

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 12th DAY OF OCTOBER 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 Ben Caldwell, pastor of Corinth 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 of September 13, 2004 and the work session of September 23, 2004; authorization for the County Administrator to execute the Special Project Service Agreement for Central Virginia Waste Management Authority's Used Electronic Equipment Recycling Program; Resolution R-40-04 requesting the State to restore funding for public safety services; authorization for James Burrell to cast New Kent's vote (uninstructed) at the 2004 Annual Meeting of the Virginia Association of Counties on November 9, 2004; authorization for the County Administrator to execute Developer/County Agreement for the Inspection and Maintenance of an Extrinsic Structure (golf cart tunnel) with The Tradition Golf Club at Royal New Kent, LLC; creation of the position of Director of Economic Development as part of the County's job classification program and to authorize the County Administrator to fill the position with J. Andrew Hagy on a permanent, part-time basis, and to authorize funds to be transferred from contractual accounts to appropriate salary accounts (the position is classified as a department director and is deemed exempted from the County's grievance procedure); Inter-Department Budget Transfers: \$25,238.64 from Reserved for Contingency (4-1-91020-0001) to Account for Operational Items that were paid for out of the Capital Fund but will now be moved via a General Ledger Correction into the respective operating budgets as follows: \$2,712.68 Volunteer Fire-Operating Supplies (4-1-32020-6014); \$490.00 Fire & EMS-Maintenance Serv. Contracts (4-1-32100-3320); \$207.30 Fire & EMS-Advertisement (4-1-32100-3600); \$3,646.78 Fire & EMS-Uniforms and Wearing Apparel (4-1-32100-5410); \$1,533.14 Fire & EMS-Office Supplies (4-1-32100-6001); \$800.00 Fire & EMS-Repair & Maintenance (4-1-32100-6007); \$2,193.75 Fire & EMS-Vehicle Supplies/Repairs (4-1-32100-6009); \$1,488.03 Fire & EMS-Operating Supplies (4-1-32100-6014); \$652.02, Fire & EMS-Machinery & Equipment (4-1-32100-8001); \$11,383.94 Fire & EMS-Turn-out Gear Replacement (4-1-32100-8002); \$131.0 Fire & EMS-Communications Equipment (4-1-32100-8003); \$8,132.00 from Reserved for Contingency (4-1-91020-0001) to provide funds to cover the costs of three (3) T1 lines for the radio system upgrade as follows: \$2,033.00 to Telecommunications under 4-1-21070-5230; \$2,033.00 to Telecommunications under 4-1-32100-5230; \$2,033.00 to Telecommunications under 4-1-19012080-5230; and \$2,033.00 to Telecommunications under 4-1-32020; \$11,906.00

Clerk of Board-Salaries (4-1-11020-1100); \$911.00 Clerk of Board-FICA (4-1-11020-2100); \$774.00 Clerk of Board-VRS (4-1-11020-2210); \$1,613.00 Clerk of Board-Medical (4-1-11020-2315); and \$14.00 Clerk of Board-Worker's Comp (4-1-11020-2710, representing transfer of 40% of Marilyn Mills' salary transferred to Accounting and Board of Equalization per action taken at the June 1, 2004 adoption of the FY2005 budget at follows: \$9,441.37 Acctg & Budget-Salaries (4-1-12150-1100); \$722.46 Acctg & Budget-FICA (4-1-12150-2100); \$616.32 Acct. & Budget-VRS (4-1-12150-2210); \$1,143.80 Acctg. & Budget-Medical (4-1-12150-2315); \$14.00 Acctg. & Budget-Workers Comp (4-1-12150-2710); \$2,464.63 Brd of Equalizat.-Salaries (4-1-12100-1100); \$188.54 Brd. of Equalizat.-FICA (4-1-12100-2100); \$157.68 Brd of Equalizat-VRS (4-1-12100-2210); and \$469.20 Brd of Equalizat.-Medical (4-1-12100-2315); Increase in wages due to salary study effective October 12, 2004: \$1,275.40 (Mary Altemus), \$3,575.83 (George Homewood) and \$1,605.88 from 4-1-91020-3 Salary Study Contingency to 4-1-12150-1100 Accounting Salaries \$1,116.13; 4-1-12150-2100 Accounting FICA \$85.38; 4-1-12150-2210 Accounting VRS \$72.55; 4-1-12150-2710 Accounting Workers Comp \$1.34; 4-1-81010-1100 Comm. Development Salaries \$3,088.47; 4-1-81010-2100 Comm. Development FICA \$236.27; 4-1-81010-2210 Comm. Development VRS \$200.75; 4-1-81010-2710 Comm. Development Workers Comp. \$50.34; 4-98-91050-1100 Rt. 33 Sewer Salaries \$1,383.19; 4-98-91050-2100 Rt. 33 Sewer FICA \$105.81; 4-98-91050-2210 Rt. 33 Sewer VRS \$89.91; 4-98-91050-2710 Rt. 33 Sewer Workers Comp. \$26.97.

Mr. Burrell requested that Resolution R-40-04 be removed from the Consent Agenda and considered later in the agenda after a presentation from Joan Lucera of the Colonial Community Criminal Justice Board.

Mr. Burrell also asked that the minutes from September 13, on page 11, be changed from "hog rally" to "Harley Davidson rally".

Mr. Sparks moved to approve the Consent Agenda, after removing Resolution R-40-04 and making the requested change to the minutes. 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: CITIZENS COMMENT PERIOD

Chairman Burrell opened the Citizens Comment Period.

Judith Harris addressed the Board about her problems with the office of the Commissioner of the Revenue and a business license that was issued to a contractor under false pretenses. She indicated that the State had suspended the license of this contractor who then applied for a New Kent business license under someone else's name and state number. She and others have suffered at the hands of this contractor and she has not been successful in her attempts to have the Commissioner revoke this license, or to have the Commissioner use verification procedures and other safeguards in his office before issuing business licenses. Ms. Harris was asked to contact the County Administrator to further discuss her complaint.

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

IN RE: RESIDENT ENGINEERS REPORT

R. E. Prezioso, Resident Engineer with the Virginia Department of Transportation, reported that since the last meeting, headquarter crews have been working on drainage complaints, ditches and washouts. He indicated that truck restriction signs will not be posted on Route 613 until Hanover has completed its process of restricting commercial truck traffic on their portion of that roadway. He does not anticipate that signs will go up until January.

Mr. Hill voiced his displeasure with the delay. Mr. Prezioso explained that if signs were posted in New Kent and not in Hanover, then trucks would not have anywhere to turn around at the county line, and the restriction would then become unenforceable and the signs would lose their impact. At Mr. Hill's request, Mr. Prezioso agreed to check to see if signs can be installed in New Kent on Route 611 and Route 249 to keep trucks from traveling westbound. Mr. Hill asked that he take care of this right away and not wait.

Mr. Prezioso reported that he hopes to have inmate crews working on the roads in New Kent by next week.

He reported that the first contract under the Rural Rustic Roads program should be completed next week. If weather permits, paving will be done on Route 608 at the end of the week. Traffic counts are complete on Route 632 and they will be applying a center line there. He indicated that they have been working on an entrance washout on Route 613, patching on Route 611, ditches on Route 618 and a curve project on Route 628.

Mr. Trout inquired about the status of the Route 155 bridge. Mr. Prezioso reported that a 3-ton restriction remains on the bridge. He had no firm estimate as to how long it will take to get a new span installed. It is likely that the truck detour will be changed from Route 618 to Route 106. The bridge remains open to automobile traffic and emergency vehicles, except for fire trucks with water. He warned that if the postings were violated, then the bridge will be closed to all traffic. He agreed to keep the Board advised on this situation.

Mr. Sparks requested VDOT's attention to crushed pipes and flooded ditches at Route 655/Quaker Road.

Mr. Hill inquired about the status of Route 608/River Road. Mr. Prezioso reported that work should be completed by Friday, weather permitting.

Mr. Hill requested a center line be applied on Quaker Road. Mr. Prezioso indicated he would proceed to obtain the required traffic count.

Mr. Hill thanked Mr. Prezioso for the deer crossing signs on Route 249 between Routes 612 and Route 60.

Mr. Burrell asked about the possibility of abandoning Boulevard Road, which is seldom used since the new traffic pattern was installed near the library. He feels that might ease parking problems at the library. Mr. Prezioso indicated that he will consider Mr. Burrell's comments as a formal request and will work with staff to schedule a Public Hearing.

IN RE: RECOGNITIONS

Chairman Burrell presented a framed copy of Resolution R-36-04 to Richard W. Morris, who recently retired from the Sheriff's Office. Mr. Trout commented that Mr. Morris's efforts on

behalf of the Providence Forge Volunteer Rescue Squad were one of the reasons for that organization's success, and he personally thanked Sgt. Morris for all that he did for the County.

Chairman Burrell presented a framed copy of Resolution R-34-04 to the family of John Frank Vickery, a magistrate in New Kent who was recently killed in an automobile collision on the way home from his duties at the Sheriff's Office.

Sheriff Howard and many of his staff were on hand for these presentations.

IN RE: COLONIAL COMMUNITY CRIMINAL JUSTICE BOARD

Joan Lucera, Criminal Justice Planner, spoke on behalf of the Colonial Community Criminal Justice Board, an advisory board comprised of six localities, including New Kent County. She announced a legislative breakfast on October 29 at 7:45 a.m. at the James City County/Williamsburg Community Center, at which they hope to educate and inform the legislators. They are concerned about the State's steady decrease in funding, which leaves the localities having to make up the difference, and wonder how long this can continue before public safety is compromised. She requested that the Board adopt Resolution R-40-04, requesting restoration of State revenue cutbacks.

Mr. Hill moved to adopt Resolution R-40-04 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: BOARD OF EQUALIZATION

Board of Equalization Chair, Brenda Snyder, addressed the Board and read the following statement for the record:

"Gentlemen: It has been our pleasure to serve on the New Kent County Board of Equalization. In five meetings, we heard a total of 138 cases. In 62 cases, the assessment remained the same; 75 parcels were reduced and 1 parcel was increased. A copy of a spreadsheet, with specific numbers, is attached.

There were several common threads running through these meetings which we would like to address, and if it is your pleasure, make recommendations: a. In many cases, the assessments seemed to be arbitrary and there did not seem to be rhyme or reason as to why an assessment was changed. For instance, in the same general neighborhood, some people's assessments went up 10 percent whilst others went up 30 or 40 percent—these for comparable houses. b. The computer programs (we understand there are a combination of three) used to input data oftentimes put in descriptions which are not consistent. For instance, land on which timber has been "cut over" and another instance in which the timber has been "cut." One might suppose that the two were different, but the price of the land remains the same. And, for instance, is there a difference between "swamp land" and "marsh land?" Again, in most instances, the price is the same. Those are just two examples, there were others. We would suggest a new computer system be put in place

that accurately reflected the data. C. The company doing the assessment was paid approximately \$15 per parcel. One supposes their intent is to follow some sort of formula, get the job done as quickly as possible and move on. With the County growing so rapidly, the Board of Equalization would strongly recommend that the County hire a full time assessor. This would put a process in place which would be more equitable to all the tax payers of the County. A full-time assessor would presumably be familiar with the County, recent sales, and could keep the assessments updated on a regular basis rather than having taxpayers face a 10 to 30 percent hike in their taxes every four years. With the County beginning to grow so rapidly, it is imperative that we keep pace with that growth by keeping our assessment records current.

The Board would also like to thank and commend Marilyn Mills for her extraordinary helpfulness in assisting the Board with the many administrative duties involved. She got our materials to us in a timely way and provided on-the-job support with searching for comparables, copying, phone calls, scheduling and other too-many-to-name chores. Throughout the whole process she remained cheerful, pleasant and professional in her approach. We certainly could not have done it without her thoughtfulness and care.

John Crump's office was especially helpful as was the Planning office—both of which provided us with timely and professional support. We would like to express our thanks to them as well."

Mr. Sparks requested details about the complaints with the software programs. Ms. Snyder indicated that there were three different programs that were used, and each used entries inconsistently.

Regarding the assessments themselves, she reported that some seemed arbitrary and there were inconsistencies among similar properties within the same neighborhood. In one case, property that sold for \$36,000 in December was assessed at \$86,000 in January, just a month later. She indicated that the BOE felt that the County would be better served with a full time assessor rather than a contract assessor every four years.

Mr. Davis indicated that past Boards have considered hiring a full time assessor, and would likely continue to consider that option. He thanked Ms Snyder and the other members of the BOE for their hard work at this not-so-pleasant task.

Mr. Trout expressed his appreciation of their work. He stated that it is not a question of if the County should hire a full-time assessor, but a matter of when.

Mr. Hill thanked the BOE for their diligence and final report. He commented that their recommendation regarding a full-time assessor will serve to substantiate the Board's decision once it decides to hire a full time assessor.

Mr. Burrell stated that he has been in favor of hiring a full time assessor for many years. He indicated that citizens don't like large increases in their assessments and would be much happier with smaller ones along the way. He thanked the BOE for their great report.

Mr. Davis inquired if a Board of Equalization would still be necessary if a full time appraiser were hired. County Attorney Phyllis Katz stated that it would, as there would still be an appeal process.

IN RE: VILLAGE ACTIVITY COMMITTEE

Community Development Director George Homewood reported that the Village Activity Committee was tasked to look at how to take the village concept contained in the Comp Plan and set up rules and regulations so people could make use of it. He described the several criteria needed to make the situation work, which included a wide variety of mixed uses, including a mix of residential. He suggested that a "by-right" type of approach be adopted that would not require approval at every step, leaving some discretion to the landowner rather than to the zoning administrator. He indicated that it became apparent to the Village Activity Committee that there are presently no areas in the County that meet these criteria. The committee started looking at the village concept and ended up looking at other areas as well. He stated that the committee had done a good job and had been very "forward thinking" in its effort to blend commercial and industrial areas into a broad mixed-use class that makes sense.

Mr. Homewood indicated that the committee's recommendations are not yet ready for Board consideration, and need to be integrated into the zoning ordinance. He asked that the Board refer this to the Planning Commission to begin that process.

Mr. Homewood explained the three types of zones that apply: the regular zoning classification; an overlay zone (with restriction in uses because of geography or location, such as a flood plain overlay or the airport approach); and a floating zone, which is on the books but is not applied until it is requested (like a PUD). The village zone could be set up as a base level or a floating zone.

Included in the material distributed to the Board was the first zoning map available of the County. Mr. Hill inquired who set up the map designations. Mr. Homewood indicated that they were derived from the Comp Plan adopted by the County last year.

Chester Alvis, a member of the committee, stated that he was disappointed in this process because they never had a final meeting, and he was upset that the committee didn't have a chance to approve the map. He was also irritated that he had just received his copy of the submitted material today.

Billy Cunningham, also a member of the committee, stated that they had done the best they could and he hoped the Board would consider their recommendations.

John Crump, another member of the committee, stated that the members had spent a lot of time on this difficult process, and he feels they have arrived at something that is workable.

Mr. Hill inquired about uses set forth in Section 2.2 that required a CUP, especially restaurants with drive-thru windows. He was concerned that the Board would have to listen to every request by a restaurant to locate in a village.

Mr. Homewood explained that the village is a pedestrian-oriented concept and it is important to be careful when considering a use that involves automobiles. That is why it is suggested that be done through a use permit process. A take-out window is not a drive-thru window. He admitted that the recommendations are not perfect and may well be changed by the Planning Commission.

Mr. Trout inquired if the plans call for a variety of villages. Mr. Homewood indicated that the committee had wrestled with the idea of developing a master plan for each village. In

the end, no one wanted to create architectural review boards, but instead preferred to allow the market to drive the differences in each village.

Mr. Trout expounded on his impression of the villages he visited in his recent trip to England.

Mr. Hill asked why a village area was designated so close to the interstate interchange in Bottoms Bridge, which would defeat the purpose of discouraging automobile traffic. Mr. Homewood indicated that the Comp Plan designated a village in that area, and that the Bottoms Bridge area has the opportunity to become more than just a commercial node with surrounding residential.

Mr. Burrell thanked the Village Activity Committee for its work.

Mr. Hill encouraged the committee members to continue to participate in this process and to express their concerns at public meetings.

There was consensus to refer this matter to the Planning Commission, and Mr. Homewood was so instructed.

IN RE: ABANDONMENT OF SECTIONS OF ROUTE 613 – DISPATCH ROAD

R. E. Prezioso, Resident Engineer with VDOT, reported that adoption of Resolution R-22-04 would formally abandon old unused sections of Route 613 that were replaced with a prior project.

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

Mr. Trout moved to adopt Resolution R-22-04 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: DISCONTINUANCE OF A SECTION OF ROUTE 656

Mr. Prezioso reported that adoption of Resolution R-21-04 would remove old sections of Route 656 from State maintenance, but the State would retain ownership of the sections. This would alleviate concerns of some of the residents about being able to use those old portions in the event of an emergency.

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-21-04 as presented. 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: DEED OF EASEMENT AND RIGHT-OF-WAY AGREEMENT FOR VDOT PROJECT
ON ROUTE 686 – TERMINAL ROAD

Mr. Prezioso stated that this was the beginning of a project to improve Route 686, Terminal Road, granting a right-of-way to straighten up the curve.

Chairman Burrell opened the Public Hearing.

Donald Carr, who lives near the proposed project, stated his objection. He does not see the need to install six foot shoulders on each side of a dead end road that is 200 feet south of the Airport. He believes this is a gross waste of the taxpayers' money and requested that the Board table this matter in order to obtain additional information.

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

Mr. Prezioso stated that VDOT had previously met with Mr. Carr. He reported that the proposed layout and design of the road meets the minimum standards and they cannot make it any narrower and still meet federal guidelines.

Mr. Trout stated that he is familiar with Mr. Carr's situation and that the amount of land taken may affect his drain field. He stated that the road needs to be improved, but would appreciate VDOT working with Mr. Carr to address some of his concerns.

Mr. Prezioso stated that they had tried to address some of the slope issues, but admitted that he wasn't familiar enough with the situation to know what specific options were considered.

Mr. Hill inquired about the traffic count. Mr. Prezioso reported that the most recent traffic count showed 1,500 vehicles use that road per day.

Mr. Sparks inquired of Mr. Trout if he was concerned that Mr. Carr's property was not being protected. Mr. Trout stated that this road is unsafe and needs improvement. On the other hand, Mr. Carr's property is being cut off at the end which may cause some problems with his drain fields. He asked if the project could be amended to protect Mr. Carr.

Mr. Prezioso indicated that by this point in the process, all affected property owners, including Mr. Carr, would have been contacted about rights-of-way needed across adjacent property. He was not sure of the options that were available in the case of Mr. Carr.

Mr. Hill inquired if there was adequate room to have Mr. Carr's drain fields moved so that they would not be right up next to the road. Mr. Prezioso indicated he did not know.

Mr. Carr stated that VDOT held a public hearing on this project a year ago and he has had no communication with them since that time. The only change that they have made is adding a six-foot shoulder on each side of eleven-foot driving lanes. He contended that the federal guidelines to which Mr. Prezioso referred only apply to projects funded by federal money. He stated that there are no homes across from his that would be impacted. He

contended that this is a gross waste of taxpayer money and he does not think the State should be given County land for unnecessary shoulders.

Chairman Burrell suggested that this issue be tabled in order that the Board can obtain more information. Mr. Davis agreed. Mr. Sparks agreed as well, indicating that he is not convinced it is the right thing to do and he needs more information. Mr. Burrell suggested that all of the Board members visit the site. Mr. Trout suggested that Mr. Prezioso and staff have another month to look at it and then get back with the Board.

Mr. Prezioso stated that he will go back and review the plans and try to move it along so there can be a more in-depth discussion next month. He will have something back to the Board before the meeting so the members will have sufficient time to review it. Mr. Trout offered to meet with Mr. Prezioso and Mr. Carr and will be in touch with both of them to set up a meeting.

The issue was tabled.

County Attorney Phyllis Katz advised that when the issue does come up for vote, the right-of-way for VDOT and easement for Dominion Virginia Power must be voted on separately.

IN RE: WATER AND SEWER BONDS ISSUE

Dan Siegel from Sands Anderson reviewed proposed Resolution R-41-04 which approves the issuance of bonds up to a maximum of \$21 million, a maximum term of up to year 2034 and a maximum interest rate of 6.5%. This resolution will approve financing through Virginia Resource Authority. Mr. Siegel pointed out that paragraph 12 provides for the County's moral obligation to pay the debt service with ad valorem tax assessments levied and collected on property in the Bottoms Bridge Service District ("BBSD") or with funds from the enterprise fund.

Ted Cole of Davenport & Associates reviewed the highlights of the proposal. He indicated that with the assistance of County staff and consultants, his company prepared a credit overview which includes the County's existing and projected utility operations, using very conservative assumptions related to user growth. The credit package was created to share with potential municipal bond insurers and the Virginia Resources Authority (VRA) in order to assess the County's borrowing options for the utility project and determine the potential lenders' comfort level with the project.

Mr. Cole reported that based on their discussions, it is their recommendation that the County pursue long-term utility financing with VRA. Although the VRA Board will meet on October 19, 2004 to discuss approval of the financing, VRA staff has deemed the project "doable" and have verbally committed to recommend the proposed financing. If approved, VRA bonds will be advertised and awarded to the lowest bidder (sold) on October 27, and funds (the entire amount of the loan) will be available to the County at closing scheduled on November 17, 2004. A VRA financing will require a pledge of the System's revenues to pay the debt service (will have a first lien) and a moral obligation pledge by the Board of Supervisors. Additionally, VRA has agreed to allow the County to either fund a Debt Service Reserve Fund from borrowed monies or to place a "Negative Pledge" on utility fund cash reserves in an amount equal to annual debt service (anticipated to be \$1,130,000). In either case, the requirement for this security will be removed after the County demonstrates three consecutive years of debt service coverage at or above 1.15x. Mr. Cole indicated that it is Davenport's recommendation that the County pursue the "Negative

Pledge" option, which will allow the County to control and invest those funds, but have them available in the Utility Fund when the bondholder measures the funds two times a year.

Mr. Sparks asked what happens if the fund goes below the required amount. Mr. Siegel advised that the County would be asked to reimburse the deficiency. Mr. Davis inquired if the ad valorem taxes collected would count towards this "Negative Pledge" amount. Mr. Cole replied that it would.

Mr. Cole indicated that additional "parity" revenue bonds can be issued in the future provided the County can demonstrate projected debt service coverage of 1.15x for a two-year period including existing and proposed Debt. This would require borrowing on a subordinate basis (without a first lien).

Mr. Cole reported that the Series 2004 bonds can be refunded or prepaid with VRA consent.

Regarding debt structure, Mr. Cole indicated that the expected "Par" borrowing amount is approximately \$16.8 million, but the actual amount will be dictated and finalized at pricing on October 27. He reported that VRA has not yet approved the structure.

Mr. Cole reported that current market interest rate estimates (which are at 30 year lows) are approximately 4.81%, but the actual rate will be "locked in" at pricing on October 27.

The proposed amortization schedule calls for capitalized interest through the construction period (January 1, 2006); first principal payment on October 1, 2007; final payment on October 1, 2034 (28 annual principal payments); and a level annual debt service schedule (same principal and interest) from 2007 – 2034.

Mr. Cole reported that the proposed debt service structure results in system cash flows (based on conservative numbers) that are consistent with those previously discussed by the Board. The updated Proforma does show system cash flow shortfalls in 2007 – 2011, and as previously discussed, utility system funds will be used to offset these shortfalls until the system is truly self-supporting, which is projected to be in FY2012. Mr. Cole indicated that even with the "Negative Pledge", there are ample funds in the utility fund to cover the projected shortfall.

Mr. Cole emphasized that the system Proforma being used is based upon very modest system growth in terms of new customers coming online.

Mr. Trout inquired whether the bond sale was going to be for \$16.8 million or \$21 million. Mr. Cole responded that the bond sale is projected to be for \$16.8. The resolution provides for a bond sale of not more than \$21 million, so that in the event the amount increased between now and closing, they would not have to come back to the Board for a new resolution.

Mr. Trout wanted confirmation that the loan is secured by the County's moral obligation and not any interest in the real estate. Mr. Cole reported that the loan is secured by revenue from the BBSD, the County's moral obligation, and a "Negative Pledge" on the utility fund.

Mr. Cole indicated that the interest will be fixed for the life of the loan. Interest only payments will be made until 2007, and then there will be 28 years of principal and interest payments.

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-41-04 as presented. The members were polled:

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

The motions carried.

IN RE: SEWER CONNECTION AVAILABILITY FEE AND RENAMING OF THE SEWER CONNECTION FEE

County Attorney Phyllis Katz reviewed proposed Ordinance O-21-04 which will amend the County's Code to add a "sewer connection availability fee" of \$6,600 per residential unit. The ordinance also changes the name of what is currently called a "sewer connection fee" to "connection usage fee" but does not change the amount. The proposed ordinance also provides for when each fee is due. For the connection availability fee, payment would be due at approval of a PUD, approval of a subdivision application into ten or more lots, or application for building permit. In instances where there is a development or subdivision agreement, the due date for payment will be according to the agreement; however, any agreement shall provide that the final payment be made no later than five (5) years and that the aggregate amount owed be backed by a surety or letter of credit. The connection usage charge will be due at the time of building permit application.

Ms. Katz indicated that the \$6,600 figure for the connection availability fee (tap fee) has been discussed previously and was determined by the team of consultants by dividing the cost of the system by 300 gpd (average use by a household). This fee would not apply to users within the Bottoms Bridge Service District who are paying for their usage through an ad valorem tax, and the County has an obligation under a previous Sewer Service Agreement to provide service to some of the areas in the Kentland PUD. All other users would be required to pay this connection availability fee. She advised that the ordinance can be changed to provide for any additional service districts that might be later created.

Chairman Burrell opened the Public Hearing.

David Root spoke to the Board on behalf of the Richmond Home Builders Association. He apologized for their coming so late to the process. He indicated that his association feels that this fee is a punitive surcharge on anyone who wants to build a home in New Kent County, in addition to the already recently increased (from \$6,000 to \$9,000) connection fees. He referred to the County's Attorney's memo of July 23, 2004 which referred to the proposed fee as a way to "manage growth" and "maintain rural character". He fears that this fee will be passed on to the consumer. If the County is successful in slowing growth, he wonders how that would affect its efforts to attract businesses to the community. He stated that "businesses follow rooftops" and the County is creating a "pay to play" system which will result in large homes on large lots.

Mr. Burrell took issue with Mr. Root's assertions. He indicated that it was the Board's intention that the utility system be paid for by its users and not by the general population. This fee is to pay for capacity. He stated that rooftops are a liability for a locality, in that

they do not pay for themselves. The County wants highway commercial which does not require rooftops.

Shawn Weingast, owner of property in the Kentland PUD, thanked staff and the supervisors for working with him in recent weeks on this issue. He has concerns as a landowner about adding this \$6,600 fee on top of the sewer connection fee that has recently been increased to \$6,000. His calculations are that a 300gpd would result in a capacity cost of \$2,600, not \$6,600. Adding in a trunk charge of \$1,000 should bring the fee to \$3,600. He indicated that the County is now trying to adopt sewer connection charges of \$12,600 (\$6,000 + \$6,600) which is triple what it should cost and what it cost in January 2004. He feels that users would be subsidizing the costs to bring sewer and water to Patriot's Landing, and he wants equality with the ad valorem taxes being paid in Bottoms Bridge. He stated that he owns capacity in the Chickahominy Wastewater Treatment Plant and is looking at a competitor taking that capacity. He referenced the Sewer Service Agreement which calls for expansion to the Chickahominy plant or construction of a new plant to serve the entire PUD. Now the County wants to spend \$24 million to build a county system to treat at the Parham Landing plant. He indicated that if the County wants to move the treatment location, it should make it cost-neutral for Kentland.

David Horsley asked if this tap fee would apply to businesses also. Ms. Katz responded that the proposed ordinance applies to all users based on equivalent residential units. Mr. Horsley reflected that the County would be "shooting themselves in the foot" by enacting this fee because he thinks it would discourage businesses from relocating to New Kent.

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

Mr. Trout stated that the Board is not in a position to make a decision on this tonight. It is a decision based on money and he suggested requesting staff and counsel to reconsider the amount and try to see how low the fee can be set and still have the utility system survive. He does not want to discourage businesses, particularly those that would be big users of water and sewer.

Mr. Burrell concurred.

Mr. Davis stated that the Board, consultants and staff needed to do some more work on this and maybe look for different answers. He feels that the value of the ad valorem tax being paid in Bottoms Bridge (based upon a \$200,000 home) is \$6,000 paid over 20 years, which is less than the proposed \$6,600 tap fee.

Mr. Hill stated that he wasn't sure that sending it back to staff was sufficient. He suggested involving Mr. Weingast in the process. He requested additional information from the County Attorney and from Mr. Weingast as to what the County is obligated for in the Sewer Service Agreement and get that on the table for all parties to understand.

Mr. Burrell suggested that others also be involved in the process, including counsel and consultants. He maintained that the general public should not be obligated to pay for services to businesses.

There was no action taken.

IN RE: FRANCISCO ADDITION TO THE PAMUNKEY RIVER VALLEY AFD

Planning Manager Rodney Hathaway reviewed Shirley Francisco's application to add tax map parcel 10-46 consisting of 96.938 acres to the Pamunkey River Valley AFD. He reported that, if approved, this addition would increase the size of that AFD to 24 parcels with 4,819.18 acres. This parcel is currently zoned A-1 and designated as rural land in the Comp Plan, and consists of 27% tilled crop land and 73% timber. He reported that both the AFD Board and the Planning Commission have recommended approval of this application.

Mr. Trout asked if this property was adjacent to other parcels included in the Pamunkey River Valley AFD. Mr. Hathaway reported that it was, and that the property met the criteria necessary to be included in an AFD.

Mr. Davis commented on the timbering and suggested a five year review of all lands in AFDS to make sure that the land is being used as indicated.

Mr. Francisco, speaking on behalf of his wife, the applicant, stated that this property has been in his wife's family for a long time. They want to keep farming it and plan to reforest and keep the land for their children.

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

Mr. Davis moved to adopt Resolution R-42-04 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: SAVAGE ADDITION TO THE ELTHAM AFD

Planning Manager Rodney Hathaway reviewed Louis Savage's application to add tax map parcel 27-19 consisting of 28.02 acres to the Eltham AFD. This parcel is zoned R-1/single family housing, and is designated as suburban housing in the Comp Plan. If the application is approved, the Eltham AFD will consist of 5 properties for a total of 493.67 acres. There are no structures on the property, which consists of 70% tilled crop land and 30% timber. He reported that both the AFD Board and the Planning Commission have recommended approval of this application.

Mr. Trout inquired if the parcel met the criteria. Mr. Hathaway responded that it did.

Mr. Hill inquired about the R-1 zoning. Mr. Hathaway indicated that the property will remain R-1, which does allow for AFD use with the only requirement being that a forestry plan be submitted, which it has.

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

Commissioner of the Revenue John Crump commented that in another application filed by Mr. Savage, some of the acreage listed on the application was "lost along the way" and he is going to officially make an adjustment to correct that as it appears to have been a mistake by the County. He also reported, as a member of the AFD Committee, that he feels that it should be more difficult to withdraw from an AFD and their committee is in the process of drafting some additional language for consideration by the Board in the near future.

Mr. Davis asked if the acreage mistake affected this application and Mr. Crump said that it did not and that the acreage listed in this application is correct. Mr. Davis commented that the subject parcel contained some of the best farm land in New Kent County.

Mr. Davis moved to adopt Resolution R-44-04 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 carried.

IN RE: BOWERY ADDITION TO THE WADDELL AFD

Planning Manager Rodney Hathaway reviewed the application by Mr. and Mrs. William Bowery to add tax map parcel 20-42 consisting of 81.53 acres to the Waddell AFD. This parcel is zoned A-1, is designed Suburban Housing in the Comp Plan, contains five structures plus sheds and storage buildings, and is composed of 8.3% pasture, 3% tilled crop land and 67% timber. If approved, the Waddell AFD will consist of 4 parcels containing 241 acres. He reported that both the AFD Board and the Planning Commission have recommended approval of this application.

Mr. Bowery, the applicant, stated that this farm had been handed down through the family and they want to be able to give it to their children.

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

Mr. Sparks expressed his pleasure in adding this parcel to an AFD in his district.

Mr. Davis moved to adopt Resolution R-43-04 as presented. 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: QUINTON COMMUNITY PARK

Charles Moss, Chair of the Parks & Recreation Advisory Committee, Nancy Currence, project coordinator for the Quinton Community Park, and Brandon Currence, Architect unveiled and reviewed a revised plan for the park. Mr. Moss reported that it is their Committee's opinion that the latest plan better meets the needs of the community and makes use of the entire parcel, whereas the prior plan developed by Timmons contained a lot of wasted area.

This plan contains a tot lot, pavilion, concession building with restrooms, volleyball court, basketball court, and a Little League baseball field (with 200 foot fence) with dugouts, bullpens, scorers' box and bleachers. It also provides for a second baseball field with a temporary fence, bullpens, dugouts, batting cages and bleachers, which can also be used as a soccer field. There is also a softball field with a temporary fence, dugouts and bleachers, which can be used as a football field. Ms. Currence reported that Pete Sweet has agreed to give the County an additional .33 acres needed to complete the plan. Plans call for a paved entrance with 99 parking spaces, including four handicapped, in a graveled lot. There will be a walking trail around the park, and plans to light at least one but hopefully all of the ball fields. Mr. Moss stated that this plan was a good start and thanked the Board for its support.

Mr. Hill indicated that VDOT had required that the entrance and exit to the park be at the widest part of the road, and suggested that this plan be reviewed with VDOT.

Mr. Moss reported that there are some national programs through ASA and others associations where localities can receive help with the cost of lights.

Mr. Hill thanked Brandon Currence for the donation of his architectural services. He reported that Nancy Currence, as project manager, was making inroads in her efforts to make the park a reality.

Mr. Moss thanked Mr. Sparks for his help in getting an engineer.

Mr. Davis commented that this plan was a lot better than the last.

Mr. Trout asked about the lighting. Nancy Currence stated that she intends to have lighting for all the fields as well as irrigation. Brandon Currence reported that New Kent would be hosting the 2007 Babe Ruth tournament which will require a lighted field, so the plans are to light that field first.

Mr. Trout inquired about the proximity of houses to the park, wondering if neighbors might be bothered by lights or noise from the park. Mrs. Currence stated that Pete Sweet's property is the closest to the park, and the part of his property that is just adjacent is used as a horse pasture.

Mr. Burrell stated that the committee had done a wonderful job. He asked Mr. Moss to take a moment to describe the value of having a large complex at which to host tournaments and his thoughts on making New Kent a "destination". Mr. Moss indicated that softball is the 3rd largest amateur sport in the world and that there are over 30,000 seniors playing softball in the United State. Softball tournaments are generally held from early May through October and teams often travel great distances and spend 4 – 5 days in the locality where the tournament is hosted, bringing in substantial revenue. He reported that, for example,

Panama City, Florida, pays \$100,000 to bring softball tournaments there, which bring in \$3 - \$5 million in revenue. He stated that New Kent would be an ideal location for such a complex, as it is hard to find large parcels in the cities. He indicated that Caroline County is investing in 16 fields with an inside facility. He also reported that women's softball is also a fast growing sport.

Mr. Hill moved to approve the revised plan for Quinton Community Park submitted by Brandon Currence Architect dated October 12, 2004. 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: ELECTED OFFICIALS REPORT

Mr. Hill reported that he had received numerous phone calls from families with children about changing the date for trick or treating activities in New Kent to Saturday, October 30. West Point has already made this change.

Mr. Trout indicated that many churches already had activities planned for October 30.

County Attorney Phyllis Katz advised that under the current County code, it is unlawful for anyone over the age of twelve to wear masks or do any kind of trick or treating activities except on Halloween night.

Mr. Davis indicated that he had discussed this with the Sheriff who does not anticipate any problems with keeping trick or treat on October 31. He feels that if the Board changes trick or treating to Saturday, there will still be children trick or treating on Sunday. He does not think it is the Board's place to make this change.

Mr. Sparks announced that he and the Sheriff's Office are putting on a community safety event for kids this Saturday from 10 a.m. to 2 p.m. at Food Lion in Quinton. There will be information on bike safety and stranger danger.

Mr. Trout reported on his trip to Kent, England. He indicated that no County money was spent for his trip. He stated that the trip served several purposes, one of which was to promote the Jamestown 2007 festivities. Federal and state representatives participated, promoting tourism to the State. Another purpose was economic development. Virginia is trying to increase its position with European trade and Kent, which is east of London, is a prime import/export location. Motorsports is also a popular industry in Kent and there was a lot of interest in the DragonsRidge Motorsports Park. He reported that there is also interest in opening an English inn in New Kent. He indicated that Lee Quick from the School Board also participated and is working on establishing a connection between the schools. Mr. Trout stated that he traveled through many lovely villages and made a lot of good contacts.

IN RE: STAFF REPORTS

Finance Director Mary Altemus requested approval of the following:

FY04/05 carry forwards: 350th Commemoration Committee funds \$24,885.66; Dept. of Economic Development advertising funds \$2857.00; unspent FY03 and FY04 State Fire Program funds \$6,530.83; total \$(34,273.49); money in/money out: \$19,408.70; from General Fund fund balance \$14,864.79; FY04/05 appropriations: funds received for reimbursement of professional services for Farms of New Kent \$1,285.75; DMV Grant – Operation Strike Force (154AL-04-50548-09) \$1,500.00; DMV Grant-Speed Awareness (SC-05-51175) \$14,000.00; FY05 portion of the DMV Speed Awareness Grants (AA4-04-50512 and SC04-94-50594-09) \$3,728.64; DMV Grant – Radar Speed Enforcement/Occupant Protection \$1,300.00; DMV Grant – Child Safety Seat (OP04-50193-11) \$500.00; additional state funding to Social Services due to increased demand for services, \$8,000.00 and \$10,000.00; Trojan 100 Club funds for the Athletic Weight Room, \$23,000.00; Federal Criminal Justice Grant (05-A4629BY03) to purchase a handheld radio capable of communicating with members of the Capital Region Communications Network, \$3,188.00; U. S. Dept. of Justice bulletproof vest partnership grant, \$1,487.50; Dept. of Homeland Security grant funds \$106,400.00; additional State Fire Program funds \$4,511.64; total \$(178,901.51); money in/money out \$177,901.51; from General Fund fund balance \$1,000.00; FY03/04 appropriations: FY04 DragonsRidge Motorsports Park reimbursement for professional services, \$3,375.26; total \$(3,375.26); money in/money out \$3,375.26; creation of Fund 198 for Bottoms Bridge Sewer District and moving \$378,320 (\$363,320.00 for sewer services 4-98-91085-3140 and \$15,000.00 for analysis/financial modeling RFC 4-98-91085-3140-1) from fund 98 to fund 198; inter-fund transfer of \$1,493.03 from 4-9-31350-8003 Equipment to 4-10-12080-3320 Equipment Maintenance

Mr. Davis moved to approve FY04 appropriations as presented in the amount of \$3,375.26; FY05 appropriations as presented in the amount of \$178,901.51; FY05 carry forwards as presented in the amount of \$34,273.49; FY04 inter fund transfer from the E911 Wireless to E911 in the amount of \$1,493.03; and the establishment of Fund 198 for Bottoms Bridge Service District and to approve the inter fund transfer from Fund 98 to Fund 198 in the amount of \$378,320. 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.

County Administrator Gary Christie asked if the Board members had any preference for the location of their Retreat on October 30. The Board agreed to leave that decision up to the Chairman and Mr. Christie. It was agreed that the Retreat will start at 8:30 a.m.

Mr. Christie reported that because of the office space crunch, the Health Department is proposing to relocate their New Kent services to their Charles City location, which is five miles across the county line. This consolidation will save them \$11,000 to \$12,000 per year. It was reported that 50-60% of citizens receiving clinical services are from New Kent

County. Developers will be required to go to Charles City County to request their health department permits.

Mr. Burrell stated that it would be a longer trip for those New Kent citizens living in Eltham and Tunstall, but wouldn't be that much of a difference for others in New Kent, and might be closer for some.

Mr. Davis stated that he is reluctant to send New Kent citizens to Charles City and suggested that if the Health Department relocated, it should try to find a location in Providence Forge.

Mr. Christie reported that the lease for the Social Services Department ends in 2007, at which time it might be a good idea to find a space to house all human services, including Social Services, Mental Health and the Health Department.

It was the general consensus to look for another solution.

Mr. Christie reported that Mr. Hill has requested that the date of the November 3 meeting be changed because he will be out of town on business. It was the agreement of all members to change the meeting date to November 10.

Mr. Christie reminded the Board members about the informational meeting on the Farms of New Kent application to be held this Thursday at 7:00 p.m. at St. Peters Church.

IN RE: APPOINTMENTS

The Board will continue to make appointments to various committees.

Mr. Sparks moved to appoint Cynthia M. Bradby as District Two's representative to the Board of Social Services to complete a four-year term ending June 30, 2006.

Mr. Burrell moved to appoint Edward Carter as District Three's representative to the Jamestown 2007 committee.

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 motions carried.

Mr. Burrell moved to appoint Eddie Jones as an at-large representative to the Jamestown 2007 Committee.

Mr. Davis moved to appoint Anna Hill Davis as an at-large representative to the Jamestown 2007 Committee.

Mr. Trout moved to appoint Rebecca Wagar as an at-large representative to the Jamestown 2007 Committee.

Mr. Hill moved to appoint Larry Forbes as the Economic Development Authority representative to the Jamestown 2007 Committee.

Mr. Burrell moved to appoint Jean Street as the Historic Commission 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 motions carried.

It was the agreement of the Board members to complete the Jamestown 2007 appointments at the next work session.

IN RE: MEETING SCHEDULE

The next regular meeting of the Board of Supervisors will be held at 6:00 p.m. on Wednesday, November 10, 2004, in the Boardroom of the County Administration Building. A work session will be held on Monday, October 25 at 6:00 p.m. in the County Administration Building. A Board Retreat will be held on Saturday, October 30, 2004, at 8:30 a.m.

IN RE: CLOSED SESSION

Mr. Sparks moved go into closed session for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving contracts; to discuss personnel matters pursuant to Section 2.2-3711A.1 of the Code of Virginia involving candidates for employment; and for discussions relating to real property pursuant to Section 2.2-3711A.3 of the Code of Virginia involving acquisition of real property for public purpose. 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 Board went into closed session. Mr. Sparks moved to emerge from closed session. 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

Mr. Sparks 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:

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.

IN RE: ADJOURNMENT

Mr. Davis moved for adjournment. 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. The meeting was adjourned at 10:45 p.m.
