

THE BOARD OF SUPERVISORS HELD A WORK SESSION ON THE 13^h DAY OF JANUARY, IN THE YEAR TWO THOUSAND THREE OF OUR LORD IN THE COURTROOM OF THE OLD COURTHOUSE IN NEW KENT, VIRGINIA, AT 4:00 P.M.

IN RE: ROLL CALL

Julian T. Lipscomb	Present
Rebecca M. Ringley	Present
James H. Burrell	Present
Dean E. Raynes	Present
W. R. "Ray" Davis, Jr.	Present

Chairman Davis opened the meeting.

IN RE: CLOSED SESSION

Mr. Lipscomb moved to go into closed session for discussions relating to the acquisition of real property pursuant to Section 2.2-3711A.3 of the Code of Virginia, as well as consultation and briefings by legal counsel, consultants or staff members pertaining to actual or probable litigation pursuant to Section 2.2-3711A.7 of the Code of Virginia. The members were polled:

Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion passed. The Board went into closed session at 4:03 p.m.

Mr. Lipscomb moved to come out of closed session at 4:45 p.m. The members were polled:

Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye
Julian T. Lipscomb	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion passed. Mr. Burrell made the following motion in certification of the closed session:

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 Davis inquired whether there was any member who believed that there was a departure from the motion. Members were polled:

James H. Burrell	Aye
Dean E. Raynes	Aye
Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion carried.

IN RE: BY-LAWS

County Administrator, Gary Christie, reviewed the suggested changes to the Bylaws and advised that if changes are made, they cannot be adopted for thirty days and would have to wait until the March meeting. Included in the suggested changes is elimination of the one-person committees, or the reorganization of them to be of better use. Work Session has been added as a part of the order of business. Section 3 in Article VII adds the provision that the Board will annually appoint either a member of the Board of Supervisors or the County Administrator as the Director of Emergency Management, who in turn will appoint a coordinator of emergency management with consent of the governing body. Mr. Burrell suggested a change in order on page 9, having those items in #5 and #6 come before #3 and #4. Those changes proposed on page 10 under Duties of County Administrator relating to the responsibility for employment of the department heads, were discussed and approved.

There was discussion on the frequency of meetings and the justification for a monthly work session. Mr. Burrell suggested that it would be better if the work session were held on a separate day, at a later time, in order to accommodate the working public. Mr. Lipscomb moved that the Board have a scheduled work session on the fourth Monday of each month at 6:30 p.m. The members were polled:

Dean E. Raynes	Aye
Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion passed. That change will be included in the Bylaws that will be voted on in March.

Mr. Christie reviewed options that can be considered in a comprehensive review of the County fees as a part of the budget process. After discussion, it was agreed that staff from each department analyze their respective fees and make recommendations, before considering hiring a consultant or using a financial advisor for this process. Mr. Christie reminded the Board that a staff analysis would not include a comparison with the fees from other localities.

There was a discussion on capacity fees and whether the County should develop a policy for selling capacity. Also discussed was the need to for a rate study to make sure that the connection fees are sufficient to pay for future expansion, and whether that could be done by staff as well, or should the County issue an RFP for consultants to do an assessment to determine what those fees should be. There was discussion on Bluegreen's request that the County earmark the connection fees collected at Brickshire for future expansion at the Chickahominy Wastewater Treatment Plant. Mr. Lipscomb indicated that the funds could be earmarked for capital improvements, and that a separate agreement be entered for its designated use. Director of Public Works, Chuck Loving, reviewed future expansion of the plant as well as some of the discharge problems that may arise. Mr. Raynes suggested that any expansion be concentrated at the Parham Landing Road plant, and keep the Chickahominy Plant for what is that area.

Chuck Rothenberg and Ric Rowland from Bluegreen addressed the Board regarding the current sewer service agreement. This agreement provides that Bluegreen will design and build any expansion to the plant, which they have done, and that Bluegreen be reimbursed their costs by retaining 75% of the connection fees. Bluegreen has now recovered its costs and 100% of the connection fees will be now paid to the County. The agreement also provides that Bluegreen will be responsible for any upgrade and provide surety. It is their understanding that the County is not interested in expanding the plant at this time because of low demand, and it makes no sense to design a plant now when the demand is years in the future. Bluegreen is amenable to continuing to collect connection fees when the lots are sold and forwarding that money to the County so that it can build up a fund to pay for expansion when it is needed. Those purchasers who elect not to pay the connection fee at the time of purchase but defer payment until time of construction, will have to pay the then current connection fee. Because of the federal disclosures required of Bluegreen, it is important that the information they are reporting is accurate. Bluegreen wants to make sure that capacity was not a problem when their subdivision plans come up for review. They suggested that the agreement be modified to reflect that Bluegreen is not responsible for designing the upgrade, that Bluegreen will continue to collect connection fees at closing and forward 100% to the County, and that the County will guarantee that capacity for Bluegreen will be available when it is needed. It is estimated that the remainder of the lots will be sold in three to four years. Mrs. Ringley expressed her concern that the County might not have enough money from connection fees when it came time to expand, and asked that staff keep that future cost in mind when analyzing the connection fees and perhaps consider an increase in the amount of the fee. Mr. Rowland indicated that their accounts were reconciled at the end of December, and he anticipates transfer to New Kent of the connection fees they've collected at 100%, in the near future. Mr. Lipscomb reported that changing the agreement will allow the County to give capacity to anyone, as long as it can provide capacity to Bluegreen homes that

have paid connection fees, when needed. It was agreed that Mr. Christie and County Attorney Phyllis Katz will work with Mr. Rothenberg and Mr. Rowland to draft an amendment to the Agreement for consideration by the Board.

IN RE: LATE FEES

Mr. Christie reviewed late fees on two accounts for which the Board has been asked to grant relief, one for Ms. Jill Hanley and the other for the Brickshire Golf Course.

Mr. Lipscomb remarked that Ms. Hanley had been charged a penalty on something that she didn't owe (irrigation credits), but that the golf course had used the water and had failed to pay the bill on time, and that the Board had no authority to forgive that late fee. Mr. Rowland related the circumstances that led to the bill being overlooked. Mr. Burrell indicated that the County cannot set a precedent. Mr. Rowland asked that, although they do not intend that this should ever happen again, the Board consider changing the ordinance to set a cap on the penalty, rather than a straight 10%. He also asked if the late fees could be paid over a period of months in order to fit into their budget. The Board agreed to consider a cap, but could not extend any other relief.

IN RE: UTILITY SYSTEM

Charles Riedlinger from Resource International was available to answer questions about his recent report regarding water and sewer at Bottoms Bridge. He indicated that the location of the pump station site is critical, and the proposed site will provide for maximum gravity pull. He provided estimates for the "ultimate" pump station, but indicated that the station can be built in stages which would reduce the immediate costs; however, he recommends that the station be built for at least 1,000,000 gallons/day, at a cost of \$1.5 - \$1.8 million. The cost of the force main would increase the construction costs to \$1.9 - \$2.2 million. Flows from current businesses is estimated to be 59,000 gallons/day, but he is of the opinion that if the pump station is built, businesses and flows will increase. Building a pump station for a flow of only 600,000 gallons/day would cost only 10 - 15% less than one for 1,000,000 gallons, and the County would be faced with an immediate upgrade at a greater cost. The estimates are for the pump station and force main to get the flow to Henrico, and do not include the cost of running any of the lines to customers. Property owners will be charged varying amounts, depending on the location of their property.

Mrs. Ringley proposed that steps be taken as outlined in her recent e-mail. The County needs to determine what this will cost. She asked that staff determine the various methods of financing for review by the Board of Supervisors and the Bottoms Bridge business owners. She also suggested that HRSD be contacted to see if they can provide any expertise. Mr. Christie suggested using Lamont Myers for 10 - 16 hours per week for twelve weeks to work on this project. Mrs. Ringley stated her preference to have the project sent out for bid. Ms. Katz reported that, in the case of HRSD, the County could contract with another government agency without bidding. After discussion, it was decided that the process will be put out for bid and Mr. Christie will contact HRSD.

RE: ADJOURNMENT

There being no further business, the meeting was adjourned at 5:55 p.m.
