.00; Total Supplemental Appropriations: \$(16,636.87) Total; \$14,636.87 Money-In/Money-Out; \$2,000.00 From Fund 2.

Mr. Sparks 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.

Carter Perry addressed the Board reminding that April is Alcohol, Drug, Tobacco and HIV/Aids Prevention Month in New Kent County. He stated that Ebenezer Baptist Church's Substance Abuse Ministry, together

with others, are striving to inform the community that alcohol abuse is still the number one public health problem and is a gateway which could lead to the abuse of other drugs. He indicated that during April 2004, there will be information and educational meetings and material, along with posters displayed throughout the County, informing the public about the devastating effects of alcoholism and substance abuse. Additionally, there will be graded essay writing contests in each school, offering cash prizes of \$100, \$50 and \$25 to the first, second and third place winners. All finalists (10 from each school) will receive certificates, prizes and gifts to be awarded at a special program to be held on Sunday, April 18, 2004 at 3:30 p.m. at Ebenezer Baptist Church located at 14410 Rockahock Road in Lanexa. Donations may be mailed to the Substance Abuse Ministry at P O Box 253, Providence Forge, VA 23089. He provided a copy of a letter and poster that will be mailed to all churches and some of the businesses in New Kent. He requested the Board's support of this program, indicated that Mr. Burrell had participated in 2003.

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

IN RE: RESIDENT ENGINEERS REPORT

Gary Jennings, VDOT Assistant Resident Engineer, reported that crews have been working on potholes and dirt roads throughout the County. He stated that that potholes have been "proliferating". Although patching has been done on Routes 634, 627 and 665, crews plan to return with the pavers to make additional repairs. He reported that in a section of Kentland, the road has deteriorated down to the sub-grade. He indicated that repair crews are working 10 hours a day, 5 days a week, as well as every other Saturday in order to get this work completed.

Mr. Jennings reported that the speed study on Route 613 has been received and he does not believe that a speed reduction is likely and offered to go over the report with Mr. Hill. Mr. Hill stated that he is still receiving telephone calls regarding tractor trailers using that as a bypass and asked that patrols remain in that area. Mr. Jennings indicated that the mobile weigh unit was in that area for pull-offs week before last and he will continue to work with them to keep that an active location.

Mr. Sparks thanked Mr. Jennings for his help on the Henpeck Road work. Mr. Jennings indicated that they have determined the size of the pipe and a new one has been ordered.

In response to a request from Mr. Davis, Mr. Jennings reported that there is not yet a contract for the Mattaponi Bridge. There was a pre-bid meeting last week. He does not believe that this will delay the Eltham Bridge project. Both projects are still on schedule.

Mr. Davis inquired whether VDOT kept records or report cards on contractors. Mr. Jennings reported that they did. If a contractor receives low marks on a project (like the one who worked on Route 634), then that will reduce the size of the contracts upon which that contractor will be able to bid in the future.

Regarding the Route 249/30/33 intersection, Mr. Jennings reported that the new signs are up. It was reported that there was another collision there last week and several "close calls" and Mr. Jennings was asked about installation of rumble strips. He indicated that the rumble strips will result in more complaints from locals, but he will look at that request again for the eastbound lanes. There is currently a 2 second all red and 4 second caution being used at the light at that intersection. When questioned about the benefit of the longer caution, he stated that only locals would be familiar with the longer caution.

Regarding Route 618, Mr. Jennings reported that it was on the list but that crews had not yet had a chance to get down there.

The Board, individually and collectively, thanked Mr. Jennings for his prompt responses to their inquiries and requests.

IN RE: INTRODUCTION OF NEW PERSONNEL

Fire Chief Larry Gallaher introduced and provided brief backgrounds on the new paid fire staff that include Spencer Cheatham, Ron Grammer, David Hicks, Lisa Atkins, John West and Tim LaLiberte. Chief Gallaher described the activities and schedules of these new employees.

Chairman Burrell welcomed them and stated that he had been to the fire station and saw first hand how this group had "hit the ground running".

Mr. Trout stated that it was great to have help and they were going to be a tremendous asset to New Kent and he was looking forward to working with them.

The remainder of the Board joined in welcoming the new fire employees to the County.

IN RE: COX COMMUNICATIONS

Tom Prevette of Cox Communications addressed the Board regarding changes and events since his last visit. He congratulated the new Board members and expressed his pleasure in working with County staff.

Mr. Prevette related that Hurricane Isabel was Cox's single most expensive catastrophe in the company's 105 year history. They sustained \$15 - \$20 million in losses in Hampton Roads and 95% of their system was inoperable after the storm. He explained how they lease pole space from the power company, and because of safety reasons, are required to wait until after the power company has restored electric service before Cox can begin repairs of their lines. He reported that they had 2,200 employees working 12 – 18 hours a day after the storm and Cox is proud that they had 98% of service restored within three weeks.

Mr. Prevette brought the Board up to date regarding the upgrade that occurred in the County last year. He reported that Cox is happy with its subscription levels in New Kent, which are growing at about 1%. New Kent customers seem particularly pleased with the high speed internet service.

He explained that because of County's low density and length of distance, Cox is not yet able to offer telephone services to customers in New Kent, but Cox is testing a secondary system (voice over IP services) in the Roanoke area, and if that it successful, they may be able to offer some type of "bundling" service in New Kent that includes local telephone.

Mr. Prevette explained the value of having a local customer services presence, in that a portion of the revenues flow to New Kent as Cox employees spend their paychecks here. Cox is the only company who has a local customer service organization.

Mr. Trout stated that he has enjoyed the digital cable and high speed internet service. He questioned when high speed internet would be available to the Providence Forge area. Mr. Prevette reported that Cox is looking at installing high speed internet at the Heritage Library but he is unsure of the timeline. Mr. Trout explained that the local fire station and rescue squad receive hospital admitting information over the internet and there is a real need at both of those locations. Mr. Prevette agreed to look into that.

Mr. Trout shared some of the complaints from Cox customers at the eastern end of the County about the Hampton Roads stations no longer being available, and suggested that Cox consider returning the local Hampton Roads channels back into the offerings. Mr. Prevette stated that Cox did not make that decision lightly. He stated that 75% of what is broadcast by Hampton Roads stations duplicates what the network delivers. As a result of their concern for those users who are more connected to the Hampton Roads market, they do offer LNC which is an import of Channel 13 news shows. He stated that they are not able to please all their customers all the time.

Mr. Trout inquired about the three government channels, only one of which is being currently used. Mr. Pevette explained that Cox has donated \$10,000 in equipment to New Kent in order to get its government access station operational. It would be up to the County to decide what additional or more sophisticated equipment it would want, but their staff can assist in helping New Kent make those decisions.

Mr. Sparks inquired about broadcasting programs at night so that working constituents can view the airing the board meetings. He also asked that Cox consider returning Channel 10 to the offerings for school announcements from the Hampton Roads localities.

Mr. Davis indicated that he had the same concerns as last year and inquired about how much fiber optic cable had been installed in New Kent. Mr. Pevette stated that the system installed is a hybrid fiber coaxial system which does include some fiber optic. He reported that there are 3,500 – 3,800 customers in New Kent, and that he has provided a coverage area map to the County Administrator last year.

Mr. Davis inquired about the status between Cox and ESPN. Mr. Pevette stated that Cox had taken a public stand against the escalating costs of sports programming which has increased by 20% each year over the last five years. They have reached a nine-year deal which will provide basic coverage access to ESPN at a rate that will not increase more than 7% annually. He stated that other cable providers would have been forced to take a similar stand at the time of their contract renewals with ESPN.

Mr. Davis complained about aerial cable lines that are too low in certain areas. Mr. Pevette stated that there are minimum height requirements which he believed to be 16 feet at mid span and 18 feet at road or driveway crossings. He asked Mr. Davis to provide him with specific addresses where lines are too low and he will have someone investigate. Mr. Pevette requested that any breaches of minimum safety heights be reported, by street address, through our County Administrator, and he will forward that information to their Regional Engineer for investigation.

IN RE: IRRIGATION METERS

County Administrator Gary Christie reported that when the previous Board had adopted its budget last year, it had included a fee of \$150 to install an irrigation meter when the meter box had already been constructed. However, this fee did not make it into the ordinance that was adopted. Ordinance O-03-04 will enact that fee until a permanent ordinance can be advertised and adopted.

Mr. Davis stated that this fee covers the County's costs and the County does not make any revenue on this charge.

Mr. Davis moved to adopt Ordinance O-03-04 as presented. 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

County Administrator Gary Christie, by PowerPoint presentation, reviewed the proposed service district. Included therein will be Patriots Landing, which has been approved for construction of 640 homes and 270,000 square feet of commercial space, and has requested up to 250,000 gallons per day. The Bottoms Bridge merchants and property owners have requested up to 200,000 gallons per day in commercial and residential development. The Williams tract has predicted preliminary use of up to 201,400 gallons per day for residential development over 10 years, and up to 284,680 gallons per day for commercial development over 15 years.

In creating the service district, he reported that New Kent could use connections fees and utility fees to pay for the infrastructure, and enact an *ad valorem* tax to pay any costs that are not covered by connection and utility fees.

He reported that in the Kentland PUD, the County had approved development of over 3,500 homes that will need sewer capacity. New Kent has collected over \$1,431,100 in connection fees for Brickshire sewer customers that will come on line over the next 20 years. Best Industries is moving forward to begin development of the balance of the Kentland PUD and will need sewer services for at least an additional 1,800 homes. The Chickahominy wastewater treatment plant is not large enough to serve all of the homes in the PUD and Providence Forge. It is also more expensive to operate because of the strict discharge limits, and the tougher permit limits leave little room for error.

Rodney McNew's development has been approved for 90 homes, which would bring \$360,000 in connection fees and build the customer base in the Courthouse area. In Deerlake where there are poor soils and a number of existing homes with alternative drain fields, there are 100 homes zoned for development which would bring \$400,000 in connection fees. Because of potential health and sanitation problems, failing septic systems and few reserve drain fields, sewer will one day soon be needed in Woodhaven.

If the County elects to run the sewer line down I-64 to the Parham Landing plant, the Bottoms Bridge Service District would pay a share of the pipe cost measured by their portion of the flow. Service districts could also be created at each of the other interchanges at Talleyville, Route 155 and Route 33, comprised of those properties identified as Economic Opportunity in the Comp Plan, and each district would pay their share of the pipe costs measured by the portion of flow. An *ad valorem* tax could also be levied on the service district properties to pay any costs that connection and utilities fees don't cover. The County's commitment would be to pay as much as 50% of any pipe construction costs, as well as the maintenance and operational costs not covered by connection and utility fees, considering this as an economic development project. Funds could come from the utility fund or the general fund, perhaps as a county-wide *ad valorem* tax.

Mr. Christie cautioned the Board that the computer model is only a model, the numbers are not final or unchanging but only best estimates, and it should be used only as a guide, understanding that the economy will drive the project.

The computer model is based on the assumptions that:

- Patriots Landing will build 440 homes and 220,000 square feet of office space over 9 years;
- Bottoms Bridge merchants will build businesses and residences to use 98,000 gpd over 20 years (490 square feet of commercial and residential space)
- Williams tract will produce 300 homes over 15 years, 356,000 square feet of office space over 20 years, with 2008 being the first year of development (about 27% of requested amount)
- Kentland/Providence Forge will have 100 connections per year for 30 years
- Talleyville and Route 33 interchanges will build 30,000 square feet of commercial space a year for 10 years
- Route 155 intersection will build 15,000 square feet of commercial space per year over 10 years
- Utility fees and connection fees will increase by 3% every 2 years, and are standard throughout the county
- 5% interest rate for 30 years, with interest only payments for first 3 years
- establishing a reserve of 115% of debt service
- does not assume connections from Deerlake or Courthouse area
- County is obligated to pay 50% of the trunk line debt and all maintenance and operation costs that are not covered by connection fees
- Service districts pay their proportionate share of the flow through the trunk line
- All of Kentland water connections and 50% of water utility fees are credited to County obligations for pipe and maintenance
- Line from Chickahominy plan to Parham Landing plant and upgrade at Parham Landing plant is completed by 2010
- Mandatory utility connections within all of the service districts, including existing businesses

- Average value of new homes in Bottoms Bridge is \$180,000
- Cost of construction increases 2% per year
- Property values increase 15% when utilities become available
- County continues to reassess properties 18% every 4 years
- Any necessary *ad valorem* tax begins FY2005 (Dec 2004)
- Chickahominy plant is shut down in 2011
- Development economy remains strong

If expected growth is not realized, then there is a risk that the *ad valorem* tax for the service districts may increase, the County may have to use utility funds or create an *ad valorem* tax to pay its share, and the County may have to foreclose on properties upon which *ad valorem* taxes aren't paid.

Regarding the alternative of sending the flow to Henrico, the model assumes

- \$100,00/year credit for 10 years by the Bottoms Bridge Service District
- 3% annual increase in commodity charge (usage fee) to Henrico County
- Capacity charge payments begin upon signing of the contract

Mr. Christie reviewed the pros and cons of sending the flow to Henrico County for treatment. Advantages include the fact that New Kent would have a contract for treatment of 600,000 gallons per day; construction time would be shortened by 3 – 5 months; a small project may be more manageable. Disadvantages include that this scenario would not address the Kentland PUD/Providence Forge sewer needs; it would be more expensive to expand the Chickahominy plant which has limited expansion capability; Henrico would control New Kent's growth over 600,000 gpd; installing utilities along Route 249 to serve the Courthouse may increase development pressure in that corridor.

The advantages to running the sewer line to Parham Landing would include that it would address the needs at Kentland/Providence Forge; allow the County flexibility in whether or not to expand the Chickahominy plant, avoiding potential conflict with DEQ and Newport News; could serve needs at Deerlake, the Courthouse and Woodhaven Shores, and could create the foundation of a County sewer master plan; keeps development focused along I-64; allows the Board to control growth by saying no to development; is only dependent on the residential housing development already approved by the County; the Parham Road plant is less expensive to operate than the Chickahominy plant; less restrictive permit levels resulting in lower likelihood of violations and consent orders; and it would cost less and be easier to expand the Parham Road plant. The only disadvantage is that the economy would have to remain strong.

Steve Jacobs reviewed his preliminary Financial Analysis on the two alternatives. He is of the opinion that with the Henrico scenario, the cash flow will be sufficient to fund the operating costs and the debt service with a minimum *ad valorem* tax, and that the debt could be retired in 18 – 20 years, rather than 30.

With the I-64 scenario, the same assumptions apply, except that the costs of connecting to Henrico would be eliminated. There are no infrastructure costs included for the service districts at Talleyville, Route 155 or Route 33, but it is assumed that those development costs would be paid for by each district. It is assumed that it will cost \$7.6 million to run the line from Bottoms Bridge to the Chickahominy plant (Phase I) and \$6.1 million to run it from the Chickahominy to Parham Landing plant (Phase II), and that it will cost \$4.5 million to expand the Parham Landing plant, and will cost \$100,000/year plus treatment costs for Phase I, and \$200,000/year for Phase II, and that 50% of the debt service of operations and maintenance will be the responsibility of the County, either from the utility fund or the general fund, and that the balance is paid by properties within the service districts, based upon their respective flows. With 100% of sewer connection and user fees, and 100% of the water connection fees and 50% of the water user fees, the cash flow will be sufficient so that only a minimum *ad valorem* tax will be necessary to retire the debt within 18 – 20 years. He projects that the County would only have to increase tax levies by 1 or 2 cents per year, except in 2011 when a 4 cent increase may be needed.

In summary, he believes that both scenarios are equally viable without any onerous tax burden, and he thinks the decision will be based on non-financial issues.

Mr. Burrell asked how costs will be affected if development happens sooner than projected. Mr. Jacobs reported that it would result in less need for an *ad valorem* tax and better for the debt service.

Roger Hart of R. Stuart Royer stated that his estimate to expand the Parham Landing plant was based on expansions at similar plants.

Chairman Burrell solicited comments and questions from the audience.

William Dervishian wondered why the County was starting in Bottoms Bridge and going east rather than at the Parham Landing plant and going down Route 33 first. Mr. Burrell explained that the Bottoms Bridge area has the largest commercial and business base and that the County had been planning for public utilities in that area since construction of the Henrico jail.

John Montgomery asked about the difference in timing between the two scenarios. Mr. Hart stated that he believes it will take 5 – 6 months more to go down I-64; however, Henrico has not started construction on their side and it is unknown what their timetable would be. Mr. Hart stated that the County could consider a commercial pump and haul operation as an alternative to try to stay with the timetable, but would have to be careful with the amount and cost. There are 43 – 45 easements along I-64 between Bottoms Bridge and the Chickahominy plant. There are 31 possible easements along Scandia Road alone in Henrico County. If the sewer line is installed in the right-of-way instead, then the road may have to be rebuilt. The costs of obtaining easements in Henrico County are not included in the estimates.

John Crump stated that since it seems that the decision is not going to be made from a financial standpoint, the County should look at the impact on growth. He is concerned about the schools being unable to absorb the students that will result from the residential developments in Bottoms Bridge. He wondered where are the quaint villages that are called for in the Comp Plan.

Chris Corrada inquired about the easements and right-of-way along Scandia Road in Henrico. County Attorney Phyllis Katz reported that the easements would be the financial responsibility of New Kent. If the County runs the sewer line in the right-of-way, there will be the construction costs of the road. Roger Hart said his choice would be to use the right-of-way.

Mr. Sparks inquired about the \$400,000 estimated for legal costs for the Henrico scenario. Ms. Katz reported that was for the legal costs for acquiring the easements.

John Montgomery inquired about tying the large users into some kind of commitment. Dan Siegel of Sands Anderson stated that they are working on a developing a contract with large capacity users to guarantee annual flow costs.

Billy Cunningham inquired whether the temporary pump and haul would be for commercial business only. Mr. Hart stated that they had only looked at commercial but could look at others too.

Mr. Davis inquired about pump and haul for current businesses. Mr. Hart indicated that pump and haul would only be used for existing businesses that did not have working systems. Others could continue operating on their septic systems.

Tolar Nolley shared his concerns with pump and haul. He stated that he was at the Quinton Food Lion this past weekend during a pumping and the smell was horrible. He urged the Board to take action to install the sewer and not consider pump and haul.

Chris Corrada asked if a bond referendum would be required to use the general fund. Mr. Christie stated that it would not,

Julian Lipscomb asked if the 4 cent increase in real estate taxes would be on all property in New Kent. It was reported that it could be. Steve Jacobs reported that the projected 4 cent increase would be for one year only, in 2010, and the following year it would be back down to a 1 cent increase. The

County could smooth that jump ahead of time, or could choose for the funding to come from the utility fund. If there is a drop in the economy, there could be more of a tax on all real estate in New Kent.

Mr. Jacobs stated that he had been very conservative in his figures, figuring on a worst case scenario.

Mr. Trout inquired about moving forward with the aerial survey of I-64. Mr. Hart stated that this was a good time to do that while there are still no leaves on the trees. The aerial survey bids that were given to Mr. Christie are broken down by phases. It was agreed that Mr. Christie would locate and provide those bids before the end of tonight's meeting so that the Board can take some action.

Mr. Davis asked if the sewer line is taken to the Chickahominy plant, how long before the County will have to expand that plant or extend the line to the Parham Landing plant. Mr. Hart indicated that would be 3 – 5 years.

Mr. Davis stated that it appears that Henrico County is not ready yet, and that New Kent can't expect them to be ready overnight, and it may take just as long as it would to extend the sewer down I-64. John Montgomery agreed, and that based on his recollection, he thought it would take Henrico 18 – 24 months but he did not know if that included the lead time for obtaining the easements. He thinks there might be 90 – 120 days time frame difference between the two scenarios. Mr. Montgomery stated that it doesn't matter to his clients where the flow is treated - they want sewer in the quickest and most economical fashion.

There was discussion about the next steps. Mr. Christie suggested another question/answer session before the April 13 meeting. Mr. Sparks agreed, but stated that the Board needs to decide what it is going to do before then. Mr. Davis stated that he is ready to make a decision tonight, but it would not serve the citizens well to not give them another chance to comment, but he does not want to put it off for another month. There was consensus to have a public comment period at the work session on March 22 for those in the potential service districts at Talleyville, Route 155 and Route 33. It will not be a formal public hearing but will be advertised and will not start before 7 pm.

Mr. Christie asked the Board to consent to another community meeting in Bottoms Bridge on the service district on March 30 at the Quinton Community Center. The Board agreed.

Mr. Hill challenged his fellow board members to be prepared on March 22 to receive public comment and make a decision that night. Mr. Sparks echoed that request. Ms. Katz stated that the Board needs to make sure that the public understands that the Public Hearing in April is to create the boundaries of the service district.

IN RE: BUDGET MEETING CALENDAR

There was discussion regarding meeting times and days for the upcoming budget deliberations. It was agreed that the Board will meet on Friday, March 12 from 8 a.m. until 12 noon; on Friday, March 19 from 1 p.m. to 5 p.m.; and on Friday, March 26 from 8 a.m. until 12 noon.

IN RE: ELECTED OFFICIALS REPORT

Mr. Trout reported that Senate Bill 167 had passed the House and is on the Governor's desk awaiting signature. This bill will allow Colonial Downs to increase the number of satellite wagering facilities from six to ten. Colonial Downs is in the process of opening its sixth one now. He commended Andy Hagy, Herb Jones, Sheriff Howard, Alan Diamonstein, as well as Bea McDougale and the Virginia Racing Commission for their efforts in getting this bill passed. This will bring additional revenues to New Kent, as well as the state and the localities in which the OTBs are located. Mr. Burrell thanked Mr. Trout for representing the Board on this issue, and that the 4 additional OTBs represents \$400,000 in additional revenues for New Kent, which could save an average taxpayer \$120/year on real estate taxes.

Mr. Burrell stated that he will be meeting with the Richmond Convention and Visitor's Bureau Board of Directors and will be appealing to them to assist the County with its 350th anniversary. Regarding Central

Virginia Waste Management Authority, he reported that New Kent had revenues of \$1,000 in January for newspaper recycling, and he'd like to encourage recycling of cardboard and newspapers through the schools.

IN RE: STAFF REPORTS

County Administrator Gary Christie reminded that the County is trying to obtain commemorative license plates for its 350th anniversary and needs 350 to sign up for these special plates.

Mr. Davis inquired about the Equalization Board. It was reported that the Board members are in the process of taking their oaths and training has been scheduled for March 24. The Equalization Board will be setting hearing dates.

IN RE: APPOINTMENTS

The Board will continue to make appointments to various committees.

There were no appointments for District One.

Mr. Sparks moved to appoint Ruth Gulette as District Two's representative to the Transportation Safety Commission to serve a four-year term beginning January 1, 2004 and ending December 31, 2007.

There were no appointments for District Three.

Mr. Trout moved to appoint Richard Weyant as District Four's representative to the Transportation Safety Commission to serve a four year term beginning January 1, 2004 and ending December 31, 2007.

Mr. Trout moved to appoint Mark Hennaman as District Four's representative to the Board of Zoning Appeals to complete a five year term ending December 31, 2004.

Mr. Trout moved to appoint Paul Gilley's as District Four's representative to the AFD Board to complete a term ending December 31, 2006. There was discussion about the AFD Board and Mr. Davis suggested that appointments to this Board be postponed until the next work session. Mr. Trout withdrew his motion regarding Paul Gilley.

The members were polled on the remaining motions:

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

The motions carried.

For Boards and Commissions not delegated by District:

Mr. Davis moved to appoint Stran Trout as the Board's representative to the New Kent Educational Foundation to serve a three year term beginning March 1, 2004 and ending February 28, 2007. 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.

IN RE: MEETING SCHEDULE

The next regular meeting of the Board of Supervisors will be held at 6:00 p.m. on Tuesday, April 13, 2004, in the Boardroom of the County Administration Building. A work session will be held at 6:00 p.m. on March 22, 2004, in the Board Room of the County Administration Building. There will also be budget work sessions on March 12, 2004 at 8 a.m.; on March 19, 2004 at 1 p.m. and on March 26 at 8 a.m., all in the Boardroom of the County Administration Building.

IN RE: CLOSED SESSION

Mr. Trout moved to go into closed session to discuss a personnel matter pursuant to §2.2-3711A.1 of the Code of Virginia involving hiring of new employees; for consultation and briefings by legal counsel, consultants or staff members pertaining to actual or probable litigation or other legal matters pursuant to Section 2.2-3711A.7 of the Code of Virginia involving the airport and legal services. 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. The Board went into closed session.

The Board emerged from closed session. Mr. Davis moved to come out of closed session. 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 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 whether there was any member who believed that there was a departure from the motion. 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.

IN RE: OTHER BUSINESS

Mr. Hill moved that New Kent contract with Tuck Engineering for aerial mapping for Phase I and Phase II at a cost of \$28,000. There was discussion about whether both phases should be done now, or delay Phase II until a later time. Mr. Hill amended his motion to only Phase I at a cost of \$14,600. 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.

Mr. Trout moved to authorize legal counsel to seek Court determination regarding the deed between New Kent and Dr. Bennett. 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. Hill moved that the Board consent to the hiring of Charles E. Hester, as proposed, for the position of Director of Parks & Recreation for New Kent County. 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.

IN RE: ADJOURNMENT

Mr. Sparks moved to continue the meeting until March 12, 2004, at 8:00 a.m. in the Boardroom of the County Administration Building. 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 concluded at 10:25 p.m.
