

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 14th DAY OF APRIL IN THE YEAR TWO THOUSAND THREE OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING 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.

IN RE: CONSENT AGENDA

County Administrator Gary Christie presented the Consent Agenda, which consisted of the following: approval of the minutes of the March 6, 2003 joint public hearing with the Planning Commission, the March 10, 2003 work session and regular session; the March 24, 2003 budget and work sessions; the April 3, 2003 budget work session; authorization to spend \$7,500 from the Contingency Fund to replace hearing pipes in the Courtroom ceilings, which he suggested be removed from the Consent Agenda and be reviewed later in the agenda during discussions regarding courthouse renovations; authorization to pay \$43,120.00 to Chesapeake Forest Products Company for acquisition of a right-of-way on Parham Landing Road (3.92 acres); to appropriate additional funding to Social Services due to increased demand for services \$3,000.00; to appropriate additional funding for Wireless E-911 \$5,189.78; to appropriate additional funds to the Airport, \$19,500.00; Total Supplemental Appropriation \$27,689.78; Money-in/Money-out \$27,689.78; \$300.00 from the General Fund Balance and \$300 from the Capital Fund Balance; budget transfers during March 2003; monthly revenues during March 2003 - \$1,858,263.83; monthly expenditures during March 2003 - \$2,390,759.45; Treasurer's Report - total cash as of February, 2003 - \$17,453,314.24.

Mr. Davis moved to approve the Consent Agenda, as amended by Mr. Christie. 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: CITIZENS COMMENT PERIOD

Chairman Lipscomb opened the Citizens Comment Period.

Lisa Carter addressed the Board regarding the school budget. She questioned the money being spent to put carpet in the office in the high school when her son's math class has no books. She also related her

observations of a special education teacher at the middle school and voiced her concerns about that teacher's suitability.

Dr. Steve von Hitritz, who has chosen to retire in New Kent in 1995, asked the Board to support the School Board's budget requests.

Katherine Ferree, a senior at the high school and future educator, explained to the Board about the overcrowding and lack of books and resources and asked the Board to grant the School Board's budget requests.

Jennifer Caldwell voiced her displeasure with the Board's actions at the March 10 meeting regarding horse keeping in residential districts. She had not signed up to speak on this issue as it had been advertised as requiring five or more acres. Thereafter, the Board reduced the acreage requirement in the ordinance to three acres, and she was denied the opportunity to speak. She related to the Board information she received from an Eltham resident regarding the problems that have resulted from the keeping of horses in her residential neighborhood, and read a letter from the State Health Department which recommended against the keeping of livestock in residential areas.

Bobby Nelms thanked the Board of Supervisors for all of their hard work and asked them to give education a priority and to approve the school board budget requests.

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

IN RE: ELECTED OFFICIALS REPORTS

Mr. Davis reported on a meeting last week with Route 33 landowners and a meeting with VDOT staff and Timmons regarding rights-of-way in Plum Point.

Mr. Burrell reported on a meeting of the Colonial Community Criminal Justice Board, and the Substance Abuse Task Force between New Kent and Charles City. He also reported on the improved user-friendly recycling bins at the refuse sites, and urged residents to recycle more paper products in order to reduce landfill cost and increase revenues. Mr. Burrell also reported on the interviews of three engineering firms to perform water and sewer design work in the County.

Mrs. Ringley asked that staff explain to residents of Brickshire about the irrigation sewer credits policy and how to have a irrigation meter installed and what the associated charges are. Mr. Christie agreed to look into this.

Mrs. Ringley also asked the permitting staff to handle handicapped requests more expeditiously. She congratulated the Odyssey of the Mind team for advancing to the national competitions. Mrs. Ringley reported that it is her understanding from the County Attorney that any reconsideration of the horse keeping would have to be proposed by one of the Supervisors who voted for it. She is especially concerned about the restrictive covenants provision. She also reported that there had been little response from citizens to the invitation to serve on the 350th Commemoration Committee and urged those interested to contact the County Administrator's office.

Mr. Davis asked that the Board reconsider its policy regarding the application of irrigation credits, permitting the customer to apply them to water bills and meter installation charges rather than just to sewer bills. Public Works Director Charles Loving explained the process and charges involved in the installation of these irrigation meters, as well as the costs incurred by the County. It was agreed to defer this issue to the April 28 work session.

IN RE: STAFF REPORTS

Mr. Loving reviewed his request that the County institute a fee of \$150 for installation of irrigation meters where the construction work has already been completed by the contractor. A fee of \$600 will remain

for construction and installation of the meter, although that fee is subject to change and he will be contacting his contractors to see if that amount will remain in effect for FY03/04.

Mr. Christie reported that the County Attorney Phyllis Katz will be working on some ordinance changes where all fees will be moved from the body of the ordinances and into Appendix A and these will be discussed at the April 28 work session and scheduled for adoption on May 12.

Mr. Christie reported on the Timmons Group proposal to assist with clarification and re-establishment of rights of way in Plum Point for the sum of \$8,000 to be paid from the contingency fund. After discussion, Mr. Burrell moved to pay the Timmons Group the sum of \$8,000 from the contingency fund to clarify and re-establish the rights-of-way in Plum Point. The members were polled:

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

The motion carried.

Mr. Christie requested that the discussion of the Virginia Energy Purchasing Governmental Association be postponed to a later date.

IN RE: RESIDENT ENGINEERS REPORT

Gary Jennings, Assistant Resident Engineer from VDOT, reported that the project on Route 60 at Bottoms Bridge has been completed and accepted by the State. Maintenance work in March included the patching of potholes along the Interstate and primary roads, under mandate of the Governor, and that work is 80% complete. Crews are now working on preparing the roads for the resurfacing schedule. Crews last week worked on drainage problems throughout the County. VDOT plans on making the switch in traffic patterns in front of Heritage Library next week, and those changes will be monitored by both the Sheriff's Department and their office.

Mr. Jennings reported that he had delivered to Planning Director George Homewood a map for general reference on secondary road rights-of-way.

Mr. Davis inquired about the high water signs along Farmers Drive and the clogged driveway culverts.

Mr. Burrell asked about truck signs along Route 33 and Angel View Drive. He also asked for attention to the potholes on Waterside Drive and dead pine trees at Exit 220 and along Stage Road.

Mrs. Ringley complimented the State and Howard Brothers Construction for the fine work performed on the Bottoms Bridge project.

Mr. Lipscomb asked for VDOT's attention to the condition of Hopewell Road, and also about littering fine signs on the secondary roads, especially those leading to the refuse sites. Concerning the drainage problems in the County, Mr. Lipscomb inquired about the possibility of using convict labor. Mr. Jennings reported that being an urban residency, the Sandston office is not permitted to use inmate labor; if the County would like that changed, he suggested that someone contact New Kent's state senator or delegate. The Code of Virginia allows New Kent itself to put inmates out to work on the roadways.

IN RE: ADOPTION OF THE BYLAWS

Mr. Christie reported that the changes to the Bylaws are those that were agreed to in past meetings. Mr. Burrell pointed out a numbering error on page 5, and asked that the format of the document be changed to switch back between numerals and letters in the different sections, which change would not require the

Board to wait another 30 days for adoption. Mrs. Ringley moved to adopt the Bylaws as amended. 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: INTRODUCTION OF NEW STAFF

Cooperative Extension Unit Director Paul Davis introduced new staff, Leanne Dubois. Mrs. Dubois is the new part time agent for James City County and New Kent County. She previously worked for Cornell University Extension. She will be splitting her time between New Kent and James City County, spending 10 hours a week in New Kent, on Fridays. She is in the process of assessing the needs of the community and looks forward to providing residents with information on wastewater management, nutrient management, pesticide applications, as well as farmland protection issues. She hopes to be able to open up the field of agriculture to the residents. She will be glad to work with the County staff in determining the best vegetation for barriers and screenings.

IN RE: PRESENTATION OF ANNUAL E & S AWARD

Environmental Planner Courtney Jones introduced Jim Schimpf, owner of Interior Specialty Construction, the recipient of the annual Erosion and Sediment award for 2002. Chairman Lipscomb welcomed Mr. Schimpf to the community and awarded him with a sign to be displayed at his business location.

IN RE: APRIL AS ALCOHOL, DRUG, TOBACCO & HIV/AIDS PREVENTION MONTH

Carter Perry thanked the Board of Supervisors for their leadership, and described his efforts over the last five years to bring this issue to the attention of the community. He described the essay contest among the 7th and 10th graders, and reported that 250 students had participated. There were 11 finalists, and first, second and third prizes were awarded for each grade, in the amounts of \$100, \$50 and \$25 respectively, this past Sunday at Ebenezer Baptist Church. He stated that substance abuse is still a problem in the community, and he thanked *The Chronicle* for the coverage that it provided.

IN RE: COX COMMUNICATIONS

Tom Prevette of Cox Communications brought the Board up to date regarding the upgrade of the cable system in New Kent. The upgrade has essentially be completed and he reviewed the additional services to be available for the existing analog system, as well as the new digital system and high speed internet. Beginning April 22, a sales force will be contacting current customers in the County to explain the new services and to trade out the set-top boxes. Local Tidewater stations will no longer be carried, but Channel 5, Local News Channel, will provide news broadcasts from Channel 13 (WVEC - the Tidewater ABC affiliate). Additionally, WCOX, Channel 11, which is a Cox origination channel, will be available to air community events. Channels 46, 47 and 48 will be local access channels broadcast directly by the County and Cox will provide equipment and training to help with the transition.

Mr. Prevette reviewed the plans that will be available to customers, including those who wish to retain the analog service, as well as the optional services that will be offered. He anticipates that the direct sales staff will have made a complete sweep of the County by the end of May.

Mr. Prevette indicated that he had a map of the service areas in New Kent and will see that Mr. Christie receives a copy to share with the Board

IN RE: SEPTIC PERMITTING PROCESS

Carol Lier and Adam Herman, environmental health specialists in New Kent County, reviewed the septic permitting process. Tammi Fox, Gale Bazzichi and Steve Furhmann were also present to participate in the presentation. They reviewed each step in the process from application through permitting and on to final inspection. It was reported that using the services of an Authorized Onsite Soil Evaluator (AOSE) provides a quicker turn around time in that no site visit is required. Health Department staff also reviewed their priority list which consists of failing systems, sewage complaints and dry wells, all of which take priority over new construction. Three common reasons for delay in issuing permits are missing information, unmarked property lines, and failure to survey-locate.

Mr. Raynes questioned the rationale of having non AOSE-certified AOSE staff reviewing work done by AOSEs.

IN RE: PUBLIC-PRIVATE EDUCATION ACT

County Administrator Gary Christie reviewed the recommended fees to be charged for solicited and non-solicited proposals under the PPEA. He reported that the recommended fees are in line with those of the State and other localities. If the fees are approved, they will be advertised along with the other County fees for the May meeting.

Mrs. Ringley moved to proceed with a public hearing for adoption of the proposed fees relating to the Public-Private Education Act, as presented. 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: IRRIGATION WELLS

County Attorney Phyllis Katz reviewed proposed Ordinance O-02-03 prohibiting irrigation wells in areas served by public water unless the water is for non-potable uses and the well is drilled into the Middle Potomac Aquifer. Public Works Director Charles Loving explained that a well would have to be 600 feet deep to reach the Middle Potomac Aquifer and that any withdrawal of water above 10,000 gallons per day will be regulated by DEQ.

After discussion, there was consensus of the Board to proceed with a Public Hearing on this ordinance for the May meeting.

IN RE: SERVICE CONTRACT WITH DICTAPHONE

County Administrator Gary Christie requested authorization from the Board to enter into a two-year service contract with Dictaphone covering the recorder in the Sheriff's Office. After discussion, Mr. Burrell moved to authorize the execution of a two-year service contract covering the Dictaphone recorder in the Sheriff's Office for the sum of \$5,881.96 to be paid from E-911 funds. 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: PARKS & RECREATION REQUEST FOR APPROPRIATION OF EXCESS REVENUE

Parks & Recreation Coordinator Marcy Greenberg reviewed her request for appropriation of \$10,000 of her department's excess revenue funds in order to purchase Adobe Pagemaker, expand program funding, cover instructor fees, and to purchase an equipment storage shed.

Following discussion, Mrs. Ringley moved to approve the appropriation of \$10,000 of Parks & Recreation Department excess revenue funds for the projects outlined. 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: PARKS & RECREATION USE OF CAPITAL IMPROVEMENT FUNDS FOR SOFTWARE

Parks & Recreation Coordinator Marcy Greenberg reviewed her request to use Parks & Recreation Capital Improvement funds to purchase recreation department management software and equipment. She gave a demonstration of how the software works and how it will improve procedures and reduce errors and duplicate work in her department.

Following discussion, Mr. Burrell moved to approve the request, as presented, to use Parks and Recreation Capital Improvement funds to purchase recreation department management software and equipment. 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: ENGINEERING SERVICES AT BOTTOMS BRIDGE

County Administrator Gary Christie reported that the County had received six responses to its request for proposals for engineering services at Bottoms Bridge. The committee conducted interviews and have recommended R. Stuart Royer to provide these services at a cost of \$10,900. Royer has also agreed to conduct a cost benefits analysis in Eltham and Providence Forge at a cost of \$2,500 each. This project is expected to be completed within 120 days and includes attendance at three public meetings in the Bottoms Bridge area.

Following discussion, Mrs. Ringley moved that the County contract with R. Stuart Royer to complete the three projects as presented at a cost of \$15,900 to be paid from the Utility Contingency Fund. 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: COURTHOUSE ARCHITECT SERVICES

County Administrator Gary Christie reported that the County had received ten responses to its request for proposals for architectural services for renovation of the second floor of the Courthouse. Four firms were interviewed and negotiations are underway with the finalist. He hopes to have information for consideration at the April 28 work session.

IN RE: APPOINTMENTS

The Board will continue to make appointments to various committees.

Mr. Lipscomb moved to appoint Chapman L. Harrison as District One's representative to the 350th Commemoration Committee to serve a two-year term ending March 31, 2005.

Mrs. Ringley had no appointments for District Two.

Mr. Burrell moved to appoint Jean Street as District Three's representative to the 350th Commemoration Committee to serve a two-year term ending March 31, 2005.

Mr. Burrell moved to appoint J. Lawrence Gallaher as New Kent's Coordinator of Emergency Management to complete a one-year term ending December 31, 2003.

Mr. Raynes had no appointments for District Four.

Mr. Davis moved to appoint Larry Dzula as District Five's representative to the Agricultural and Forestal Advisory Committee to complete a four-year term ending December 31, 2006.

Mr. Davis moved to appoint Craig Pierce as District Five's representative to the Transportation Safety Commission to complete a four-year term ending December 31, 2006.

Mr. Davis moved to appoint Farron Cowles as District Five's representative to the 350th Commemoration Committee to serve a two-year term ending March 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 passed.

Mr. Lipscomb moved to appoint Lloyd Young as a member at large of the 350th Commemoration Committee to serve a two-year term ending March 31, 2005.

Mrs. Ringley moved to appoint Rebecca Wagar as a member at large of the 350th Commemoration Committee to serve a two-year term ending March 31, 2005.

Mrs. Ringley moved to appoint Pete Johns as a member at large of the 350th Commemoration Committee to serve a two-year term ending March 31, 2005.

Mrs. Ringley moved to appoint Gary Green as a member at large of the 350th Commemoration Committee to serve a two-year term ending March 31, 2005.

Mrs. Ringley moved to appoint Norman England as a member at large of the 350th Commemoration Committee to serve a two-year term ending March 31, 2005.

Mrs. Ringley moved to appoint Terry Lindsay as a member at large of the 350th Commemoration Committee to serve a two-year term ending March 31, 2005.

Mr. Burrell moved to appoint Josephine T. Pemberton as a member at large of the 350th Commemoration Committee to serve a two-year term ending March 31, 2005.

Mr. Davis moved to appoint Becky Philbates as a member at large of the 350th Commemoration Committee to serve a two-year term ending March 31, 2005.

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: MEETING SCHEDULE

The Board of Supervisors will meet for a work session on April 28, 2003, at 6:30 p.m. in the Courtroom of the Old Courthouse. The next regular meeting of the Board of Supervisors will be held at 6:00 p.m. on Monday, May 12, 2003, in the Boardroom of the County Administration Building.

IN RE: CLOSED SESSION

Mr. Davis moved to go into closed session for discussions relating to a personnel matter pursuant to Section 2.2-3771A.1 as well as discussions relating to a prospective business or industry pursuant to Section 2.2-3711A.5 of the Code of Virginia involving an economic development prospect. 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 passed. The Board went into closed session at 9:05 p.m.

The Board emerged from closed session at 9:30 p.m. Mr. Davis 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 (certified before departing at 9:15 p.m.)
James H. Burrell	Aye
Dean E. Raynes	Aye
Julian T. Lipscomb, Sr.	Aye

IN RE: ADJOURNMENT

There being no further business, Mr. Davis moved to adjourn the meeting. The members were polled.

Rebecca M. Ringley	Absent (departed at 9:15 p.m.)
James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis, Jr.	Aye
Julian T. Lipscomb, Sr.	Aye

The motion passed. The meeting was adjourned at 9:31 p.m.