

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 13th DAY OF SEPTEMBER 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

The Reverend Vallerie King, pastor of Emmaus Baptist Church, led the invocation. Chairman Burrell led the pledge of allegiance.

IN RE: ROLL CALL

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

Chairman Burrell called the meeting to order.

IN RE: CONSENT AGENDA

County Administrator Gary Christie presented the Consent Agenda, which consisted of approval of the minutes of the regular meeting on August 9, 2004 and work session on August 23, 2004; Resolution R-38-04 establishing of policy for meeting compensation payments to Board members; Resolution R-34-04 in honor of John Frank Vickery, deceased; Resolution R-35-04 in appreciation of Jack S. Sandford; Resolution R-36-04 in appreciation of Richard W. Morris; approval of an appropriation for FY04/05 of \$2,034.00 for the lease of a copier for the Parks & Recreation Department, to be paid from Building & Grounds, special projects/reorganization, 4-1-43020-3199; road name additions of Squirrel Hollow Lane and Coppers Lane; FY2003-2004 Appropriations: to appropriate additional state and local CSA funds for FY04, \$64,262.00; \$(64,264.00) Total; \$ 36,444.00 Money-in/money-out; \$27,820.00 from General Fund – fund balance; FY2004-2005 Appropriations: to appropriate additional state funding to Social Services due to increased demand for services, \$10,000; to appropriate additional Airport Fly-in donation revenue, \$250.00; to appropriate monies received from the sale of 1982 Mack fire truck, Vehicle Identification Number 1M2H133C6CM001061 owned by volunteer fire company no. 1, \$8,000.00; to appropriate State Compensation Board funds for upgrade to the Sheriff's Department Live Scan equipment (fingerprint machine), \$6,596.00; \$(24,846.00) Total; \$24,846.00 Money-in/money-out; FY2004-2005 Carry Forward Appropriations: to carry forward Airport capital project funds, \$1,043,800.00; to carry forward Resource, Management & Development funds for FY03 and FY04, \$6,576.59; \$(1,050,376.59) Total; \$1,013,124.00 Money-in/money-out; \$16,576.59 from General Fund – fund balance; \$20,676.00 From Fund 7 – Capital fund balance.

Mr. Trout asked that the Resolution R-38-04 establishing a policy for meeting payments to members of the Board of Supervisors, be removed from the Consent Agenda for discussion and consideration. Mr. Sparks moved to approve the Consent Agenda, as presented, after removing Resolution R-28-04. 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.

There was discussion regarding the meeting payment policy. Mr. Trout was concerned that the proposed resolution did not provide for meeting compensation for all of the Boards and Commissions upon which Board members serve. There was also discussion about whether payments made to the Board members should also be made to the citizen members. Mr. Trout's recommendation was that Board representatives to County commissions and boards receive the same compensation that is given to other members of that board or commission. For regional organizations, he proposed that Board members be paid \$50 per month when there is a meeting which the Board member attends.

The Board agreed to continue this discussion until the work session and requested staff to provide information as to what payments are made to members of the boards and commissions.

There was consensus among the Board members to change the date of the September work session from September 27 to September 23. The meeting will begin at 6:00 p.m. in the Board Room.

IN RE: CITIZENS COMMENT PERIOD

Chairman Burrell opened the Citizens Comment Period.

George A. Philbates, Jr. spoke in support of the meals tax referendum. He stated that it was his opinion that one of the reasons the last referendum failed to pass was because it was called a "food" tax. He indicated that he pays meals tax in other localities and would not object to paying it in New Kent, nor would his family and friends.

There being no one else 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 Headquarter crews have been busy dealing with high water and downed trees in the aftermath of recent storms.

He reported that Route 608 is still closed at Black Creek, but that a very reputable emergency contractor is working on the road and plans to have the road open by October 1. There are plans to do some mitigation work on the road to help prevent future flooding.

He reported that Route 607 is still closed at Dickerson Swamp because of a washout of the bridge. They had intended to put the bridge back but the project was stopped because of the concerns of one of their engineers. They plan to put a temporary one-lane bridge there to permit traffic in and out of the 350th festival being held at Marengo plantation on September 18. This temporary bridge will only support 15 tons and he suggested that the County have law enforcement out there during the festival. He anticipates a permanent structure to be in place by November 1.

Mr. Jennings reported that a center line has been installed on Route 638 between Routes 611 and 619.

He indicated that under the Rural Rustic Roads project, the contractor is currently working on Egypt Road and then will be moving to Paige Road, Stewart Road, Route 647 and Route 1104.

Mr. Jennings reported that the speed limit on the section of Kentland Trail between the Colonial Downs entrance and Brickshire has been increased from 35 mph to 45 mph. Some repaving work has been performed on Route 273, a section of Route 155 and Route 616 (Peace Road). On Route 611, work on the roadway edges was started but has been delayed by bad weather. He indicated that they are trying to address some of the drainage problems around the County.

There was some discussion about the flooding that closed the Bottoms Bridge section of Route 60 after Tropical Storm Gaston. He indicated that the State builds secondary roads to withstand 10 year storms, primary roads for 15 year storms, and interstates for 25 year storms, and that unfortunately Gaston was a 200 – 500 year storm.

Mr. Jennings indicated that R. E. Prezioso, Resident Engineer, would like to meet with the Board at its October work session to review the upcoming proposed Six Year Plan.

Mr. Hill thanked Mr. Jennings for the work on Route 607, the center line on Route 638, and the work on Route 611, Peace Road and Route 608. He pointed out potholes in the area of the stoplight coming off Interstate 64 at Bottoms Bridge.

Mr. Hill reported that some of the property owners on Continental Road have asked that the old portion of the road not be removed from the system, in order that they have a way to ingress and egress in the event that the new portion of the road is impassible. Mr. Jennings indicated that they could look at discontinuing the road rather than abandoning it, but would prefer that it not be in the active state system. The road can be taken out of the active state system but still be publicly owned. It was agreed to further discuss this at the next work session. Public Hearing on the abandonment is advertised for October 12, 2004.

Mr. Sparks thanked Mr. Jennings for the work done during and after the bad weather, especially the repair of the road leading to the airport prior to the recent fly-in. He will save some other concerns for a future date.

Mr. Trout expressed his appreciation for the road repairs on Airport Road. He pointed out that the iron stakes with reflectors that are in the ditch on the curve of Terminal Road are bent and constitute a hazard. Mr. Jennings agreed to remove the stakes, which were installed at the request of the previous supervisor.

Mr. Davis thanked Mr. Jennings for the work done during the storms, and stated that the traffic signal sequencing in West Point and on Route 33 had worked to cut down on traffic jams on Friday afternoons. Mr. Jennings reported that the traffic signals are now communicating with each other and that this will continue year round.

Mr. Davis commented on the grass growing in the curbs in Eltham, which is affecting drainage. He inquired whether the shoulder work that was done on parts of Route 249 could be extended to the entire road. Mr. Jennings reported that they had intended to install graveled shoulders along the entire route and will try to get that completed.

Mr. Burrell thanked Mr. Jennings and stated that citizens knew that VDOT crews were working hard during the recent bad weather. He pointed out a pothole in front of the

primary school, and also requested that a center line be installed on Stage Road, from Good Hope on down.

IN RE: VDOT SECONDARY SYSTEM - SIX YEAR PLAN

R. E. Prezioso, Resident Engineer, distributed information on the upcoming Six Year Plan. He pointed out that there is available money allocated for an unnamed project in the sum of \$320,300 beginning in FY2007-2008. He asked that the Board think about how they might like to utilize these funds, although some of the money must be spent on unpaved roads. He reported that because New Kent had been conservative in past years, it now has some money with which to add a project or two, whereas other not-so-conservative localities are having to cut projects from their plans. He welcomed the Board members to call him if they have any questions and he will be meeting with the Board at their October work session to plan for the new Six Year Plan.

Mr. Davis inquired about the steep drop in funds available in 2009 and 2010. Mr. Prezioso indicated that drop was due to two very large and costly projects on Mt. Pleasant Road and Stage Road.

Mr. Christie inquired about a role for the Board of Road Viewers in the Six Year Plan. Mr. Prezioso reported in some localities, the Board of Road Viewers make recommendations to the Board as to what it would recommend and what its constituency would like to see. If the Board would like to have the Board of Road Viewers involved, Mr. Prezioso indicated he'd be glad to meet with them.

Mr. Christie suggested that since there is a vacancy on the Board for District 4, Mr. Trout might want to fill in at that meeting.

IN RE: INTRODUCTION OF NEW EMPLOYEES

Marianne Powell introduced the new Social Services Director, Philip Quinn. Mr. Quinn has 20 years of experience with Social Services, and has worked in Charles City County, Hanover County, and at the State level.

Alan Harrison introduced Irma Otey, the County's new custodian.

IN RE: ELTHAM BRIDGE AGREEMENT

Mr. Christie reported that VDOT is going to be sending the bridge project out for bid and needs a decision from New Kent as to whether it wants the old bridge to use as a fishing pier. The Attorney General's office has indicated that the State cannot pay to the County the funds it will save by not having to demolish that portion of the span. Mr. Christie reported that he and Mr. Davis had met with VDOT officials who provided a copy of a draft agreement for transfer of a portion of the bridge. Mr. Dandridge and Mr. Hawthorne of VDOT have encouraged New Kent to apply for recreational access grant funds which would help with construction costs. It would be necessary that New Kent obtain a right-of-way across adjacent property and those costs would not be grant-eligible. VDOT has agreed that the road to the bridge could stay in the State system and the County's only liability would be for the 800 feet of the bridge out on the river, and the right-of-way. Mr. Dandridge has indicated that this project would likely qualify for grant money, of which there is about \$1.5 million for these types of projects. It was reported that the County could also apply for T-21 funds. These grants are competitive and require a County match (which could be non-cash) for bridge improvements.

Mr. Christie reported that if the Board approves the agreement, then the County would then be required to contact the Coast Guard, the Army Corps of Engineers, and Virginia Marine Resource Management to determine whether a permit will be needed for the bridge to remain.

Mr. Davis indicated that he believes that this would be a tourist and sportsmen's draw. People love to fish and not everyone has a boat. He inquired of Mr. Prezioso if a road can be put into an RMA. Mr. Prezioso responded that he did not know, and that some mitigation may be required.

Mr. Christie indicated that Roger Hart, engineer with R. Stuart Royer, had inspected the bridge and is of the opinion that it will last for at least another 25 years if heavy vehicular traffic is kept off of it.

Mr. Sparks inquired what type of additional funds would be needed to make the project happen. Mr. Christie reported that construction costs are estimated to be about \$167,000, which does not include the right-of-way costs. Mr. Sparks also wanted to know what the County would be obligated for if it does not get the grants.

Mr. Davis reported that the adjacent property is for sale at a list price of \$57,000, and the County would need one-quarter of that parcel. He has had some conversation with the 7/Eleven store which is interested in purchasing that parcel for expansion of its business.

Mr. Prezioso reported that the time for the County to apply for the grants for roadway construction funds, would be as soon as the bridge is finished. These funds would be in addition to the Secondary Six-Year Plan funds. He indicated that Mr. Dandridge is comfortable that this project would meet the criteria for the grants and if the application is not granted, the County can reapply.

Mr. Burrell stated that he would suggest that any agreement with VDOT should be contingent on the County's obtaining the needed right-of-way. Mr. Christie reported that VDOT needs a decision and such a contingency might cause confusion.

Mr. Prezioso confirmed that VDOT would be guided by the contractor's schedule for demolition. It will take 2 – 3 years to complete the new bridge. The bid will include removal of the old bridge. If the County decides to keep the old bridge, then VDOT can do a work order to change the demolition schedule in order to leave a portion of the span.

Mr. Hill asked if the County would have to hire employees to staff the fishing pier operation and if that would that fall under the Parks & Recreation Department. Mr. Davis indicated that some localities do that and others contract out the operation to a private vendor.

Mr. Burrell suggested that this issue be continued to the work session so that further information can be provided to the Board. Mr. Trout asked for information about proposed charges and salaries. Mr. Davis indicated that he may have updated information about the right-of-way by that time.

IN RE: RURAL RUSTIC ROADS

Gary Jennings, Assistant Resident Engineer with the Virginia Department of Transportation, requested that the Board adopt Resolution R-32-04, which amends the designation of funds for the FY04 revenue sharing program to add those portions of Routes 602, 624, 628 and 647 that are being surfaced under Rural Rustic Roads.

He explained that under the Rural Rustic Roads program, roads are paved in place with no major improvements. The necessary stone is added and at first, a tar and chip seal is applied. Eventually, plant mix or a slurry seal may be used. One of the requirements is that the County does not anticipate and would discourage further development on these roads.

Mr. Jennings reviewed the portions of each road that will be surfaced, which included Mt. Pleasant, Townsend, Old Telegraph and Pots Landing. He reported that it is intended that construction begin in the spring.

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

Mr. Sparks moved to adopt Resolution R-32-04 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: KING PROPERTY ADDITION TO THE KENTLAND PUD

County Administrator Gary Christie announced that the applicant has requested that this be postponed to another meeting because there are pending issues that may impact their application. Mr. Christie suggested that the Board may want to hear from any members of the public who are present and signed up to speak at the Public Hearing, but that another Public Hearing will be required and will be advertised.

There was no one signed up to speak and the hearing on this application was continued.

IN RE: PRIMARY SCHOOL BORROWING

County Attorney Phyllis Katz reviewed a memo from Dr. Roy Geiger, Superintendent of Schools, advising that the School Board was submitting a revised application for a Literary Loan for the primary school project, and requesting another resolution from the Board in the new amount of \$2,596,515, reflecting that they will appropriate and affix levies sufficient to make payments on the loan.

Mr. Davis moved to adopt Resolution R-37-04 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	Aye

The motion passed.

IN RE: LAND USE TAXATION

County Attorney Phyllis Katz reviewed land use taxation, which is a specific category of taxation on land dedicated to agricultural and forestal uses. She reported that the minimum requirements are 5 acres for agricultural, 20 acres for forestry, and 5 acres for open space. No land can be eligible for this category unless it is consistent with the Comp Plan. Since this would be the only control the Board would have in the process, the Board may need to look at the Comp Plan again with this in mind. All decisions are handled by the Commissioner of the Revenue. Another disadvantage is that under land use taxation, a large part of the County may become eligible which would result in a significant reduction in revenue. The benefit to the County is that it would still be encouraging the productive agricultural and forestal use of the land, and it would eliminate a huge amount of staff time currently spent on the AFD process. Only counties with zoning can use land use taxation.

By contrast, a minimum of 200 acres is required for an AFD. The AFD process requires public hearings for creation, withdrawal, addition and renewal before the AFD committee, the Planning Commission and the Board of Supervisors. The fee charged for this is currently capped at \$300 by state statute, which amount does not even cover the cost of advertising. With this process, the Board of Supervisors retains control.

There was discussion on ways to streamline the AFD process, including limiting the times that AFD applications can be considered. Mr. Davis stated that the County, through VACo, will be asking the General Assembly to remove the \$300 AFD fee cap so that the County can set a fee that is more representative of the actual costs.

Ms. Katz indicated that the Board needs to decide if it wants to stay with the AFD process and try to streamline it, or go to land use taxation.

Mr. Hill stated that he would prefer to keep the AFD process and streamline it by limiting the opportunities for applications. He is in favor of the Board retaining control.

Ms. Katz reported that one of the ways to streamline the process would be to eliminate the public hearing with the Planning Commission which is not required by statute. She also suggested that AFDs be reviewed for renewal every 4 or 5 years rather than every 10, to ensure that the property is being used for what was intended, although that would not serve to streamline the process.

Mr. Sparks asked that the staff and the County Attorney submit a written document on ways to make the AFD process less cumbersome and time consuming. Mr. Trout concurred with that request, asking for information on both systems, as well as information on other methods of maintaining agricultural or open space.

Ms. Katz was asked if the Board could refuse a withdrawal. She indicated she would have to research that issue.

Mr. Hill asked if the County was maximizing the available penalties. Mr. Davis stated that it was, and that the County cannot require more than five years of back taxes.

Mr. Burrell inquired if the Commissioner of Revenue could determine the amount of reduction in tax revenue resulting from properties being located in AFDs. Mr. Crump indicated that he could have that information to the Board in time for its next work session.

It was reported that the 6,000 acres formerly owned by Chesapeake Corporation that was rezoned into 15 and 20 acre parcels, might qualify for land use taxation but are not eligible for AFD.

Mr. Christie reported that it may take staff until the October work session to have the requested information available.

Ms. Katz reported that there is currently no criteria as to what should be designated as conservation, and the Board and staff will need to address that as a separate topic.

IN RE: TAX RELIEF FOR THE ELDERLY

County Attorney Phyllis Katz reported that a recent change in the State Code allows greater income limits, net worth limits, and deferred tax amounts. Currently, to be eligible for the \$400 flat exemption in New Kent, one's total combined income cannot exceed \$24,000 and net combined financial worth (excluding the residence and one acre) cannot exceed \$30,000. The State now allows an income limit of up to \$50,000 and net worth of up to \$200,000, and no limit on the tax exemption. The Board can make changes in the household income level and any exemptions, the net worth and any exclusion for home or acreage, as well as permit a percentage for tax relief or a change in the flat amount. The Board can make this available to the elderly and/or disabled.

Commissioner of the Revenue, John Crump, reported that only 24 property owners are currently taking advantage of this program. Three applicants were denied this year because the value of their land exceeded the \$30,000 net worth limit.

Mr. Sparks indicated that the Board needed to address the net worth limit, as \$30,000 is too low.

Mr. Davis recommended the Board consider an income limit of \$40,000, a net worth limit of \$100,000 (excluding the residence and five acres) and increase the exemption to \$600.

Ms. Katz reported that State Code allows the household income to be based on the husband, wife and relatives living in the home, but a locality may exclude up to \$10,000 in income of a relative, a disabled person, or a relative caring for a disabled person.

It was reported that the current exemption amounts were adopted in 1999.

Mr. Sparks asked for Mr. Crump's recommendations. Mr. Crump reported that net worth and income from relatives and/or caretakers are most often the criteria that prevent eligibility. He concurred with Mr. Davis' recommendations.

Mr. Trout expressed his concern that judgment calls would be needed to determine whether someone is disabled.

Mr. Hill suggested leaving the income limit at \$24,000, with a combined income of \$40,000.

There was a discussion on whether it was possible to "freeze" tax rates for property owners at a certain age. Ms. Katz advised that it is not.

After further discussion, the Board members agreed to consider the following changes in the New Kent Code:

- \$24,000 single income limit, \$40,000 household income (or the statute language)
- \$100,000 net income limit, excluding the residence and the 5 acres upon which it sits
- \$600 maximum exemption.

Mr. Christie indicated that staff will work this up and schedule a Public Hearing.

Regarding deferrals, Ms. Katz reported that the current County Code only permits deferrals on manufactured homes, and that the Board may want to make a change in that as well. Mr. Crump reported that no one is currently taking advantage of the deferral plan.

Mr. Sparks asked what the County is trying to accomplish. Ms. Katz reported that any change will not affect this year's taxes. Mr. Christie reported that he will obtain the 2000 census income information from Jonathan Stanger and provide it to the Board for the work session.

Mr. Sparks asked Mr. Crump if he could estimate how this will affect the County's revenues. Mr. Crump indicated that he will try to work out something but it will not be exact numbers, just an estimate. He thinks that the recommended changes will probably double the number of eligible applicants.

IN RE: PUBLIC UTILITIES

County Administrator Gary Christie reviewed the requested additional appropriations for utilities. They include \$66,657 for the Chickahominy Wastewater Treatment Plant, \$32,157 for the Parham Landing plant (of which Henrico County is responsible for 95%), and \$11,157 for the utility inspector position which is proposed to start February 2004. He reported that a wastewater treatment plant operator I (grade 21) had recently resigned, and the Public Works Director has requested that the position be upgraded to a class II operator (grade 25), which will require less supervision and more experience and put the County in a better position to meet regulations. This upgrade would require an additional \$6,581 for the rest of the budget year.

There was some discussion about the proposed cost of cell phones, the magnet flow meter to measure plant influent at the Chickahominy plant, and the repairs of the sinkhole at Parham Landing. Mr. Harrison reported that the flow meter is needed for testing recommended by R. Stuart Royer, the data from which is needed for their design analysis. This is testing that is currently performed at the Parham Landing plant but not at Chickahominy as there is currently no way to measure influent there. He indicated that discharge permits were previously required to be renewed every five years, but will now be required every year, at 1/5 of the previous cost.

Mr. Hill inquired if the recent rate increase or connection fee increases would cover any of these costs, and whether these will be recurring or one time costs. It was reported that the flow meter, fine and professional services are one time costs, and that the recurring costs are around \$30,000 at the Chickahominy plant and \$5,000 at the Parham Landing plant. The Board inquired what impact this will have on the fund balance. Mr. Christie

reported that the fund balance will be impacted by about \$50,000 that was not budgeted for in the rates.

Mr. Sparks inquired how much of these expenditures are attributable to the design of the plant. Mr. Harris stated that he felt that one half was due to design and the other one half is what should have been practice. He indicated that not having the flow meter makes the plant more difficult to operate - having no data makes it hard to know what they are treating.

Regarding the upgrade in the wastewater plant operator, Mr. Christie reported that an Operator I is required to have a Class III license, and is a minimum level operator. It is anticipated that the Parham Landing plant will be soon upgraded to a Class II plant which means that a Class II Operator has to be there as a sole operator or lead operator. The increase in flows is what triggers the upgrade.

Mr. Trout moved to appropriate \$66,657 for the Chickahominy Wastewater Treatment Plant, \$32,157 for the Parham Landing Wastewater Treatment Plant, \$6,581 for the upgrade of the wastewater treatment plant operator from an Operator I (Class III) to an Operator II (Class II), and \$32,625 for the Utility Inspector Position, for a total appropriation of \$138,020, \$101,219 from the Utility Fund fund balance and \$36,801 money in/money out. 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.

IN RE: ELECTED OFFICIALS REPORT

Mr. Trout reported that the recent County Fair was a great success. The Fair Association was able to bring the event out of debt and even have a little money left over. It was scaled back this year but was a fine event.

Mr. Trout reported that the recent fly-in was also a success, having better participation and increased attendance. He commended Airport Manager Bill Kelly and his committee for a fine event.

Mr. Trout announced that on September 18, there will be a 350th event, an Old Fashioned Family Festival at Marengo. Tickets are \$3.50 in advance and \$5.00 at the gate.

Mr. Trout announced that he attended meetings last week of the Richmond Regional Planning District Commission and Metropolitan Planning Organization. New Kent is included in the area where they have photographed all historical markers which will be identified with GPS coordinates, and will help in putting together some travel-related historic tours throughout the region.

Mr. Hill announced that at the September 14 meeting of the Parks & Recreation Advisory Committee there will be an unveiling of new plans for the Quinton Community Park. Nancy Currence has been hired to facilitate construction at the park and her husband, an architect, has volunteered his services.

Mr. Hill reported that he had attended last week's meeting of the School Board where he heard firsthand that there are 2,540 students in New Kent public schools. 660 students are in the three grades at the middle school, and 225 use the lunch room at one time. He stated that the County can no longer continue to allow this to happen and needs to do something. He is looking forward to a report from the Six Year Plan committee.

Mr. Hill encouraged all to attend the upcoming 350th festival at Marengo, which he described as one of the prettiest plantations in the County.

Mr. Burrell agreed that Phillip Felts and his committee did a good job with the County Fair. He recommended that a softball tournament might be a good addition and increase attendance.

Mr. Burrell reported that he had attended a board meeting of the Richmond Metropolitan Convention and Visitors Bureau, and described a recent Harley Davidson rally held in downtown Richmond which had a positive impact on hotel and restaurant business.

IN RE: STAFF REPORTS

County Administrator Gary Christie reviewed information from the County Attorney about what the Board can and can't do in promoting the meals tax referendum. The Board can only provide unbiased information. He suggested that the County provide that information in a handout or mailing, including what the revenue will be spent on. He solicited input from the Board as to how get the word out between now and Election Day, perhaps targeting some weekends during which Board members can campaign in their districts or attend community functions. The Board can also ask the School Board, Economic Development Authority and the Parks & Recreation Advisory Commission to help get the message out.

Mr. Burrell stated that he feels that last meals tax referendum failed because four other tax initiatives and the school bond referendum were on the same ballot.

There was discussion regarding a county-wide mailing and ways to keep the costs down. The County Attorney advised that she did not believe that such information could be included in mailings from the Voter Registrar, but she will double check that. Suggestions included asking the Chamber of Commerce to help, distributing information through the schools, and including something in the Chronicle Extra.

Mr. Hill suggested that the festival at Marengo would be a good place to start, and he also agreed with using the Chronicle. He stated he was willing to give up a day during the weekend to stand out in front of Food Lion to distribute information. He agreed with asking the Chamber of Commerce to help and also suggested putting up posters.

Mr. Burrell suggested asking the Chamber of Commerce if it would be willing to fund a mailing. Mr. Trout stated that the Chamber has not yet taken a position, and will be meeting again on the third Tuesday of the month.

Mr. Sparks asked what kind of literature will be distributed. Mr. Christie indicated that staff was working on a rough draft that will be sent to the County Attorney for review, and then to the Board.

Mr. Christie reported that there are plans to hold a surplus property auction in the fall, and he will update the Board when additional information is available.

Mr. Christie reported that it will cost New Kent \$750 to join the High Growth Coalition, an organization that lobbies the General Assembly. Mr. Trout suggested that the Board might choose to wait until after the VACo conference in November, where members will have an opportunity to see what this group is doing. The Coalition's principal purpose is to lobby the General Assembly for legislation to enable jurisdictions to control growth. Mr. Sparks agreed that it would be a good idea to wait before spending any money and he plans to attend their November meeting at the VACo conference. Mr. Burrell concurred.

Mr. Christie reviewed available dates for the Fall Retreat. There was consensus to hold the Retreat on Saturday, October 30, beginning at 8 a.m., with Mike Chandler as facilitator.

IN RE: APPOINTMENTS

The Board will continue to make appointments to various committees.

Mr. Hill moved to appoint John Bragg as District One's representative to the Heritage Library – Board of Trustees to complete a four-year term ending June 30, 2008.

Mr. Hill announced that George Gregory had resigned from his appointment as District One's representative to the AFD Advisory Board. Mr. Hill then moved to appoint Jack Tate, Jr. as District One's representative to the Agricultural and Forestal District Advisory Board to complete a four-year term ending December 31, 2007.

Mr. Trout moved to nominate Edward Gray as District Four's representative to the Board of Zoning Appeals to complete a five year term ending December 31, 2007.

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 motions carried.

Mr. Davis moved to nominate Paul Davis as New Kent's representative to the Colonial Soil and Water Conservation District Board.

Mr. Davis moved to nominate Jan Haviland as New Kent's representative to the Central Virginia Health Planning Agency to serve a three year term beginning October 1, 2004 and ending September 30, 2007.

Mr. Davis moved to nominate Alan Harrison as New Kent's representative to the Central Virginia Waste Management Authority to complete a four year term ending December 31, 2006.

The members were polled:

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

The motions carried.

Mr. Hill moved to create New Kent's Jamestown 2007 Committee to be comprised of fifteen (15) members to include one appointment from each district, six at-large appointments from the community whose skills and expertise and interest in advancing tourism would advance the mission of this committee, a representative from the Economic Development Authority, a local civic organization, the New Kent Chamber of Commerce and the New Kent Historical Commission. The mission/charge of this committee will be to expand tourism opportunities in New Kent County by visioning and supporting infrastructure development; to develop and encourage the creation of community and special events which would increase the number of visitors to the County; to work with local and state officials as appropriate to market the County and the region; to develop a comprehensive tourism plan and make recommendations to the Board of Supervisors to implement the plan; and to provide an annual report to the Board each June. He further moved that the Economic Development Director serve as primary staff support to the committee.

The members were polled motion:

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

The motions carried.

The Board clarified that the Jamestown 2007 Committee is to select its own chair.

Mr. Hill moved to appoint Johnna Cossaboon as District One's representative to the Jamestown 2007 committee. 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. Sparks moved to appoint Wayne Hayden as District Two's representative to the Jamestown 2007 committee. The members were polled:

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

The motion carried.

IN RE: MEETING SCHEDULE

The next regularly meeting of the Board of Supervisors will be held at 6:00 p.m. on Tuesday, October 12, 2004, in the Boardroom of the County Administration Building. The work session will be held on Thursday, September 23, 2004, at 6:00 p.m. in the Boardroom.

IN RE: CLOSED SESSION

Mr. Sparks moved go into closed session to discuss personnel matters pursuant to Section 2.2-3711A.1 of the Code of Virginia involving performance evaluation of an employee; employment agreement with an employee; and classification and salary study; for discussions relating to real property pursuant to Section 2.2-3711A.3 of the Code of Virginia; and for discussion relating to business and industry development pursuant to Section 2.2-3711A.5 of the Code of Virginia involving prospective business or industry. 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 Board went into closed session. Mr. Sparks moved to emerge from closed session. 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

Mr. Trout made the following certification:

Whereas, the New Kent County of Supervisors has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed session was conducted in conformity with Virginia law;

Now, there, be it resolved that the Board hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open session requirements by Virginia law were discussed in closed session to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board.

Chairman Burrell whether there was any member who believed that there was a departure from the motion. 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.

Mr. Davis moved to adopt Resolution R-39-04, approving acquisition and condemnation of land for the water tank in Bottoms Bridge, as presented. The members were polled:

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

The motion carried.

IN RE: 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 10:24 p.m.
