

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 9th DAY OF AUGUST 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 led the invocation and 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 of the work session of June 28, 2004, regular session of July 12, 2004 and retreat of July 24, 2004; approval of EMS Mutual Aid Agreement with Henrico Division of Fire; adoption of Resolution R-28-04 in support of allowing localities to determine a locally appropriate AFD permit application fee; approval giving authorization to the County Administrator to negotiate an agreement with Mid Atlantic of Richmond to install fiber optic cable between the Courthouse and the Administration buildings as per their proposal of June 24, 2004 at a cost not to exceed \$13,207.02; approval of a refund to Lohr Electric, Inc., in the amount of \$35.61 for a building permit application; approval of the payment of not more than \$10,000 as amended to be paid from the contingency general fund (changed from paid from proffers) toward the high school weight room project not exceed the total amount of \$25,000.

Mr. Christie reported that the Finance Report will be presented later on in the meeting.

Mr. Sparks inquired if the installation of the fiber optic cable between the Courthouse and the Administration Building will be a four-inch pipe containing three conduits, only one of which will hold the fiber optic cable, are the additional conduits necessary, if so, for what use?

Mr. Christie reported that the one of the conduits will be fiber optic and the remaining conduits could be used for other things such as copper cable for telephone service.

MIS Manager Jonathan Stanger reported that by installing the four inch pipe containing three conduits, there would be additional capacity for future expansion. He stated that the majority of the cost is not the pipe but getting the equipment to the desired location.

Mr. Trout requested that on page 7 of the minutes from the July 12 meeting, the word "water" be deleted. Mr. Burrell asked that corrections to the retreat minutes be made to reflect that he did not visit the King George landfill but talked extensively to Steve Minor.

Mr. Trout moved to approve the Consent Agenda, with the requested changes to the minutes, and amended to reflect that the additional \$10,000 to be paid towards the weight room project be paid from the contingency fund. The members were polled:

Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
Stran L. Trout	Aye

W. R. "Ray" Davis, Jr.
James H. Burrell

Aye
Aye

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

Chairman Burrell opened the Citizens Comment Period. There being no one signed up to speak, the Citizens Comment Period was closed.

IN RE: RESIDENT ENGINEERS REPORT

Gary Jennings, Assistant Resident Engineer with the Virginia Department of Transportation, reported that over the last month rumble strips have been installed on Route 33 eastbound approaching the intersection with Route 249. Work has started on Route 611 and Route 616 in District 1 as a result of numerous requests for service on the roads, and the second cycle of mowing has started on the primaries and interstate system. The Rural Rustic Roads project has been awarded and a Notice to Proceed will be issued on August 18 to the contractor. The contractor plans to start around August 27 and be finished before the end of September. Mr. Jennings reported that with July being such a wet month, crews had to deal with over 25 fallen trees. Also the crews are still working on addressing outstanding customer requests.

Mr. Jennings acknowledged receipt of an e-mail from Mr. Trout regarding the traffic change at the library in Providence Forge. Since the department has not received any complaints or comments, the traffic change will be considered permanent. They will be installing sign islands to prevent the signs from being knocked down. The library, state police and local sheriff's department report that the change is an improvement.

He reported that the issue with the potholes in the right-of-way at the railroad tracks has not yet been resolved. Mr. Jennings will share the names of his two contacts (Jacksonville, Florida and Tupelo, Mississippi) at the railroad with Mr. Christie.

Chairman Burrell expressed his concern with a pothole on Stage Road and reported that the sign across from the VDOT maintenance shed is turned around again.

Mr. Hill thanked Mr. Jennings and Ms. Lassiter for spending time riding with him through District 1 and for the work on Routes 611 and 608. Mr. Hill also thanked Mr. Jennings for the 45mph speed limit sign on Route 612; however, there is some tree branch coverage on the sign that needs to be removed.

There was discussion about the roads that are included in the current Rural Rustic Roads project. Mr. Jennings will provide a list to Mr. Christie to share with the Board.

Mr. Sparks inquired on the progress of the culvert work in Five Lakes and the standing water on Route 665. Mr. Jennings indicated that a contract was in the process of being negotiated. He also reported that some of the homeowners on Hollywood Court have serious problems resulting from the culvert having been improperly installed by the developer. He may be able to do something temporary as they may lose parts of their yard if something isn't done soon. Tracy is currently working on the contract and they anticipate the work to start in November.

Mr. Trout inquired if the Route 5 Bridge over the Chickahominy is open. Mr. Jennings confirmed that the bridge is open, the draw is operating and that there are two lanes open to traffic.

Mr. Davis thanked Mr. Jennings for the rumble strips on Route 33. He inquired about the contact for the paving, whom Mr. Jennings reported to be B. P. Short of Petersburg. Mr. Davis also shared his concern about crumbling pavement on Holly Forks Road near the monastery.

Mr. Davis inquired if the issue with the Hailey property in Barhamsville had been addressed. Mr. Jennings reported that drainage is the main problem with the property where there is a ditch running behind the pallet company. VDOT's easement only goes back so far and additional work needs to be done behind the storage buildings of the pallet company.

Mr. Davis asked about the status of Route 273, Farmers Drive which is supposed to have a make over and about the inmate labor. Mr. Jennings reported that the work on Farmers Drive is scheduled to start between now and November 1. VDOT employees are currently obtaining endorsements on their licenses to permit them to haul inmates, and are also apprenticing in Goochland County. The operations manager has informed Mr. Jennings that inmates should be working in New Kent County by the end of August.

IN RE: INTRODUCTION OF NEW EMPLOYEES

County Administrator Gary Christie introduced the Betty Duckworth, the new part time Receptionist/Switchboard Operator. Mrs. Duckworth is retired from Southern States Cooperative with 30 years service, the last 20 years as a grain merchant.

Director of Public Works Alan Harrison introduced John Kepner, the new Wastewater Treatment Plant Operator II at the Chickahominy Facility, most recently from Aqua Source in Petersburg, who has 28 years experience in wastewater plant operations and maintenance.

Fire Chief Larry Gallaher introduced Luke Hooker, the newest Firefighter/EMT at station #1, who has twelve years experience.

Circuit Court Clerk Karen Butler introduced Patricia Sutton, the new Chief Deputy and Criminal Clerk. Ms. Butler thanked the Board for making it possible for her to hire someone with Ms. Sutton's experience.

Chairman Burrell welcomed all of them to the County staff.

IN RE: RECOGNITIONS

Mr. Christie announced the following:

In the Treasurer's Office, Norma Holmes, was named Deputy Treasurer of the Year by the Treasurer's Association of Virginia

The Treasurer's Association of Virginia gave the New Kent County Treasurer's Office the Treasurer's Association of Virginia Community Service Award and certification as Master Government Treasurer

In the Sheriff's Department, Detective Officer Mark Thatcher was appointed by the Governor to the State Child Fatality Review Team

The New Kent's Sheriff's Department received first place in the Virginia Chief's Challenge Award and first place in the nation from the AICP Chief's Challenge

Chairman Burrell congratulated everyone on their accomplishments.

IN RE: COMMUNITY SERVICE BOARD PERFORMANCE CONTRACT

Executive Director of Henrico Area Mental Health & Retardation Services, Michael D. O'Connor, presented the Community Service Board Performance Contract to the Board for approval. Virginia State Code, Section §37.1-198 requires that each Community Services Board enter into an annual Performance Contract with the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services. This contract delineates the responsibilities of the State, and the local Community Services Board, and the conditions that must be met for the receipt of state-controlled funds. The Code

also specifies that following the approval of the Performance Contract by the Community Services Board, each of the supporting local governments must approve the contract.

In response to an inquiry from Mr. Trout, Mr. O'Connor replied that the contract is basically the same as in previous years.

Mr. Trout inquired if the County was making good use of the contract and "getting its money's worth". Mr. O'Connor replied that it was. Mr. Christie said that it is part of the County's annual budget.

Mr. Sparks moved to adopt Resolution R-29-04, 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: TECHNOLOGY AND COMMUNICATIONS INFRASTRUCTURE MASTER PLAN

Robert Nash, Vice President of SyCom Technologies gave a presentation on a proposed technology and communication infrastructure master plan. The analysis of the current and future technical requirements of the County offices, Courthouse and School Board's voice and data needs was obtained with input from Jonathan Stanger and Phyllis Geron. Detailed information was gathered about configuration of the existing cabling infrastructure, local area network, file servers, phone system, addressing schemes and client configuration parameters involved in the interconnection of current and future computing resources. The project also addressed the current phone system and cabling infrastructure suitability.

He indicated that the required fiber optic cables can be co-located in ditches or hung from poles that are dug or erected by the County and/or other contractors as part of cabling projects, or water and sewer line installation. Most localities have taken one of two different approaches; to install the infrastructure and provide the broadband service, or work with private businesses where the local government provides the infrastructure and a private company provides the service. Presently the existing service providers in New Kent County are Verizon and Cox Cable.

Regarding the current core systems, Mr. Nash reported that he found it unusual that the County and Schools use systems that are at the opposite ends of the spectrum (Microsoft v. Novell). He recommended that core equipment be replaced every three years rather than five, and warned that the County may suffer significant penalties if equipment is not refreshed on a three year schedule. He approved of the Daypro system that is currently being installed in the Sheriff's Dispatch.

Regarding the current infrastructure, he reported that the power systems, environment, cabling and patch panels are done well and are up to industry standards. There is a lack of connectivity around the campus, but that would be relatively easy to remedy.

As short term measures, he recommended that remote access be provided so that employees can access their e-mail off campus. He also recommended installing wireless bridges (by point-to-point antennas). For the longer term, he recommended installation of a fiber network, part of which is being accomplished with the current project to install a fiber link between the admin building and the Courthouse.

Mr. Nash reported that he has found that the County's data networking equipment is fairly modern and the County's internet connectivity is adequate now and for future needs. He stated that the Schools do need a higher speed connection because of online SOL testing.

He reported that the current PCs are acceptable and recommended that the County continue to use Microsoft productivity products. He thinks the replacement cycle on the desktops can be increased from three to five years.

He approves of the effort underway by the Sheriff's Department and Courts to provide for video conferencing services.

Mr. Nash stated that the current computer security document is fine, but feels that the current password policy is weak and he has included a new password policy for the County to consider.

Regarding system support, since staff relies so heavily on Jonathan Stanger and Matt (Phyllis Geron's assistant), he feels that they would benefit from some increased training.

Mr. Nash indicated that he would describe the current phone system as "islands of communication". The system in the admin building is old and full, and he recommended that the County compare the cost of upgrading it with the cost of replacing it with more modern technology. He recommended "canning" the systems in the Courthouse and schools and adding extensions in every classroom. He stated that there were ways to integrate the independent single phone lines into the County system.

He also reported that the County was paying Verizon more than necessary, and that there is technology available, if the County asked for it, which would allow it to interface, pay lower monthly cost for trunks and make it more efficient. Mr. Nash recommended that the County should develop a Voice Services Manager position (could be part time). The VSM should be operationally conversant with every component of the voice and data equipment, copper cable and fiber infrastructure, horizontal cabling, local and long distance options.

Mr. Trout inquired if a wireless system would be secure. Mr. Nash said that the wireless system is encrypted.

There was discussion regarding the MidAtlantic Broadband Initiative taking place in other parts of the state (for which New Kent is not eligible). Mr. Nash encouraged the County to install, where feasible, fiber optic cable in every aerial or underground project because at some point, someone will want to lease band width. Mr. Davis inquired if that was common practice, and how far away these lines had to be from water and sewer lines. Mr. Nash reported that it was common practice and the lines cannot be buried on top of the water and sewer lines because of maintenance and certain right-of-ways would be required.

Mr. Sparks thanked Mr. Nash for the informative report and asked what three things he would recommend that could be accomplished immediately.

Mr. Nash said that he would recommend providing remote access capability, wireless connectivity (would be especially beneficial to staff in the Old Courthouse), modernizing the phone system, and consolidating the existing 23 separate dial lines into a single Verizon interface. He estimated the cost of each wireless link to be approximately \$10,000 - \$12,000.

Mr. Burrell reported that this was a popular topic at the recent NACo conference he attended in Phoenix.

IN RE: APPROPRIATIONS

Mary Altemus, Accounting & Budget Director, requested the following:

FY2003-2004 Supplemental Appropriations: Farms of New Kent CDA application fees \$33,625.66; reimbursement received from Farms of New Kent for professional services \$15,651.65; reimbursement received from DragonsRidge Motorsports Park for professional services \$24,126.66; modify appropriation for DCJS Criminal Justice Records System Improvement Grant #05-A4492CR03 of \$59.20 (line items modified include decrease in local match of \$236.80 and an increased grant amount to be received of \$296.00; expenditure adjustment include a decrease in professional services of \$700; increase in

operating expenditures \$759.20); funds for secure and non-secure detention due to the increased number of cases \$73,688; Total Supplemental Appropriations (\$147,151.17); \$73,463.17 Money-in/Money-out; \$73,688.00 from General Fund fund balance.

FY2004-2005 Supplemental Appropriations: additional funding to Social Services due to increased demand for services \$13,020; deferred FY04 Parks and Recreation Program Funds for FY05 programs \$9,985; grant money received by Parks and Recreation from United States Tennis Association \$1,000; reduction in FY05 adopted appropriation for Victim Witness program budget due to grant not approving request for a part-time position and other adjustments when grant was awarded, \$14,214; deferred FY04 Airport Fly-In Donations \$202.00; FY05 DCJS Local Law Enforcement Block Grant #04-H1160L03, \$1,955.00; additional funding to Social Services due to increased demand for services, \$5,155.40; Total Supplemental Appropriations (\$17,103.40); \$30,801.86 Money-in/Money-out; (\$13,698.46) from General Fund fund balance.

FY2004-2005 Carry Forward Appropriations: general fund FEMA funds for Airport Tree Removal, \$900.00; State Fire Program funds, \$8,429.69; Volunteer Fire Department Equipment that was not received by June 30, 2004 (reference Purchase Order #24220), \$3,500.00; funds for the Clerk of the Circuit Court for projects not completed by June 30, 2004, \$83,694.00; Dog and Cat Sterilization funds, proceeds from the sale of Pet Friendly license plates by the Dept. of Motor Vehicles, \$374.89; DMV Child Safety Seat grant, #OP04-50193-10, \$500.00; ISTECA Courthouse Phase III project funds, \$84,431.38; Low Impact Development Design (LIDD) Manual Regional Project Funds, \$4,500.00; Unspent Litter Grant Funds, \$4,074.00; Funds to re-cover or replace the chairs in the Board Conference room and to refigure the reception area, \$11,000; funds to reconfigure department office space in Public Works, \$2,500.00; funds appropriated for the Criminal Justice Record Systems Improvement Grant, #05-A4492CR03 in the sum of \$198,815.00; various line items for building inspections and Community Development due to delay pending outcome of budget decision on position requests and office space allocations, \$3,950.00; funds for the Permit Center telephone component of the new Planning and Permitting Management software, \$950.00; funds for the Planning Division telephone component of the new Planning and Permitting Management software, \$3,000.00; Total Supplemental Appropriations (\$410,618.96); \$122,798.50 from General Fund fund balance; \$84,431.38 from Fund 7 Capital Fund Balance; \$199,315.00 from Fund 6 Sheriffs Grant Fund Balance; \$4,074.00 from Fund 15 Litter Grant.

Inter-fund budget transfer of \$12,000 from Social Services Fund 2 (Child Care Assistance 3-2-33050-79) to Parks and Recreation (Child Care & Development Program 3-1-24040-55).

Mr. Sparks moved to approve the Proposed Appropriations for FY04 in the total amount of \$147,151.17. 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. Davis moved to approve the Proposed Appropriations for FY05 in the total amount of \$17,103.40. 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.

Mr. Trout moved to approve the Proposed FY05 Carry Forward Appropriations in the total amount of \$410,618.96. 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 to approve the Inter Fund Transfer to move funds from Fund 2 Social Services to Fund 1 General Fund. This will allow the transfer of Child Care Development Program Funds in the amount of \$12,000 to Parks and Recreation. 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: PRE-TREATMENT ORDINANCE 0-17-04 TO REGULATE USERS OF THE
WASTEWATER COLLECTION AND TREATMENT SYSTEMS

Chairman Burrell announced Ordinance O-17-04, to amend Chapter 38 of the Code to regulate users of the wastewater collection and treatment systems of the publicly-owned treatments works in the County would be presented by Director of Public Works, Alan Harrison.

Mr. Harrison outlined the provisions and purpose of the ordinance. The ordinance is designed to regulate all users of the sewer system from harming the collection system at the treatment works. Residential users do not impact the system as much as industrial users. The ordinance sets forth uniform requirements for direct and indirect users of the wastewater collection and treatment systems of the publicly owned treatment works (POTW) within the County and enables the POTW to comply with all applicable state and federal laws required by the Clean Water Act of 1977, the General Pretreatment Regulations and the Virginia General Pretreatment Regulations for Existing and New Sources of Pollution.

The objectives of the ordinance are to prevent the introduction of pollutants into wastewater systems which will interfere with the operation of the system, contaminate the resulting sludge, and pass through the system into receiving waters and atmosphere, and improve the opportunity to recycle and reclaim wastewaters and sludge from the system. It will also provide for the regulation of direct and indirect users through the issuance of permits, enforcement of general requirements, authorizes monitoring and enforcement activities, and requires user reporting and assumes existing customer's capacity will not be preempted.

This ordinance shall apply to New Kent County and to persons outside the County who are by contract or agreement with the County users of a POTW.

Mr. Harrison reviewed the local limits.

He indicated that categorical pretreatment standards is a regulation containing pollutant discharge limitations promulgated by the EPA in accordance with § 307 of the Clean Water Act that apply to specified process wastewaters of particular industrial categories. The existing users will have one year to

come into compliance. The County is willing to work with the users, help to determine what they need to do to come into compliance, and will aid them in the filing for the permits. A starting point is identifying any potential problems that could be harmful. Reports submitted will require a certain amount of testing to demonstrate that the business is continuously monitoring.

Mr. Hill asked if any businesses in the County would be affected. Mr. Harrison said that letters were sent out to approximately eleven commercial users in the County and some of them may need to pretreat. He received questions and/or comments from Virginia Bio-Diesel, Superior Disposal and the jail, and is in the process of setting up meetings with them.

Mr. Davis inquired who would be paying for the required testing of the applicants' samples, the cost, and if there is a way to keep costs down. Will the limits change as the facility changes?

Mr. Harrison said that the samples would be sent to a lab for testing. Perhaps the cost could be kept minimal if several samples were sent at the same time; however, any savings would only be enjoyed by the current users and future business would not be able to take advantage of that. There is a possibility that the requirements could change in the future.

Mr. Sparks asked if the tests could be done at one time as a more efficient use of staff time and was this ordinance the same as the emergency ordinance?

Mr. Harrison replied that this ordinance is exactly the same as the emergency ordinance that was adopted. Sands Anderson drafted this ordinance and used as a guide the ordinances from Prince George, Chesterfield and Fauquier Counties.

Mr. Trout asked if the limits were DEQ limits and if there is any free testing available through the state labs?

Mr. Harrison said that the DEQ has no specific requirements on local limits. The limits are based on EPA guidelines based on the design of the Parham Plant. We can accept higher concentrations than our permit states figuring that not everyone is sending the maximum and a dilution factor is used. A surcharge fee can be charged for those users although other localities are currently not charging a surcharge fee. We are currently using Consolidated Labs which is a state lab.

Chairman Burrell opened the Public Hearing.

Donna Miller asked to speak on another topic and the Board declined her request.

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

Mr. Sparks moved to adopt Ordinance O-17-04, 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, Jr.	Aye

The motion carried.

RE: CONDITIONAL USE PERMIT APPLICATION CUP-03-04 AUTHORIZING
 CONSTRUCTION OF INFRASTRUCTURE NECESSARY TO PROVIDE WATER
 AND SEWER IMPROVEMENTS TO THE BOTTOMS BRIDGE SERVICE
 DISTRICT

Chairman Burrell announced Resolution R-30-04 to approve conditional use permit application CUP-03-04 authorizing the construction of infrastructure necessary to provide water and sewer improvements to the Bottoms Bridge Service District will be presented by Planning Manager Rodney Hathaway.

Mr. Hathaway outlined application no. CUP-03-04, a request by New Kent County to issue a conditional use permit to construct infrastructure necessary to provide water and sewer improvements to the recently formed Bottoms Bridge Service District.

The conditional use permit would allow for the construction and operation of a sewer trunk transmission main extending from Bottoms Bridge to the Chickahominy Waste Water Treatment Plant located in the Kentland PUD adjacent to Colonial Downs. The line as proposed would consist of a 16 inch force main constructed in a 40-foot wide right-of-way parallel and adjacent to the southerly edge of the I-64 corridor. The conditional use permit would also allow for the construction of up to a 750,000 gallon elevated water storage tank, water lines to serve each parcel within the Bottoms Bridge Service District, and at least one new groundwater well to supplement the capacity of the existing wells located in and/or near the District. The proposed tank site is located south of I-64 approximately 1000 feet from the I-64 ramp, further identified as Tax Map Parcel number 19-73.

The future land use map designates parcels within the Bottoms Bridge Service District as Hamlet, Village, Economic Opportunity, Commercial, and Suburban Housing. The comprehensive plan calls for those designated uses to be served by public water and sewer.

The Planning Commission considered this application at its meeting on July 19, 2004 and voted 9:0:2, to forward the application to the Board of Supervisors with a favorable recommendation.

Chairman Burrell opened the Public Hearing.

Steve Barnard, 6664 Lakeshore Drive in Quinton spoke on behalf of Woodhaven Shores Property Association. Woodhaven Shores is one of the oldest and largest established communities in New Kent County where for many years there has been a great quality of life in the community and the prized treasure is the 155 acre lake. This sewer project is a concern for them because of the filtration; the project will cross several tributaries which may have potential impact. They are not opposing the project but ask that proper measures be put in place in the phases of planning and development with quality piping for drain issues from the project.

Mr. Trout said that Mr. Barnard has provided the County with a write-up based on his knowledge and concerns about what may happen to the Woodhaven Lake, that has been sent to the engineers. When I-64 was built, it created a disaster where the lake was pretty much filled with sediment and had to be dredged which cost a lot of money. It is better to prevent the filtration from going into the lake or any other watershed in the County.

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

Mr. Sparks moved to adopt Resolution R-30-04, as presented. The members were polled:

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

James H. Burrell, Jr.

Aye

The motion carried.

RE: APPLICATION ZM-03-04, REQUEST BY H&W INVESTMENTS TO REZONE 3 ACRES FROM B-1 TO B-2 FOR PURPOSE OF ESTABLISHING A BUILDING MATERIALS AND LUMBER STORE

Chairman Burrell announced that ZM-03-04 the request to rezone 3 acres from B-1 to B-2 for the purpose of establishing a building materials and lumber store on the property is to be presented by Planning Manager Rodney Hathaway.

Mr. Hathaway stated that Arthur C. Worley of H&W Investments has submitted Application No. ZM-05-04 which requests reclassification of 2.97 acres of property located on the north side of New Kent Highway, approximately 1230 feet west of its intersection with Dispatch Road and further identified as tax map parcel 19-37C. The Kentwood Square Shopping Center is located on this property. In November 2003, Mr. Worley submitted a site plan to Planning for the construction of a pre-engineered metal storage building to carry a line of construction materials in conjunction with the Quinton Hardware Store. Mr. Worley was informed by staff that the Quinton Hardware Store is a non-conforming use and any expansion for use by the hardware store would be non-conforming and prohibited under the present B-1 zoning. Mr. Worley replied that the storage building would not be used by the hardware store until the property could be rezoned. Mr. Worley was granted a permit to construct the storage building on the condition that it was only for a use or uses that are permitted in the B-1 district. On March 22, 2004, Mr. Worley submitted a rezoning application requesting that this 2.97 acre parcel be rezoned from B-1 (general business) to B-2 (limited business) to allow for the use of a hardware store on the property. The comprehensive plan designates this area for Economic Opportunity Uses. The adjacent parcel to the north, east and west are zoned B-1. The southern parcel, located south of New Kent Highway (SR 249) is zoned B-2, which is the location of the New Kent Crossings Shopping Center. Other parcels in the vicinity include M-1 (warehousing and limited industrial), R-1 (single-family residential) and A-1 (agriculture) zoning designations.

The B-2 classification permits a wide range of commercial and business activities which appear to be compatible with existing land use and with the Economic Opportunity designation in the comprehensive plan.

Mr. Hathaway reported that staff finds that the rezoning of parcel 19-37C from B-1 to B-2 would be consistent with the area's existing development pattern and the County's comprehensive plan; therefore staff recommends that this application be approved. The Planning Commission voted 9:0:1, with one member absent, to forward the application to the Board of Supervisors with a recommendation of approval.

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

Mr. Davis moved to adopt Ordinance O-18-04, 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, Jr.	Aye

The motion carried.

RE: APPLICATION ZM-05-04, WEST POINT LOG CORPORATION, REQUEST TO REZONE APPROXIMATELY 69 ACRES FROM A-1 TO M-1 FOR OPERATING A WOOD RECYCLING YARD

Chairman Burrell announced that ZM-05-04, a request to rezone approximately 69 acres from A-1 to M-2 for the purpose of operating a wood recycling yard is to be presented by Planning Manager Rodney Hathaway.

Mr. Hathaway stated that West Point Log Corporation has applied for the rezoning of approximately 69 acres from A-1 to M-1. The property is located on the west side of Eltham Road (SR 33) immediately north of its intersection with Stage Road (SR 632) and is further identified as tax map parcel 36-2D. The purpose of the rezoning request is to operate a wood recycling yard on approximately 25 acres.

After Hurricane Isabel the Governor of Virginia issued an Executive Order that expired on June 30, 2004, that allowed the subject site to be used for a wood recycling yard to collect wood debris left from the Hurricane. The wood recycling yard consist of approximately 25 acres and is accessed from Stage Road. The reclassification of this property to M-1 will bring the property into conformance with the County zoning ordinance. The owner has no current plans to develop the remaining 44 acres at this time.

The comprehensive plan designates this area for industrial uses. The adjacent parcels to the north, east and west are zoned A-1. The adjacent southern parcels are zoned B-1, B-2 and M-2 heavy industrial. The M-1 district that is proposed by this application permits a wide range of commercial, business and light industrial activities which appear to be compatible with the industrial use designation in the comprehensive plan.

The property owner has proffered the following conditions:

- All County residents will be charged a special rate for disposing wood debris at \$10.00 per pickup load
- Mulch will be available to County residents at a special rate of \$15.00 per pickup load
- Free firewood will be available to County residents

The following improvements will be made along the frontage of Stage Road (SR 632):

- Storm debris and undergrowth will be moved and processed
- Landscaping with grass and mulch installed around and near entrance

The yard will be open from 7:30 a.m. to 5:00 p.m. (with grinding from 8:00 a.m. to 4:30 p.m.) Monday through Friday. It will be open on Saturday from 7:30 a.m. to 12:00 p.m. for receiving only.

Mr. Hathaway reported that staff finds that the rezoning of this property would have no adverse impacts on public utilities and services. The property is located in an area that is likely to become part of a future sewer service district or service area. The property currently has no wells or septic systems, and police and fire protection are available and adequate to serve the proposed use of this property. Staff finds that the requested rezoning of parcel 36-2D from A-1 to M-1 is consistent with the County's Vision 2020 Future Land Use plan and would promote economic development activity along the I-64/Route 33 corridor and recommends that rezoning application ZM-05-04 be approved.

He reported that the Planning Commission considered this application at its meeting on July 19, 2004 and voted 9:0:2 to forward the application to the Board of Supervisors with a favorable recommendation.

Mr. Trout said that the proposed proffers is 300 ft. however, it is still very visible from Stage Road. Does the setback and landscaping include any type of buffering? Is the grinder still usable? Mr. Hathaway reported that the applicant has agreed to pick up the debris and underbrush that currently exists.

Agent for West Point Log Corporation, Charles Moss of 600 Stage Road, advised that the grinder is still usable. There is currently a street buffer now, and he plans to thin it out and do some landscaping.

Mr. Hill inquired that if a pickup load of mulch was \$15.00 per load, what is the cost of a trailer load? Mr. Moss said that actually the mulch will be free; the charge is for loading the mulch.

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

Chairman Burrell advised the Board Members that he is related to Mr. Moss and removed himself from discussion and vote.

Mr. Trout moved to adopt Ordinance O-19-04, 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, Jr.	Abstain

The motion carried.

RE: PROHIBITING COMMERCIAL TRUCK TRAFFIC ON ROUTE 613, DISPATCH ROAD, IN NEW KENT COUNTY, VIRGINIA

Chairman Burrell announced Resolution No. R-26-04, prohibiting commercial truck traffic on Route 613, Dispatch Road would be presented by Assistant Resident Engineer, Gary Jennings.

Mr. Jennings said that the trucking industry teamsters have filed suit against VDOT in the northwest part of the state regarding restricting truck traffic on certain roads. The issue stems from when the public notice was sent out, alternate routes were not advertised.

Residents have raised concerns over the frequent use of Route 613, Dispatch Road by large commercial truck traffic between the Hanover County line and Route 249. The roadway width, lack of shoulder area and poor horizontal and vertical alignments of Route 613 make it difficult for large commercial truck traffic to safely mix with residential traffic. Alternate routes exist along interstate and primary highways, including Interstate 295 and Interstate 64 which are better suited to accommodate large truck traffic. The alternate route proposed is Route 156 (Cold Harbor Road) to Interstate 295, to Interstate 64, to Route 249 (New Kent Highway).

Mr. Trout asked if the public notice contained all the required information and if this could be acted on this evening. Mr. Jennings informed the Board that this had been properly advertised.

Chairman Burrell opened the Public Hearing.

Steve Barnard, 6664 Lakeshore Drive, Quinton, Virginia stated that he knew that the road needed repair and he understands that since the correct information has been properly advertised, he hopes that this will now be taken care of.

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

Mr. Hill moved to adopt Resolution R-26-04 as presented. The members were polled:

Stran L. Trout	Aye
W. R. "Ray" Davis, Jr.	Aye
Mark E. Hill	Aye

D. M. "Marty" Sparks
James H. Burrell, Jr.

Aye
Aye

The motion carried.

RE: PROPOSAL FOR FINANCIAL REBATES FOR A UTILITY SYSTEM TO SERVE
THE COURTHOUSE AREA

John Crump gave a presentation to the Board regarding utilities in the Courthouse area. He reviewed the three options which include having the County construct the system and retain all connection fees; the developer construct the system and sell it to the County; and the developer construct the system and collect 60% of connection fees until it has recovered its costs.

He feels that the last option seems to best address all issues and still allow the County to maintain control over both construction and land use. New Kent Village, LLC has a conditional use permit to build a pipe and pump stations to service the courthouse area. The LLC members have offered to build the system in accordance with the CUP at an agreed upon, not to exceed price of \$1.5 million. Upon completion, the LLC will sell the system to the County for \$1.5 million. The system gets built promptly under County supervision. The private developer assumes all risks during construction. If the cost goes over \$1.5 million, the developer will absorb the overage. The County retains control over future development through site review and zoning. He estimated that the County will receive approximately \$720,000 from sewer connection fees from the "village" project alone. The County will save the costs of drain fields and available land. The county also saves the difference between \$1.5 million and Royer's estimate.

There was discussion regarding flows, pipe size, routes, capacity and options. Mr. Harrison confirmed that the proposed route down Egypt Road seems to be the best.

Mr. Hill inquired if changing the route would void the existing CUP. County Attorney Dan Siegel stated that it would not.

Mr. Trout stated that he was ready to make a motion. Mr. Sparks stated that he felt it was premature, as the Board still had some decisions to make on capacity.

Mr. Trout stated that in order to provide sewer to the New Kent Courthouse area, he moved that the County agree to purchase from New Kent Village LLC a sewer system built by New Kent Village LLC in accordance with CUP-5-02 modified to connect to the Chickahominy Wastewater Treatment plant by way of Routes 249 and 155, for the cost of construction or \$1.5 million, whichever is less, subject to the County's determination, in its sole discretion, that the system has been built to specifications agreed to by New Kent Village LLC and the County. The County shall have the right to perform interim and final inspections at its discretion. All connection fees, user fees and other associated fees shall be the property of the County. The County agrees to provide sewer to New Kent Village LLC at its regular fees and rates.

Mr. Trout's shared his concerns as to whether this falls under the Procurement Act, the size of the pipe, that there is no provision for water, and providing options for payment (whether upfront or from hook up fees). He stated that he was willing to table his motion until the work session in order that the County Attorney could advise on whether the Procurement Act applies.

Mr. Siegel indicated that he would need some time to look at the Procurement Act before he rendered advice, and would be in better shape to give an opinion at the work session in two weeks.

Mr. Davis stated that he was not ready to vote on a \$1.5 million debt tonight.

Mr. Trout moved to table the motion on the floor. 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, Jr.	Aye

The motion carried.

IN RE: CHICKAHOMINY WASTEWATER TREATMENT PLANT

Roger Hart of R. Stuart Royer reported on his evaluation of the plant. Royer plans to present its report to DEQ so that the County can move forward to address the problems at the plant. Royer has reviewed the plant and its operations and talked with the operators. He thanked the operators and stated that the County should be proud of them. Mr. Hart stated that there were some improvements that needed to be made regarding operations, site maintenance and safety issues which will be addressed in his report.

He stated that they have contacted those customers who are currently receiving grey water for irrigation, and they have declined receiving more. One of his recommendations is that the plant not be shut down during the irrigation season.

Estimates of work that needs to be done on the plant are currently at about \$740,000. That figure includes two large ticket items. The first is a new liner at \$80,000. He will be recommending that the liner not be replaced right away to give them time to observe to see if there are leaks before installing a new liner. Mr. Davis recalled that the liner was installed because of cracks in the concrete and not leaks. Nonetheless, Mr. Hart indicated that he does not want the County to spend any more money on the plant than necessary, considering that it will only be used for 5 – 7 more years.

The second item involves controlling levels in the head works. An option would be to install an equalization basin to hold the flow when all nine pump stations turn on; upgrade the head works; or install a scada system to monitor and regulate the pump stations. The latter is technology that will be used in Bottoms Bridge. He is in the process of trying to confirm the cost of the scada system and hopes to have final figures to the Board by its August 23 meeting. Two more pump stations are coming on line, making for a total of eleven.

IN RE: WATER AT ROUTE 106 INTERCHANGE

Mr. Christie reporting receiving inquiries and interest from developers about utility service at the Route 106 interchange, and asked if the Board was interested in spending money now to begin looking at water at that location. There is an existing well at Route 106 that is supposed to produce 800,000 – 1,000,000 gallons per day and he is in the process of getting prices from well drillers to look at it. It was reported that it might take up to a year to get a new permit on that well – Mr. Hart indicated that he'd be surprised if it took that long.

IN RE: UTILITY CONSTRUCTION INSPECTOR

Mr. Christie reviewed the proposed job description for a Utility Construction Inspector. Included in Royer's estimates for the sewer project were two inspectors. Mr. Christie recommended that the County hire one and the other would be hired by Royer. The County's inspector will have plenty to do for 18 months, beginning in February 2005, on the well and sewer project, and thereafter there will be enough work with the subdivision development and other growth occurring to justify keeping him for utility and construction projects. He intends to bring more information to the Board at the August 23 meeting. Mr. Hart indicated he had no problem with this proposal.

Mr. Hart indicated that a boat ramp would not be included on the pier. Mr. Davis stated that the pier would be for those who don't have a boat and that a boat ramp is available within a mile. He expressed his disappointment with VDOT, but feels that this fishing pier would be a tourist draw for the County.

IN RE: COURTHOUSE UTILITIES (continued)

The Board continued to discuss providing water and sewer to the Courthouse area. Mr. Christie suggested that he meet with Roger Hart, John Crump, Darrell Rickmond and Alan Harrison to compare the County's engineering proposal to Mr. Crump's so that the Board can then address a policy and plan.

IN RE: SEWER POLICY

Dan Siegel provided a handout regarding sewer policy issues and tap fee policy for the County sewer system. The recommendations from Sands Anderson are based on managing growth, requiring developers to pay their "fair share" and making the County system self-supporting. He reviewed the following recommendations as a County sewer policy:

Growth Management - permit incremental and managed residential growth in "designated growth areas" while preserving the "rural character" of the County.

Growth Management - encourage commercial and industrial growth along the I-64 area and in designated business opportunity areas.

Fair Share - charging each user his proportionate share of the System costs based on expected "flow".

Fair Share - developers pay all of the costs of the "infrastructure" within their development.

Fair Share - developers pay their proportionate share of any connection line from the System to the development (the "Subtrunk Line").

Growth Management - County Control - The County should control the location, design and construction of any Subtrunk Line, to assure (1) quality, (2) consistency and (3) design with County needs in mind - to avoid the Chickahominy Plant type (quality and design) problems and to avoid Subtrunk Lines being located along areas where the County does not want growth. County controls right of ways/easements on Subtrunk Line as well.

Fair Share - Eliminate Rebates - Rebates should no longer be permitted since everyone pays their fair share and the County controls design, location and construction. System construction will occur in a master financing structure, cheaper financing than possible by private developers.

Self-Supporting - All costs should be recovered from System users in order to be self-supporting.

Fair Share - County use would be paid from Enterprise Fund reserves since any County use would benefit citizens.

Fair Share - Industrial and Commercial users would pay the same as developers, based on "flow" expected as determined by County engineers or consultants.

Growth Management - Fair Share - Self-Supporting - Proffers would no longer be necessary for sewer.

Cash proffers or proffers for more appropriate County needs instead of proffers which simply help the developer

All connections to the County system would have to conform to these policies.

Mr. Siegel indicated that adoption of this policy may be the single-most effective way to manage growth in the County and conserve its "rural" character. The policy is fair to all users, thereby taking the "perception of politics" out of utility system decisions.

Mr. Siegel reviewed the recommended formula for Tap Fee Calculation. Based on calculations from Steve Jacobs with help from Roger Hart, each household will continue to be assumed to use 300 gpd (this is the figure that the Community Development and Public Works Departments have used in approving PUDs and is less than the 400gpd that the Health Department uses).

The total county system cost (less depreciation but including the Truck Line to Parham Landing) is approximately \$28 million. The total sewer capacity expected is approximately 1.3 million gpd. Each

house (300 gpd) represents approximately .024% of the system capacity and would pay \$6,600 toward the total costs of the county system.

He stated that if there was no connection or Subtrunk Line, the only Tap Fee would be \$6,600 per house. For a development of 100 homes with no connection or Subtrunk Line, the Tap Fee would be \$660,000.

However, if there is a connection or Subtrunk Line, the same developer would pay the "fair share" of the costs of that Subtrunk Line as well. If the Subtrunk Line costs \$4 million, and the Developer (for a 100 home development) uses 25% of the Subtrunk Line capacity, then the Subtrunk Line costs to the Developer is \$1 million.

The County system "fair share" costs of \$660,000 plus the Subtrunk Line "fair share" costs of \$1 million would be added together for a total tap fee costs of \$1.6 million for this Developer (of a home development).

Mr. Hill inquired how this would be enacted. Mr. Siegel suggested that a Resolution be passed adopting this policy which future Boards would have in place as a guideline, and developers would be aware of the policy in advance.

Mr. Sparks asked if this would be only a guideline, or would it be policy. He indicated that he has a problem with a few of the provisions but supports the policy as a whole. He feels it may serve to slow construction on the existing 5300 residential lots in the County.

Mr. Trout agreed that the proposal policy is a good "start" on a policy.

Mr. Hill stated that Board members have had ample time to review the proposal and can continue to tweak and refine it as applications are received. Mr. Hill moved that the Sewer Policy be made into resolution form to be presented to the Board of Supervisors at the next meeting. The members were polled:

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

The motion carried.

Mr. Siegel will have the policy put into resolution form for discussion and vote at the next meeting.

IN RE: STAFF REPORTS

Mr. Christie reviewed the proposal to hire Nancy Currence at a rate of \$11 per hour to be a facilitator to help with grants, community fund-raising, volunteer coordination, all related to Quinton Community Park. He reported that there is \$50,000 in capital funds towards this project.

Mr. Davis stated that he feels capital funds should be used rather than contingency.

Mr. Hill expressed his concern that the County might need the capital funds to finish the park.

Mr. Trout concurred that the money set aside for the park should be used to fund this position.

Mr. Sparks stated that he thought the position is a good idea, but wants the Board kept apprised of her activities and progress on a regular basis. He feels that the County needs a park and maybe she can give it a jump start. He asked if there was anything in writing about what will be expected of Ms. Currence and to whom she is to report. Mr. Christie indicated that Charles Hester would be her direct

supervisor, and a job description and task list can be developed for the Board's review. Mr. Sparks suggested that a decision be deferred until the August 23 work session.

Mr. Davis thinks a decision needs to be made. Mr. Hill reported that the Advisory Commission will be meeting Wednesday night and hoped to be able to give the green light to hire her. He indicated that Ms. Currence will be leaving her position with the New Kent Youth Association on September 1, 2004, and this will become her pet project. She will be knocking on doors to raise funds and solicit help to clear and put in fencing. It is hoped that the park will be ready by Spring 2005.

There was consensus to vote on creating this position at the August 23 work session.

RE: INTERIM PRIMARY SCHOOL FINANCING

Attorney Dan Siegel presented a resolution selecting a proposal from Citizens and Farmer Bank to provide interim financing for the New Kent County School Board. This is basically the same resolution adopted at the retreat, with the amount changed from \$2,500,000 to \$2,596,515.

Mr. Sparks moved to adopt the resolution 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, Jr.	Aye

The motion carried

RE: ELECTED OFFICIALS' REPORT

Mr. Trout reported that he attended the VACO Local Government Officials Conference in Norfolk on August 2 and 3 and the High Growth Coalition. The next meeting of the High Growth Coalition is scheduled to be at the Homestead in November. The New Kent County Fair will be held next week at Colonial Downs. There are discount ride tickets available in the offices of the County Administrator and Parks and Recreation.

Chairman Burrell reported that Mr. Christie and he traveled on July 23 to receive the grant awarded by the Governor in the amount of \$900,000 to be used for rehabilitation for seventeen houses and the building of four new units in the Plum Point area. He thanked Quin Rivers for their assistance.

RE: APPOINTMENTS:

There were no appointments this month.

IN RE: MEETING SCHEDULE

Mr. Burrell announced that the next regularly meeting of the Board of Supervisors will be held at 6:00 p.m. on Monday, September 13, 2004, in the Boardroom of the County Administration Building. A work session will be held at 4:00 p.m. on Monday, August 23, 2004, in the Boardroom of the County Administration Building.

IN RE: CLOSED SESSION

Mr. Trout moved go into closed session for consultation with legal counsel pursuant to Section 2.23711A.7 of the Code of Virginia about actual or probable litigation involving the Airport Industrial Park and Plum Point; for discussions involving a personnel matter involving salary pursuant to Section 2.2-

3711A.1 and for discussions regarding business and industry development involving prospective business or industry pursuant to Section 2.2-3711A.5 of the Code of Virginia. 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 emerge from closed session. 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

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:

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

The motion carried.

IN RE: ADJOURNMENT

Mr. Davis moved for adjournment. 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 meeting was adjourned at 11:08 p.m.
