

A WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 23rd 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: 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 work session to order.

IN RE: INTERSECTION OF ROUTE 33, ROUTE 249 AND ROUTE 30

Sheriff Howard reported on the recent accident at the intersection between a tractor trailer traveling westbound on Route 33 and an unloaded school bus crossing the intersection from Route 30. Gary Jennings, Assistant Resident Engineer with VDOT, reported that the light at that intersection currently has a 4 second caution for traffic on Route 33, and there is a 2 second all red delay. The length of the green light is based on traffic movement.

Sheriff Howard reported that between August 1 and September 21, 2004, thirty-four summonses were written by the Sheriff's Department for violations at that intersection. Most were for running the red light but there were some for speeding, and none were issued to New Kent residents. He did not have statistics on summonses issued by the State Police. He indicated that drivers on Route 249 or Route 30 seldom run the red light, and most violators are on Route 33 heading to West Point. The recent accident was unusual in that the tractor trailer that ran the red light was coming from West Point headed for Interstate 64. He indicated that he thinks a big part of the problem is that drivers have a hard time judging stopping distance. A review of his records does not show any particular pattern to the violations, neither day nor time, but traffic is the heaviest on Fridays.

He indicated that he had recently monitored the intersection himself, and over a time period of one hour and twenty minutes, he witnessed five drivers on Route 33 failing to stop for the red light. These were instances where the light turned red four to five car lengths prior to the vehicle entering the intersection. All violators were operating cars as opposed to trucks. He was able to cite three of the drivers, all of whom were non-residents. Summonses written by the Sheriff's Department are normally under Section 46.2-833 which carry a \$100 fine, \$56 court costs, and three demerit points. In more blatant cases, they do issue tickets under the reckless driving provision, which requires the driver to appear in Court.

Sheriff Howard stated that the intersection is hard to monitor with a marked vehicle, and it is his intention to use a vehicle recently seized in a drug conviction for this purpose. He indicated that Route 33 is the most heavily patrolled road in the County.

Mr. Burrell suggested that the Sheriff place the speed trailer in the area and see how that affects this problem. Sheriff Howard indicated that their experience is that the speed trailer works for local drivers but he wonders if it will affect non-locals.

Mr. Davis pointed out that local drivers were not the problem. He feels that the majority of the offenders are truck drivers and this is the first traffic light they encounter after coming off I-64 where they travel at least 65 mph.

Mr. Jennings reported that a new signal is planned for installation next year. The new signal will be on arms, not wires, and will have a strobe in the light. He indicated that VDOT refers to signals such as the current one as "stale green" in that a driver will see the green light for a long distance and it makes it hard to judge distances.

Mr. Hill suggested leaving an out-of-service Sheriff's vehicle parked at the intersection as a deterrent. Sheriff Howard indicated that he did have some vehicles that are coming out of service that might be appropriate for that purpose. It does take two people to work the intersection, and only one of his auxiliary deputies is able to write summons. Retired deputies cannot be of any help because they lose their certification once they retire.

There was discussion about the use of cameras. Sheriff Howard indicated that the use of cameras has had mixed results, but if the Board is interested, it should contact its General Assembly representatives to assist in passing legislation, and perhaps have the County Attorney research the issue. Apparently, cameras work well at city intersections or in lower speed limit areas, but it is questionable whether a camera could get a clear picture of a license plate on a vehicle traveling at 55 mph.

Mr. Burrell indicated he doubted installing cameras would solve the problem, since writing tickets seems to have little impact.

Mr. Jennings stated that he could have rumble strips installed in the westbound lanes of Route 33, to go with the ones that have been installed eastbound. Another long term solution would be to remove the traffic light and install a round-about or four-way stop signs.

There was discussion about reducing the speed limit. Mr. Jennings reported that federal guidelines are used to set speed limits and this area does not meet the criteria for lowering the limit. The federal guidelines consider the number of accidents, not the severity. Sheriff Howard reported that since January 1, three accidents have occurred at that intersection which were investigated by the State Police and one accident was handled by his office.

It is Mr. Jennings' concern that if the speed limit is arbitrarily lowered, it could be challenged in Court. Mr. Prezioso interjected that, in fact, this highway may meet the criteria to raise the speed to 65 mph as is being done in other rural areas.

There was discussion about increasing the amount of the fines, and posting them. Sheriff Howard indicated he could talk to the Judge about that. Mr. Burrell stated that increasing the fines would bring in more money but wouldn't solve the problem. He suggested increasing the number of speed limit signs, as currently there is only one sign between the interstate and the intersection.

There was discussion about putting a traffic signal at Stage Road. Mr. Jennings confirmed that location was too close to interstate for a signal. There was also discussion about increasing the all red delays in the signal. Mr. Jennings and Mr. Prezioso indicated that any increase in the red delay time would result in a decrease in the green time for traffic in the turn lanes.

Mr. Jennings stated that this intersection is a very wide at-grade intersection and there is nothing to "tunnel" or focus a driver's attention on the signal. He reported a similar area in Loudon County where law enforcement began issuing reckless driving summons for failing to obey the red light, and the message finally got across, but took a long time.

Mr. Jennings stated that he would have some additional speed limit signs installed and look at other signs that might be helpful, including "dangerous intersection" signs for installation on Route 30 and Route 249.

Sheriff Howard indicated that he will continue to work on this and will report back in 30 days.

IN RE: OUTSTANDING ANIMAL PROTECTION VET BILL

Sheriff Howard reported that as the result of an anonymous call on January 9, their department found 34 canine victims of animal abuse and neglect at a County residence. 32 dogs were still alive and were taken to Dr. Bauer, the veterinarian who provides vet services to New Kent's Animal Protection Unit. Sheriff Howard explained that they are not permitted to put ill or diseased dogs into their pound unless they are isolated and they had no way to isolate 32 dogs. Dr. Bauer was required to enlist other veterinarians to help treat and board the animals. He indicated that the law prevents them from restoring the animals to their owner, and they had to wait until the Court case was concluded. All of the surviving dogs have now been adopted out. Unfortunately, six months elapsed between the charge and the trial, and Dr. Bauer's total bill for services was \$15,337.

Sheriff Howard indicated that the defendant was eventually convicted and ordered to pay fines and the veterinarian costs. However, the Judge permitted the defendant to make monthly payments of \$550. The defendant has made two payments to date; however Dr. Bauer does not want to wait for payment and Sheriff Howard does not have the money in his budget to pay the bill. The Sheriff indicated that he has talked with the defendant's attorney who is encouraging his client to take out a loan to pay Dr. Bauer in full, but there is no guarantee. If the defendant is late with his payment, the balance will become due in full.

Sheriff Howard asked that the Board consider paying the balance of Dr. Bauer's bill in the sum of \$14,247, and then be reimbursed from the payments made by the defendant who is making his payments to the Court. Save Our Shelters pays for Dr. Bauer to provide humane euthanasia injections for New Kent's APU, and she provides that and other services at no cost to New Kent. Although it is not the County's bill, he does not want her to have to wait for payment.

Mr. Davis stated that he feels the County has a moral obligation this bill. Mr. Trout indicated that the County has enough of a stake in the matter to pay it. Mr. Sparks said that Dr. Bauer needs to be protected.

Ms. Katz stated that the defendant's payments need to be monitored and if he is late, the County should ask for a judgment. The Sheriff confirmed that the Court reports the payments to his office.

Mr. Davis moved to pay the \$14,237 balance due Dr. Bauer out of contingency, to be reimbursed by the payments being made through the Court system. The members were polled:

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

The motion passed.

Sheriff Howard did report that the defendant now has more animals, but their APU staff is making random checks on their care and welfare.

IN RE: STORM DAMAGE

Assistant Resident Engineer Gary Jennings reported that VDOT's dive team recently inspected the bridges along Route 155 that cross over the Chickahominy River between New Kent and Charles City, and found some major problems. Both abutments have been scoured back and on the northernmost bridge, only 4 of the 14 pilings are on their pier and still in the streambed. Therefore, beginning September 24, there will be a 3 ton weight restriction imposed, which will permit only cars and ambulances to cross – no trucks, no school buses and no fire trucks with water. He indicated that this is the only way to keep the bridge open, and they will be inspecting the other bridges in the area. It will take months to replace this bridge and the detour will be in place for a long time. Mr. Jennings indicated that they will be putting out orange signs, message boards and detour signs.

Mr. Jennings reported that crews are working 24 hours a day, 7 days a week to replace the bridge on River Road, which he expects to be in place between October 11 and October 15. There is a temporary bridge on Route 607.

IN RE: ELTHAM BRIDGE

R. E. Prezioso, Resident Engineer with VDOT, reported that a text addition has been suggested for addition to the end of paragraph 3 of the draft agreement: "or to make other recommendations as appropriate to assure access to the public and to public funds".

Mr. Davis moved to approve the Agreement for Transfer of a Portion of the Route 33 Bridge, with the text changes recommended by Mr. Prezioso. The members were polled:

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

The motion passed.

IN RE: ABANDONMENTS

Mr. Prezioso indicated that the State is willing to discontinue rather than abandon a portion of Route 656-Continental Drive. This will leave that portion of the road in the state system but remove it from maintenance, and hopefully address the concerns raised by Mr. Hill's constituents. The roadway easement will remain and will be available for residents to use in an emergency, but the surface cannot be altered and will not be maintained. He indicated that it is not necessary to have a public hearing for a discontinuance.

There was discussion regarding the Public Hearing for abandonment that has already been advertised for the October 12 meeting. Chairman Burrell indicated that the Public Hearing will remain on the agenda since it has been advertised.

IN RE: SEWER SERVICE TO WATKINS ELEMENTARY SCHOOL

School Superintendent Roy Geiger and School Board Chairman Van McPherson reported on the status of the elementary school project. Mr. McPherson indicated that in order to start construction next summer, it will be necessary to bid the project in January, and it would help to know what the plans are for sewer service. The School Board's plans had been to add a drain field (\$50,000) to cover the increase in the number of students that the renovations will accommodate; however, the Health Department will not accept the continued use of the existing drain fields because of their age (28 years). It is estimated that all new drain fields will cost about \$.5 million, and there will be a cost of about \$50,000 to redesign the project. If the County intends to provide sewer to the area any time in the near future, then the School Board is requesting a pump and haul agreement similar to the one for the primary school.

Mr. Christie indicated that plans are to have sewer services at the Route 106 interstate interchange by January of 2006, and the County could use the money that would have been spent on drain fields to run a small line to serve the elementary school. Mr. McPherson indicated that the elementary school project will not be ready until September 2006.

There was discussion about the proposed bus loop, and how installing it over existing drain fields might trigger the need for pump and haul. Mr. McPherson indicated that they could delay construction of the bus loop and construction at the front of the building until the school has been connected to sewer. He feels there is at least another 2.5 years of life on the septic system, and that there has been less usage than what the system was built for.

If the Board is willing to proceed in this manner, then Mr. McPherson and their engineer, Darrell Rickmond, will meet again with the Health Department.

Mr. Trout was concerned that there be no penalties in any agreement that the Board enters.

There was consensus to agree to provide sewer service to the elementary school, and provide pump and haul services if the septic systems fail in the interim.

Mr. McPherson reported that the primary school project is on schedule.

IN RE: NO CHILD LEFT BEHIND

School Superintendent Roy Geiger briefly reviewed this federal education legislation, and reported on how New Kent is faring. New Kent is currently accredited, but at present, there is only a 70% threshold. This is a rising target, due to reach 100% by 2014, and he and other educators are skeptical that any school system will be able to meet those standards. He reviewed the Adequate Yearly Progress (AYP) and reported that New Kent met 26 of the 29 benchmarks.

Dr. Geiger reviewed the consequences of not reaching accreditation, which include having the State take over the school system, or having to offer choice.

He indicated that the increase in salaries has helped New Kent to attract and retain "highly qualified" teachers and they are working to improve the ratings of their para-professionals. He explained the difference between "highly qualified" and "qualified" and reported that it has changed the way that they look at resources, and he believes these ratings will reduce the amount of available teachers.

Dr. Geiger explained his concerns with this federal legislation and suggested that both the School Board and the Board of Supervisors send letters to their federal legislators explaining that the 100% target is unfair and unachievable and ask for reasonableness. He will draft a letter for consideration by the Board.

Mr. Davis inquired if this legislation will supercede SOL testing. Mr. McPherson stated that NCLB is working against the SOLs, and the only way that the State can meet the federal guidelines is to reduce SOL effectiveness. The State needs to "battle this out" with the federal government.

There was consensus that a separate letter from each Board would be more effective than a joint letter.

Mr. Trout congratulated the school system for all that they have accomplished.

IN RE: VEHICLE MAINTENANCE GARAGE

County Administrator Gary Christie reviewed the status of the vehicle maintenance garage project. It is proposed that the facility will be managed by the School Board but will also service County vehicles. It is estimated that 25 – 30% of the vehicles that will be serviced will be non-school vehicles. Mr. McPherson clarified that it will be necessary to hire another full-time mechanic and a full time parts person.

Mr. Christie reported that \$1.1 million has been budgeted for the project. There was discussion about putting out a solicited PPEA. Mr. Sparks indicated that the County needed to stay in its budget and asked if there were any "standard" plans available that the County could use. Dr. Geiger indicated that the School Board had explored that option and discovered that plans are work product of the architect and cannot be shared with others.

It was reported that the current "wish list" for the garage is the result of a number of meetings and a thorough discussion, and includes an attached impound lot for the Sheriff's Department. The Sheriff's Department would prefer their lot be closer to their office. Mr. Hill suggested eliminating the impound lot from the garage and including it in the CIP.

Dr. Geiger reported that most school systems have their own garage rather than contracting this service out to a vendor.

The draft of a Memo of Understanding was reviewed. This document sets forth the understanding about the garage facility services and management, as well as personnel required, and also includes an agreement to explore other areas where the two Boards can work together to lower administrative costs.

Mr. Hill moved that the Board of Supervisors approve the Memorandum of Understanding with the School Board, as presented. The members were polled:

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

The motion carried.

There was some discussion about the School's Six-Year Plan. Dr. Geiger thanked Mr. Trout and Mr. Sparks for their work, and indicated that Larry Forbes had helped tremendously and was an incredible resource for the Committee. Mr. Forbes has projected that the school system will have 750 more students by 2014 than what has been projected. The School Board and committee are still working on some key topics and hope to have new numbers to the Board of Supervisors by the end of the year.

Mr. Sparks suggested that this is too much to take care of during a regular meeting and suggested that a joint meeting be scheduled to review this information.

IN RE: UTILITIES – TAP FEE

Mr. Christie reviewed the issue of codification of the tap fee resolution. He indicated that the tap fee is designed as a one-time surcharge (exclusive of the connection fees) of \$6,600 per home that allows someone outside of the service district to "buy in" to the utility system. Users in the Bottoms Bridge Service District pay an ad valorem tax in lieu of a tap fee.

The County has contracts with two developers in the Kentland PUD. The contract with Bluegreen provides that the County will provide utility services to Brickshire in exchange for their making a certain number of connections. The contract does not limit the County's ability to set rates and fees. The County has fulfilled its rebate commitment with Bluegreen, and New Kent is currently collecting 100% of the connection fees, which are being credited against the bond posted by the developer.

Mr. Christie indicated that the County also has a contract with Best Industries, who assumed Delmarva's utility contract, for an estimated 378 connections. Rebates are due for these connections. He reported that no arrangements have been made for the 1,800 additional connections that Best Industries will need in order to build out their portion of the PUD.

Both developers are concerned that a doubling of the connection fees will adversely affect their financial position. Some possibilities for consideration would be: that there would be

no tap fees due for the 378 connections contracted for with Best Industries; that the County permit those two developers to pre-pay the connection fees at today's rates; consider a service district for Kentland; or lower the tap fee. Ric Rowland of Bluegreen has reported that they have 236 lots left without sewer connections.

Mr. Christie indicated that the County Attorney has drafted a proposed Ordinance that would implement the tap fees, which specifies the amount and the time that payment is due.

Mr. Trout expressed his concern that the County might lose money. However, he understands that if the costs are too high, then the County loses customers.

Mr. Davis indicated that the County requires that all property in a PUD be served by water and sewer.

Mr. Hill stated that the connection fees should remain as they are, and the Board can look at every application and make a decision about the \$6,600 tap fee.

Mr. Davis disagreed, and stated that the County needed to come up with a standard.

Mr. Trout agreed that the County needs a consistent policy, but might look at providing a credit to someone who is providing a benefit to the County, such as supplying sewer to the Courthouse area or Providence Forge.

Mr. Davis stated that the tap fee was proposed to control public utilities. Mr. Christie indicated that the tap fee was developed with Kentland and Bluegreen in mind.

Ms. Katz reminded that a tap fee would also apply to property that is rezoned or subdivided in the Bottoms Bridge Service District. She advised that the County needs a uniform standard but can have criteria that reduce the fee. She does not think that the County can even negotiate without having criteria in place. Anyone meeting those criteria would be eligible for the credit. The standards can be changed, but the criteria should pertain to utilities, economic development or the something included in the CIP. One thing that distinguishes the Kentland PUD property from others in the County is that there is a sewer agreement in effect that provides for additional capacity for their property. Bluegreen and Delmarva are set apart and can have a different standard. Best Industries has an agreement for capacity for 378 homes, but there is no agreement as to cost. There can be no development in a PUD without water or sewer, and the proffers for the PUD set forth that the costs are not to be borne by the County.

Mr. Davis reminded that the costs of the main sewer line were not included in the Kentland proffers.

Mr. Hill suggested that the Board set some guidelines for credit that include economic opportunity, CIP, direct County benefit, or business development (amount not percentage).

Mr. Sparks reminded that the utility system has to pay for itself, and asked where the money for the credits was coming from.

Mr. Davis suggested that, in the interest of time, a committee consisting of Mr. Christie, Alan Harrison, Phyllis Katz, and himself meet with the developers and try to come up with a recommendation to bring back to the Board at the next meeting.

Mr. Trout stated that Delmarva should have the obligation to pay for its capacity and its share of the plant.

It was agreed that the committee would meet on September 30 at 6 p.m. in the Board Conference Room. Shawn Weingast of Best Industries and Ric Rowland of Bluegreen were both present and indicated they were available on the proposed date and time. Mr. Sparks will attend as well.

Ms. Katz suggested that the timing of the fee may be negotiable rather than the amount. She suggested that the tap fee be set at \$6,600 and then add guidelines to the ordinance. The Board can lower the rate at the public hearing but cannot increase it above the advertised rate.

There was discussion as to whether \$3,600 would be a more appropriate fee. Mr. Sparks indicated that he wanted to know exactly how that would impact the numbers.

It was the consensus to advertise the tap fee ordinance for public hearing on October 12 and vote at a subsequent meeting.

IN RE: JAMESTOWN 2007

Mr. Trout indicated that with the upcoming trip to Kent, England, he'd like to nominate John Crump and Phillip Felts as at-large members of the Jamestown 2007 committee, which will give them some extra standing in the delegation.

Mr. Trout moved to appoint John Crump and Phillip Felts as at-large representatives 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.

IN RE: COURTHOUSE UTILITIES

John Crump distributed a summary of his water and sewer project for the New Kent Courthouse, which provides for construction of systems to provide water and sewer to all existing government buildings, schools, proposed new high school, and the village project, for an amount not to exceed \$3 million. Sewer flow will be directed to the Chickahominy Wastewater Treatment Plant by way of Egypt Road and the pipe will be sized for 250,000 gpd and pump stations for 150,000 gpd. An elevated water tank will be 300,000 gallons and will meet normal and emergency fire flow needs. His Taylor's Trace project will include 66 single family units and 23 flats, as well as commercial space, totaling 120 connections. He pointed out that the estimates for a stand-alone well and septic system for the new high school is \$1.5 million.

He reviewed the stages involved if this project proceeds under PPEA and reported that it will take at least six months to get to the point where construction can be started. Mr. Crump indicated that he felt it would be in the best interest of the County for the County to build the systems.

Mr. Trout indicated that the options are to proceed with a PPEA or have the County build it.

Mr. Sparks stated that he would like to see the County build the systems but would want a bond from the developers guaranteeing a certain number of connections.

Mr. Hill agreed that he would prefer that the County build it.

It was reported that by County estimates, it will cost \$3.7 million to bring water and sewer (including engineering fees and acquiring easements) to the schools, county buildings and Mr. Crump's project, and water only to the McNew development.

There was discussion about the McNew development and whether to provide public utilities to his project. Community Development Director George Homewood reported that Mr. McNew has plans for 100 homes, and that if the sewer line is installed down Egypt Road, the subdivision ordinance requires that this project must be connected because of its proximity to the line.

Mr. Davis suggested requiring a performance bond from both Mr. Crump and Mr. McNew.

Mr. Sparks moved that the County build and provide sewer and water for the Courthouse facilities, Taylor's Trace and the McNew project, running the sewer line down Egypt Road to the Chickahominy plant, and for acceptable agreements of assurance for connections from all developers. The members were polled:

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

The motion passed

IN RE: CONTINUANCE

Mr. Hill moved that the meeting be continued to October 11, 2004, at 6:00 p.m. in the Board Room of the County Administration Building. The members were polled:

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

The motion passed. The meeting was suspended at 10:30 p.m.
