

A WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 25th 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: 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. He announced that the County Administrator is sick and will not be attending tonight's meeting.

IN RE: CHANGES TO THE AGENDA

Mr. Trout requested the Board agree to consider a Resolution regarding the Airport between Items 3 and 4.

IN RE: STATE'S SECONDARY SYSTEM SIX-YEAR PLAN

Assistant Resident Engineer Gary Jennings announced that Route 608 at Black Creek Swamp was reopened today. Paving work is yet to be done and he expects that to be completed next week.

Mr. Jennings and Tracy Lassiter reviewed the proposed Secondary System Six-Year Plan. He announced that Dan Mott of his office had reviewed the Plan with the Board of Road Viewers two weeks ago to obtain their input. Included on the handout were the roads in the Rural Rustic Roads program, as well as some county-wide funds that will be allocated to incidentals under rural additions, subdivision plan review, preliminary engineering, pipe installation/private entrances, right-of-way engineering, fertilization and seeding and traffic services as the needs arise.

Mr. Jennings reported that priority #1 is the Terminal Road project that will receive the remainder of its necessary funding in the sum of \$410,741 in FY2005/2006 and will be ready for advertising in December 2005.

Priority #2 is the Stage Road project which will be advertised in February of 2005, prior to the Terminal Road project. \$486,767 is required for completion of that project, of which \$86,767 will come from state funds and \$400,000 from the developer. Mr. Jennings reported that this project is expected to be completed sometime in 2006.

Priority #3 is a project on a portion of Mount Pleasant Road (separate from that portion being paved under Rural Rustic Roads). An additional \$821,600 is needed for funding and this project is expected to be ready for advertising in July 2006. Funding will continue in 2007/2008 and 2008/2009, with the project being finished in 2007/2008 but being paid off in 2008-2009.

Mr. Jennings indicated that Priority #4 is a project on Henpeck Road. Funding received to date is \$18,820, and the project needs an additional \$2,641,811. It will receive funding in 2007-2008 through 2010-2010, but will not yet have reached the 70% funding benchmark required to proceed with advertising.

Mr. Jennings reported that the Board of Road Viewers recommended that Cosby Mill Road at Ranch Acres be added to the Plan in order to address the frequent flooding in that area. Re-alignment of the curve would be included, and that project is estimated to cost \$1.2 million. Mr. Jennings concurred with the suggestions of the Road Viewers and reported that 750 – 1,000 vehicles travel that area every day.

Mr. Jennings also indicated that there are funds available for unpaved roads in the sum of \$320,300 which must be used towards non hard-surfaced roads. These funds become available in 2007-2008 by which time the Board will need to identify an unpaved road project or can allocate this towards Rural Rustic Roads.

Mr. Davis inquired whether meeting with the Board of Road Viewers had been of assistance in this process. Mr. Jennings indicated that it had, and that he thinks Cosby Mill Road is a good choice to add to the Plan.

Mr. Jennings reported that it will now be necessary to hold a Public Hearing on the proposed Six-Year Plan, and it was the consensus of the Board to schedule this for the December meeting.

Mr. Trout indicated that it appears that the Terminal Road project will be moving forward and the Board will take action at its meeting next month.

Mr. Jennings indicated that the State cannot move forward to post truck restriction signs on Route 613 until Hanover has completed its public hearing process. VDOT will be posting signs inviting public comment on the restrictions at the New Kent end of Route 613 and at the Hanover terminus of Route 613. He indicated that this step is required by the Code. Hanover is behind New Kent in this process because they did not advertise the alternate route. The Attorney General has ruled that Hanover must conduct a second Public Hearing, which is being done this month. Mr. Jennings reported that the State will not permit them to put up signs in New Kent prior to the time that they are installed in Hanover. He anticipates that the process will be completed and signs up by mid-January or February.

IN RE: TRANSITIONAL THERAPEUTIC COMMUNITY POST RELEASE PROGRAM

Walter Pulliam, Jr., Chief of Operations with the Department of Corrections (DOC), addressed the Board on a proposed use of the Henrico Jail Farm located in New Kent. He was accompanied by DOC staff Gary Bass, Lester Wingrove and Richard Crawson.

Mr. Pulliam reported that the DOC is looking for ways to improve prisoner re-entry programs and needs space to expand. The vacant jail farm is a 100-bed facility and may be suitable for one of these facilities. He indicated that the DOC would like the opportunity to start a dialogue with New Kent, Henrico and Goochland towards perhaps modifying the Regional Jail Agreement to lease this property.

Mr. Pulliam and Mr. Bass reported that the program participants are low-risk, non-violent offenders that are preparing for post-sentence release into the community. Participants must be healthy and emotionally stable. At a Transitional Therapeutic Community (TTC) facility, an inmate leaves the facility to work (and receives a salary) and returns there in the evening. Transportation is often provided by an employer or family member. Participants are there for 4 – 6 months. Normally the first 90 days they are still under sentence, and the second 90-day period they are on probation. These programs are mostly geared toward inmates with drug-related offenses.

At a Work Center, groups of inmates are transported to a work site, accompanied by an unarmed employee. Transportation is provided by either the DOC or the employer. Mr. Pulliam and Mr. Bass emphasized that the participants are close to release and are rarely a threat to the community. If a crew from a Work Center should work on a project in New Kent, there would be no charge to the County.

Mr. Bass indicated that he feels that the Jail Camp may be more suitable for a Work Center than a TCC. He anticipates that the facility would share some services with Henrico Jail East, and they are prepared to pay their own way and negotiate with New Kent to offset any costs that the County may incur. They anticipate that the facility would create 25 new jobs for the community, and they would be upgrading a now vacant and deteriorating facility and plan to return the property to the locality in better shape than it is now. They are convinced that they can do this safely and be a good neighbor.

There was some discussion about who actually owns the camp. Mr. Pulliam reported that it was his understanding that the property was deeded to New Kent by a contract of conveyance; however, all three of the localities that were parties to the Jail Agreement must consent.

Mr. Pulliam reported that he anticipated that the inmates would be working in either Williamsburg or eastern Henrico.

There was discussion about the impact of such a facility on the court system and local law enforcement. Mr. Bass reported that any violation of probation would return the inmate to the sentencing jurisdiction. However, if an inmate committed a crime while at the facility, the case would be handled by New Kent courts.

Mr. Davis asked how this would benefit New Kent. Mr. Bass stated that the DOC needs improvement in its re-entry programs in order to address recidivism, and that in turn benefits all of Virginia's citizens.

Mr. Sparks asked if there was any data on the fiscal impact of these facilities on the communities. Mr. Bass was not aware of any but would look for some information.

Mr. Davis inquired if the DOC would rent the facility from New Kent. Mr. Pulliam indicated that could certainly be a part of the negotiations.

Mr. Hill inquired about the Work Center option. Mr. Bass admitted that the facility could actually end up being a combination of programs and they would need to

determine how to best use the camp, and then work that out with the Board. He indicated that they are not here tonight to advocate one program over the other.

Mr. Sparks asked for some examples of work that is done by Work Center inmates. Mr. Bass indicated that would include working in the fast food and construction industries, painting buildings and schools, cutting grass, and maintaining boat ramps and parks.

Mr. Burrell stated that the DOC is looking at ways to save money by reducing the number of repeat offenders. Mr. Bass indicated that they want to make sure that this fits New Kent and that everybody wins. If the site is available, then the DOC will proceed with a feasibility study.

Mr. Trout invited Sheriff Howard to share his concerns. The Sheriff indicated that he has a concern about a drain on his manpower. He reported that his deputies now spend two days a week serving civil and criminal warrants on inmates at the Henrico Jail East. Additionally, the Courts are overcrowded already, and any offense at the facility would end up in New Kent courts. Mr. Bass indicated that in the 8 year history of TTCs, he cannot recall of an event like this occurring.

Sheriff Howard was also concerned about whether the screening process included prior history of a violent offense. He asked about escapes. Mr. Bass admitted that an escape that took place in New Kent would be handled by the New Kent courts. However, he reiterated that these facilities would not have the same type of inmate population as the jail.

Sheriff Howard inquired if the DOC would pay the cost of transporting witnesses to New Kent for the trial of an offense that occurred at the facility. Mr. Bass indicated that the DOC would bear that responsibility.

Mr. Hill asked if the Sheriff's Department and Commonwealth's Attorney could have input into what inmates are permitted into the facility. Mr. Bass stated that they could have a say as to what type of offender is permitted, but he believes that having them look at each inmate would be much too burdensome and time-consuming. He suggested that the Board and Sheriff visit one of the existing Work Centers or TTCs.

Sheriff Howard said he would be interested in reviewing the screening criteria. He also asked if the DOC runs any of the current TTCs. Mr. Bass responded that the current TTCs are run by private groups but that the DOC does the screening.

Sheriff Howard inquired if the facility would be fenced. Mr. Bass indicated that fences don't fit TTCs, but Work Centers and Detention Centers are fenced in.

Sheriff Howard asked if transportation is provided to inmates when they are released. Mr. Bass stated that released inmates are given bus vouchers and transported to the closest bus station, or are picked up by friends or relatives.

Mr. Hill inquired whether the County could recover any costs that it incurs as the result of the facility or its inmates. Mr. Bass indicated that could be put in the

contract, which would cover services rendered by New Kent's fire and rescue services and law enforcement.

Mr. Davis suggested that the County determine whether it actually owns the jail farm before it makes any decisions, but is not opposed to starting a dialogue with the DOC.

Mr. Bass agreed to locate information regarding the fiscal impact of these facilities on localities as well as their impact on Court and law enforcement. He will also obtain and provide information on the recidivism rate.

IN RE: INTERSECTION OF ROUTE 33/ROUTE 249/ROUTE 30

Sheriff Howard reported that that there have been no accidents at this intersection since the last work session. His department is continuing to use the speed trailer and message board in that area. He indicated that since the last meeting, they have issued 103 summonses as follows: speeding 67; reckless driving 6; failure to obey traffic light 18; driving on suspended license 5; unsafe lane change 2; defective equipment 1; expired state tags 2; seat belt violation 2. His deputies are of the opinion that the number of summons issued to truckers has decreased and that the word is spreading among commercial truck drivers about the increased patrol. He did not have information as to the residency of the violators, nor did he have statistics from the Virginia State Police. The unmarked vehicle is in use.

Sheriff Howard agreed to keep the Board advised on this situation.

IN RE: FIXED BASE OPERATOR AT THE NEW KENT AIRPORT

Airport Manager Bill Kelly requested that the Board adopt Resolution R-46-04 which will authorize him to proceed to advertise for competitive negotiation for a Fixed Base Operator (FBO) at the Airport to provide maintenance and flight school services. This could be done by separate operators or the same one.

County Attorney Phyllis Katz pointed out that the Resolution authorizes competitive negotiations rather than competitive bids.

Mr. Trout stated that this is a process recommended by counsel.

Mr. Kelly indicated that the Airport is improving but the current FBO is not.

Mr. Trout moved to adopt Resolution R-46-04 as presented. The members were polled:

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

The motion passed.

Mr. Trout commended Mr. Kelly for the fine work he is doing at the Airport.

IN RE: HENRICO JAIL AGREEMENT

Public Works Director Alan Harrison spoke to the Board about the agreement with Henrico County to provide water and sewer services to Henrico Jail East. The current agreement provides that the County bill the Jail based on a percentage of the direct and indirect costs of the Parham Landing plant. This is cumbersome and a manpower headache. He requested the Board's permission to approach Henrico about amending the agreement so that the Jail is treated like all other customers and billed on a standard rate. The Henrico Board of Supervisors would have to vote on this issue as well. He believes this would be better for New Kent in the long run and would remove the element of scrutiny that Henrico now has over plant operations.

Mr. Davis asked if the Jail was subject to the pre-treatment ordinance. Mr. Harrison stated that he had sent them an application today and indicated that their discharge problems are easily remedied.

There was consensus among the Board to authorize Mr. Harrison to begin negotiations.

IN RE: CLOSED SESSION

Mr. Davis moved go into closed session for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia. 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 Board went into closed session. Mr. Davis 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 |

The motion carried. Mr. Davis made the following certification:

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

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

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

Chairman Burrell inquired whether there was any member who believed that there was a departure from the motion. Hearing none, the members were polled on the certification:

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

The motion carried.

IN RE: UTILITIES – TAP FEE

Steve Jacobs from Robinson Farmer Cox reported that new engineering estimates have been received. The rate of the tap fee fluctuates depending on the rate of growth and the size of expansion, both above and below the \$6,600 figure. He requested direction from the Board on where to go from here.

Chairman Burrell asked if the new numbers could be available by Monday, November 1. Mr. Jacobs responded affirmatively.

Mr. Sparks indicated that he is very interested in any cost savings on the system, enough to allow what the County needs to accomplish its goals and to expand in the future, but to lower the overall debt.

Mr. Hill asked Mr. Jacobs to provide numbers using projected growth over the course of time, outside of Patriot's Landing.

Mr. Trout stated he'd like to see some cost-cutting on the system and some calculations based on a variety of growth rates, which includes operating costs.

Mr. Davis stated that the Board needed numbers quickly.

The Board agreed to meet again on November 1, 2004, at 6 p.m.

IN RE: OTHER BUSINESS

Chairman Burrell reported that some of the County's boards, commissions and committees do not have bylaws, and some of the ones that do are not updating them each year. He would like to instruct the County Administrator to work with the chairman from each to see that bylaws are created where needed and that they are annually updated.

The Board was in agreement with this suggestion.

IN RE: APPOINTMENTS

The Board will continue to make appointments to various committees.

Mr. Davis moved to appoint Mary Julia Pomfrey as an at-large 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 passed.

The Board agreed to make the remainder of the Jamestown 2007 committee appointments at the November 1 meeting.

IN RE: CONTINUANCE

Mr. Davis moved to continue this work session until November 1, 2004, at 6:00 p.m.

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 10:00 p.m.
