

THE BOARD OF SUPERVISORS HELD A WORK SESSION ON THE 27th DAY OF MAY, IN THE YEAR TWO THOUSAND THREE OF OUR LORD IN THE COURTROOM OF THE OLD COURTHOUSE IN NEW KENT, VIRGINIA, AT 6:35 P.M.

IN RE: ROLL CALL

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

Chairman Lipscomb opened the meeting.

IN RE: AGENDA CHANGE

County Administrator Gary Christie announced changes to the Agenda, which included addition of a request from Dominion Virginia Power for approval of a right-of-way at the fire station, removal of the discussion on legal fees incurred resulting from recodification by Municipal Code Corporation, and substituting in its place a request from the Parks and Recreation Department for purchase of a grass cutting equipment from existing Parks & Rec capital funds. At the end of the meeting, he would like the Board's input regarding the format of future work sessions.

The Board consented to these agenda changes.

IN RE: FY03/04 BUDGET, TAX LEVIES FOR FY03/04, AND COUNTY FEES

Mr. Christie reported that the Public Hearing on the budget, tax levies and fees had been held at the May 12 meeting, and that these matters were now before the Board for adoption.

There was discussion regarding the proposed increase of fees for AFD applications from \$300 to \$1,300. The Board was reminded that staff had requested this increase to cover the County's actual costs for advertising for the three public hearings required for these applications. There was discussion as to whether the process could be shortened, or the advertising made smaller in order to save costs, how the AFDs help to maintain the open space in the County, and the length of time that currently exists between review processes.

Mr. Davis felt that the AFD fee should be increased only to \$500. Mr. Burrell reminded that the AFD designation provides property owners with a real estate tax break, and he did not feel that the rest of the citizens should subsidize the cost of the application process.

There was discussion regarding the remainder of the proposed fees. It was suggested that the fees be adopted as proposed, with the exception of the AFD fee, and the Board will reconsider the fees at the July meeting. Dan Siegel, filling in for County Attorney Phyllis Katz, reported that another Public Hearing would be required if the fees are changed.

Regarding the budget, Mr. Davis stated that the increase in the tax rate was necessary because of the money needed by the Schools, Court security, and the new paid firefighter/EMT staff. He stated that he felt the estimated expenditures from the Capital account are higher than they will actually be.

Mrs. Ringley stated that she did not want to raise taxes at all but does not know where anything else can be cut from the budget.

Following further discussion, Mr. Davis moved to adopt Ordinance O-08-03 amending Appendix A of the New Kent County Code (Fee Schedule), as proposed, with the exception of changing the new AFD fee from \$1,300 to \$500; to adopt Ordinance O-06-03 establishing tax levies for the 2003 tax year for New Kent County of \$.81 per \$100 of assessed value; and to adopt and appropriate the Fiscal Year 2003/2004 budget as submitted by the County Administrator.

The members were polled:

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

The motion carried.

IN RE: CLAIM FOR REIMBURSEMENT BY ROBERT BOROUGHS

Robert Boroughs was present to explain his request to the County for reimbursement of legal fees and costs he incurred as a result of an error in the County's tax maps. The error was discovered during the attempted sale of a parcel of land of approximately 14 acres. He contended that the County refused to conduct a title search which would have supported his claim of an error in the records, and that he was forced to file suit against the Commissioner of Revenue in order to force the issue and protect the purchasers of the property. He indicated that despite his having had title insurance and having had surveys done on the property, the County failed to correct their records and he had no recourse but to file the action. He feels that the County should reimburse him in the sum of \$4,418.04. His secretary, Beatrice DeLeon, was also present and spoke in support of this request.

Commissioner of the Revenue John Crump represented to the Board that he had reviewed the surveyor's work and the County's records, agreed with Mr. Boroughs, and communicated that to the Planning Department. However, the County Attorney advised the Planning Department not to sign off on approval of the buyers' permit. After the suit was filed, the County ordered the title search which confirmed that the tax maps were in error, and eventually corrected the land records.

Mr. Davis indicated that the County Attorney had advised the Board that the claim was not owed by them, one reason for which was that the claim had been brought against the Commissioner and not the County. Dan Siegel confirmed that the County had no legal reason to pay the claim.

Mr. Boroughs repeated that he had filed the suit in order to correct the records and he feels that the County should reimburse him for his costs.

There was some discussion about back taxes on the property, and John Crump reported that to his knowledge, there were no taxes owed.

Both Mr. Lipscomb and Mr. Burrell acknowledged that the County appeared to be at fault. At Mr. Lipscomb's request, Mr. Boroughs agreed to provide the Board with an itemized bill for the expenses for which he is asking reimbursement.

Mr. Davis moved that the County pay to Mr. Boroughs the amount of his legal expenses and costs in an amount not to exceed \$4,418.04. The members were polled:

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

The motion passed.

IN RE: RESTROOM PROJECT AT THE HIGH SCHOOL ATHLETIC FACILITY

County Administrator Gary Christie explained that Athletic Director Ed Allen had requested that the County agree to provide the remaining funds necessary to complete the restroom project, after donations of materials, labor and funds. Mr. Christie suggested that the County and School Board could make matching contributions, and reported that School Superintendent Roy Geiger had appeared amenable to that suggestion.

Mr. Burrell indicated that he would like to see a facility built "beyond the minimum". Mr. Lipscomb requested that he be provided with a rough drawing of the proposed facility before the Board agreed to anything, and suggested that a cap be placed on any contribution. Mr. Davis stated that the County needs to support the project. Mrs. Ringley stated that she liked Mr. Christie's suggestion of matching contributions with the School Board, and that the project needed to be started soon in order to be completed before the first home football game.

Mrs. Ringley moved that the County agree to contribute to the restroom fund in an amount matched by the School Board, and not to exceed \$16,000, to be paid from the contingency account. The members were polled:

Dean E. Raynes	Absent
W. R. "Ray" Davis, Jr.	Aye

Rebecca M. Ringley	Aye
James H. Burrell	Aye
Julian T. Lipscomb, Sr.	Aye

The motion carried.

IN RE: PHASE III OF THE COURTHOUSE SIDEWALK PROJECT

Planning Director George Homewood reported that this project results from an enhancement grant obtained in 2000 for Phase III of the sidewalk plan which includes installation of lighting, landscape, furniture and fixtures. He indicated that Williamsburg Environmental Group was ready to make concrete recommendations to the Board and timing is critical in order that the contract be in place in time for the fall planting season. He introduced Mary Higgins, contract manager from WEG, who reviewed the zones for this project which encompasses the area from the Post Office to the High School. Ms. Higgins reported that her company had recently assisted Mr. Homewood with another grant application for sidewalks in front of the middle and primary schools. There is \$100,000 in funding and a stakeholders' meeting was held last week, which included staff from the schools. Bill Pompei from WEG reviewed sketches of proposed trees, light fixtures, enhanced entrance to the administration building and main entrance sign and proposed plantings around the bridge across the shallow marsh area between the high school and primary school.

The light fixtures recommended are 12-foot high black poles with a Colonial fixture, proposed to be 100 feet apart. Also recommended are pedestrian-lighted bollards.

It was reported that many of the plantings, including that in the shallow marsh area, can be done by the high school horticulture classes, and the schools are excited by this opportunity.

Jim Harrell from WEG reviewed the proposed furniture and fixtures, many of which are made from recycled materials which will help to keep the costs down. The water fountain to be located near the tennis courts, as well as the trash receptacles, complement the benches as well as the existing trash receptacles. They have not yet decided on the bike racks to be recommended.

Mr. Homewood suggested that the available funds be used to obtain a complete set of drawings and have a plan in place for the entire project, as well as installation of lighting and landscaping. The County can thereafter solicit private donations for benches and bike racks, and proceed with later phases of the project as more funding becomes available.

Mr. Davis suggested that the bike rack be relocated from the entrance of the County Administration Building to the Jail. He also suggested additional lighting in the area of the bridge between the high school and primary school.

Mr. Homewood reported that litter grant money may be available to help pay for some of the furniture and fixtures made from recycled materials.

After discussion, the Board gave its consent for the proposed plan. Mr. Lipscomb requested that junction boxes be located on the drawings.

IN RE: PERSONNEL POLICIES FOR FIRE/EMT STAFF

Chairman Lipscomb indicated that the County may need a different personnel policy for the paid fire/EMT staff that addresses hours, benefits and retirement age that differs from that of other County employees. Public Safety Director Larry Gallaher acknowledged that a different policy would be necessary for a 24-hour paid fire staff but he did not believe that policies for a daytime-only staff would be that different. He anticipates that the first six full-time paid fire/EMT staff will work two (2) three-man 7.5 hour shifts per day, the first beginning at 4:00 or 5:00 a.m., and the second ending at 6:00 p.m. This would accommodate the work schedules of the volunteers.

Mrs. Ringley requested that Mr. Gallaher check with other localities and report back to the Board regarding hours and personnel policies. Mr. Davis also asked that any such report include retirement age and retirement plans available to fire staff in other localities. There was also discussion concerning the Fair Labor Standards Act and the Board requested that County Attorney Phyllis Katz contribute to the report. Mr. Davis suggested that Mr. Gallaher include in his research as to which localities offer classes on fire fighting, EMS and law enforcement in their high schools. Mr. Gallaher reported that Company 1 currently has an Explorer Scout cadet program.

Mr. Lipscomb suggested that all fire staff hired be ALS certified.

Mr. Gallaher reported that the Board will need to formally establish the Fire Department and referred the Board to Section 27-1 of the Code of Virginia.

IN RE: EASEMENT FOR DOMINION VIRGINIA POWER

County Administrator Gary Christie reported that Dominion Virginia Power has changed the location of the right-of-way within which to run power lines at the new fire station and has requested that the County sign a new Right-of-Way Agreement. Dan Siegel advised that it is necessary to hold a Public Hearing, advertising one time with a seven-day notice. Mr. Burrell made a motion to set this matter for public hearing on June 9 and then later withdrew his motion.

Public Safety Director Larry Gallaher reported that he was not aware of any instance in the past when a Public Hearing was required for the granting of an easement, and that this would delay construction on the fire station. After discussion, there was consensus to proceed with advertising a Public Hearing on this matter for June 9.

IN RE: GOLF CART TUNNEL MAINTENANCE AGREEMENT AT BRICKSHIRE

Planning Director George Homewood reported that the County had received the first of two agreements that will need to be executed. The proposed agreement between Bluegreen Golf, Inc. and the County provides that Bluegreen Golf, Inc. will maintain the cart tunnel that it owns that

crosses under Kentland Trail. The County will also need to enter a separate Agreement with VDOT, which no longer accepts three-party agreements. Mr. Homewood reported that the signing of this agreement absolves New Kent County of any responsibility for maintaining the tunnel.

Mr. Homewood reported that there is a second tunnel that is owned by Royal New Kent, who has shown no interest to date in executing a similar agreement. Agreements on both tunnels will be required before VDOT will accept that portion of the road into the state system.

Chairman Lipscomb reported that there is a third tunnel as well, which is also owned by Royal New Kent.

After discussion, Mrs. Ringley moved to authorize the County Administrator to execute the proposed Agreement with Bluegreen Golf Clubs, Inc., as well as an Agreement with VDOT. The members were polled:

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

The motion carried.

RE: PARENT TRACT SUBDIVISIONS

Planning Director George Homewood reported some inconsistencies within the current parent tract ordinance. He further reported that the Code provides that if there is a conflict within its provisions, the most restrictive provision applies. He is currently drafting exception provisions for the new subdivision ordinance and asked for the Board's input. He requested that each Board member communicate their opinions to him within the next thirty days. He also indicated that the new subdivision ordinance will propose two different kinds of parent tract subdivision: a "major", which will require Planning Commission approval, and a "minor" which will be handled administratively. Mr. Lipscomb suggested that the ordinance be simple with fewer loopholes.

Mr. Homewood shared with the Board the problems he has encountered in approving the proposed Williams Grove Parent Tract Subdivision, in that it does not meet the road requirements in the subdivision ordinance. The Board took no action but indicated that the proposed plat appeared to be within what can be approved under the parent tract provisions.

Mr. Burrell had another appointment and left the meeting at 9:20 p.m. Prior to leaving, he stated his support and approval of the Parks & Recreation request for grass cutting equipment which would come up later in the meeting.

IN RE: REQUEST TO PURCHASE GRASS CUTTING EQUIPMENT FROM
 EXISTING PARKS & RECREATION CAPITAL FUNDS

County Administrator Gary Christie reviewed the request from the Parks & Recreation Department to use existing department capital funds to purchase a garden tractor and trailer. This equipment will be used to cut the grass at the athletic fields and the parks. Total expenditure for both items is \$4,379 and will exhaust the Capital funds in the Parks and Rec budget.

Following discussion over whether the proposed tractor will be heavy duty enough to handle the job, Mr. Davis moved to approve the request from the Parks and Recreation Department to use existing Parks & Recreation capital funds to purchase a John Deere G100 Garden Tractor from Pohlig's, Inc. for the sum of \$3,784, and a 5' x 8' utility trailer from Fleet & Revels for the sum of \$595. The members were polled:

Rebecca M. Ringley	Aye
James H. Burrell	Absent (but indicated his approval before departure)
Dean E. Raynes	Absent
W. R. "Ray" Davis, Jr.	Aye
Julian T. Lipscomb, Sr.	Aye

The motion carried.

IN RE: AMENDMENTS TO THE BLUEGREEN/DELMARVA CONTRACT

County Administrator Gary Christie reviewed proposed responses to Bluegreen's request for contract amendments which included relieving Bluegreen of the obligation to expand the Chickahominy Wastewater Treatment plant and requiring instead that it post a surety bond for the full amount of the balance of the unbuilt lots. Should the upgrade have to be constructed before Bluegreen's portion of the costs of construction of the upgrade have been received in connection fees, Bluegreen will pay cash or the County would call upon the surety for the remainder of the construction costs. Bluegreen would continue to collect the connection fees at the time of sale of the lots and turn over 100% of the connection fees to the County. The County would agree to expand the plant when necessary to provide wastewater treatment services to any approved Bluegreen lot within the PUD as approved by the Board on July 14, 1997. Bluegreen would have no control or involvement in the surety bond, and would post a maintenance bond for the sewer lines that it turns over to the County. Mr. Christie recommended that the County not agree to the Amendment, Supplement or Pledge Agreement requested by Bluegreen.

Mr. Christie reported that these recommendations have been shared with Bluegreen staff. Bluegreen has requested the County's assurances that the \$400,000+ it is currently holding in connection fees as well as future connection fees it collects at closing, be applied to the cost of future expansion of the Chickahominy Plant. Bluegreen has also requested that connection fees on the 52 Bel Green patio homes be collected at the time that the building permits are issued, in that these lots are not being pre-sold.

Mr. Christie also provided the Board with staff figures on the proposed cost of expansion in comparison to connection fees.

Following discussion, the Board was in agreement with Mr. Christie's suggestions and gave their consent to proceed.

Mr. Davis inquired whether Delmarva had provided the itemized list of construction costs as requested. Mr. Christie indicated that County Attorney Phyllis Katz is still working with Delmarva on that request.

IN RE: OTHER BUSINESS

County Administrator Gary Christie inquired whether the Board was happy with the format of the last two work sessions. Mrs. Ringley indicated that she would like the work sessions to be opportunities where Board members can share information and ideas from organizations like the Central Virginia Waste Management Association, VACo and RRPDC. She was of the opinion that some of the items that have been appearing on the work session agendas could be a part of the Consent Agenda. Otherwise, the Board was happy with the format of the work sessions.

Mr. Davis reported that he is still working with VDOT regarding accepting the Eltham Bridge as a fishing pier, and the possibility of using convict labor to clean out the clogged ditches.

IN RE: ADJOURNMENT

There being no further business, Mrs. Ringley moved for adjournment. The members were polled:

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

The motion passed. The meeting was adjourned at 10:00 p.m.
