

THE BOARD OF SUPERVISORS HELD A WORK SESSION ON THE 24th DAY OF SEPTEMBER IN THE YEAR TWO THOUSAND THREE OF OUR LORD AT THE FIRESTATION IN PROVIDENCE FORGE, VIRGINIA, AT 4:05 P.M.

IN RE: ROLL CALL

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| Rebecca M. Ringley | Present |
| James H. Burrell | Absent (arrived at 4:05 p.m.) |
| Dean E. Raynes | Present |
| W. R. "Ray" Davis, Jr. | Present |
| Julian T. Lipscomb, Sr. | Present |

Chairman Lipscomb opened the meeting.

IN RE: JOINT MEETING WITH THE SCHOOL BOARD

School Board Chairman Cynthia Gaines called the School Board meeting to order. Present were school board members Terry Lawler, Van McPherson, Cynthia Gaines, Gail Hardinge and Terri Lindsay.

Superintendent Roy Geiger introduced Mr. Whitesell and Mr. Simerson from Shriver & Holland Associates (Architects and Planners) to review the proposals regarding renovations to the Primary and Elementary Schools.

Mr. Whitesell and Mr. Simerson reported that their objectives for renovation of the Primary School, while keeping the school operational, were to provide 3 additional classrooms, with an option for 5 additional classrooms, option to provide capacity for 700 students in K-5, and options for a multipurpose room and additional storage. They reviewed the conceptual site and floor plans of Options I and II.

Both options provide for seven new classrooms and support areas, but with the loss of one existing classroom, the net gain is six classrooms. The proposed additions will also displace 12 parking spaces, but an additional 30 parking spaces are proposed in an adjacent graveled lot.

Option I provides for a multipurpose room and storage. The estimated cost for Option 1 is \$1,759,613.

Option II increases the size of the multipurpose/storage room to a full gym (no bleacher space) and is estimated to cost \$2,487,946.

Mr. Raynes questioned why the cost per square foot figure for the open gym is the same as for the new classrooms. Mr. Whitesell indicated that there is more volume of air that needed heating and cooling.

Dr. Geiger indicated that the cost for Option I is under budget, but that High School Athletic Director Ed Allen is strongly in favor of Option II in that the full gym will provide desperately-

need practice area for the girls basketball team, the wrestling team and other sports teams on a regular basis and in inclement weather. It will also be available for community and parks and recreation use. Primary school students currently have Physical Education one time per week, and Elementary School students two to three times per week.

Van McPherson described what the wrestling team currently has to do to have practice in the primary school cafeteria, which includes folding up all of the tables, unrolling the mats, practicing, cleaning the mats, rolling them back up, and then setting the tables back up for use the next day. Having a practice gym for the wrestling team to use would save them much of that labor.

Mr. Whitesell does not recommend that the County proceed with Option I now and Option II later, in that it will be much more expensive. He reported that most construction is outside the school and they could construct safety zones during the summer, continue construction in these zones during the school year, and finish up the next summer.

The cost difference between Option I and Option II is \$728,333. Mr. Burrell reported that it would cost less than one cent on the real estate tax rate in order to finance that difference. There is estimated to be a \$10,000 difference in site costs between the two options.

There was discussion regarding the advantages and disadvantages of gymatoriums and cafetoriums

Attention was then given to Options I and II for the Elementary School. Mr. Whitesell reported that their objectives for the Elementary School were to preserve the architectural integrity and historical significance, comply with accessibility laws, improve the parking and traffic flow, perform a water and septic needs assessment, and provide capacity for 700 students in grades K-5. Options were to provide additional storage space, install a new A-line roof, replace all windows, provide covered walkways, ceiling replacement, new HVAC system, upgrade the electrical distribution system, install new lighting, install an emergency alarm system, provide two-way communication, and upgrade technology capability to comply with DOE standards.

Mr. Whitesell described the limitations created by the existing septic drain fields, as well as the existing buildings which consist of portions that were constructed in the 1950s, 1960s and 1975, as well as the 5th grade annex and six trailers (4 of which are beyond their useful life) which are currently providing space for 12 classrooms. He was also trying to avoid affecting the existing ball field.

Option I will improve the school but does not expand it to meet capacity. It provides improved parking and an angular bus parking area in the rear, without affecting the ball field or requiring relocation of the drain fields. The existing trailers would remain. The cafeteria would not be expanded, but there would be room for an additional serving line. A new mechanical system would be installed and the duct work, etc. would be run between the existing flat roof and a new A-line roof. Security would be increased by creation of line-of-sight in the front hallway. One classroom would be lost. The cost of Option I is \$5,273,756.

Option II would increase capacity from 550 to 700 students. Eight new classrooms would be built and with the two classrooms lost, there would be a net increase of six classrooms. The cafeteria would be expanded and a single entryway would be created, improving security and safety. The existing band and music rooms would be converted to storage, and those classrooms moved to two trailers on permanent foundations in the rear of the school. The remaining trailers would be removed. The bus loading area in this option does displace some of the existing drain fields (at a cost of \$50,000 per drain field to relocate). The cost of Option II is estimated to be \$6,862,883.

At the request of the School Board, he has calculated what a new school would cost to build which he believes to be \$9,438,245.

There was discussion regarding the useful life of the building, HVAC systems and costs savings, types of boilers, and windows.

Mr. Whitesell recommended if the Board wanted to proceed with Option II at both schools, that the County proceed with both projects simultaneously. Bids would be solicited in early Spring 2004, an award made in May and construction start in June. If work cannot begin in June, construction would be delayed by one year.

Mr. Raynes suggested that if the new wing in Option II was turned 90%, it would prevent having to relocate the drain fields, saving \$100,000. Mr. Whitesell and Mr. Simerson agreed that might work and will investigate that suggestion.

Mr. Whitesell indicated that he does not believe that the project would qualify for any tax credits because of the installation of the A-line roof. However, he is convinced that an A-line roof is the best for the school and will provide a utility corridor without reducing ceiling height in the school.

Mr. Raynes asked Dr. Geiger if Coach Allen would rather have a new field house or the Primary School gym, and Dr Geiger declined to speak for Coach Allen. Mr. Raynes expressed his concern that the wrestling mats would pose a health risk concern for primary school students who might play on them.

Mrs. Ringley stated that the Elementary School building needs renovation and it is best for the County to fix it and use it as a school.

Mr. Burrell indicated that it would cost \$9,350,829 for Option II for both schools, and estimated that debt service for that would compute to a 6-cent increase in the real estate tax rate.

Members of the School Board expressed their preference for Option II for both schools.

Mr. Lipscomb suggested Option I for the Primary School and Option II for the Elementary. Mr. Burrell was in favor of Option II for both.

It was reported that this year's budget included \$2.6 million for repairs to the elementary school and \$1.88 million for the primary school, part of which was to be borrowed.

There was discussion regarding the Middle School feasibility study. Dr. Geiger reported that the School Board does not want the enrollment projections or the consultation, but was in favor of moving forward with the study.

Mr. Davis was in favor of Option II for both the schools, with the suggested modifications on the bus parking area and orientation of the new classrooms to keep from having to relocate the drain fields. The School Board agreed to provide current bus information to the architects.

Mr. Burrell moved to accept Option II for both the Primary and the Elementary schools and to move forward with detailed designs to prepare bid specifications, at a cost not to exceed \$9,400,000. The members were polled:

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| 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. Christie reported that the Middle School Feasibility Committee has recommended that the County accept the proposal from BCWH to prepare a feasibility study for renovations to the Middle School at a cost of \$41,000. Following discussion, Mr. Davis moved to accept the proposal from BCWH to conduct a feasibility study on the Middle School for a cost not to exceed \$41,000. The members were polled:

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| 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: ENTERPRISE ZONE APPLICATION

County Administrator Gary Christie presented the proposed application for Enterprise Zone application for a portion of Eltham and a non-contiguous sub-zone in Providence Forge. Mrs. Ringley, Mr. Raynes and Mr. Burrell removed themselves from discussion because they all own property in Providence Forge.

A map of the proposed zone was circulated. Mr. Christie reported that the State had extended the deadline for the application to October 6 because of the recent hurricane. He reported that 48% of the households in the proposed areas are below 20% of the County's median income.

Mr. Christie reviewed the state incentives as well as proposed local incentives which include giving water and sewer credits of \$25,000 for creation of every 15 new jobs paying 1.5 times the minimum wage. This would apply to existing and new businesses. If a business qualified for state incentives, it would likewise qualify for local incentives.

Chairman Lipscomb opened the Public Hearing. There being no one signed up to speak, the Public Hearing was closed.

Mr. Lipscomb stated that he thinks that this would entice businesses into both areas. Mr. Davis indicated that New Kent had never applied for this designation before and it is unlikely that it will be granted one of the five available designations, but the County won't know unless it applies. Mr. Davis read aloud Resolution R-30-03, and moved for its adoption. The members were polled:

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

The motion passed.

IN RE: STORM DAMAGE RECOVERY

Fire Chief Larry Gallaher brought the Board up to date regarding recovery from the recent hurricane. He reported that ice and water is being delivered to the County by the National Guard and distributed to the public at all three of the fire stations and the rescue squad. Approximately 80% of New Kent remains without power. New Kent has been declared to be a federal disaster area. Salvation Army is providing hot meals in some areas and residents are beginning to run out of food in their homes. Some grocery stores and gas stations are operating again. Delegate Ryan McDougle has visited the County and is using his influence to help get power restored.

Mrs. Ringley thanked Mr. Gallaher for all of his efforts.

County Administrator Gary Christie reported that Congressman Bobby Scott had visited the County yesterday and had helped the County in its efforts to obtain generators for the water and sewer systems at the County complex and the airport.

Community Development Director George Homewood introduced the new Building Official/Code Compliance Manager, Clarence Jackson. Regarding damage assessment, he reported by that County staff has spent the last three days inspecting structures in New Kent for

visible damage, but have not included water damage, agricultural damage or damage to piers. The assessment is 90% complete. There will be a subsequent assessment of water damage, most of which will be reported by the residents.

Of the 90% completed, they have found 296 homes to have minor damage (does not impact habitability of the home); 121 have major damage (walls or roof have been punctured); and 31 are completely destroyed (mostly by trees and one mobile home by wind). 3 homes have been condemned: 2 in Five Lakes and 1 in Woodhaven Shores. 9 homes in Woodhaven are to be re-inspected tomorrow and may be condemned. There are many more homes with water damage.

14 business structures have minor damage and 4 have major damage. His preliminary estimate of damage is \$6.4 million (excluding water and agricultural damage), of which \$6.2 is damage to residential structures.

Mr. Lipscomb reported that power crews are busy working in the County, but there is no estimate as to when power will be fully restored.

Mr. Homewood reported that staff is requesting that building permits for repairs and rehabilitation be being issued at no cost to the property owners, whether business or residential and stated that his department would be giving priority to inspection of those structures over new construction. The health department is likewise waiving their fees and giving storm-damaged properties priority. County Attorney Phyllis Katz reported that an emergency ordinance can be adopted by the Board tonight, without advertising and public hearing, to be effective for no more than 60 days, waiving the County's permit and inspection fees.

Mr. Burrell moved that the County enact an emergency ordinance waiving all inspection fees and building permit fees pertaining to repair of storm-damaged structures, for a period not to exceed 60 days. The members were polled:

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| 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: CDA GUIDELINES

County Attorney Phyllis Katz provided copies of the proposed Guidelines and chart for creating a CDA. She reviewed the steps necessary to create a CDA which include:

1. receipt of a signed petition from at least 51% of the landowners
2. Board review of the petition and accompanying documents
3. drafting of an Ordinance creating the CDA
4. Notice of public hearing which must be published for 3 successive weeks
5. Public hearing and adoption of ordinance

6. Board files articles of incorporation with the SCC
7. CDA Board meets to organize, elect officers, adopt bylaws and determine financing methodology
8. Assessments imposed or taxes levied by Board of Supervisors

Ms. Katz reported that the Guidelines are silent as to how the CDA board members are appointed. She indicated that the Board of Supervisors will need to decide what is and is not included in the CDA. She would not recommend that proffered land or schools be included.

Mr. Davis inquired as to whether CDA costs would be rolled over into a CDA, to which Ms. Katz answered they would not. Those would be costs paid by the petitioners.

Current state statute permits CDA board members to be paid up to \$300 per meeting, unless changed by ordinance by a locality.

Attorney Bonnie France reported that only about six CDA have been created in the State, and that none appoint board members by magisterial districts. Most boards have five members, usually from the area, and she indicated that it is not a good idea to appoint as board member landowners in the CDA or principal developers, because of conflict of interests. It is important to find disinterested qualified people to serve on the Board.

Mr. Lipscomb suggested that no action be taken tonight, and asked how that would affect the application filed by the Farms of New Kent. Ms. Katz reported that FONK had submitted only a proposed petition, ordinance and articles of incorporation which basically follow the unapproved Guidelines. Mr. Lipscomb asked that Mr. Raynes and Mr. Burrell meet with Ms. Katz to go over the Guidelines and bring something back to the Board. Mrs. Ringley suggested that everyone commit to be ready to make a decision at the October 14 meeting and take action at that time.

IN RE: UTILITY REIMBURSEMENTS

County Administrator Gary Christie reported that the County had received a request from New Kent Village, LLC, for rebates for constructing infrastructure for a sewer line from the Courthouse area to the Parham Landing wastewater treatment plant. Mr. Christie suggested that the County consider establishing a standard policy, keeping in mind the rate study recently performed by Steve Jacobs. Ms. Katz indicated that past practices become policy absent any articulated shift in policy, and noted the rebates given in the past to Bluegreen and Pete Sweet.

There was discussion about the rebates being requested from New Kent Village, Farms of New Kent, Deerlake and the Patriots Landing.

Steve Jacobs, of Robinson Farmer Cox, reported that his recent study revealed that the County needs 100% of the connection fees for maintenance and replacement costs. He further reported that if the County retains 100% of the connection fees, then the current fees are sufficient to maintain and upgrade the systems.

Mr. Christie stated that the request from New Kent Village LLC was a specific proposal to take sewer from the Courthouse area to the Parham Landing wastewater treatment plan and felt that it was acceptable for the County to pay for the cost of the enhanced size.

Mr. Davis asked why the County should subsidize any sewer or septic system. Mr. Christie stated that any benefit to the community should carry some weight.

Mr. Davis suggested that the County needs a water and sewer authority to set rates and policy.

Mr. Raynes stated that the County should quantify the benefits of sewer to other businesses and the quality of life.

Chairman Lipscomb requested that the Rebate Utility committee meet again and come back to the Board with a written recommendation for consideration. Those on the committee are Ray Davis, Dean Raynes, Gary Christie, Charles Loving, Steve Jacobs and Mary Altemus.

IN RE: AFFORDABLE HOUSING

Community Development Director George Homewood reported that staff has undertaken to outline all of the possibilities of affordable housing, without making a recommendation. He turned the presentation over to Lamont Myers, Economic Analyst.

Mr. Myers reported that the comprehensive plan provided for the development of a plan for affordable housing for families making \$35,000 or less. This salary range would equate to that of a first year schoolteacher or a deputy sheriff and research shows that this is the greatest unmet need in the housing industry. Using the normal rule of thumb of three times the amount of income, this would equate to a home in the \$90,000 to \$120,00 range. Value of a home is determined by the land, materials, labor, fees and land development costs. Staff has attempted to determine how the County can get the most impact for the least amount of money and staff time. It is their opinion that the most effective method would be to concentrate the higher density units in the village areas, and also to reconsider the minimum square footage requirements. It is also staff's suggestion to identify and partner with agencies that provide benefits and he feels that the best resource for the County would be the zoning ordinances.

One recourse would be for the County to consider a rebate of water/sewer tap fees. Another is to require a developer of 50 lots or more to include a certain percentage of affordable housing units. He suggested working with the manufactured housing industry to improve quality and develop model performance standards to address those things that people find offensive about modular/manufactured housing. He indicated that there was a willingness on the part of the manufactured housing industry to work with communities. Staff is asking for input from the Board so that it can develop some specific recommendations. An affordable housing policy should be simple, market based (rather than based on square footage), and self-sustaining.

There was discussion on how to make sure these units remain affordable. Mr. Myers suggested that the market will take care of that.

Mrs. Ringley suggested that Habitat for Humanity and other such programs may be good ones with which to partner.

Mr. Raynes suggested that the County could provide opportunity and give incentives, but he does not feel that New Kent is large enough for a housing authority. He believes that there is affordable housing currently in New Kent, just not whole developments. He is against putting a burden on developers.

Mr. Burrell indicated that the affordable housing portion of a development does not necessarily have to be contiguous to the development.

Mr. Myers provided four recommendations to provide affordable housing: 1) zoning; 2) requiring developers of 50 or more lots to include a certain percentage of affordable housing; 3) abating tap fees; and 4) working with the manufacturing housing industry to develop performance standards. He also suggested that affordable housing should be disbursed throughout the community, and not located all in one place in order to avoid stigma or the formation of slum areas. Owners of affordable housing units should be permitted to share in the increased value of a neighborhood.

Mrs. Ringley was skeptical that there is a problem in New Kent with affordable housing. She feels there are some people who are not interesting in owning a home and wondered if these goals are realistic. Mr. Myers reported that young adults and the elderly are examples of the segments of the population that may have problems locating affordable housing in New Kent.

Mr. Davis felt that the figures on the tables were skewed because of the high value homes recently built in New Kent.

IN RE: OTHER BUSINESS

County Administrator Gary Christie reported that the updates on Five Lakes and RPA signs had been removed from tonight's agenda.

Mr. Christie asked that the Board determine an available date for a work session on the Farms of New Kent application. After discussion, it was agreed to schedule this work session on October 6, 2003, at 7:00 p.m. in the Boardroom of the County Administration Building. At present, it is anticipated that public hearings on the CDA and application for Farms of New Kent will be held at the November 3 meeting of the Board of Supervisors, and it is necessary to start the advertising process for those hearings. Mr. Homewood reported that it would be necessary to have separate public hearings on the PUD and the Use Permit. The CDA will need more extensive advertising than usual. Ms. Katz requested that Farms of New Kent submit appropriate documentation with its CDA petition in order to afford the Board members ample information. Bonnie France, one of the attorneys for Farms of New Kent, indicated that their petition is 99% complete. Chairman Lipscomb asked that all information be submitted to the Board in sufficient time for their review and not at the last minute.

Regarding the wage and salary study, Mr. Christie asked for the Board's approval to accept the proposal of Robinson Farmer Cox to conduct the wage and classification study, for which there was consensus among the Board members.

IN RE: CLOSED SESSION

Mrs. Ringley moved to go into closed session for consultation with attorney pursuant to Section 2.2-3711A.7. The members were polled:

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| 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. The Board went into Closed Session.

Mrs. Ringley moved to come out of closed session. The members were polled

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| 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.

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

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

The motion passed.

IN RE: MEETING SCHEDULE

Chairman Lipscomb announced that the next meeting of the Board of Supervisors would be held at 6:00 p.m. on Tuesday, October 13, 2003, in the Boardroom of the County Administration Building. There will also be a work session on the Farms of New Kent on October 6, 2003, at 7 p.m. in the Boardroom of the County Administration Building.

IN RE: ADJOURNMENT

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

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| 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. The meeting was adjourned at 10:07 p.m.
