

A WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 22<sup>nd</sup> 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.

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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 at 6:00 p.m.

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IN RE:           COUNTY CLEAN-UP CAMPAIGN

Zoning Administration Kenneth Vaughan reported that the Clean County Committee has been tasked with developing a proposed policy to clean up unlicensed junk vehicles in the County. He introduced Diann Walls, Chair of the Clean County Committee. Ms. Walls indicated that a subcommittee has developed a preliminary proposal which will be presented to the full committee at its meeting on March 23. She reported that the New Kent County Code, under Section 70-135, prohibits the keeping of inoperative vehicles on residential, commercial or agricultural properties, and allows for a fine of up to \$1,000; however, this is rarely enforced. Their proposal would include notifying County residents of the clean up program and offering a 90-day amnesty period to allow property owners to remove inoperable vehicles and other junk from their property. Thereafter staff from the Community Development Department would begin sweeps of the County to locate violators, beginning the sweeps in Providence Forge, then Eltham, Barhamsville, Quinton/Bottoms Bridge and Lanexa. Notices of the clean up program would be advertised in The Chronicle (1/2 page ad for 2 weeks at \$395.20) and in the Tidewater Review (1/4 page ad for 2 weeks at \$412.02). Notices would also be posted at each of the County's refuse sites, distributed to civic organizations, churches, County and State offices, included in the Parks & Recreation brochure, on the County website, and reminders included in the tax bills. She provided a copy of a proposed notice, which included the names and telephone numbers of six local towing companies who have indicated their willingness to participate in this clean up for modest towing fees of \$15 - \$25 per vehicle. She asked for the Board's input and suggestions.

Regarding the penalty, Ms. Walls indicated that at present when there is a violation, the property owner can appear in Court and appeal to the Judge for leniency. Her committee is suggesting that the Code be changed to impose an immediate fine.

Mr. Trout voiced his concerns about whether the Community Development Department has the staff to carry out the sweeps or enforce the Code.

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Mr. Davis agreed that staffing is a big concern. He suggested that perhaps a tiered fine be included, perhaps \$100 for the first notice and \$1,000 for subsequent notices. Mr. Davis also reported that the price for scrap metal has increased to \$.06/lb which would result in payment of \$180 for a 3,000 lb vehicle. He thinks that the salvage yards with crushers should not charge for towing if they are making money by selling the scrap metal, and that the County should contact them with that proposal. Mr. Davis stated that the criteria should be if the junk car is visible from a state road, then there is a violation.

Mr. Burrell agreed that towing companies shouldn't charge if they are making a profit on the scrap metal. He is concerned about those County residents who have collectable vehicles that are unlicensed and/or inoperable. He feels that an acceptable car cover would suffice in those instances, rather than having to place the vehicle in a structure. Mr. Burrell also expressed concern about the definition, as there are some junk and unlicensed vehicles that are operable.

County Attorney Phyllis Katz stated that it would be necessary to change the Code in order to change the definition.

Mr. Trout reported that the definition in the Code is "a vehicle without a valid license or state inspection".

Ms. Katz suggested that she could review this and provide the Board with a memo outlining the changes needed to the Code. She indicated that perhaps those in the process of restoring vehicles could get a temporary permit. Mr. Sparks stated that he did not want to create any more bureaucracy or any more rules that need to be enforced by the Planning Department.

Mr. Christie directed the Board members to the Code section which has the language "otherwise shielded or screened from view".

Mr. Davis reiterated his opinion that it should only be enforced for those junk vehicles that are visible from a public road and are public eyesores. He is of the opinion that it is up to the Board to work this out with the towing companies to lower the towing price.

Mr. Trout stated that the roads in Woodhaven Shores are private, and they have the same problem with junk cars.

Mr. Vaughan stated that he is not permitted to go onto private property to get the Vehicle Identification Numbers from junk cars which Ms. Katz has advised that the County will need. Ms. Katz reported that it is preferable to have the VIN number if the County will be moving forward with enforcement. She also advised that Mr. Vaughan, as zoning administrator, has the authority to enter private property to enforce zoning violations. Mr. Trout suggested that he could be assisted by Sheriff Department staff.

Mr. Burrell suggested that the County make a broad appeal to its residents to clean up for the 350<sup>th</sup> Celebration and Jamestown 2007 and see what happens.

Mr. Trout reminded that there is also the option of donating vehicles to charities for a tax deduction.

Mr. Davis suggested amending the proposed notice to remove the part about debris, washing machines, refrigerators and tires, and also the part about notice of violation.

Mr. Trout suggested that the program be given a positive spin, emphasizing a county-wide clean-up for the 350<sup>th</sup> celebration and emphasize the advantages of donating vehicles to charities.

There was consensus among the members to make this a voluntary clean-up and revisit the issue in a couple of months. Mr. Burrell thanked the members of the Clean County Committee for their hard work and concern for the County.

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IN RE: RADIO SYSTEM UPDATE

Fire Chief Larry Gallaher brought the Board up to date regarding the radio system upgrade. He explained that the County needs transmitters in Barhamsville, Bottoms Bridge and Providence Forge in order to make the radio system fully operational. Funds have previously been appropriated and the County is in the contract-signing stage. He anticipates that it will take 2 – 3 months from the time the contract is signed for the work to be completed. He reported that he has observed similar systems in both Middlesex and Powhatan Counties, both of which work great.

Mr. Christie reported that the radio contract will be on a future Consent Agenda for approval by the Board.

Mr. Trout inquired whether this upgrade would improve unit to unit communication. Mr. Gallaher stated that it would help everything, including the handheld units and the vehicle-to-vehicle communications. It is anticipated that the upgrade will provide the national standard of 95% in-building coverage.

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IN RE: APPOINTMENTS

There was discussion regarding the re-organized AFD Commission and the suggested staggered terms. All Board members were in agreement with the terms that have been proposed. Ms. Katz advised that the State Code requires that the eight appointed members must be landowners, and that four must be engaged in agriculture or forestal production. She indicated that the general guidelines are that to be considered agricultural property a parcel should be least 5 acres and forestal property at least 20 acres. It was agreed to discuss nominations tonight to make sure that there are enough qualified nominees and to make formal appointments at the budget work session on Friday, March 29.

Mr. Davis indicated that he intends to nominate Larry Dzula, a farmer, as District Five's representative. Mr. Trout stated that he intends to nominate as District Four's representative, Paul Gilley, who was the AFD chair and a former Vo-Ag teacher. Mr. Trout stated that he intends to nominate William Mountcastle, a forester, as an at-large representative for a term

ending in December 2004. Mr. Hill reported that he intends to nominate George Edward Gregory for District One's representative. Mr. Sparks reported that he intends to nominate Wayne T. Marks as District Two's representative. Mr. Davis reported that he intends to nominate George Fisher, a farmer, for an at-large position that will expire in December 2004. Mr. Hill reported that he will nominate Jimmy Talley, a farmer, for the last at-large position which will expire in December 2005. Mr. Burrell reported that he would make District Three's appointment at the March 29 meeting.

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IN RE: CDBG GRANT

County Administrator Gary Christie introduced Keith Sherrill, who is coordinating this project through Quin Rivers Agency for Community Action. Mr. Sherrill indicated that tonight was the second and final public hearing necessary in order to file the application, the first having been held at St. Luke's Church in Plum Point on January 13, 2004. The deadline to submit the application is March 31, 2004. The total application will be for \$735,200, which is 85% of the total project cost of \$849,251. He reported that the primary focus of the project is housing rehabilitation of 11 homes. Six homes will be demolished and reconstructed. One additional home will be built as a spec house to be occupied by current occupants during repairs and then sold to a mid-income person. Two vacant structures will be torn down. Plans are to hopefully decontaminate some of the wells and fix some septic systems. Unfortunately, only \$10,000 will be available for road improvements, which is less than they had intended. Part of the problem is that many of the roads are outside of the defined project area. The County will provide a match (just under 2%) of \$13,851, all except \$2,500 of which has already been spent by the County on legal fees, advertising costs and engineering expenses. The \$2,500 was the amount appropriated by the Board last year for road work in Plum Point.

Mr. Christie inquired as to the impact on the grant amount if the County were to increase the amount of its match. Mr. Sherrill reported that it would have a positive impact on the chances for the grant if the County had a greater percentage match, but it would not affect the amount of the grant. It doesn't mean that the County couldn't put more money into it if they wanted.

Mr. Davis expressed his disappointment that there would not be more money for road improvements, but he does not want to do anything to hold up the application process. He thanked Mr. Sherrill for his hard work.

Mr. Burrell reported that he was pleased with the attendance by the Plum Point residents at the community meetings and public hearings that have been held and feels that this project will be of great benefit to that community.

Chairman Burrell opened the Public Hearing.

Edward Pollard stated that this was a wonderful opportunity and applauded Quin Rivers for its effort and hard work. He stated that this project would give New Kent a great opportunity to do something for those residents at a minimum cost to the County, and urged the Board's support. He agreed that the roads need work.

Mr. Davis and Mr. Burrell responded that the Board is continuing to work towards turning the roads over to the state.

Rosemary Randall thanked the Board members for supporting this project and for attending the meetings that were held at St. Luke's Baptist Church. She applauded Mr. Sherrill on behalf of the Plum Point community and the Plum Point Community Association. The residents want these improvements so that they can feel good about themselves and their community.

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

Mr. Trout inquired when the County will learn if it will receive the grant. Mr. Sherrill reported that the announcement will come from the Governor's office early in December. Typically construction contracts are signed by the fall.

Mr. Sparks and Mr. Hill both wished Mr. Sherrill luck and thanked him for his work.

Mr. Davis moved to adopt Resolution R-07-04 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.

Chairman Burrell thanked Mr. Sherrill again and asked him to let the Board know if there is anything else that he needs.

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IN RE: SEWER LINE

County Administrator Gary Christie reported that the community had been invited to comment on the proposal to run the sewer line along Interstate 64 to the Chickahominy Wastewater Treatment Plant, with the plan that when that plant reaches capacity in 2009 or 2110, the line will then be extended to the Parham Landing plant. There is a formal public hearing on April 13, 2004 on creation of the Bottoms Bridge Service District. Information has been sent out to the potential members of the service districts to be created at the interstate interchanges at Routes 106, 155 and 33. It is proposed that the County will pay for 50% of the trunk line costs, to be paid either from the utility fund or through a county-wide ad valorem tax. The service districts will pay for the remainder, based on the amount of flow each uses. It is projected that service districts would be created at the Route 106 and 155 interchanges in June of 2004, and at the Route 33 interchange somewhere between 2008 and 2010. He reported that if development progresses as anticipated, only a minimum ad valorem tax will be required. Handouts were available that described the project. Any AFD properties in the proposed service districts will need to be removed from the AFD. The service district boundaries will be set by the Board of Supervisors and residents can request to be excluded. If residents request exclusion and then

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wish to be included at a future date, it is likely to cost them more. It is anticipated that the County will be able to obtain rights-of-way to install the lines and other equipment, and that there will be standard rates within each service district as well as in the County as a whole.

Chairman Burrell stated that the County does not intend to require current residents in the proposed districts to join and have to pay fees and ad valorem taxes, if they have no need or desire for public utilities and have no plans to use their property for commercial purposes.

Chairman Burrell opened the Public Hearing.

Kevin Eddowes lives in the Route 106 interchange area and stated that he has always supported economic development in the County. However, his farm cannot afford to be in a service district and he would like to be excluded. He would also like some language in the ordinance to protect him if he should need public utilities in the future.

Mr. Christie reminded that tonight's hearing is for public comment and not for establishing any service districts.

Gordon Martin owns property off of Route 33 near Stage Road. He feels that it would be cost prohibitive to run a line from his house through the marsh to connect with a main sewer line. He does not think that residents who elect to be excluded now should be penalized with higher costs if they want to connect in the future.

Chairman Burrell repeated that it was not the County's intention to require residents with working systems to be included in the service districts.

W. Tolar Nolley presented a new welcome sign for re-installation in District 2 to replace the one that had been broken. He proceeded to state that several promises have been broken over the years and he hopes that the Board will look closely at the service districts and take into account what it wants the County to look like thirty years from now.

Duane Staskiel indicated that his questions had been answered and that he wants to be excluded from the Route 33 service district.

Bruce Howard, a resident of Stage Road, stated that he feels requiring residents to connect to the sewer line would be a great financial burden because of the topography. Again, Chairman Burrell repeated that it was not the County's intent to require residents to connect.

John Montgomery, who represents the Bottoms Bridge Property Owners' Association, stated that his clients have questions about the proposal to run the sewer along I-64. He stated that he has some concerns about the proposed Ordinance which he will address at the April 13 public hearing. His questions tonight deal with comparison of the costs to his clients between the two proposals. Mr. Christie confirmed that it would be less expensive for members of the Bottoms Bridge Service District to run the sewer line east along I-64 because there would be others to share the cost. Bottoms Bridge will pay its share based on the amount of flow. Mr. Montgomery stated that he was concerned that this Board's agreement to pay 50% of the cost

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of the trunk line may not be binding on future boards. If development does not occur as anticipated, he fears that property owners in the districts may be a target for higher taxes, and he wants to make sure that this Board's intent is clear in the ordinance.

Paul Robinson stated that he would reserve his comments until the Public Hearing on April 13.

Harvey Gay is a resident in the Route 106 interchange area and stated that his questions had been answered.

John Crump stated that over the past few years, he has had conversations with the County and the Board regarding bringing infrastructure to the villages and other areas targeted for development in the Comp Plan. He obtained a Conditional Use Permit over a year ago to bring water and sewer to the Courthouse area, and the project is no further along than it was then. He feels he has proposed a simple answer to providing service to the Courthouse area at little risk to the County. He has asked Rickmond Engineering to provide cost estimates to run the sewer line to the Chickahominy plant, to the Parham Landing plant, or building his own plant, in order that he could compare costs. He reported that although all appear to cost about the same, he feels that the County could avoid a lot of problems by running the line down Route 249. He urged the Board to include the Courthouse area in the discussions regarding sewer.

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

Mr. Christie introduced Roger Hart from R. Stuart Royer who distributed a new time table for the project if it is installed along I-64 from Bottoms Bridge to the Chickahominy Wastewater Treatment Plant. Mr. Hart indicated that this was a very aggressive schedule, and provides for breaking the line into two sections and have two different contractors working at the same time in order to meet the schedule. He believes it will take until the end of 2005 or the beginning of 2006 to get the job done. Completion date for taking the sewer to Henrico County was estimated to be September 2005; however, Henrico's timetable as to when they would complete their part of the project remains unknown, so there could be a smaller difference than 3 – 4 months. Mr. Hill inquired why the design work on the water and sewer projects can't be done at the same time. Mr. Hart indicated that he had planned to move those forward. Mr. Christie reminded the Board that the County has lost 60 days on the original timetable. Mr. Sparks inquired if the completion date could be moved up to October 2005. Mr. Hart indicated that they would do everything in their power to move the schedule forward; however, there are certain things beyond their control, including obtaining of easements, reviews by regulatory agencies, advertising, and timely approval and execution of contracts.

There was some discussion about the type of pipe to be used. Mr. Hart indicated that it would vary, depending on the nature of the soil. PVC pipe works best in "aggressive" soil but is more susceptible to being broken by contractors. Ductile line is stronger and more resistant to breaks, but is more susceptible to soil and natural effects.

Mr. Hill suggested that this would be a good opportunity to have some discussion on sewer services in the Courthouse area, and he is very interested in negotiating with John Crump.

Mr. Trout expressed the same concerns, stating that development activity in the Courthouse area and along Egypt Road would result in substantial hook up fees if sewer were available. He feels the Board needs to look at that area and how it fits into the County's sewer plan.

Mr. Sparks agreed that the Courthouse area needs some discussion; however, tonight the Board needs to act on where to put the sewer line from Bottoms Bridge, and not delay it any longer.

Mr. Davis stated that going east with the sewer line was the first step in a master plan for water and sewer. The County needs a master plan and the Board members were elected to serve the people and improve their quality of life. The County is obligated to provide utilities for Bottoms Bridge and to the Kentland PUD. Taking the sewer line to Henrico may be quicker, but in the long term will cost the County money. He wants to keep the County's money here. The comp plan has identified the villages as areas to be served and the Board needs to send a message to the citizens that the County is serious about attracting business and commercial taxpayers. He believes that the County needs to use the interstate to bring something other than increased costs for prisoner incarceration.

Mr. Trout agreed that the priority is Bottoms Bridge. The Courthouse project does not conflict with that and should not hold up the Bottoms Bridge project in any way.

Chairman Burrell stated that it is time that the County did something. He referred to missed opportunities and stated that the County needs businesses in order to offset the current fiscal status.

Mr. Hill moved to revise the Motion of January 12, 2004, and to authorize the development of specifications and bids for water and sewer infrastructure to provide 600,000 gallons per day to serve the Bottoms Bridge Service District as estimated by R. Stuart Royer at a cost of \$5,679,955, and to authorize the development of specifications and bids for a sewer line infrastructure to transport wastewater from Bottoms Bridge along the I-64 corridor at a cost estimated by R. Stuart Royer of \$7,600,000. This sewer line infrastructure will be designed to serve the Route 106 and Route 155 interstate interchanges and will terminate at the Chickahominy Wastewater Treatment Plant. 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.

Mr. Trout indicated that the Courthouse sewer project did not need a motion tonight, but the Board needs to continue discussions with the landowners and developers to determine what type of arrangements will be best for the County.



Mr. Davis suggested that after the budget was finished, the Board could concentrate on developing a master water and sewer plan and perhaps have it completed by June when the service districts at Route 106 and Route 155 are scheduled to be created. Mr. Sparks stated that Mr. Hart and Mr. Rickmond have the information and could do it quickly at very little expense.

Mr. Hill moved to adopt Resolution R-06-04 as presented. Mr. Christie and Mr. Davis explained that this resolution awards a revised engineering services contract to R. Stuart Royer as a sole source provider. 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. Hill moved to approve a contract with Tuck Mapping Solutions, Inc. for an additional \$2,222 for aerial mapping for Bottoms Bridge Phase I. Mr. Hart explained that when the request for bids went out to the vendors, the proposal was to stop at Route 155 rather than take the mapping all the way to the Chickahominy Treatment Plant and all bids were based on those instructions. The additional cost of \$2,222 is to take the mapping all the way to the plant. Tuck was not only the least expensive but could complete the project two months earlier than the others. Mr. Hart would still recommend them for the project. 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.

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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 budget work session will be held at 8:00 a.m. on March 29, 2004 in the Board Room of the County Administration Building.

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IN RE: ADJOURNMENT

Mr. Sparks made a motion to adjourn the meeting. The members were polled:

Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye

Stran L Trout  
W. R. "Ray" Davis, Jr.  
James H. Burrell

Aye  
Aye  
Aye

The motion carried.

The meeting was adjourned at 8:25 p.m.

