

THE BOARD OF SUPERVISORS HELD A WORK SESSION ON THE 24<sup>th</sup> DAY OF NOVEMBER IN THE YEAR TWO THOUSAND THREE OF OUR LORD IN THE BOARD ROOM OF THE COUNTY ADMINISTRATION BUILDING, NEW KENT, VIRGINIA, AT 5:35 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: CLOSED SESSION

Mrs. Ringley moved to go into closed session for discussions relating to the acquisition (or sale) of real property pursuant to §2.2-3711A.3 of the Code of Virginia involving an economic development prospect and acquisition of a water system; for discussions relating to prospective business or industry pursuant to §2.2-3711A.5 of the Code of Virginia; and for consultation and briefings by legal counsel, consultants, or staff members pertaining to actual or probable litigation or other legal matters pursuant to §2.2-3711A.7 of the Code of Virginia involving construction at a transfer station, settlement of two matters currently in litigation, potential litigation involving an interest in real property, and agreements relating to a development matter. 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. Chairman Lipscomb inquired whether any of the other members objected to inviting the three new incoming board members into the closed session. Mrs. Katz reported that the Board can invite anyone it chooses into closed sessions as long as that person agreed to adhere to the confidentiality of the session. Following discussion, Mr. Burrell moved to allow the three newly elected supervisors, Mr. Trout, Mr. Sparks and Mr. Hill, to attend the closed session if they agree to protect the confidentiality of the closed session. The members were polled:

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

---

Julian T. Lipscomb, Sr.

Abstain

The motion failed to pass. The Board went into closed session.

The Board emerged from closed session. Mr. Burrell 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. 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. Chairman Lipscomb called the Work Session to order. The roll was again taken and all were present.

Mrs. Ringley moved that the Board authorize the County Attorney to act on the County’s behalf to settle the matter regarding the transfer station. 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.

Mrs. Ringley moved to authorize the County Attorney to settle the suit regarding a personal property tax issue discussed in closed session. 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: FARMS OF NEW KENT

County Administrator Gary Christie reported that there were three items for consideration by the Board. The first is establishment of a Community Development Authority as a financing tool. The proposed ordinance identifies the CDA board members to be five New Kent residents and the County Administrator as an *ex officio* member. Preliminary description of the improvements shows a total of \$126,302,268 in roads improvements, and construction of water and wastewater systems. The ordinance is also comprised of the petition and its addendum, a memorandum of understanding, and articles of incorporation.

Ms. Katz reported that tonight she received a signed waiver from Farms of New Kent, indicating that they were waiving their statutory rights to receive notice of adoption of the ordinance. By waiving those rights, the ordinance becomes effective upon adoption.

Chairman Lipscomb inquired if the Farms of New Kent still agreed to all proffers and phasing schedules previously submitted to the Board, to which representatives of the Farms of New Kent responded in the affirmative. The applicant had no presentation and the members had no questions.

Mr. Christie reported that the applicant is requesting the rezoning of approximately 2800 acres to Planned Unit Development. This application has been before the Planning Commission, has been advertised and discussed during work sessions, and public hearings have been held.

Mr. Davis inquired whether there was a sunset clause for connection fees. Mr. Christie reported that at the County’s request, Davenport has reviewed that issue and Ted Cole has recommended that the rebates cease at the maturity of the first bond issue.

Mr. Christie reported that the applicant is requesting a use permit authorizing the Farms of New Kent to construct an off-site water system and a 1.5 million gallon wastewater treatment facility on the Riley Lowe property off Route 106. Mr. Lipscomb confirmed that of the original capacity of 1.5 million gallons per day, the applicant anticipates, at build-out, it will use 1.35 million gallons.

Mr. Raynes expressed his support of these applications. He pointed out the misinformation in the recent ad in *The Chronicle*. He stated that New Kent is not Chesterfield, nor what Chesterfield was 30 years ago. New Kent has 14,000 residents – 30 years ago Chesterfield had 141,732 residents and now has a population of 278,000. The size of New Kent’s population will increase, with or without Farms of New Kent. According to records from the Planning Department, over the last three years, there have been 392 lots created, “hilly nilly all over the

County”, through exempt subdivisions. These exempt subdivisions promote sprawl, wild growth, and are more of a threat to the rural integrity of the County than a planned unit development. Over that same period of time, there were 501 lots created through standard subdivisions (the Sweet property, Deerlake and Brickshire). Of those 501 lots, 468 are located in Brickshire. He feels that the 392 exempt lots are promoting sprawl in the County a lot more than the 468 in Brickshire. He stated that opponents of sprawl need to concentrate their efforts to address this other form of development as opposed to planned unit developments. PUDs have a plan and are not “hodge podge” development. He found it interesting that the article in *The Chronicle* mentioned that the money coming in would not do anything for the schools and the fact that the voters voted down the \$26 million school bond referendum, yet the authors of the ad are the same ones who fought so long and hard to defeat the school bond referendum. There is no dispute that the developers are looking to make money – everyone who is in business looks to make a profit. He disputed the ad’s claim that the proffers for the roads were for roads in the development itself – the proffers on the roads are specifically for improvements to existing roads. The highway department will determine the safety issues that have been raised about the designs. Mr. Raynes stated that the age restricted community is a plus for the County because it will not increase the school population. He feels that the utilities will open up opportunities to a wide variety of uses at the I-64 interchange, and the only other way to bring utilities to that area would be for the County to pay for it. Although he was not sure exactly what “affordable housing” is, he knows that the County does not presently have it. He indicated that it is unknown how or if a future Board might rezone that property, and as it stands now, a developer could put 800 – 1,000 lots there with no proffers. To recap, he stated that he felt that this project would protect the rural nature of the County and, although it does not necessarily fit the Comp Plan, he feels it is compatible in that it promotes a village center. A plan is better than willy-nilly development. He feels that this is a good compromise and, if the County does not permit growth, then the real estate tax rate may double.

Mr. Davis stated that it was a nice plan but is too big. He does not approve of the developers’ passing the costs of all of the improvements on to the property owners. He feels that this is the wrong thing for New Kent and should be scaled back. He stated that he was not sure about the proffers and suggested that the issue be put off until the next Board takes office

Mr. Burrell indicated that citizen calls he’s received have been 15 to 1 against approval. Most have no objection to the winery or estate homes, but feel that the overall project is too large. He agreed with Mr. Raynes that having a plan is better than no plan. He suggested that the applicant come back with a plan that is more palatable. He agreed that the ad in *The Chronicle* was not factual. The main message he has received from his constituents was “scale it back”.

Chairman Lipscomb stated that this project was partially in his district. The applicant has worked with the Planning Commission and County staff, and has made many changes in favor of the County. He stated that the facts have been twisted in many ways, and suggested that citizens need to educate themselves before speaking out. He indicated that it would be better to have the area at I-64 and Route 106 under one plan than different ones. Of the total acreage involved in the project, only 50% will be built upon and the rest will be in open space – which is not found in smaller subdivisions. He stated that he has witnessed the development of all of the subdivisions in New Kent (except Plum Point) and without planned growth, many of those in the audience

would have no place to live. With no plan, a developer could build 1,000 homes on that land with no proffers. He believes that this is a positive step for New Kent. It is a binding plan and the area is only a small part of the County. He stated that developers routinely pass on development costs to the property owners, and that the CDA is just a tool for financing the improvements.

Mr. Davis moved to deny Ordinance O-15-03 as presented. Mr. Raynes moved to adopt Ordinance O-15-03 as presented. The members were polled on Mr. Raynes' motion:

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

The motion failed.

The members were polled on Mr. Davis motion:

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

The motion carried.

Chuck Rothenberg, on behalf of the applicant, withdrew the applications for the Planned Unit Development and Conditional Use Permit.

---

IN RE: PATRIOT'S LANDING

County Administrator Gary Christie indicated that East West Partners are developers of Patriot's Landing, a planned unit development proposed for the Bottoms Bridge area. The plan provides for 640 dwelling units as well as 160,000 square feet of retail space and 110,000 square feet of office/service space. The current by-right uses of the property include 750,000 square feet of commercial space and 225 – 250 single family dwellings. East West has proposed a number of proffers including cash for schools and fire/rescue, installation of public sewer that would include a force main and pump station and connect to a Henrico County wastewater treatment facility, and construction of a 750 gallon water storage tank. They propose to repair the dams in Five Lakes adjacent to their property, and tonight is an opportunity to hear from the applicant.

John Cogbill, on behalf of East West Partners, briefed the Board on the proposed rezoning of the Peavy tract which would allow East West Partners to develop a mixed use project called Patriot's Landing. The Planning Commission has recommended approval, by a vote of 9/1/1. He described the proposal and how it will complement the County's economic development plan.

He thanked the staff, particularly George Homewood, Lamont Myers, Chuck Loving and Phyllis Katz, for the time and effort that they put into the project. Mr. Cogbill stated that this was an old zoning case from about 30 years ago, which at the time provided for a mix of commercial and residential development (250 homes). What they are proposing with the current rezoning is to change the mix. His group believes that the project will be a catalyst for business development in this portion of the County. He stated that the four components of the plan are change, progress, opportunity and partnership. They propose a change in zoning of the Peavy tract to provide opportunity for citizens and businesses for new homes and new businesses, and is truly a public/private partnership. With the use of a CDA to pay for utilities, it will provide something that has been needed for 30 years.

He reviewed a vicinity map showing the boundaries which are Five Lakes as the eastern boundary, I-64 is the northern boundary, the western boundary is Route 33/249, and the southern boundary is Route 60. The only development on the property since the rezoning 30 years ago has been the Winn-Dixie.

He identified three consultants – Timmons Group, Williamsburg Environmental Group, and McGuire Woods, who are assisting East West Partners to develop this community. He stated that East West Partners was formed about 30 years ago and has been involved primarily with water-related development. Since 1973, it has worked in Virginia, Georgia, South Carolina, Florida, North Carolina, Colorado and Washington state. Its first and flagship project is Brandermill, which it completed after taking over from a bankrupt developer. Brandermill was named the “best planned community in the United States”. He described the other projects which include Woodlake (Richmond), Rivers Bend (Chester), Hampton Park (Chesterfield County), Fox Fire (Midlothian) and Riverfront (Suffolk). He reported that East West has survived five recessions.

Mr. Cogbill stated that the amenities are what make East West communities special. The amenities are the focal point/gathering place for the community. All projects have a trail system designed to bring people together rather than to isolate them. They create a sense of community by creating a family oriented atmosphere. He reviewed the types of homes, amenities and activities that are available.

It was his opinion that the change in zoning will provide a better mix for the 253-acre Peavy tract, and described the differences between their plan and the one that was previously projected for that land. Differences include the number of acres for commercial use and residential use, open space requirements, development standards, and water/sewer.

Mr. Burrell questioned about building up to the lakes, and whether that would be permitted under the Chesapeake Bay Preservation Act. He also confirmed with Mr. Cogbill that part of the open space reflected in his figures includes the lake.

Mr. Cogbill projected that the 250 homes currently permitted to be built on this land would generate 120 school age children, for which there are no proffers required under existing zoning. Mr. Burrell wanted to confirm that a possible 250 homes could be built, depending on whether the land would perk, to which Mr. Cogbill agreed. Mr. Cogbill stated that even though the

number of housing units will increase, the number of students to be generated is estimated to be 179, just 59 more.

Mr. Cogbill stated that it was intention of East West to have a partnership with the business property owners at Bottoms Bridge to create a Community Development Authority that would provide water and sewer for both the residential and commercial development. He displayed maps that showed the property owners who have elected to participate in the CDA district. It is proposed to have the wastewater treated in Henrico County. A 750,000 gallon water tank is proposed to be built, to provide water and improve fire flows and water pressure in Five Lakes. The CDA will permit construction of the water and sewer systems without use of the County's credit or funds, at a projected cost of about \$4.35 million. As part of that, they propose to pay user fees just like any other user of public utilities.

He cited a part of the staff report that indicated that this project has a "dual benefit of providing public utilities at private expense while returning a positive fiscal impact".

A draft petition has been signed. He believes that this project with the water and sewer district will result in up to one million square feet of commercial and office use in the area, in addition to the 270,000 square feet that is a part of Patriot's Landing.

He believes that the residential component to the project will enhance the credit quality of the bonds, and will "stir" commercial activity on other lands in the CDA.

Mr. Cogbill indicated that this project satisfies the overarching goals of the Comprehensive Plan by providing a coordinated, well-developed and well-planned project that has positive long-range fiscal impacts, uses public water and sewer and provides some opportunity for affordable housing. The County has already identified Bottoms Bridge as a growth area. The project incorporates the village and suburban housing concepts, and provides a catalyst for commercial development. There is already a market of over 60,000 people who live in the area. It protects the natural environment, provides set-backs from the lakes, includes a low-impact development standard and addresses nutrient management. It provides for economic development that increases tax revenues and, according to County staff analysis, will provide a positive impact of \$800,000/year at buildout, which provides a total positive impact of \$9.4 million over twenty years. If the Bottoms Bridge retail and office space is added in, it totals \$1.8 million a year at build out, for a cumulative of \$15.6 million over 20 years. They have estimated annual tax revenue at about \$2.2 million, which will help maintain a low real estate tax rate well into the future.

Proffers include:

- maximum of 640 housing units, with single family homes in Sections A and B near the lakes, which will match up with the houses that are currently in Five Lakes
  - transportation improvements which include a signal within in the next ten years, if needed (Mr. Burrell contended that the transportation improvements would be required by VDOT and should not be considered a proffer)
  - repairs to the dams, estimated to be about \$700,000
-

- 100 ft landscaped buffer and 200 ft set back from existing right-of-way for each building adjacent to I-64
- 100 ft setback from the lakes which will provide open space and common area and avoid cutting of the trees, and also filtering effect and water protection.
- provision of funding for any deficit during the first two years of the homeowners association to make sure that there are enough funds to continue to improve and maintain the common areas
- design guidelines for commercial and residential low impact development, which includes signage regulations
- a per unit cash proffer of \$1,250 for schools and \$325 for fire and rescue

East West has tried to provide a multi-layered structure that provides maximum flexibility and the greatest possibility of providing all of the elements of a successful project.

He reviewed the projected entrances and exits from the development, as well as the economic impacts of the project on the County. Of the 640 units, 110 will be marketed to the active adult (but not age-restricted). Others will be traditional single family, apartments, and neo-traditional. The project will also provide some affordable housing in the \$100,000 - \$120,000 range.

Mr. Burrell questioned the 179 additional school age children predicted to result from this project, based on 640 units, none of which are age restricted, when the current average in New Kent is about ½ child per household.

Mr. Cogbill likened this project to a swing on four hinges: the first two hinges are initiative and insight (provided by the County) – and the last are industry and integrity (provided by East West). The applicant will ask the County in December to allow a rezoning of the property, to allow the CDA to be established, and to allow them to become a part of New Kent County.

Mr. Davis stated that he would like to see higher cash proffers and lower density, but likes the overall project over all, especially since it will bring water and sewer to Bottoms Bridge.

Mr. Raynes would also like to see higher proffers, and feels that 270,000 square feet of commercial face is not enough. He was hoped that the sewer flow would run in the other direction. He thinks the Board should ask the County Administrator to review financing options, including CDA and a Sanitary District, and get that information back to the Board. A CDA may not be the best way to go.

Chairman Lipscomb asked if that was a motion. Mr. Raynes said he would make a motion, or it could be by consensus. Mr. Davis stated that the County needed to find out from Henrico County exactly what it will cost, and begin negotiations. Mrs. Ringley stated that Mr. Christie has been talking with Henrico County, and that 500,000 gallons is the number that both parties have agreed to, but she does not think that the “door has been shut to it being more”. According to information she has received from Mr. Christie, the last analysis performed by Henrico indicated that it would cost \$111,000. Mr. Raynes indicated that he wanted the cost of other options in addition to the CDA.

Mr. Burrell agreed with Mr. Raynes and Mr. Davis. He also suggested that the “dog leg” area be last phase development, to leave the opportunity open for it to be commercial.

---

IN RE: APPOINTMENTS

Mr. Raynes moved to appoint Brandon Currence as District Four’s representative to the 350<sup>th</sup> Commemoration Committee to complete a term ending March 31, 2005. 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: UTILITY REFUND REQUEST FROM NEW KENT VILLAGE

Mr. Christie reported that John Crump and Tollar Nolley are requesting a 75% reimbursement for a main sewer line that will connect their development, New Kent Village, to the Parham Landing Wastewater Treatment Plant. One outcome would be the provision of public water and sewer utilities to the courthouse campus, but it does take capacity from the plant. Current available capacity is 282,000 gallons. Mr. Christie reported that Administration is recommending that they receive 50% reimbursement, to which the developers have not agreed.

Mr. Davis asked what it would cost to hook up the schools and courthouse and suggested that is the only amount that should be rebated. If the County offers 50% reimbursement, it will set a precedent. The County, when it approved the Conditional Use Permit, agreed to pay the difference to upgrade the pipe to handle the County and School complex. The County should pay for what it uses, and not just offer a 50% blanket rebate. Mr. Homewood confirmed that there was no financial commitment from the County as a result of the CUP that was approved. Mr. Davis contended that we offered to pay only the difference for the upgrade in the pipe size, and the County should only pay for that upsizing and to connect the schools and county complex, either up front or in the form of rebates.

Mrs. Ringley had her meeting book from March 10 and indicated that the staff report indicated that the sewer would be privately funded by the prospective developer and in an excerpt from the Planning Commission minutes, it was reported that the applicant will construct and pay for the force main and pump, and once completed will dedicate the well and sewer systems to the County. Additionally, in a letter the applicant indicated that discussions have been initiated with the County Administrator to explore different options for private investment to pay for the development costs of the sewer/water system. The letter went on to say that it is expected that any connection fees, monthly/quarterly fees, will pay for any future expansion. She indicated that those were the conditions under which the Board agreed to take the sewer capacity from an area of the County where it has been designated for industrial development, and bring it up to the

Courthouse area. She voted yes for the CUP on the condition that the private developer would pay for it. It was not until after approval that she began hearing about the 75% rebate on connection fees. She may not have been in favor of the project had that been a part of the consideration. She stated that Steve Jacobs from Robinson, Farmer, Cox has told the County that it will not be able to pay for future expansion if it keeps rebating connection fees. She feels that she has been misled by the applicant if it was their intention all along to ask for the rebate. She stated that the limits of any rebates should be the difference between what their project needs and what additional capacity the County requests.

Mr. Raynes believes that the Robinson, Farmer, Cox numbers were not accurate in that they are based exclusively on residential connection fees of \$4,000, when commercial connections are determined by the meter size, and run from \$12,000 upwards. Mrs. Ringley was not aware that a commercial component was not built into the study. Mr. Raynes suggested that the County should not base all of its decisions on that study, and should consider that this project will bring utilities to one of the designated village areas. He recommended that Mr. Christie should go back and negotiate with the developers and see what can be worked out.

Mr. Christie referred the board members to the section in their meeting book which had the estimated hook up fees for the schools. There was general discussion about school population and costs of upgrades, and the necessity for upsizing of the pipe.

Mr. Raynes asked what the difference was between this and what Patriot's Landing is requesting. Mrs. Ringley reported that Patriot's Landing made their proposal up front. This request was not made up front and brought "in the back door". It should have been a part of the CUP request in March.

Mr. Burrell stated that the apartments in the proposed development will serve the school system's teachers very well. The County will not be giving the developer anything – it will just be not taking as much from them. There is no sewer here and the County is not going to put it here, but at some point in the future will need it.

Mr. Davis reported that the County would be better off to run the line itself and charge the developer a regular hookup. The only reason the developers are running the sewer line is that septic systems won't handle the project. The cost of installing utilities is part of doing business. The rest of the taxpayers should not have to subsidize this project.

Mr. Christie stated that the Board had asked him earlier to explore options for utilities at Bottoms Bridge, and asked if the Board would be like for him to explore similar options in the Courthouse area, including a sanitary district. Mr. Davis indicated that he did not expect that a New Kent Village project would exist if the County ran the sewer.

Mr. Lipscomb estimated that it would cost the County \$.75 million to hook up the schools and courthouse complex to water and sewer. If the developer pays for that cost, then Mr. Davis agreed that the County should pay for that, either up front or as a rebate.

There were discussions regarding cost of drain field for the primary school renovations, as well as cost of abandoning the existing drain fields.

---

IN RE:           LAW ENFORCEMENT OFFICER'S SUPPLEMENTAL RETIREMENT  
                    SYSTEM

Mr. Christie reported on the request to consider offering the Law Enforcement Officers' Supplemental Retirement Plan (LEOS) that many communities offer sworn law enforcement officers and firefighters. Under this plan, an employee can retire at age 50 with 30 years of service, or at age 60 with a minimum of 5 years of service. The County could modify the 50/30 retirement component to a 55/30 system.

The advantage to adopting this supplement is that it will make New Kent competitive with surrounding jurisdictions in recruiting and retaining deputies and fire personnel. The disadvantage is that it will cost more

VRS will charge \$1,000 to perform an actuarial study to determine what it would cost the County to provide this coverage.

Sheriff Howard reported that this option had been considered by the Board approximately five years ago, and that it is a tremendous tool in recruitment and retention. He reported that it costs New Kent \$19,000 to fully train a deputy, and often the County will then lose that employee to another locality that has better retirement benefits.

Fire Chief Larry Gallaher reported that the County will be hiring paid firefighters/EMTs that are fully trained because it cannot afford the cost of rookie school. The position has been advertised and he is receiving a tremendous response from those in jurisdictions that offer LEOS. He believes that this is a good recruitment/retention tool and would support spending \$1,000 for the study.

He also reported on the upcoming hiring of paid firefighters/EMTs. He will be checking backgrounds and testing, but will not be requiring candidates to take physical ability tests. His proposal is that each of the six firefighters will work three 12.5 hour days per week (37.5 hours), Monday – Friday, and there will be three working each shift. There will be one day when all six will work. He emphasized that these paid staff will not be competing with the Rescue Squad, but can take up the slack when needed, as mutual aid from other localities is being over-worked.

Mrs. Ringley expressed her displeasure that the Board members were not given an opportunity for discussion or input regarding the ad. She expected to receive a staff update and a copy of the ad before it went out, as she is on the Personnel Policy and Management Committee. She indicated her discomfort with the level of the Board's involvement.

Mr. Davis indicated that the Board was involved in this process during budget time and had left the hiring up to staff. In response to his inquiry, it was reported that the fire chief's position would be covered under LEOS, as well as all sworn full-time sheriff's staff. The study will determine how much it will cost to offer this coverage.

---

Mr. Burrell moved to authorize the County Administrator to have the Virginia Retirement System conduct an actuarial study to evaluate the cost of implementing LEOS in FY05, transferring \$1,000 from contingency. 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.

Mrs. Ringley moved that no interviews and no hiring take place until the Board has had an opportunity to review the ad and the job requirements and whatever plan there is for this procedure. Chairman Lipscomb indicated that he cannot recall when the Board had been involved in interviews for any employee other than the County Administrator. Mrs. Ringley stated that she was not asking to be involved in interviews, just to see a job description and qualifications, since these are new positions. It is her feeling that the job description and qualifications needed to be approved and adopted by the Board. Mr. Christie suggested that could be accomplished at the December 8 meeting. The members were polled on Mrs. Ringley's motion:

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

The motion failed.

Mr. Gallaher reminded that on December 7 the County will proceed with the ribbon cutting ceremony at the fire station, to which the public is invited. This event will also serve as a recognition of the volunteers who assisted in the hurricane and its recovery. Ribbon cutting is scheduled for 1 pm and open house from 1 until 5 pm. Mr. Davis reported that the event will include recognition of the founders of the original fire company

Mrs. Ringley asked Mrs. Altemus for the amount of money that was budgeted for the paid Fire/EMS workers. Mrs. Altemus will get that number to her.

---

IN RE: SECOND FLOOR COURTHOUSE IMPROVEMENTS

Mr. Christie inquired whether the Board wanted to consider moving forward with plans to complete the second floor of the Courthouse. Chairman Lipscomb stated that it was important that the County bring all court employees under security. It was Mr. Christie's recommendation

that the County accept Option 1 which will result in office space for the Juvenile & Domestic Relations Court, Court Services, and Commonwealth’s Attorney, but not the Sheriff’s Dispatch.

Mr. Davis inquired if this plan would provide office space for a part time assistant Commonwealth’s Attorney. Chairman Lipscomb responded that it would, but the State has not yet recognized a need for that position. Sheriff Howard reported that there were over 1,000 cases on the docket for General District Court tomorrow.

Mrs. Ringley agreed that the County may need the office space but the County should wait to consider this at budget time. Mr. Christie reported that there is \$500,000 in the CIP budget for this year for this project. The HVAC project has come in under budget, and the County would be able to use the remainder for this project as well.

Mr. Burrell moved to authorize the County Administrator to enter into contracts with Wiley & Wilson of Lynchburg, Virginia, to design and develop bid specifications to renovate the second floor of the Courthouse to serve the Commonwealth Attorney, Court Services and Juvenile & Domestic Relations Court.

Mr. Davis inquired about the cost of the designs and specs but those figures were not available. Mrs. Ringley stated that the Board would need to know what that figure is before a vote. Mr. Christie indicated that he would try to provide that information before the close of the meeting.

Voting on the motion was postponed until later in the meeting. Mr. Christie later reported that he had been able to locate the requested information, at which time Mr. Burrell withdrew his motion.

---

IN RE: ANIMAL SHELTER IMPROVEMENTS

Corporal Long was present to answer questions from the Board regarding a request for improvements at the New Kent Animal Shelter. It was reported that there has been a reduction in the amount being requested – the first request was for \$16,900 and the current request is \$11,650. The cost-savings results from use of a wooden structure rather than metal. Although the wooden structure would provide less square feet than the metal, it offers flexibility of being able to be moved, adding shelves, reducing fencing requirements and eliminating the concrete work.

This will provide space for freezer units which will enable his department to comply with state regulations concerning the storage of euthanized animals, as well as the quarantine and isolation of sick and young animals. Corp. Long reported that the shelter has an average population of 12 dogs and 4-6 cats.

Mr. Raynes moved to authorize the transfer of up to \$11,650 from contingency for improvements to the New Kent Animal Shelter, 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 passed.

---

IN RE: ELTHAM BRIDGE AS A FISHING PIER

Mr. Christie reported on a request for up to \$6,000 to hire an engineering firm, R. Stuart Royer, to assist the County in identifying various pieces of information related to the Eltham Bridge for use as a recreational fishing pier. When VDOT is ready to discuss this, he would like the County to be prepared with this engineering information.

Mr. Davis stated that this information would be necessary if the County were to apply for grants to help with this project. It is best that the County know up front what this is going to cost and other information, before it decides whether or not to accept the bridge.

Mr. Davis moved to authorize the transfer of up to \$6,000 from contingency for engineering services to assist in budgeting and planning for the possible use of the Eltham Bridge as a recreational fishing pier. 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.

---

IN RE: OTHER BUSINESS

Mr. Christie suggested that the balance of the items on the agenda be postponed as none required action tonight.

---

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 Monday, December 8, 2003, in the Boardroom of the County Administration Building.

---

IN RE: ADJOURNMENT

There being no further business, Mr. Burrell moved for adjournment. 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 meeting was adjourned at 10:00 p.m.

---