

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 10th DAY OF FEBRUARY IN THE YEAR TWO THOUSAND THREE OF OUR LORD IN THE COURTROOM OF THE OLD COURTHOUSE AT 6:00 P.M.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Burrell gave the invocation and led the Pledge of Allegiance.

IN RE: ROLL CALL

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

Chairman Lipscomb called the meeting to order. He announced that the Administration Building was having problems with its heating system which necessitated that the meeting be moved to the Courtroom of the Old Courthouse.

IN RE: CHANGE IN AGENDA

Mr. Burrell moved to approve a proposed change in agenda item #9 from development timing to engineering services for generators. The members were polled:

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

The motion carried.

Regarding the proposed vote on Colonial Downs' application for a motorized racing permit, Planning Director George Homewood announced that Colonial Downs had withdrawn their application, but intends to file a new application for a daytime race on September 6 with a rain date of September 7. That application will be submitted to the Planning Commission and Board of Supervisors, and hopefully will address some of the concerns expressed by the Brickshire residents.

IN RE: CONSENT AGENDA

Mr. Christie presented the Consent Agenda, which consisted of the following: approval of the minutes of the January 7, 2003 joint meeting with the School Board; January 13, 2003 work session and regular meetings; road name additions: Beebe Lane and Lee's Reach; Authorization for the County Administrator to execute Fifth Addendum to the Special Project Service Agreement for Appliance and Scrap Metal Hauling and Recycling with Central Virginia Waste Management Authority; Authorization to Accept Emergency Medical Services Grant in the sum of \$13,986; Approval of the Virginia Dry Well Replacement Program Income Plan; Resolution R-06-03 in appreciation of Norman Anderson; approval of the proposed boundary line adjustments between the Weir Creek Commerce Park owned by the Industrial Development Authority of New Kent County and the Warreneye Nature Park owned by New

Kent County, as reflected on survey prepared by Ken C. Jennings & Associates dated January 24, 2003; refund of \$19.39 to Jill Hanley for reimbursement of late fees; refund of \$44.80 to James River Air Conditioning Company for cancellation of project; Appropriations for FY2002-2003: to appropriate additional funding for Fire Programs Grant \$1,042.07; to appropriate additional Federal Funding to Schools \$156,863.00; Total Supplemental Appropriation \$157,905.07; Money-in/Money-out \$157,905.07 and -0- from the General Fund Balance; budget transfers during January 2003; monthly revenues during January 2003, \$1,515,501.87; monthly expenditures during January 2003 - \$2,316,477.75; Treasurer's Report - total cash as of December, 2002 - \$18,960,960.79.

Mrs. Ringley moved to approve the Consent Agenda as presented. The members were polled:

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

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

Chairman Lipscomb opened the Citizens Comment Period.

Jerry Monahan from Colonial Downs confirmed that they had withdrawn the application as a result of concerns expressed at the Public Hearing on February 6, and will be submitting a new application for a day time race in September.

Darrell Kelly addressed the Board regarding horse keeping in residential districts. He urged the Board to consider a common sense approach to this issue, and look at each application on a case by case basis, taking into consideration the covenants and restrictions in each subdivision. Chairman Lipscomb strayed from the agenda and allowed the Planning Director to explain the consensus that the Board had reached at the earlier work session, which will be presented at Public Hearing in March.

Richard Smith addressed the Board regarding horse keeping. He stated that owners of horses have a substantial investment in both the horses and their property and know how to manage those investments. This is not an issue that requires government control. He suggested that a simple solution to this would be to zone all of the property in Turners Neck as agricultural.

Perryann Whitehurst was present to speak in favor of the Colonial Downs application, and had her two sons with her who displayed their motorcycle racing trophies to the Board to show that this type of event was for the whole family.

Rob Whitehurst was also present to speak in favor of the motorized racing application of Colonial Downs.

Robin Dixon, of 5730 Quinton Estates Drive, requested the Board to provide her some relief from an excessive water bill resulting from an undetected leak at her home. She advised the Board that in December, she had noticed a drop in water pressure at her home and they had checked under the house and could find no leaks. Suspecting frozen pipes, she contacted the County who came to her house, found a leak in the pipe on her side of the meter and cut off the water. She contacted a plumber who came out after hours to make the repairs. Her normal water bill is \$53.00 and the water bill she received for this quarter totaled \$742. She has been advised by County staff that the ordinance permits relief of up to \$75. She has lived in New Kent for 36 years and is asking the Board to help her out by granting additional relief.

Jeff Dinsmore agreed with what the previous speakers expressed regarding horse keeping.

Tolar Nolley thanked the Board, Mr. and Mrs. Christie, George Homewood and other staff who attended the gathering at Brickshire last week to honor Alex King and Mike Evans from Kent, England. He described the visit and declared it a success.

There being no one else signed up to speak, Chairman Lipscomb closed the Citizen Comment period.

IN RE: ELECTED OFFICIALS REPORTS

Mr. Burrell reported that meetings of two of the Boards on which he sits will be held next week, and the other not until next month, and he would be giving reports at the next meeting.

Discussion was held regarding the granting of relief to Mrs. Dixon. County Attorney Phyllis Katz reported that the Board could amend the ordinance at the next meeting to grant retroactive relief, but could vote tonight to waive any penalty or interest until then. Mr. Raynes moved to waive the penalty and interest on Mrs. Dixon's bill until the Board has a chance to consider a change to the ordinance. The members were polled:

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

The motion carried. Chairman Lipscomb explained to Mrs. Dixon that the Board was going to consider amendment of the ordinance and that, in the meantime, she was not required to pay anything on her water bill. Mrs. Ringley asked that the Board be given complete information concerning this event.

Mrs. Ringley reported that she has been informed by Delegate Ryan McDougle's office that the bill to amend state law concerning CDAs was being considered by a Senate committee this week. She reported that it is not likely that there will be any organizational change in the Richmond Regional Planning District Commission, and the proposal will most likely be dropped at the next meeting. She read aloud an excerpt from the minutes from the last RRPDC board meeting to clarify that issue for the other Board members. Other projects of interest performed by staff at RRPDC include drafting a scope of work and consultation for a New Kent County/Providence Forge village plan, as well as completing a scope of work for inventory of historic resources. The RRPDC will also be having a presentation from VDOT on Project Dashboard (providing on line information on all VDOT projects in the 6 year improvement plan and secondary system plan) and on Project Cost Estimating System.

Mrs. Ringley reported on information from VACo concerning a financing pool program which will allow smaller localities to pool with other localities to issue bonds for projects other than schools and wastewater treatment plants.

Mrs. Ringley reported that the bill to grant taxing authority to counties equal to that of cities, has been referred to a Senate subcommittee, where it is expected to stall. She reported that the VACo/VML day on January 23 was well attended, and honored Flip Hicks, counsel for 40 years.

Mrs. Ringley reported that on January 21, she attended the New Kent Mothers Against Drunk Driving meeting, where Lisa Carter, one of our middle school employees and wife of one of our deputies, was appointed Chairman.

On February 3, Mrs. Ringley attended the General Assembly and met with Governor Warner along with Mr. Nolley and John Crump and the visitors from Kent, England. The visitors were very interested in our traditional government process.

IN RE: STAFF REPORT

Mr. Christie reported that Mr. Homewood, Mr. Stanger and other staff members are interviewing candidates to assist the County in its computer-assisted appraisal system, which will be coming to the Board for approval at a future meeting.

Mr. Christie indicated that a report has been received from Resource International regarding to the water/sewer study, but is in the process of being corrected, after which time copies will be circulated.

Mr. Christie reported that the RFP for the Middle School feasibility study is being prepared and should be ready in the next few weeks, and the RFP for the Primary/Elementary School repairs/renovations should be issued shortly by the School Board. Mrs. Ringley asked that Mr. Christie clarify her suggestion for covered walkways for interior pedestrian traffic at the middle school, making sure that was clearly worded in the RFP.

Mr. Christie asked for the Board's advice concerning the transfer of irrigation credits for a customer who is moving from one home to another in Brickshire. The Board had no objection to this transfer of credits.

Mr. Christie updated the Board regarding the interviews of potential Financial Advisors, and reported that the interview panel was recommending that the County consider Davenport Associates for this position. Ted Cole and Courtney Rogers from Davenport were present to answer questions. Davenport is asking for a retainer of \$25,000 plus \$800 for expenses, which would be charged annually based on a number of hours worked. At the end of the year, the hours will be reviewed and some type of settlement would be reached if the number of hours were less than contracted for. Davenport will provide a number of services related to County financing, including long term capital financing plan, debt capacity analysis, and helping the County identify the best mechanisms to use in each situation where the County might have to borrow money. They would not take a primary role in fiscal impact analysis on a development project, availability or capacity fees for developers who wish to access our utility system, or updating the cash proffer study, but would help in all three of these areas. The committee's recommendation is that the Board authorize the County Administrator begin to negotiate a contract that would be presented to the Board for final approval. The contract would be for a three year term plus provisions for two one-year extensions, for \$25,000 a year, plus \$800 for expenses.

Mr. Davis inquired whether the fee would pro-rated for this year based on the time remaining until July 1. Mr. Cole reported that Davenport would be happy to pro-rate the fee effective whatever date the contract has been formalized. He also wanted to point out that at any time, with thirty days notice, without cause, the County is free to walk away from the agreement, which is standard in all Davenport contracts. There were a number of specific services contained in the RFP, which were fairly generic in nature, all of which would be included in the proposed annual retainer. Additionally, they listed 8 - 9 specific deliverables that they would anticipate providing the County at some point during the engagement, including long term capital financing plan, debt capacity analysis, peer group review, utility work, and modeling utility systems. Mr. Christie has also inquired about the role they may play on a handful of specific projects, some of which they would take a primary role in and others they would provide assistance in conjunction with staff or outside consultants. Davenport would provide all of those services for the proposed retainer. At the end of the year, they will bill annually in arrears and would work with Mr. Christie and the Board to assess what work they have done to make sure that everyone is comfortable with the level of compensation. He does not want any surprises to the County as to the costs associated with the financial advice that they give. This is a compensation arrangement that works very well with a number of other localities, and encourages the use of their services rather than discouraging it by having an hourly fee arrangement.

Courtney Rogers suggested that the County consider Davenport an extension of their staff. Davenport has expertise in many areas throughout the state. Davenport will be working for the Board, bringing it the

best information. They can help with the financial forecast, if requested.

Mr. Burrell moved that the County Administrator be authorized to negotiate a contract with Davenport Associates for financial services, to be brought to the Board for review and approval at the March meeting. The members were polled:

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

The motion carried.

IN RE: RESIDENT ENGINEERS REPORT

R. E. Prezioso, Resident Engineer with VDOT, introduced Scott Gardner, who became the new superintendent on January 25. Mr. Gardner has been with VDOT for 16 years, most recently working as a supervisor in the Williamsburg district.

Mr. Prezioso reported that crews have been working with snow removal, tree and brush control, clearing ditches and patching. At the Route 60/Route 249 project in Bottoms Bridge, the new signals have been installed and are functioning. Once the weather breaks, that project can be completed.

Mr. Prezioso reminded the Board that last March, the County applied and received approval for \$500,000 from revenue sharing funds. This program is a 50/50 match where the County comes up with half of the funds. This request was approved as of July 1, 2002. These funds can be extended beyond the end of the fiscal year, but the County does need to decide what it wants to do. In the past, the intent was to try to get the property owners in some of the subdivisions with private roads to put up the County match. They can finance at a much lower rate. He would recommend that the Board decide what roads it wants to be considered, have the Board of Road Viewers review those roads to see if they are eligible and to prioritize, and then to determine if the homeowners are interested in participating or whether it will be necessary to use county funds. The Board needs to move forward in the next month. Applications for next year revenue sharing must be filed by March 28, 2003, and the County can again request up to \$500,000. If the County were to decide that it could not move forward, the money will be allowed to lapse and the funds would be distributed to other localities.

Mr. Prezioso reported that he will be meeting with Mr. Davis to discuss the Plum Point residents.

Mr. Burrell reported standing water remains on Route 60 near Jones & Hawkes. Mr. Prezioso reported that they are still working with the railroad to get permission to run drainage under the tracks. Mr. Burrell reported that the sign at Stage Road and Route 33 is still bent and facing the wrong direction, and asked that VDOT sweep the rocks out of the curve in the roadway near that intersection.

Mr. Prezioso reported that he had met with Mr. Christie and Mr. Bernstein from the Heritage Library to discuss how to improve the traffic flow in front of the library. He has suggested a meeting of citizens and local businesses to discuss proposed changes in the traffic patterns. Gary Jennings of VDOT reviewed proposed changes in the area, which includes installing stop signs, stop bars and pavement markings on east and westbound Route 629. This can be done for a minimal cost, and can be tested with temporary markings and barrels to see how it will work before it is made permanent. He believes that this will alleviate some of the library's concern with parking, and they will work with the library to try to improve the parking pattern.

IN RE: RECOGNITION OF W. R. "RAY" DAVIS, Jr.

Chairman Lipscomb presented W. R. "Ray" Davis, Jr. a plaque in recognition of his hard work and accomplishments as Chairman of the Board during 2002.

IN RE: VIRGINIA BYWAYS

Phil Baker from VDOT reported that back in 2001, Gary Mitchell who was then Director of Planning, recommended that Routes 249, 608, 609 and 606, be designated as Virginia Byways. This designation is a recognition - it does not carry any land use control. Once designated, the roads would be added to the VDOT's official Scenic Byway Map. Eligibility for designation is determined by a team from the Dept. of Conservation and Recreation who go out and evaluate the roads to determine values such as historic, recreational, archeological, natural and scenic. Section 33.1-62 of the Code of Virginia governs this process. When the evaluation team previously evaluated Route 249, it was decided to start at Route 33 and come up to the intersection with Routes 106 and 609, then continue up 606 to where it transitions into 608 and then come back down to 249, and include the little leg of 679 which connects between 606 and 608, which creates a loop for tourists that ties them back into Route 33 and I-64. The Board of Supervisors has previously signed a Resolution of support of this designation. VDOT has a letter from the Dept. of Conservation and Recreation recommending that the designation of this loop be included on the agenda for the CTB's meeting in April.

This designation will not change anything, nor reduce the speed limit. It is a recognition only.

Mr. Lipscomb asked if the rest of 606 through into Hanover could be added. Mr. Derral Jones reported that approximately 10 years ago, there was a similar request from a resident in Hanover County and the road did qualify, but the Hanover Board chose not to endorse the request. VDOT would be happy to entertain another request to reconsider that section of 606, which would have to be approved by the New Kent and Hanover Boards of Supervisors. The New Kent Board can request the evaluation, and VDOT will contact Hanover, or it can be handled at the staff level between the counties.

The Board asked that VDOT keep the current request for byways designation moving, and requested Mr. Christie to contact Hanover County about the additional request regarding the remainder of Route 606.

IN RE: FINANCING OPTIONS FOR BOTTOMS BRIDGE UTILITIES

County Attorney, Phyllis Katz, reviewed with the Board the options available to provide water and sewer services for the businesses in Bottoms Bridge, which include: Traditional County function, Service District, Sanitary District, Public Service Authority, and Community Development Authority. She also reviewed how each option is initiated, who has control, the method of cost recovery, and scope of functions. The broadest scope of functions is provided in the CDA and Service District, with less restrictions than with the other options. All can be financed with revenue bonds and all can qualify for below market rate financing, such as the Virginia Resource Authority. With bond financing of PSA and Traditional, the County will have moral obligation but there will be no full faith and credit of the County. With the other three, there is no moral obligation of the County. Regarding districts, there is no requirement that the land be contiguous, but Ms. Katz suggested that the proposed district not be too fragmented. Policy considerations of the Board include the current and projected sewer needs, what other services would enhance the district (promote economic development), boundaries, who will initiate, any limitations, and where will financing originate. Virginia Law provides the structures to provide sewer service to Bottoms Bridge and there is great flexibility. The Board needs to provide a vision for a structure to be put into place that will meet current and future needs, some of which may encompass more than sewer service.

In a Sanitary District, the petition of the landowners is filed directly with the Court, and the County is not part of the boundary making decisions. In a CDA, the petition is filed with the County by 51% of the

landowners, the landowners and developers provide the construction, and the County does the taxing. Bottoms Bridge would fit the definition of at least 100 acres of mixed commercial requirement for a CDA, but she would recommend validation by the Court.

Courtney Rogers explained some of the advantages and disadvantages of each option as it relates to financing. Basically, if a locality has the ability to tax something or if a system is self-supporting, then its credit will be better. He explained how ratings are affected in relation of the various options.

Mr. Christie reminded the Board that RFPs had been sent out for an engineering study in Bottoms Bridge and asked if any of the Board members would be interested in participating in the interviews. It was decided that Mr. Raynes and Mr. Burrell will participate, and Mrs. Ringley will be an alternate.

IN RE: PUBLIC-PRIVATE EDUCATION ACT

County Attorney, Phyllis Katz, reviewed the Public-Private Education Facilities and Infrastructure Act of 2003. These public/private partnerships can be used for acquisition, design, construction, improvement, renovation, expansion, equipment, maintenance and/or operation. Qualifying projects include educational facilities, including land, functionally related facilities (stadium, natatorium, recreational center) provided that the facility is operated by the school, including a building or facility principally used by a public entity, improvements (including equipment) necessary to enhance public safety and security for public buildings, utility, telecommunications and other communication infrastructures, and recreational facilities. The first step would require that the County adopt procedures for the consideration and approval of qualifying projects. The second step would be to identify present and future needs. The third step involves implementation. The County controls the phasing of projects resulting from solicited proposals, and the private section would control phasing of projects resulting from unsolicited proposals. For unsolicited proposals, a private entity requests approval of a qualifying project and submits a detailed proposal. The County decides if it wants to proceed further, and if so, publishes a public notice of its interest and provides a 45-day minimum for receipt of competing proposals. The proposals are then evaluated and an award is made. For solicited proposals, an RFP is issued with a 45-day minimum return. Proposals are evaluated and an award is made.

No agreement can be entered into unless it is determined that there is a public need for the facility or improvement, the costs are reasonable, and the plans will result in the timely completion of the project. Any agreement must include maintenance, performance and payment bonds or letters of credit, review and approval of plans by the County, inspection of the project by the County, maintenance of adequate insurance, and monitoring of the private entity's practices to ensure project is properly maintained. The private entity must also periodically file appropriate financial statements, provide for user fees or service payments, and also the agreement also must include a provision for termination, including provisions for a material default by the private entity. The public entity may charge a reasonable fee to cover costs of processing, reviewing, and evaluation, including attorneys, financial consultant and other advisor fees for unsolicited proposals.

The advantages of a PPEA is that there is less red tape, quicker completion of projects and provides innovative approaches. The disadvantages include a loss of control in that the private entity wants control because of its investments, and there are increased costs, such as overhead and depreciation which are not factors for a County but are for a private developer.

Advice from other localities include careful scrutiny by the County of every aspect of the project, hard negotiation of the comprehensive agreement, beware of hidden costs, and do not prematurely disallow alternatives.

After some discussion, Mr. Davis moved that the County Attorney prepare Public-Private Education Act procedures for the Board's consideration. The members were polled:

Rebecca M. Ringley	Aye
James H. Burrell	Aye

Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye
Julian T. Lipscomb, Sr.	Aye

The motion carried.

IN RE: PAVING AT THE ROUTE 618 REFUSE SITE

Public Works Director, Charles Loving, reviewed the proposals to pave the Route 618 refuse site. One option is to pave all of the travel ways at a cost of \$50,840, or to pave just the perimeter of the compactor at a cost of \$6,400. After discussions, Mr. Burrell moved to pave all of the travel ways at a cost of \$50,840 to be paid from the contingency fund. The members were polled:

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

The motion passed.

IN RE: RADIO SYSTEM

Public Safety Director, Larry Gallaher, reviewed the history of the problems with the radio system. Even though the present system is 1,000 times better than what the County had before, it is not what they wanted. Hand-held reception does not work in the Bottoms Bridge area. Radio Communications has improved the system by installing repeaters in Bottoms Bridge and Providence Forge, but this requires changing channels. The County needs a true simulcast system, not only for the protection of its citizens, but for the safety of its emergency workers.. The radio system has never been accepted and the County owes a balance of about \$46,000 to Radio Communications on the contract . Although there has been some investigation into the possibility of obtaining a wide band frequency from the FCC, the fact is the system was built on a narrow band

After discussion, it was the consensus that the County Administrator, Mr. Gallaher, Mr. Lipscomb, Mr. Davis and Joe McLaughlin from the Sheriff's Department will meet with representatives of Radio Communications to address this issue.

IN RE: PURCHASE OF 6,000 psi AIR COMPRESSOR FOR FIRE STATION #2

Public Safety Director, Larry Gallaher, advised the Board that the County's procurement policy requires bids for any purchase over \$20,000. He is asking that the Board permit him to make a \$22,666.50 purchase of this compressor without going through the formal bid process. This will save money by avoiding advertising and other costs. The compressor will give the squad the ability to fill bottles and refresh breathing air supply at the scene and will be used by all of the fire companies, although it will be housed at Station 2. The purchase includes the compressor and bottles.

After discussion, Mrs. Ringley moved that the Board approve the purchase of the proposed compressor and bottles at a cost of \$22,666.50. The members were polled:

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

The motion carried.

IN RE: REVENUE MAXIMIZATION PROGRAM

Social Services Director, Marianne Powell, reviewed the proposal that the CSA/Office on Youth be changed to the CSA/Revenue Maximization Project effective July 1, 2003, in order to implement the Rev Max Program. She explained that her staff will need to do a lot of work very quickly in order to obtain funds for retroactive activities. The funds that come to New Kent can help pay for the individual overseeing the program and enhance services to children who may be used to social service assistance. They hope to reduce the funds expended on CSA. The existing Interagency Council will assist in determining what services will be funded. She requested that the Board approve the proposed Agreement with the Virginia Department of Social Services.

After discussion, Mrs. Ringley moved for approval of the Revenue Maximization Program Agreement with the Virginia Department of Social Services. The members were polled:

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

The motion carried.

IN RE: ENGINEERING SERVICES FOR GENERATORS

Public Works Director, Charles Loving, reported that there are four water system generators left to install. This process normally takes about 9 months from the time of authorization of engineering study to construction, and requests that the County start this process now. R. Stuart Royer subcontracts with the County for engineering design services and has estimated that if the County starts this process now, the generators should be ready for installation by December 1. Royer's estimate to provide these engineering services is in the sum of \$39,850, which would be paid from the Utility Fund balance which is currently has a balance in excess of \$1,000,000. This decision can be delayed until March.

After discussion on the process, and whether there is a need for engineering studies for this project, it was the consensus of the Board to delay a decision until March, and asked that staff provide additional information and prices from other firms.

IN RE: APPOINTMENTS

The Board will continue to make appointments to various committees.

Mr. Lipscomb had no appointments for District One.

Mrs. Ringley had no appointments for District Two.

Mr. Burrell had no appointments for District Three.

Mr. Raynes had no appointments for District Four.

Mr. Davis had no appointments for District Five.

Mrs. Ringley moved to appoint Lisa Carter as New Kent's representative to the Tri-River Alcohol Safety Action Program to complete a three-year term ending December 31, 2005.

The members were polled:

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

The motion carried.

Regarding appointments to Standing Committees, Chairman Lipscomb appointed W. R. Davis, Jr. as School Board Liaison and indicated that all prior appointments would remain the same. Appointments to Standing Committees are as follows:

Finance Committee:	James Burrell
Public Safety Committee:	Dean Raynes
School Board Liaison Committee:	W. R. Davis, Jr.
Legal Affairs Committee:	James Burrell
Personnel Policy & Management Committee:	Rebecca Ringley
Water Resources Committee	Dean Raynes

IN RE: MEETING SCHEDULE

The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on Monday, March 10, 2003, following a work session at 4:00 p.m. in the Courtroom of the Old Courthouse. There will be a joint work session with the Planning Commission and Comprehensive Plan Citizens Advisory Group at 6:00 p.m. on February 20, 2003, and a Joint Public Hearing with the Planning Commission at 6:00 p.m. on March 6, 2003, in the Board Room. The Board will meet for a Retreat on February 14, 2003, at 8:30 a.m. at Royal New Kent.

It was also decided that the Board will hold budget meetings on March 24, beginning at 9:00 a.m. Staff is attempting to find a mutually convenient date for a budget meeting with the School Board.

IN RE: CLOSED SESSION

Mr. Burrell 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, discussions relating to a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia, discussions relating to a prospective business or industry pursuant to Section 2.2.3711A.5 of the Code of Virginia and s 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:

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

The motion passed. The Board went into closed session at 8:50 p.m.

Mr. Raynes moved to come out of closed session at 9:55 p.m. The members were polled:

Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye
Rebecca M. Ringley	Aye

James H. Burrell	Aye
Julian T. Lipscomb, Sr.	Aye

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

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

The motion carried.

IN RE: ADJOURNMENT

There being no further business, the meeting was adjourned at 10:00 p.m.
