

A WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 24th DAY OF MAY 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 opened the meeting. County Administrator Gary Christie reported that he would like to add an item to the agenda involving property for the proposed water tank in the Bottoms Bridge Service District, and also an additional item for discussion during closed session.

IN RE: RESTRICTING COMMERCIAL TRUCK TRAFFIC ON ROUTE 613

Mr. Christie reported that adoption of Resolution R-16-04 is the first step in restricting commercial tractor trailer traffic along Dispatch Road, Route 613, from Hanover into New Kent. A public hearing will be held on June 14 to receive comment from the community.

Mr. Hill reported that this road is located in both District 1 and District 2, and that he and Mr. Sparks have received complaints about trucks exceeding the speed limit, and following the lead of Hanover County, he would like the Board to move forward to prohibit truck traffic from Route 613. Mr. Sparks reported that the large trucks are doing significant damage to the roadway itself and VDOT is working on some of the more dangerous parts of the road.

Mr. Hill moved to adopt Resolution R-16-04 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.

Mr. Trout suggested that the County look into whether this action should be taken on other roads as well.

IN RE: COURTHOUSE HVAC CONTRACT

Mr. Christie reported that three bids were received for the Courthouse HVAC project. David H Rogers Plumbing was the lowest bidder. Wiley & Wilson has recommended that the County accept Rogers' bid.

There was discussion regarding Mr. Rogers' use of a substitute boiler in his bid. Mr. Christie indicated that he feels Mr. Rogers understands that he has to put in the boiler that was specified in the advertisement for bids. County Attorney Phyllis Katz advised that the Board could make it clear in its motion that Mr. Rogers must use the boiler specified in the ad and spell that out to the bidder.

Mr. Sparks moved to accept the bid from David H. Rogers Plumbing Co., Inc. to perform the Courthouse HVAC project as provided in the specifications issued by the County, for an amount not to exceed \$305,500, to be paid from the Capital Improvement fund. 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 inquired about a completion date. Mr. Christie reported that Mr. Rogers had indicated that the job would be completed within 120 days, which was less time than the other bidders.

IN RE: MEMORANDUM OF UNDERSTANDING WITH CIRCUIT COURT CLERK

Mr. Christie reported that it was necessary to enter into a new Memorandum of Understanding with the newly elected Circuit Court Clerk. The MOU with the former Clerk will expire on June 30, 2004. He pointed out suggested changes which include 1) that the Clerk will agree to post all employment notices on the County bulletin board, web sites and other places where County jobs are posted; 2) that the Clerk's employees will have the same benefits as County employees as it pertains to payment of unused annual and sick leave at termination and 3) that the Clerk's Office will be open from 8:30 a.m. until 4:30 p.m.

Mr. Christie suggested that if the Board adopted the MOU with these changes, the County should encourage the other Constitutional Officers to make a similar change as it pertains to payment of leave balances at termination. Presently, the employees of the other Constitutional Officers would be paid for leave balances only if those payments are funded by the State Compensation Board.

Regarding the office hours, Mr. Christie reported that he had talked with the Judge, who confirmed that these hours are the normal operating hours of other Circuit Court Clerks' Offices and are more convenient to him. Ms. Butler has indicated that her employees take staggered lunch breaks in order to serve the public and make up that half hour during lunch.

Mr. Trout inquired whether the MOUs with the other Constitutional Officers are coming up for renewal. Mr. Christie indicated that they were not, and that the Board would have to take the initiative to re-negotiate. This will represent a greater cost to the County as the Comp Board will no longer be funding payment for leave balances at termination.

Sheriff Howard reported that when he has an employee that terminates, his department leaves them on the payroll and leaves the position vacant until the leave balances are exhausted.

There was consensus to consider this at a future meeting.

IN RE: TAP FEES

Mr. Christie reported that there is a lot of developer interest in the proposed utility trunk lines to be installed along I-64. Community Development Director George Homewood has suggested that the County develop a map to target areas where it wants to provide service and Ms. Katz has provided a memo on ways to control growth through a sewer policy.

The County does need to give Mr. Godsey an answer as to whether sewer services will be available to Deerlake.

Ms. Katz explained how the Comp Plan gives guidance to the County regarding this issue, and how tap fees should be charged to those who aren't in the service districts but need to pay their pro-rata share of the trunk line costs.

Mr. Trout expressed his concern about extending sewer service to lands designated as Suburban Housing, and suggested that the County should just expand on the service district concept.

Ms. Katz advised that the County can establish "sanitary districts" which have no taxing authority, similar to what Hanover County has done, which can move out in concentric circles from the initial core.

Mr. Davis suggested that New Kent should consider a process similar to Hanover's rather than moving forward with additional service districts at this time. The County needs to identify areas where it wants to provide utilities.

Ms. Katz reported that Hanover's plan is working and has withstood court challenges because it is not denying utilities to anyone – just controlling when utilities will be available, and the courts seemed to have been impressed with their "stage" concept.

Mr. Christie indicated that he needs guidance from the Board as it pertains to Deerlake and to the Schools. The project at the Elementary School has had to be postponed because of the sewer/septic issue.

Mr. Hill stated that it would be bad public service for the Board not to give some guidance in these issues.

Mr. Sparks indicated that the Comp Plan gave guidance

Mr. Trout stated that the Comp Plan was not developed with sewer being an option, and that making all Suburban Housing eligible would be a mistake. He also likes the Hanover plan.

Mr. Sparks indicated that he'd be interested in knowing more about the Hanover plan. Ms. Katz indicated that the Hanover Board works with the County Administrator, the County Attorney, the Public Utilities Director and the Planning Director to decide where they want growth and incrementally provides utilities to those areas.

Mr. Hill asked that the Board schedule a work session next week to consider this issue so that some decisions can be made. Mr. Godsey, Mr. Crump and Mr. McNew are being held up and the Board needs to move forward.

The Board agreed that June 8 at 7 p.m. was available for everyone and Mr. Christie was directed to contact Hanover County to see if their Planning Director or Public Works Director could attend.

IN RE: WATER TANK PROPERTY

Mr. Christie reported that adoption of Resolution R-17-04 would authorize the County Attorney to initiate the process of obtaining permission from the owners of tax map parcel 19-73 for the County and its engineers to enter onto the property to determine whether it is a suitable location for the water tank. This property is land locked and left over from the I-64 construction project. Ms. Katz reported that if the land is found to be suitable and the County is unable to negotiate with the owners (this is heir property), then it may be necessary to go to Court. In order to conform to the utilities construction schedule, the land will be needed within the next two to three months.

Mr. Burrell reported that he knows one of the family members and will try to contact them and will be in touch with Ms. Katz.

There was consensus that the Board needs to move forward with this, and everyone understood that this was not authorizing condemnation of the property.

Mr. Hill moved that the Board adopt Resolution R-17-04, approving entry upon and inspection of property identified as tax map parcel 19-73, as presented. 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.

RE: AFDS

Planning Manager, Rodney Hathaway, reported that Mr. and Mrs. Jack King has applied to withdraw 68.95 acres from the Springfield Natts AFD. Withdrawal of this property identified as tax map parcel 34-33, will leave 935.77 acres in the Springfield Natts AFD. This parcel was added to the AFD in December 2000 and will expire on 2010. Roll back taxes to be paid are estimated to be \$2,880 plus interest. Mr. Hathaway reported that although the application listed no reason for the withdrawal, the applicant had indicated that he has been approached by Bluegreen Properties to purchase this parcel which is adjacent to the Kentland PUD. This parcel is designated rural lands on the Land Use Map and is zoned A-1.

Approval has been recommended by the AFD Committee (vote of 7:1), the Planning Commission (vote of 9:1 and 1 abstention), and by staff.

Chairman Burrell opened the Public Hearing. There being no one signed up to speak, the Public Hearing was closed.

Mr. Hill moved to adopt Resolution R-13-04 as presented. The members were polled:

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

The motion passed.

Mr. Hathaway reported that Mr. H. L. Batkins had applied to withdraw 3.706 acres, identified as a portion of tax map parcel 21-16 from the Winslow AFD. Granting this request will leave 211.54 acres in the district. Rollback taxes to be paid are estimated at \$123 plus interest. The applicant has indicated that he intends to give this property to his son upon which to build a home. This property is designated as rural lands on the Land Use Map and is zoned A-1, which allows single family homes by right.

Mr. Hathaway indicated that approval has been recommended by the AFD Committee (vote of 8:0), the Planning Commission (vote of 10:0 with 1 abstention) and by staff. This can be accomplished by adoption of Resolution R-14-04.

Chairman Burrell opened the Public Hearing. There being no one signed up to speak, the Public Hearing was closed.

Mr. Hill moved to adopt Resolution R-14-04 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 passed.

Mr. Hathaway reported that Cary and Susan Harwood have applied to withdraw 334.28 acres, identified as tax map parcel 36-37, from the Pamunkey Church AFD. The granting of this request will leave 93.31 acres in the district. One of the criteria for an AFD is that it must have at least 200 acres, and the residual property would not be able to remain an AFD when it comes up for renewal in 2013. Because this property renewed in December 2003, only roll back taxes for 2003 will be applied. Approximately $\frac{3}{4}$ of the property is designated as rural lands and the remaining $\frac{1}{4}$ as economic opportunity. It is understood that this property is under consideration for inclusion in the Utility Service District, which precludes property from being in an AFD program. The applicants report that they have been approached by an adjoining property owner for purchase of a portion of the parcel.

The AFD Committee voted 6:2 to recommend approval and the Planning Commission voted 9:1 with one abstention for approval. Staff also recommends approval of the application.

Mr. Davis indicated that he understood that Mr. Harwood owned the remaining property in the AFD and was willing to remove those parcels as well. There was discussion as to whether the County could dissolve an AFD or could put conditions on a withdrawal. Mr. Hathaway indicated that it was his understanding that the residual property could remain in an AFD until its expiration, and that the County cannot put conditions on a withdrawal. Ms. Katz advised that the Code is silent on this issue.

Chairman Burrell opened the Public Hearing.

Julian Lipscomb indicated that the County could leave the residual property as an AFD or if the property was located within one mile of another AFD, the applicant could request to join that AFD.

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

The applicant, Mr. Harwood, and his agent, Charlie Kerns, were available to answer questions. Mr. Kerns indicated that the subject property is on both sides of Route 33, and that the adjacent property owner needs the property to gain access to Route 33.

Mr. Davis moved to adopt Resolution R-15-04 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 passed.

IN RE: LEVIES, FEES AND BUDGET FOR FY04/05

County Administrator Gary Christie gave a brief recap of the proposed budget. He reported that the current real estate tax rate of \$.81 per \$100 has, upon reassessment, been equalized to \$.66. The proposed budget calls for a \$.12 increase to \$.78 per \$100. One cent in real estate tax is estimated to result in revenues of \$133,556. He reviewed other changes including providing free County decals to volunteer firemen (down from half price decals), a 10% reduction in the BPOL tax rate, and the addition of a map maintenance fee. He reported increased projected revenues of \$74,000 from Colonial Downs, \$25,000 of which is resulting from the new OTB opening in Vinton.

Mr. Christie also reviewed the anticipated expenditures and reported that education, utility infrastructure and public safety are the top priority in the proposed budget. He reported that five cents of the proposed tax increase is to be set aside for future school capital projects. He reviewed upgraded, new full and part time positions in the budget, and reported that the budget provided for a 2.1% cost of living increase and a 1.5% merit increase for County employees. He reported a 23% increase in the local share of expenditures for at risk youth. He reviewed the capital projects that are proposed.

Regarding the Utility Fund, Mr. Christie reported that revenues had dropped due to the decline in irrigation usage. To sustain the fund, rates have been increased by 20% and residential connection fees and small business connection fees have been increased by 50%. 52% of the connection fees are used for operations.

Mr. Christie reported that an ad valorem tax of \$.10 is proposed for those properties located in the Bottoms Bridge Service District, which will be used to pay the debt service on the proposed loan totaling \$13,958,639 to construct the sewer utility main line.

He reported that due to increased funding from the State, the Schools report that they need \$186,803 over last year's funding, which includes recent additions for fuel cost increases and other items that were not originally in their budget requests.

Mr. Christie also reported that any increase in the tax exemptions or deferrals for the elderly and handicapped, would require a Public Hearing.

There was discussion about possible changes in the budget as a result of the increase in the state funding for education.

Sheriff Howard was on hand to answer questions about the request for a third investigator. It was reported that it appears that the Comp Board would fund \$24,706 of the \$43,395 cost of a third investigator, leaving a net cost to the County of \$18,689. He reported on the increase in the numbers of arrests for Group A and Group B crimes and how those numbers compare to other localities. He indicated that he felt the high number of arrests is a result of his department's pro-active stance in enforcement, and that the majority of those arrested in New Kent are not County residents. His two current investigators are also used by the Commonwealth's Attorney. He reported that Detective Thatcher, in the last 28 day cycle, had 27.5 hours of overtime, and 34.5 hours in the cycle prior to that. Most overtime is taken in comp time but both of his investigators are nearing the maximum. The Sheriff indicated that arrests have skyrocketed in the last 2 years and Mr. Hill noted that there has been a 70% increase in case load from last year.

Mr. Burrell stated that unfortunately the increased arrest rate is resulting in an increase in the prisoner incarceration costs of the County.

Mr. Sparks stated that our excellent Sheriff's Department is one of the benefits that the County provides for the citizens.

Mr. Trout suggested that the Board consider a greater cost of living increase for the County employees, and that increasing it from 2.1% to 2.5% would cost the County an additional \$16,149.20. Mr. Christie was asked to get an update on the salary and classification study that is currently being undertaken, and to find out why it is taking so long to get the results of that study. Mr. Christie indicated that Steve Jacobs had been pulled off of that project in order to work on the service district project. Ms. Katz reported that the Board could put some money in reserves earmarked for changes made as a result of that study. Mr. Christie reported that there was a small block of money, \$49,766, set aside in the budget for implementation of the salary study. Mr. Sparks reiterated that he wanted to know when the County will have the results and if Steve Jacobs can't do it, then he needs to turn it over to someone else. Six months is long enough to have gotten this done and he does not want to put aside any money for this until the results are in. Mr. Davis reported that he suspects that this study will be pretty much in line with the one that was done in 2000. Mr. Trout indicated that he felt that it was appropriate to leave in the \$49,766 currently set aside.

Mr. Trout requested that the budget be adjusted to reflect the Board's vote to eliminate health insurance coverage for the Board members effective December 31, 2004. Mr. Davis reminded that after the vote that was taken, the members learned that it might not be permitted by statute. Ms. Katz reported that her research has shown that the State Code prohibits the Board from changing salaries, but is silent on the issue of benefits. She suggests putting those funds into a reserve fund and she will seek an opinion from the Attorney General. Mr. Trout disagreed with Ms. Katz, indicating that the Code prevents any increase but does not prevent a decrease. Mr. Davis indicated that this coverage is provided to other elected officials. Mr. Burrell pointed out that the constitutional officers are full time and that there has been concern raised by the citizens about this benefit. Mr. Sparks indicated that language in the Code is open to interpretation, and that the Board had voted to continue this coverage only until the end of the

calendar year. Mr. Hill acknowledged that he is one of the Board members receiving this benefit and asked that the issue not be pursued or additional legal expenses be incurred, and that he is satisfied with the Board's determination.

Mr. Trout also asked that the budget be amended to reflect the Board's decision to remain using outside counsel.

Chairman Burrell opened the Public Hearing.

Steve Miles spoke as a volunteer for Meals on Wheels and thanked the Board for the County's \$3,000 contribution and indicated that it would provide 600 meals during FY04/05. Since the program started in New Kent in October of 2001, more than 5,700 meals have been served, and 125+ volunteers have put in 3,600 hours. He indicated that he approved of the Board's plans to dedicate 5 cents of the proposed real estate tax increase into a reserve fund for the schools. He urged the Board keep the renovations at the elementary school as a priority. He recommended keeping the \$.78 tax rate and keeping the extra money in reserve. He is also in favor of funding the Sheriff's requests.

Karen Cameron, Executive Director of the Central Virginia Health Planning Agency, and a resident of New Kent, thanked the Board for its support of her Agency. She explained the services of CVHPA, which include providing assistance with needs assessments in certain areas or among certain populations. She reported that they are currently conducting an assessment in the eastern area of Central Virginia, which includes New Kent, and will be meeting with certain individuals regarding a proposal by Bon Secours. As a resident, she supports improvement to the schools.

Garland Clay was against the Board's proposal to reduce operating hours at the refuse sites, stating that it was one of the few services that the County provides its citizens. He stated that he doesn't understand how much the sewer service district is going to cost the taxpayers and it is not the job of the County to provide sewer. Mr. Christie explained that the current budget does not include any sewer costs, and that the County does not plan on using general tax funds to pay for it. Mr. Clay countered that he did not understand how the proposed ad valorem tax could pay for it, and he thinks it will force more farmers to sell their property to developers. Mr. Sparks requested that Mr. Christie provide the financial information to Mr. Clay for his review.

Thomas Amis, who is retired and on a fixed income, stated that the proposed 12 cent real estate tax increase was ridiculous and a result of financial mismanagement.

David Robinson stated that the U. S. Constitution required that the Board represent the interests of the people and he did not see how the proposed increase was in the interests of the people. He reminded the Board that the school referendums had not passed and he thought the tax increase was an attempt to "backdoor" construction of a new school.

Henry McLaughlin spoke on behalf of the Central Virginia Legal Aid Society, and asked for \$500 from the County. He related the budget problems being experienced by his agency, and

indicated that the \$500 appropriation would be a big help towards providing free legal advice to the public.

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

Mr. Trout commended Central Virginia Legal Aid Society for what they do and the time they spend.

Mr. Davis stated that there is no money in the budget to pay for water and sewer services in Bottoms Bridge and that those costs are being borne by the property owners in the district. He stated that the financial advisors have indicated that it will take a 20 cent increase in the real estate tax rate to build a new school, and that the Board wants to put 5 cents away now so that there will not be such a large “jump” at one time. 1.5 cents is being used to pay for the six full time firemen. He stated that he thinks that a 9 cent increase will suffice, in light of the additional state funding received for the schools, although he doesn’t want to raise anyone’s taxes.

Mr. Hill stated that he was disappointed that only six citizens came out to speak about a 12 cent increase. He believes that the low response indicates that they don’t have a problem with the increase. He stated that the County has significant capital improvements that need to be made and it is wrong to continue to delay them. He stated that it will take a 28 cent increase to build a new school. He thanked members of the School Board who were present.

Mr. Sparks stated that the Board had met eight times to work on the budget and looked at every line item in each department and made cuts where possible. He feels the Board has done a good job of maintaining one of the lowest real estate tax rates in the Richmond metropolitan area.

Mr. Trout echoed the sentiments of the other Board members. He believes that the County can fund what it needs with a \$.75 real estate tax rate, or a 9 cent increase. He stated that over half of the increase will be put into a school construction fund and that the Board will make every effort to spend those funds wisely.

Mr. Burrell also confirmed the remarks of the other members. He stated that the Board is trying to “run a lean ship” and that there were many mandated services. He indicated that over \$800,000 had been reduced from staff requests. He stated that he had received only 2 telephone calls from his constituents, one of which agreed to the increase if 5 cents were dedicated to schools. He also reminded that the Board can lower the advertised tax rate increase but cannot raise it.

Mr. Davis reminded that there is tax relief available for the elderly and disabled and in order to obtain that relief it is necessary to file an application with the Commissioner of the Revenue.

Mr. Christie suggested that the Board have some dialogue with the School Board members regarding the specific level of funding needed.

Van McPherson, School Board Chair, reported that they have contracts with teachers that need to be sent out. He indicated that with fresh funding numbers from the State, as well as additions for increased fuel prices (among other things), and a lower ADM, they will need only \$186,803 of funding above last year's level. There was discussion about what that would pay for. Mr. McPherson stressed that the School Board has not padded its budget, has been honest and forthcoming about its needs, and cannot economize any further. He reminded that New Kent has one of the lowest per student cost in the State. Dr. Geiger indicated that they are using unexpended funds from this fiscal year to purchase new buses and for the roof replacement project at the high school, and that the teacher turnover rate has decreased.

Following additional discussion, there was consensus to include in the budget the additional \$186,803 for the schools.

Chairman Burrell opened the Public Hearings regarding Ordinance O-13-04 (establishing tax levies), Ordinance O-09-04 (Changes to Appendix A), Ordinance O-11-04 (reducing the business license tax rate), O-10-04 (increasing water and sewer rates and connection fees) and O-12-04 (establishing ad valorem tax rate for the Bottoms Bridge Service District). There being no one signed up to speak, all Public Hearings were closed.

IN RE: MEETING SCHEDULE

The next regular meeting will be held at 6:00 p.m. on Monday, May 10, 2004, in the Board Room. There will be a specially called work session on June 1, 2004, beginning at 6:00 p.m.

IN RE: CLOSED SESSION

Mr. Davis moved to go into closed session for pursuant to Section 2.2-3711 A.5 of the Code of Virginia involving a prospective business or industry, and for discussions relating to real property pursuant to Section 2.2-3711A.3 of the Code of Virginia involving acquisition of real 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. The Board went into closed session. Mr. Davis moved to come out of closed session. The members were polled:

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

The Board returned to closed session. The Board emerged from closed session. 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. Hearing none, the members were polled on the certification:

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

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 11:14 p.m.
