

THE BOARD OF SUPERVISORS HELD A WORK SESSION ON THE 22nd DAY OF OCTOBER IN THE YEAR TWO THOUSAND THREE OF OUR LORD IN THE COURTROOM OF THE OLD COURTHOUSE, NEW KENT, VIRGINIA, AT 6:30 P.M.

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 opened the meeting.

IN RE: DEBRIS REMOVAL

County Administrator, Gary Christie reported that it is possible to receive federal and state aid toward of the removal cost of storm debris from Hurricane Isabel. Present to answer questions were Gary Jennings from Virginia Department of Transportation (VDOT); Federal Emergency Management Agency (FEMA) Debris Specialist, Hoye Muncie; Grubbs Emergency Services, Bryan Thomason; and New Kent County Assistant Director of Accounting and Budget, Amy Stonebraker. VDOT is not currently picking up identifiable yard debris located in their rights of way. FEMA and the State will reimburse the public (County) 90% of the cost of storm debris removal from public roads providing that there is an immediate threat to the health, welfare and safety of the public. Certain FEMA guidelines would need to be met such as having part-time/temporary field inspectors and the proper documentation signed. Staging area(s) would need to be established to receive the debris for handling in various parts of the County. Private subdivisions such as Woodhaven can be looked at on an individual basis for eligibility for roadside debris removal reimbursement from FEMA. FEMA discourages against renting equipment and using our own labor force, due to the safety and legal obligations and the enormous amount of paperwork involved.

After discussion, County Administrator, Gary Christie was requested to provide the Board with an estimate of the approximate yard debris needed to be removed and handled, after VDOT has removed the debris that they are responsible for removing, and the associated cost.

After discussion, Mrs. Ringley made a motion to adopt the resolution that County Administrator, Gary Christie, or the Governor's Authorized Representative, Michael Cline, be authorized, on behalf of New Kent County, to file application for the purpose of obtaining Federal financial assistance under the Disaster Relief Act (Public Law 288, 93rd Congress) or otherwise available from the President's Disaster Relief Fund. The members were polled:

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

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Julian T. Lipscomb, Sr.

Aye

The motion carried.

IN RE: AGRICULTURAL ZONED LAND SERVING AS STAGING AREA FOR
 DEBRIS REMOVAL

County Attorney Phyllis Katz, reported to the Board that VDOT and contractors are operating under a section of Executive Order 2003, Executive Order 56, Declaration of a State Emergency for the Commonwealth of Virginia Due to the Threat of Significant Flooding and Wind Damage Caused by Hurricane Isabel, easing zoning restrictions under 90-day permits for the removal of storm debris. The 90-day permits apply only to the contractors working for VDOT.

IN RE: AUTHORIZATION FOR TRI-COUNTY APPRAISALS

Commissioner of Revenue, John Crump reported, that Tri-County Appraisals has requested almost \$30,000 from the Board to pay for a revisit of properties in the County that were damaged by Hurricane Isabel. The Code of Virginia, Section 58.1-3300 states that the reassessment team "shall certify on oath that no assessable real estate is omitted and that there is no error on the face of the record". Mr. Coalson (Tri-County Appraisals) believes he must at least do a drive by of every home and land tract, and walk the shoreline in the County before certification can be complete and the notices sent out. To date, the County has identified 540 structures with a degree of damage, but has not considered damage to timber tracts or water front properties. Mr. Crump proposed that the County pay Tri-County \$5.00 for each adjustment made as a result of the storm and \$5,000 to conduct the general review with a cap of \$10,000. No action was taken.

County Attorney, Phyllis Katz, will submit an ordinance for consideration by the Board amending Chapter 66, Article II of the New Kent County Code to provide for the abatement of levies on property destroyed or damaged by fortuitous happenings.

IN RE: FIRE STATION NUMBER 1

Fire Chief Larry Gallaher, presented Resolution R-40-03, acknowledging volunteers and community efforts during and after Hurricane Isabel, with an Open House and Volunteer Recognition Event be held at Fire Station Number 1 from 1:00 p.m. to 5:00 p.m., December 7, 2003. Mrs. Ringley moved for adoption of Resolution R-40-03:

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**BOARD OF SUPERVISORS
COUNTY OF NEW KENT, VIRGINIA**

R-40-03

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building in New Kent, Virginia, on the 22nd day of October, 2003:

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

Motion was made by Mrs. Ringley, which carried 5:0 to adopt the following resolution:

**RESOLUTION ACKNOWLEDGING
VOLUNTEERS AND COMMUNITY EFFORTS
DURING AND AFTER HURRICANE ISABEL**

WHEREAS, New Kent County and its citizens suffered severe economic, community and personal losses from the devastation of Hurricane Isabel; and

WHEREAS, the response of the community was overwhelming and heartwarming as neighbor began helping neighbor and community began helping community to recover from the impact of the Hurricane; and

WHEREAS, New Kent County government's employees and volunteers responded with speed and professionalism to help those in need, to protect community assets, and continue to provide essential services, often at the sacrifice of their personal convenience; and

WHEREAS, the New Kent County Board of Supervisors wishes to acknowledge and publicly thank these employees and volunteers for their caring and professional response which provided help, services and communication to our County when most needed; and

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WHEREAS, the Board of Supervisors recognizes the many New Kent community citizens helping neighbors clear roads, helping the less able, and assisting in distributing information. The Board recognizes the caring and sharing spirit of the community and applauds the many individuals who donated time, materials and energy in the recovery.

NOW THEREFORE BE IT RESOLVED that the New Kent County Board of Supervisors wishes to place this recognition of volunteerism into the permanent record of the County and instructs its Clerk to spread these words upon the pages of the Board minutes, and

BE IT FURTHER RESOLVED that the Board of Supervisors invites these staff and volunteers to an appreciation activity to be held on December 7, 2003, at the Company One Firestation from 1 p.m. to 5 p.m. with the sincere thanks and appreciation of the entire New Kent community.

AND IT IS FURTHER RESOLVED that the Board of Supervisors declares December 7, 2003, as volunteer appreciation day in New Kent County and encourages its citizens to recognize and thank these volunteers for the service and sharing that they give to us.

/s/ Gary F. Christie

Gary F. Christie
County Administrator

/s/ Julian T. Lipscomb, Sr.

Julian T. Lipscomb, Sr.
Chairman

The members were polled:

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

The motion carried.

Fire Chief Larry Gallaher, brought the Board up to date regarding the recovery from the hurricane, informing the Board that the Disaster Recovery Center's mobile unit staffed with a team from FEMA was originally scheduled to be at the Courthouse for four days. There have been over 1,000 claims made to FEMA, and the mobile unit has been on site for over 2 weeks.

IN RE: UTILITY REBATE COMMITTEE

A report of the Committee to establish a utility rebate policy for utility development was discussed. Connection fees for water and sewer, and the present capacity of the Parham Landing Wastewater Treatment Plant was also discussed. Presently there is approximately 275,000 gallons of undesignated capacity at the Parham Landing Plant. Developers of a subdivision located principally within one of the areas designated on the comprehensive plan as village,

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economic opportunity, commercial or industrial on the land use map, or in the other areas designated by the Board as growth areas, may be eligible for a partial rebate of the sewer connection fees resulting in 10% for residential development and 25% rebate for commercial development.

Developer Tolar Nolley and John Crump requested a rebate for sewer force mains connected to the Parham Landing Treatment Plant and merging five wells into a water system to meet the needs of the Village project, referred to as the Taylor's Trace project. A force main of 8 inches is required with a collection center/pump station located southwest of the current administration building.

IN RE: CHAPTER 82 ENVIRONMENT, ARTICLE II EROSION AND
 SEDIMENT CONTROL LAW

Environmental Planner, Courtney Jones, reported that the County is required to update its Ordinance to reflect the changes made in the State Law. The first change to be adopted is clarification of the jurisdictional boundaries of regulatory authority relating to shoreline erosion control projects on tidal waters. The second change to be adopted is that as prerequisite to engaging the land disturbing activities, the applicant shall provide the name of an individual holding a certificate of competence (Responsible Land Disturber Certification) issued by the Department of Conservation and Recreation. Prior to this revision the name of the RLD was a prerequisite to plan approval rather than a prerequisite to engaging in land disturbance activities.

IN RE: BOTTOMS BRIDGE UTILITES STUDY

Mr. Christie sought approval to pay R. Stuart Royer & Associates for the additional fees associated with the Bottoms Bridge Utility Study of \$3,100, and for the expanded utility analysis study in Providence Forge of \$6,300. Mrs. Ringley moved to authorize the additional fees to be paid to R. Stuart Royer & Associates. The members were polled:

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

The motion passed.

IN RE: CLOSED SESSION

County Attorney, Phyllis Katz, requested that the Board go into closed session for her report on Plum Point. Mrs. Ringley moved to go into closed session for consultation with attorney for discussions relating to the acquisition (or sale) of real property pursuant to Section 2.23711A.3 and to discuss a personnel matter pursuant to Section 2.2-3711.A1 of the Code of Virginia. The members were polled:

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W. R. Davis, Jr.	Aye
Rebecca Ringley	Aye
James H. Burrell	Absent
Dean E. Raynes	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:

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

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:

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

The motion carried.

Mr. Davis moved to instruct the County Attorney to go forward with acquiring quiet title to the roads and streets located in Plum Point. Members were polled:

W. R. Davis, Jr.	Aye
Rebecca M. Ringley	Aye

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James H. Burrell	Absent
Dean E. Raynes	Aye
Julian t. Lipscomb, Sr.	Aye

The motion passed.

IN RE: MEETING SCHEDULE

The Board will meet for a work session on Monday, October 27, 2003, at 6:30 p.m., in the Courtroom at the Old Courthouse.

IN RE: ADJOURNMENT

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

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

The motion passed.

The meeting was adjourned at 10:19 p.m.
