

A WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 26th DAY OF APRIL IN THE YEAR TWO THOUSAND FOUR OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

IN RE: ROLL CALL

Mark E. Hill	Present
D. M. "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 6:09 p.m.

IN RE: PUMP AND HAUL

County Administrator Gary Christie introduced Darrell Rickmond to bring the Board up to date regarding problems at the primary school. Mr. Rickmond reported that the Health Department has indicated that if the School Board entered into an agreement with the County to add the primary school to its permanent pump and haul permit, then the Health Department will allow the renovations at the school to continue. He indicated that although the total population of the school will not be changing (the current septic system is designed for 750), the drain field there is 27 years old. The average life of a drain field is 20 years. Pump and haul would commence if the drain field fails during construction.

The reason for delay in renovations at the elementary school relates to the bus loops over existing drain fields.

It was reported that the cost for pump and haul is \$.16 per gallon. At 10,000 gallons per day, five days per week, the cost could be over \$100,000.

Mr. Rickmond indicated that the Health Department is not requiring that the school be connected to sewer at the present time although they would prefer that option. He reported that surprisingly the soils in the drain field at the primary school are in good shape, which he attributes to the fact that the system is pumped out once or twice a year.

Mr. Rickmond reported that the primary school does use a lot of water and that staff is routinely replacing old fixtures with new water saving ones.

Mr. Christie indicated that the County's pump and haul permit would have to be amended in order to add the location. The School Board is expecting the County to pay for any pump and haul services as there is no money in their budget to pay for it. It was reported that if the drain fields were damaged during construction, the Health Department would require the County to bring the system up to code, to include pre-treatment and reserve. Similar problems would most likely occur with projects at any of the other schools, since all of the drain fields are old. Part

of the work being done at Watkins Elementary is to verify the drain fields. It was reported that Roger Hart would have his recommendations regarding sewer at the Courthouse within sixty days.

Mr. Sparks moved to make an amendment to the County's pump and haul permit to cover the primary school if needed. 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. Christie reported that a new business, B&B Seafood, has asked to use the County's pump and haul permit until the septic system at its location can be designed and installed. Accounting and Budget Director Mary Altemus reported that she had been working with the Health Department and the County Attorney in order to come up with an agreement. B&B Seafood would be required to pay a deposit of \$1,200 toward the hauling fees. County Attorney Phyllis Katz advised that the County should have an agreement with the property owner and a separate agreement with the hauler. The Health Department will have to approve the contract with the hauler, who also must have a permit. There was discussion regarding whether the Health Department would be requiring compliance with all of the state regulations in this situation. Mr. Pitts from B&B Seafood advised that the owner has received certification of the existing 1,000 gallon underground tank, which has been capped off from the drain field as required. There is no alarm, but he will install one if required. Mr. Pitts reported that his business will be retail only, and will not have tables and chairs for customers to eat on the premises. They have added a cover to the tank which will make it readily accessible and they are ready to open. He anticipates that it will take about 90 days for a new system to be installed. Mr. Christie suggested that the owner be given 120 days.

There was discussion about the County's liability if there is a spill. Ms. Katz recommended that the owner post a bond as part of his agreement with the County. The hauler will also have responsibility to report problems with the process to the County.

Mr. Davis moved to authorize the County Administrator to amend the County's pump and haul permit to accommodate B&B Seafood for a period not to exceed 120 days. 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: GOLF CART TUNNELS

Gary Jennings, Assistant Resident Engineer with VDOT, reported on agreements regarding the golf cart tunnels at Brickshire and Royal New Kent. There is currently an agreement between the County and the developer at Brickshire regarding their tunnel, in which the developer is held liable for tunnel maintenance. It is now necessary for the County to enter an agreement with the State. Mr. Jennings indicated that until the whole package is ready, the maintenance bond posted by the developer does not start. It was reported that Bluegreen is aware of that.

Mr. Jennings reported that there is no agreement yet between the County and Royal New Kent regarding their two tunnels, and George Homewood, Community Development Director, indicated that there is really no reason for Royal New Kent to want to enter into a maintenance agreement. One of their tunnels runs under Kentland Trail and the other runs under a road that is not in the public system. Mr. Homewood indicated that he had been unsuccessful in contacting the appropriate person at Royal New Kent. Ms. Katz was asked to try to contact the Royal New Kent and report back to the Board.

Mr. Jennings indicated that there is no reason not to proceed with the agreements between the County and State for the two tunnels that are under Kentland Trail and it is to the County's benefit to bring Kentland Trail into the state system. He will send both agreements to Mr. Christie for dissemination to the Board.

IN RE: VDOT REVENUE SHARING

Mr. Jennings reported that New Kent had applied for and received revenue sharing totaling \$400,000 for FY2002/2003. The County's match is \$200,000 and that amount has been paid to VDOT for the paving of certain graveled roads in the County under the Rural Rustic Road Program. Contracts for that work are going out next month.

The County also applied for and received revenue sharing totaling \$500,000 for FY2003/2004, of which the County's match of \$250,000 is currently in the CIP budget. Those funds are designated to pave four more graveled roads under the Rural Road Program as well as an unnamed project. Those contracts will go out after July 1.

The County did not apply for revenue sharing for FY2004/2005.

Mr. Jennings reported that New Kent has almost \$1.3 million to spend on roads. Paving of the first 9 rural roads is expected to cost \$450,000, and the additional 4 roads \$200,000, leaving \$640,000 still to obligate. Some of the projects that he would recommend would be realignment of the road in front of the Elementary School (Routes 249 and 631) as well as work at the entrance to Ranch Acres (Route 638). The latter project was at one time part of the Six Year Plan but was dropped for lack of funding. He also talked about the need for a storm water management plan in Chickahominy Shores which sits in a tidal flood plain area.

Mr. Jennings reported that Hanover County was using some of their revenue sharing funds to repave some of their secondary roads. Mr. Davis stated that the County should not have pay for what the State should be doing.

Mr. Davis inquired why it was taking VDOT so long to proceed with the paving of the first 9 roads under the Rural Rustic Road Program. Mr. Jennings acknowledged that this has been a slow process, but that the paving work needs to be done in the period of June – September. The contract will be advertised in May, bid due in June, contract awarded in July and work begun in August with an October 1 completion date. One contract will cover all nine roads. Mr. Davis suggested that the Board wait and see how this project goes before deciding what to do next.

Mr. Christie reported that the County has been approved for \$500,000 for FY03/04, and that although only \$250,000 is in the CIP budget for this, the County could put in another \$250,000 towards FY03/04. Mr. Jennings reported that there is also a pot of unused funds that can go to other participating localities.

Mr. Jennings indicated that crews have been mandated to work exclusively on potholes until May 1 at which time they can give their attention to other requests.

Staff was asked to provide copies of the Six Year Plan to the Board members for their review.

RE: COMMUNITY DEVELOPMENT SCHEDULES

Community Development Director George Homewood reviewed some of the projects that are pending in the County.

Regarding DragonsRidge, on April 19 the Planning Commission recommended approval. Mr. Homewood reported that information was delivered to staff too late for adequate review prior to the Planning Commission public hearing. Staff now has a list of suggested modifications. Mr. Davis, the Board's representative to the Planning Commission, indicated that the Planning Commission had debated whether or not to have another Public Hearing because there were so many changes, but decided that it really didn't matter since the Board would be making the decision. Notice of a public hearing on May 10 with the Board is getting ready to be advertised. Mr. Homewood reported that he had been experiencing difficulty receiving information from the applicant's attorney.

There was discussion regarding when to hold the Public Hearing. Mr. Trout expressed concern about having a hearing on May 10. He does not think two weeks is enough time to digest the information. He understands that there are important issues that are unresolved. He feels that a public hearing in June would be better. Mr. Sparks wondered how there could be time enough for the public to be properly informed for a public hearing on May 10. Mr. Hill stated that the Board had previously had a public hearing and voted at a later meeting.

Mr. Hill moved that the second meeting in May be an official Board meeting and that at that second meeting the Board hold a Public Hearing on this application. Mr. Trout amended the motion to replace the date with June 14. Mr. Hill argued that this delay could postpone the

issue until July or August and would just open the door for continued delays. He does not believe that there are many “neutral” opinions in New Kent and that nothing will change anyone’s mind. Mr. Trout stated that there was detail work “in the middle” that needed to be done to make the project work. Mr. Burrell suggested that a public hearing be held on June 1 on the DragonsRidge application only. The options for the budget schedule were reviewed, after which time Mr. Hill withdrew his motion.

Mr. Davis moved to advertise the budget for a Public Hearing on May 24 and for adoption on June 1 at 6 p.m., and for a Public Hearing on the DragonsRidge PUD application for 7 p.m. on June 1. 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. Staff was instructed to withdraw the public notice advertising for May 10.

Mr. Homewood reported that A. C. Worley has applied for a rezoning of a parcel of land in Kentland Square from B-1 to B-2 to allow him to operate a hardware store. Although this may appear to some to be “spot zoning”, it does conform to the Comp Plan and is a reasonable request. This application is scheduled to be heard at the May 17 meeting of the Planning Commission and he anticipates that it will be ready for the Board at their June 14 meeting.

Mr. Homewood reported that Whitlow Tree Service has filed for a Conditional Use Permit to allow a landscape contracting business in A-1 as a home occupation. He doubts that Mr. Whitlow’s plans will meet the criteria required, and he indicated that the neighbors in Ranch Acres are not happy with the prospect. Staff is scheduled to meet with Mr. Whitlow this week to see if some of the problems can be worked out.

Mr. Homewood indicated that the Board had previously requested that the Planning Commission hear the request to amend the current subdivision definition for clarity and to limit use of 15-25 acre exemptions to A-1 zoned property. The Planning Commission held a Public Hearing on March 15, at which time 4 people spoke, with “we don’t understand” being the predominant message. No action was taken and the Planning Commission has since been concentrating on the DragonsRidge project. The Planning Commission is scheduled to take this up again on May 17 and will likely send it on to the Board for consideration in June or July.

Regarding the proposed text changes in the PUD provisions, Mr. Homewood reported that a public hearing was held by the Planning Commission on March 15, and he anticipates that it will be on their agenda again on May 17, and likely to the Board in June or July.

Mr. Homewood reported that the proposed rewrite of the subdivision ordinance was given to the Planning Commission in February and a review sub-committee has held several meetings, with a few remaining to be held. His goal is to schedule a public hearing with the Planning

Commission at their June meeting and he anticipates that the Board will not receive it for consideration until the fall.

His plans for a re-write of the Zoning Ordinance and Map are to break the task into two parts. Part 1 will deal with non-residential, and is currently under review by the Village Activity Review Committee. After that section has been complete which he hopes will be before the end of 2004, work will start on the residential part. He does not anticipate that the Board will have this for consideration before the end of 2005. He stated that the problem with the DragonsRidge project is a prime example of why this re-write needs to be done.

Mr. Homewood reported that a number of developers are waiting on the rewrite of the rezoning ordinance rather than apply for rezoning. He stated that the Village Activity Review Committee has made a lot of progress and their goal is to have something to the Planning Commission by June or July, although they are waiting for an update of the GIS.

IN RE: BUDGET

Mr. Christie reported that the charges made by James City County Fire Department are increasing from \$160 to \$250 per call. He suggested that the Board restore the \$12,000 previously cut from this budget. After discussion, there was consensus to leave it reduced.

Regarding the proposal to reduce operating hours at the refuse sites, the Board was provided with a survey showing daily use during the week of April 12. Following discussion, Mr. Davis moved, effective July 1, 2004, that all refuse sites be open from 7 a.m. until 7 p.m. seven days per week, except those that now open at 10 a.m. on Sundays will be open from 10 a.m. until 7 p.m. on Sundays. The members were polled:

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

The motion carried. Mr. Christie was instructed to see that ads were run and post the new hours at all of the sites.

Regarding the proposed position of Assistant County Administrator/Economic Development Director, Mr. Christie reported that the EDA has not indicated that it is willing to provide funds to support this position. There was discussion regarding asking the EDA to pay for one half of the salary of Marilyn Mills and all or part of Andy Hagy's salary, and also under whose supervision the Economic Development Director falls. It was the consensus to ask the EDA to pay the difference to make both of these positions full time.

Mr. Christie reported that it is estimated to cost \$169,477 per year (based on percentage of payroll) to provide LEOS coverage to the sworn officers and firefighters. This is reported to be

a good recruitment and retention tool. He reported that, if he were required to choose one or the other, the Sheriff indicated that he would rather have LEOS than the 3rd investigator position.

Regarding mileage reimbursement, Mr. Christie indicated that the County needs to adjust its mileage rate (\$.29) to match that of the state (\$.325). This is estimated to cost \$2,000 and the Board was in agreement.

The Capital Improvement Projects list was reviewed and approved as suggested. There was discussion regarding the need for ambulances at the Fire Stations and the ambulances that often sit unused at the Rescue Squad.

There was also discussion regarding raising the E911 tax rate to \$3.00 from \$2.42, and for what those funds can be used. Mr. Hill moved to raise the E-911 rate to \$3.00. The members were polled:

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

The motion failed. Mr. Hill suggested that the staff continue to investigate what else we can do to utilize this tax.

There was a discussion regarding the meals tax and how to get support of the voters and businesses. County Attorney Phyllis Katz advised that the County is required to wait two years between referendums but did not have to ask permission.

There was discussion regarding health insurance benefits for Board members. Mr. Trout suggested that it be eliminated effective on December 31, 2004, thereby saving the County \$22,000 a year. Mr. Sparks suggested that the Board evaluate this at the end of the year. Mr. Davis suggested that if it is eliminated for Board members, it should also be eliminated for every other elected official.

Mr. Trout moved to eliminate health insurance coverage for the Board members as of the end of the calendar year on December 31, 2004, to save \$11,000 and include in the budget funds to pay for the first part of the fiscal year only. Mr. Hill amended the motion to eliminate coverage for all elected officials. The members were polled on the amended motion:

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

The motion failed.

For the record, Mr. Hill stated that this was a benefit that was granted prior Boards and it contributed to his decision to run for public office. He knew the benefit existed and is opposed to giving it up.

Mr. Sparks stated that he thought the two members who use the coverage should have more time before the coverage was terminated, and suggested a year.

Mr. Trout stated that as leaders, the Board members need to set an example.

Mr. Burrell expressed his concern that this could become a political issue and questioned whether it was fair.

The members were polled on Mr. Trout's original motion.

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

The motion carried.

Mr. Davis moved to eliminate health insurance for all elected officials to the extent permitted by law. The members were polled:

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

The motion failed.

Mr. Trout suggested that the Board establish a standardized policy for payments for commissions and boards and there was a consensus to add this to a future agenda.

The Board discussed the budget and the possibility of putting a portion of the money for the schools into a contingency account that could be used for school capital projects if funding from the State was greater than anticipated. There was also discussion regarding the real estate tax rate.

IN RE: MEETING SCHEDULE

The next regular meeting of the Board of Supervisors will be held at 6:00 p.m. on Monday, May 10, 2004, in the Boardroom of the County Administration Building. There will be another

budget work session on April 27, 2004 at 7:00 p.m. in the Board Room of the County Administration Building.

IN RE: ADJOURNMENT

Mr. Sparks made a motion to adjourn the meeting. 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.

The meeting was adjourned at 10:14 p.m.
