

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 9th DAY OF SEPTEMBER IN THE YEAR TWO THOUSAND TWO OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:10 P.M.

IN RE: ROLL CALL

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

Chairman Davis called the meeting to order.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Raynes gave the invocation and led the Pledge of Allegiance.

IN RE: CONSENT AGENDA

Mr. Ellyson presented the Consent Agenda, which consisted of the following: approval of the minutes of the August 5, 2002, work session and regular meeting; road name addition: Tyler Hideaway; adoption of Resolution R-36-02 - Amending the Memorandum of Understanding with the Circuit Court Clerk; adoption of Resolution R-39-02 - Authorization to execute Agreement with VDOT for Phase III of the Courthouse Complex Pedestrian Plan; Adoption of Resolution R-42-02 - Declaring September 11, 2002 as Patriot Day; Adoption of Resolution R-43-02 - in Recognition of R. Joseph Emerson, Jr.; Authorization to sign Agreement with Election Systems & Software to purchase voting machines; reimbursements to 5 applicants for septic tank pumpouts, totaling \$865; appropriations for FY2002-2003: to appropriate additional State funding due to the increased demand for services, \$6,500.00; to appropriate DCJS Grant Number 03-A4034BY99, \$4,996.00; Total Supplemental Appropriation, \$11,496.00; \$11,496.00 Money-in/Money-out; \$0 from General Fund Balance; appropriations for FY2002-2003: to carry forward funds for Economic Development pamphlets, \$1,000.00; to carry forward funds for open purchase order to Logan Systems, Inc, \$2,400.00; to carry forward funds for Graphic Design for brochure \$350.00; to carry forward funds for Virginia Wireless E-911 Services Board, \$45,822.78; to carry forward funds for New Kent Highway Safety Program - DMV Grant AL02-45-58945, \$3,934.63; to carry forward funds for N.K. Bike Safety Program DMV Grant, \$1,834.02; Total Supplemental Appropriation \$48,541.43; \$-0- Money-in/Money-out; \$3,050.00 from General Fund Balance; \$45,822.78 from Wireless E-911 Fund Balance, and \$5,768.65 from Grant Fund Balance; budget transfers for the month of August, 2002; monthly revenues during August 2002 - \$1,549,146.01; monthly expenditures during August 2002 - \$1,483,376.83; Treasurer's Report - total cash as of July 2002, \$14,012,191.03.

Mrs. Ringley moved to approve the Consent Agenda, as presented. The members were polled:

Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye
Dean E. Raynes	Aye

W. R. "Ray" Davis, Jr.

Aye

The motion carried. Pursuant to the Resolution, the following Resolution R-43-02 is hereby spread upon the minutes:

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

R-43-02

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 9th day of September 2002:

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

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

WHEREAS, R. Joseph Emerson, Jr. came to work for New Kent County on July 17, 1989 as Planning Director/Assistant County Administrator; and

WHEREAS, R. Joseph Emerson, Jr. was appointed Acting County Administrator for New Kent County on August 23, 1994; and

WHEREAS, R. Joseph Emerson, Jr. was appointed County Administrator for New Kent County on October 17, 1994; and

WHEREAS, he diligently worked for over twelve years to improve the recreational, economic, industrial and financial status of New Kent County; and

WHEREAS, R. Joseph Emerson, Jr. established the County's Parks and Recreation Department, and oversaw the purchasing of equipment by the County for the volunteer fire and rescue squads, thereby enabling the squads to improve service delivery to its citizens; and

WHEREAS, R. Joseph Emerson, Jr. promoted the efforts to bring horse racing to New Kent, and oversaw the building and opening of Colonial Downs, Virginia's first and only pari-mutuel race track; and

WHEREAS, R. Joseph Emerson, Jr. oversaw the planning for the first County-owned fire and rescue station and promoted industrial development which resulted in the industrial expansion in the Route 155 and Route 33 corridors; and

WHEREAS, R. Joseph Emerson, Jr. was instrumental in improving the County's public utilities by bringing to fruition the Parham Landing and Chickahominy wastewater treatment plants and the first major water storage facility; and

WHEREAS, R. Joseph Emerson, Jr. served as an exemplary ambassador for New Kent County locally, regionally and statewide, and utilized his extensive knowledge and understanding of local, state, regional and national government to promote and advance the causes of New Kent County; and

WHEREAS, R. Joseph Emerson, Jr. is recognized as an outstanding leader and manager in local, state, regional and national government and government organizations, who exemplifies professionalism and integrity; and

WHEREAS, R. Joseph Emerson, Jr. demonstrated the highest degree of professionalism and dedication to New Kent County;

NOW, THEREFORE BE IT RESOLVED the New Kent County Board of Supervisors recognizes the contributions of R. Joseph Emerson, Jr. as a valuable member of the staff of New Kent County beginning in 1989 and extends its sincere appreciation to R. Joseph Emerson, Jr. for his many years of outstanding service and wishes him well in his future endeavors. Accordingly, the New Kent County Board of Supervisors directs this Resolution to be spread upon the minutes of this meeting.

/s/ Richard S. Ellyson

/s/ W. R. Davis, Jr.

Richard S. Ellyson
Interim County Administrator

W. R. "Ray" Davis, Jr.
Chairman

IN RE: CITIZENS COMMENT PERIOD

Chairman Davis opened the Citizens Comment Period.

Lloyd Young, Jr., of District 3, addressed the Board as an advocate for the school bond referendum, a parent of three high school graduates and current high school student, and a long term partner with the New Kent Schools. He thanked the Board for permitting the referendum to come before the public. He reflected that this was the fourth school bond referendum that has been on the ballot during his nineteen years as a New Kent resident, but this is the first time that he has taken an active role. He would have preferred that the Board approved the school construction project without going to referendum, as it is his opinion that the decision to build or not to build is the Board's responsibility, one that they were elected to do. He stated that each person was present in their chosen capacity - he as a parent and advocate, and the Board members who chose to campaign and serve in their elected office. He stated that the need for school construction is obvious. Two of the existing schools are more than 50 years old. Current school enrollment exceeds classroom capacity. Current school infrastructure compromises adequate student safety, fails to meet the Americans with Disabilities Act requirements, and is unable to accommodate the wiring required for the technological learning necessary for our children to compete in this knowledge-based economy. A Supervisor-generated recommendation to renovate the middle school has been deemed to not be cost effective. The cost of renovating the middle school for additional county administrative space will be significantly less than trying to retrofit for security, ADA and electronics requirements. What is needed now is unequivocal support from every elected official for the school bond referendum approval. He applauded Mr. Lipscomb for his willingness to participate in the door-to-door campaign encouraging support of the referendum. He advised that each board member would be asked in the coming weeks to assist in the effort to get votes on this issue. No one wants increased taxes, but our school needs outweigh our wants. He is encouraged by Mr. Burrell's vision of the Bottoms Bridge development potential, and urges follow through on this type of economic development that will contribute to the lessening of real estate tax burden. He understands that 90% of New Kent residents are homeowners, and can assume that each files an itemized tax return, claiming taxes as a deduction. Using taxes to reduce state and federal tax liability, he feels that each citizen's overall taxes will probably not increase significantly by passage of the bond referendum. The voter approval of this critical issue depends on a consensus of the County's leadership. The School Board, the offices of the Commonwealth's Attorney and the Sheriff, and the Planning Commission are all on record in support of the referendum. He asked for a similar united front from the Board of Supervisors. Passage of this referendum is in the interest of each resident. Demand for additional classroom space is not determined by referendum. Construction costs are increasing as there are delays in the decision making process.

Borrowing from the lyrics of a gospel song, he ended with the political admonishment “If you are going run for public office, be prepared to govern. If you are not going govern, don’t run”.

Linwood Gregory next addressed the Board in support of the school bond referendum. He reminded the Board members about the safety issues at the middle school, and the current inability to secure the schools. Population continues to grow. It is time to retire the middle school (old high school) that was built in 1931. The County cannot ignore the technology issues, and its students need to be educated to be able to compete in this industry with the technology of the future. 75% of New Kent schools are credited on SOL tests and scores continue to improve. The County needs these new facilities to promote learning and to regulate discipline. Overcrowding creates problems with management of personnel and insufficient services. Current conditions do not lend themselves to improving the quality of education. Conversion of the current high school into a middle school is not as great an expense as was anticipated, as the architects have assured that because it has three existing pods, it can be made into a system that will incorporate the 6th, 7th and 8th grade into different pods. He urged everyone to support the bond referendum.

Dr. Farrar Howard next addressed the Board. He has seen the County grow dramatically. It is said that when a man gets too old to set a bad example, he usually starts giving good advice. His family includes himself, Mrs. Howard, six married children and their spouses, sixteen grandchildren, and one great grandson - 27 of the 32 members of his family live in New Kent. Even if he had no progeny, he would still support the educational quality of our schools. He encouraged the Board of Supervisors and the citizens of New Kent to endorse the proposed school bond issue. He has been impressed with the research and work that has been done by the school board and Dr. Geiger, and the efforts of leadership to get the most for each tax dollar. Too often the designs today are cookie cutter or one design philosophy, based on the number of students, the classrooms and the amount of money. The School Board has not only considered these obvious needs, but have dared to take the unheard of action of asking the most meaningful questions to the most important people - the ones who spend one-third to one-half of every day in these schools. The questions have been included: what can be done in the design to increase efficiency, learning, comfort, teaching efforts and safety? They have looked for advice from many places, going to other schools, looking at bad and good examples, talking to teachers, janitors, cafeteria workers, school bus drivers, administrators, the sheriff’s department and even students, to make sure that the County is building and paying for something that will function to the maximum, not just look good. He recounted that the last office he built was the best because he received input from each of his employees. He described the “cost” of something as “the amount of life that must be exchanged for it”. He asked that everyone consider the cost from a reverse position: what would be the damage and cost to New Kent County and its students if we do not face the problem and deal with it effectively. If he lances a boil, it will hurt for a few seconds, but the relief of solving that problem will be wonderful. The pain that the County will suffer from a few higher taxes will fade away as it sees the increased performance of its students. Let’s not sell them short.

Stacy Simmons next addressed the Board in support of the school bond referendum. She is a New Kent native, 1989 graduate of New Kent High School, mother of three daughters, member of the New Kent Youth Association, George Watkins Elementary PTO Board, and a Brownie leader. This is not a cure to a potential problem but a problem now. Schools are over crowded now. She feels the current middle school is hazardous, outdated, and needs to be retired. Everyone understands there will be an increase in taxes, but she does not think you can put a price tag on a quality education or child safety. She thanked Mrs. Ringley and Mr. Lipscomb for the assistance they have provided to the CARE committee, and thanked Mr. Davis and Mr. Raynes for publicly announcing their support. She hopes that Mr. Burrell can also announce that he too supports this much needed bond referendum.

Alease Christian next addressed the Board in support of the school bond referendum. She has always

supported education and the schools in the past. As a state employee, her job is threatened by the fiscal cuts, but she will do what she has to do to cover her living expenses, including any tax increase that may result from passage of the bond referendum. She asked for the Board's support and encouraged all citizens to support the bond referendum.

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

IN RE: ELECTED OFFICIALS REPORTS

John Crump, Commissioner of the Revenue, reported that his office has completed the books for both personal property and real estate, and the numbers are exactly as expected, and slightly better in some areas. He thanked the County Attorney, Phyllis Katz, for her leadership in getting the contracts completed for the new real estate assessment system. He also publicly announced his support of construction of the new high school, and urged the public to support it as well. He suggested that, as the County is growing so fast, the elected officials need to come up with a plan to pay for the school. If the referendum passes, the real estate taxes will have to increase significantly to pay for it. That does not mean that the school should not be built, but that the County needs to work more closely with the people from the schools and the school board to see what can be done to help pay for it. He reminded that there is another item on the agenda this fall, the meal tax referendum. No one wants new taxes. However, much of the business at the Dairy Queen and McDonalds are from non-residents. The meal tax would give the County additional revenue and, based on those two businesses alone, would reduce the real estate tax rate increase by two pennies. Other things the County can do is invest in infrastructure - water and sewer - in order to bring in economic development to New Kent County, and also permit existing businesses to expand. He suggested that those citizens on fixed income will have a hard time paying any increase in taxes, and he feels the County may be able to put something in place to limit the increase of their burdens.

Mr. Raynes asked that the Board receive an update from George Homewood on the status of the CUP for the Philbates junkyard. He also expressed his appreciation for the job that Chairman Davis did in the search for a new county administrator.

Mr. Burrell reported that Charles Moss, a long-time member of Parks and Recreation Commission, had been inducted into the regional hall of fame for softball umpires, and is up for consideration for the national hall of fame. Mr. Moss currently umpires international senior softball games. In the past, he has spent his personal funds to build the field behind the Post Office. Mr. Burrell suggested that Mr. Moss be recognized for his contributions and achievements in the form of a Resolution.

Mrs. Ringley reported that she attended the Virginia Association of Counties convention in August, where she serves on the finance committee. The topic of discussion every year is how VACo, as an association, can help localities strengthen their financial standing and help provide the required services for their citizens. She briefly explained the meal tax and why it is on the ballot. By law, counties, unlike cities, are not allowed to impose taxes unless the General Assembly says they can, and the meal tax has to be approved by the citizens by referendum. VACo and the State encourage counties to use all available tools, and she is very much in support of the meal tax. She concurred that the majority of the patrons at the McDonalds and the Dairy Queen are from out of the County and she welcomes any tax dollars that they want to leave here. She expressed her appreciation to the New Kent County Fair Committee for an outstanding fair that was enjoyed by all. She reminded citizens that in order to vote in November, they need to know where to vote and should direct any questions regarding districts or voting places to the County Registrar, Gwen Ellyson. She reported that she was able to attend a meeting today with the County Administrator, the Director of Accounting and Budget, and Steve Jacobs from Robinson, Farmer, Cox, regarding the fiscal impact study that he has been conducting, based on what capital

projects that the County has in its plan, and also the proposed school improvements. She suggested that, in order to get this information out in a professional and factual manner, the Board meet in a week or two to receive this information and be able to timely share it with their constituents. The Board agreed to meet at 5:30 p.m. on Tuesday, September 24, 2002.

Regarding the County Fair, Mr. Lipscomb reported that over \$10,000 in ride tickets were sold on Saturday, and over \$19,000 in ride tickets total were sold over the four days. The Civil Air Patrol was in charge of the parking and trash collection, and made \$1,100 in parking fees (collecting 50% of that collected). Fair attendance was estimated to be over 8,000. He commended Sylvia Hathaway and the Fair Committee for an outstanding job.

Chairman Davis announced that new voting machines will be in use for the November election, and suggested that voters give themselves a little extra time to familiarize themselves with the new system. He reminded that the County is still in the middle of a drought and under mandatory water restrictions on order of the Governor, and that the outdoor burning ban remains in effect. He urged everyone to do his or her best to limit water use. He also announced that Mr. and Mrs. Philbates are being honored by the Virginia Division of Mineral Resources at the opening of the Educational Rock and Mineral Garden, for their contribution of a 3,000 pound rock to the State. The rock will be unveiled on September 18 in Charlottesville and the public is invited. Mr. Philbates described the rock as being 6 feet long, 4 feet wide and 4 feet high, composed of oyster shells, clam shells and other marine life. A plaque will be on the rock stating "donated by George and Becky Philbates of Philbates Auto Wrecking in New Kent County".

Chairman Davis also announced that on Wednesday, September 11, 2002, the New Kent Clergy Association is holding a memorial service at 7:00 p.m. at the high school in memory of the tragedy and triumph of September 11, 2001, and the public is invited.

IN RE: STAFF REPORTS

Mr. Ellyson reported an increase in the number of building permits, 144 in August 2002 as compared to 87 in August 2001, resulting in increased pressure on county staff for processing and inspections. He reported that Mr. Loving is now working directly with the contractor to resolve the problems with the liner at the Chickahominy Wastewater Treatment Plant expansion. He reported a failed valve in the Parham Landing treatment plant during a recent storm, resulting in flood damage to some of the pumps. Repairs are being negotiated and an insurance claim being filed. Wood chips are available at the landfill for use as mulch by the citizens. A groundbreaking for the new fire station will be held at 10:00 a.m. on Tuesday, September 17, and the public is invited to attend. Final inspection of new fire engine #2 will be made on Monday, September 16, and delivery is expected within the week. Loss of one of the health department sanitarians is resulting in additional delays. It is expected that DragonsRidge will be submitting their formal proposal at the end of September or first of October. Requests for proposals for Phase III of the Courthouse sidewalk project are going out for bid. The County is working with the State to finalize the work at the westbound I-64 rest area, and it is still hoped that it will open by the end of the month. Requests for proposals are out for an appraiser for next year's assessment. Staff is getting ready for the audit.

IN RE: RESIDENT ENGINEER'S REPORT

Gary Jennings, Resident Engineer from VDOT, reported that Hal Godfrey, who has been the area superintendent for New Kent for the last eight years, has been promoted to the Bridge and Tunnel Superintendent in charge of the Monitor Merrimac Tunnel. Until his position is filled, Chip Garland (pavement specialty crew superintendent) will be performing those duties.

Paving is underway at the 249 project at 155. Clearing and grubbing have been completed at the 249/665 project and the contractor will be moving dirt next week. The project at Route 60/249 is still on hold, waiting for the signal poles to come in, but is still expected to be completed this year. A major step towards opening the westbound I-64 rest area will be taken next week when they do a pressure test. They successfully passed the bacteria test performed last week. They hope to open the rest area by September 30. They have reactivated the management group that runs it, and they are starting to spruce it up.

The contractor is still working on low shoulders throughout the County, on Route 60, Route 33 and will start working on 249. Maintenance crews have been working on the non-surfaced routes, removing dead trees (working from the Courthouse west toward 155), cutting grass, picking up trash, and patching.

Mr. Burrell indicated that the Board of the Richmond Metropolitan Convention and Visitors Bureau, at its last meeting, expressed concern about the inability of I-64 through New Kent to accommodate the increase in traffic that will be generated by the 2007 Jamestown Celebration. He asked that Mr. Jennings communicate those concerns to the State.

Regarding the back ups that occur on I-64 in New Kent during the summer tourist months, Chairman Davis inquired whether traffic could be re-directed onto Route 60. Mr. Jennings reported that he had passed this request on to the State and has inquired about placing signs along 295 recommending Route 60 as an alternate route for non-truck traffic. He reported that the State is going to install some temporary pull offs in the median of Route 60, between Technology Boulevard and Route 156, for the DMV to set up their mobile scales on a continuous basis, which he thinks will discourage truck traffic from using Route 60. Chairman Davis asked that the tree canopy along Route 249 be trimmed back.

Mr. Lipscomb reported a leaning oak tree at the Henpeck Road construction site, just outside of the right-of-way, and another leaning tree back toward the corner, and asked that someone take care of those.

IN RE: RESOLUTION R-21-02 IN HONOR OF ANDREW J MIHALCOE, SR., DECEASED

Mr. Lipscomb shared some of his memories of Andy Mihalcoe, and recounted some of his activities as a mail carrier, charter member of the Quinton Fire Department, work with the Boy Scouts, and contributions to the community. He read aloud Resolution R-21-02 which was adopted at the June meeting, and presented a framed copy to the family of Andrew J. Mihalcoe, Sr.

IN RE: OCTOBER AS "DOMESTIC VIOLENCE AND SEXUAL ASSAULT AWARENESS MONTH"

Elizabeth Harwood, a member of the New Kent/Charles City Task Force on Domestic Violence and Sexual Assault, and the Children's Services Coordinator for Project Hope at Quin Rivers, requested adoption of Resolution R-37-02 that proclaims October as "Domestic Violence and Sexual Assault Awareness Month". This month is used to honor victims and survivors and to raise awareness of the issues of domestic violence and sexual assault. The task force does this by sponsoring an annual "Take Back the Night Walk" which will take place in West Point at Town Hall on October 22 at 7:00 p.m. (guest speaker will be Dana Johnson, the Assistant Attorney General of Virginia and a King William resident) as well as the Clothesline Project (survivors decorate t-shirts, which will be on display at every

area homecoming game - New Kent on October 11 at 7:00 p.m.). She presented packets of information to all Board members which also contained purple ribbons which are widely recognized symbols of the battered women's movement.

She reported that their task force meets at the Heritage Library, the next meeting being September 18 at 2:00 p.m.

Chairman Davis read aloud Resolution R-37-02. Mr. Lipscomb moved that Resolution R-37-02 be adopted as presented. The members were polled:

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

The motion carried.

IN RE: CENTRAL VIRGINIA INDEPENDENT LIVING CENTER, INC.

Lisa Cary of the Central Virginia Independent Living Center, Inc. presented the Board with information about their services. This organization was started in 1983 by the Department of Rehabilitative Services and in 1985 became a private non-profit agency that helps persons with disabilities live independently in their community. It provides funds, peer counseling, independent living skills (workshops, training, basic computer skills, and verbal driving instructions), housing placement, technical assistance to make facilities more accessible, location and referral to other social services agencies, sensitivity training to businesses and social organizations, and education of both the individuals and the community on rights of persons with disabilities, as well as sign language instructions for the deaf and hard of hearing and use of interpreters and telecommunication devices. She advised that they are sponsoring a Community Resource Fair for the residents of New Kent and Charles City County on October 10, 2002, between 10:00 a.m. and 2:00 p.m. at the Charles City Recreation Building.

Ms. Cary indicated that the local office has been open since April and is currently serving seven clients in the New Kent/Charles City area. The Richmond office is currently assisting 80 clients.

IN RE: VERIZON

Kathy Neel, account manager from Verizon, introduced Danny Johnson, Technology Solution Specialist, to provide information about services available to New Kent residents. He reported that Verizon was a tier 1 and tier 2 provider of high-speed technology services and can serve New Kent County with a plethora of high speed internet facilities. He reviewed some of the different technologies available. He also reported that the libraries and schools may qualify for e-rate funding, a significantly discounted rate funded by the Government, contingent upon have certain security measures in place, including the Children's Internet Protection Act. Verizon can supply services which will enable the schools and library to be able to qualify for those rates.

Mrs. Ringley asked when high speed internet access will be available. Mr. Johnson indicated that their basic 64k analog dial up modem, as well as ISDN which will provide 128 kilobits per second, are available for home use. For uses at home, ISDN is certainly enough, if the usage is predominately world wide web based. ISDN and DSL are primarily used for businesses. When asked what it would take to get DSL service into New Kent, Mr. Johnson indicated that they do not intend to bring DSL into New

Kent during 2002, although they are continually monitoring markets for viability and to be able to establish a business base to bring those types of services into different regions. His company traditionally provides enterprise based services, targeting the different entities, from educational facilities, to libraries, to government municipalities. It is entirely different for a consumer base perspective. Verizon ESG is not in a consumer-based position, like AOL type accounts. They have arm called Verizon

Online that does provide those type of services into the home, like general internet access, and he can certainly assist in getting those type of services. There will be no requirement to update the infrastructure, as New Kent would be served out of the POP in Richmond. In terms of DSL, the onus would be on Verizon to come in and spend capital to build the facilities for that access. The only physical element is the local loop, the dreaded “last mile”. They would bring those facilities into the serving wire center.

IN RE: REGIONAL AND NATIONAL ECONOMIC TRENDS

Lamont Myers presented a report on the third phase of the work that he is doing , all precursor to the Comprehensive Plan. Regional trends included those in Richmond and on the Peninsula. Looking at manufacturing and capital investments, he found that investment in manufacturing facilities is down overall. The long term reason for this decrease is that manufacturing moving off shore because of lower labor costs; the short-term reason is that there was a significant amount of overbuilding in the 1990s (which helped create the recession of 2001). According to state and regional economic development agencies, it appears there is a larger share of non-manufacturing prospects versus manufacturing prospects, almost having completely flip-flopped over the last 10 years. What they are seeing are business services, warehouse and distribution, telecommunications and health care related companies. Business services is a particularly growing sector because firms have downsized and out-sourced much of the business support services to independent companies.

Regarding employment trends, non-manufacturing facilities tend to have higher employment versus higher capital investment in manufacturing companies. The largest employment growth is expected in computer-related, health care-related fields and also business services. Good news is that non-manufacturing wages are now becoming more on par with manufacturing, while manufacturing wages are not rising as rapidly because of the move off shore, so the wage-earning gap is narrowing between the two segments.

Regionally, there has been a significant amount of investment in new business parks built in the Richmond and Peninsula markets, not all of which have yielded dividends. There are some communities that have invested \$10 - \$15 million in their industrial parks and are still waiting for their first tenant. Some still have over 1,000 acres available for development. This presents significant competition for New Kent, which has a large number of competitive sites within a 30-mile radius. There is also currently a large supply of vacant larger-sized industrial buildings on the Peninsula, including the John Deere and Gateway plants. Adequate infrastructure and flexible types of zoning are hurdles that New Kent has to face. Lastly, nearly two thirds of the prospects are looking for existing buildings, presenting a short-term challenge to New Kent. There are alternatives to building shell buildings, including the “virtual building concept” in which a site is identified, zoning is in place, the site has been cleared, utilities are ready, and a site plan has been approved for a particular footprint; while not a building ready to move in, it will probably cut 6 - 9 months off of the approval process, and can be an advantage in this competitive market.

Regarding tourism and recreation, according to the Virginia Tourism Office, there is an increase in value conscious or family oriented multi generational travel, where grandparents, parents and children are visiting historic sites, taking recreational or nature getaway type trips, and for a rural community such as

New Kent, could very easily represent a tremendous untapped opportunity. Eco-tourism, often oriented toward involvement with the shore, is a very low impact type recreation, such as canoeing or bicycling. Nelson County has been successful and aggressive in promoting itself as a nature getaway and it has a website that he recommends everyone visit to see how this small community is taking advantage of this emerging trend. Agri-tourism is another emerging opportunity. There is also tremendous appeal for the small village type atmosphere, similar to what Smithfield has done, which is a wonderful place for a day trip, with small restaurants, shops, etc.

Regarding horse racing, nationally it appears that attendance is down, but is increasing at Colonial Downs. The pari-mutuel turnover has been on the increase since 1990. The biggest competition for dollars is from the lottery. Horseracing generates a significant source of revenue for New Kent, nearly \$500,000 per year in revenues, representing about 5 cents on the tax rate. The track has just purchased more land, making a major investment in the County, and it is hopeful that this will have a fairly significant economic impact.

Regarding agriculture, the amount of cropland continues to decline, locally and nationally, as a result of several factors. Prices are lower than they were 10 years ago, while production costs have increased.

The next step in this process is a fiscal impact analysis which will be presented shortly.

IN RE: ACCESSORY APARTMENTS

George Homewood, at the request of members of the Board, presented for consideration a Resolution to sponsor an amendment to the zoning ordinance to allow accessory dwellings. He reviewed what is currently allowed as accessory dwellings. The A-1 district allows a guesthouse - guests of the home occupant are permitted to occupy a detached only structure, which cannot have been designed for independent living (no kitchen facilities). In the A-1, R-1, et al districts, bed and breakfasts establishments are permitted with a use permit, wherein up to five bedrooms can be rented to transient occupants (no permanent). Apartments are allowed by right in R-3, and with use permits in R-2 and R-2A districts. There are no provisions to allow what is commonly known as a "mother-in-law apartment". Single family homes are limited to single families. Generally, it is not a good practice to allow market rental units in the traditional single family areas - it increases traffic, activity loads, parking demands, public service demands, and school children.

There are a number of non-market purposes which are legitimate and currently unserved in New Kent County, primarily apartments for taking care of older relatives, adult children who move back home (or never move out), and the live-in caregiver. For these situations to work and for the emotional and mental stability both of the owner of the house as well as the occupant of the accessory unit, there needs to be an opportunity for independent living. An older parent needs to feel that they can still take care of themselves, even though they are less capable of doing so and need to do so in an environment that is closer to the caregiver. The caregiver, relative or not, needs to have space of their own for periods of time.

Resolution R-38-02 calls for sponsoring an amendment, and sets the wheels in motion for a change to allow accessory apartments, with a use permit, in the A-1 and R-1, et al districts, under very specific conditions. Conditions would include allowing only one per primary use, limited in size (suggested 450 sq. feet or 25% of the floor area of primary dwelling), an expiration date if desired, and a limitation based on occupation or relationship. Passage of this Resolution will start the public review process by sending it to the Planning Commission for public hearing on October 21, who will then make a recommendation to the Board. The Board would then hold a Public Hearing and make its final decision.

The important thing tonight is for the Board to clearly convey to the Planning Commission what it wishes to accomplish.

Mr. Burrell moved to adopt Resolution R-38-02 as presented. The members were polled:

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

The motion passed.

A short break was taken at 7:54 p.m. and the meeting was resumed at 8:00 p.m.

IN RE: FAMILY SUBDIVISIONS

George Homewood represented that the Code of Virginia requires counties to allow family subdivisions, unless the county has been determined to be a high growth locality (experienced more than 10% growth between censuses). New Kent qualifies as a high growth locality, and hence is not required to have any family subdivisions in its Code. Pursuant to the Code of Virginia, should New Kent choose to have a family subdivision, it is entirely up to the Board as to what the rules and regulations are. This issue has been discussed by the Board and the Planning Commission since early 2000. In 2001, the Planning Commission conducted three public hearings on the issue, and the Board has had two public hearings prior tonight's. There have been a couple of work sessions, the most recent on August 5. Tonight's proposed Ordinances represent the consensus achieved at the last work session. The five issues embodied in the discussions included the relationship between lot owner and grantees; size of lot(s) created and remainder lot; access standards; holding periods, both before and after the divisions; and the review standards.

At its last work session, the Board agreed that relationships that would be permitted would be grandparents, parents, siblings, natural and adopted children and grandchildren. Ordinance O-05-02(R) deals only with this issue.

Ordinance O-19-02 (R2) deals with the other four issues. Size of both the created lot and remainder lot were determined based upon the concern for ensuring that the large number of 5-acre lots that were created in the A-1 not be allowed to be further subdivided using the family subdivision procedure. Since the Board asked for a flexible approach on lot sizes, minimum size for created lots will be 1 ½ acre, requiring a minimum of 6 acres in a single parcel in order to permit a single division, resulting in two lots. Each additional increment of 1-½ acres beyond 6 acres in the original parcel could permit an additional lot, provided all other requirements are met. In order that the requirements be clearly conveyed in the Code, the ordinance will contain a table which sets forth the parcel size and lots permitted. No more than nine lots (including the remainder) will be permitted. This will be consistent with the policy in other subdivisions wherein creation of ten or more lots require a central water system.

Regarding access requirements, an all-weather surface driveway is required to access the dwelling unit that is established on any created lot, and is sufficient to access two lots. Two lots may front on a public road. However, if three or more lots are created, then a 50-foot wide deeded right-of-way must be established (and conform to VDOT standards) and the lots must access that right of way as opposed to accessing the existing streets. This requirement is consistent with what is required with a parent tract.

The proposed Ordinance requires that the grantor must have owned the property for at least three years prior to division, and the grantee must hold the property for at least two years after the division before transferring the property. During this two-year holding period, building permits may only be issued to the original grantee. There is a hardship clause included, in instances where there has been a change in life circumstance that was unforeseen at the time that the subdivision occurred or the property was purchased, for which an administrative waiver may be granted. Appeal of any denial of a waiver would be decided by the Planning Commission.

Review standards would require an affidavit which contains the names of the grantees, establishes the holding periods, and contains a statement by the affiant that this is not an attempt to circumvent the subdivision laws of New Kent County. VDOT must approve the plat, and for lots not on public sewer, approval must also be obtained from the Virginia Department of Health. The goal is to ensure that every lot created in New Kent County is a buildable lot. Holding periods and other restrictions will be included on the plat and recorded with the deed to serve as a consumer disclosure statement to protect and alert prospective purchasers of the restrictions.

The proposals are not precisely those recommended by the Planning Commission, but relatively and reasonably close. The Planning Commission recommended a much broader definition of immediate family and did not include a three-year holding period prior to division in its recommendations.

Chairman Davis opened the Public Hearing.

Jennifer Caldwell, of Quinton, inquired whether this would apply to lots that are on private and public roads. She was also concerned that this was just a way for people to increase the value of their property, and she does not think that it is fair to people who have no family.

There being no one else signed up to speak, the Public Hearing was closed.

Mr. Raynes moved to adopt Ordinance O-5-02(R) as presented. The members were polled.

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

The motion carried.

Mr. Burrell moved to adopt Ordinance O-19-02(R1) as presented. The members were polled:

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

The motion carried.

IN RE: SEWER IRRIGATION CREDITS

Charles Loving recounted that an engineering report was presented to the Board in November 2001, and he has since outlined for the Board the four different methods available of monitoring wastewater. These methods include a customer-owned water meter, a separate irrigation service, a split or companion service, or the mathematical averaging approach. The Board previously directed that he proceed with the mathematical averaging approach. This method eliminates upfront customer cost and minimizes the long-term impact on the County's utilities department. The irrigation credit is primarily for a water account holder in a residential dwelling, and is to give some relief on sewer volume charges for irrigation purposes for lawn and plant watering. Application for the credit shall be made at the same time as water service. Existing water customers will be provided with written notification of this program and instructions on how to enroll.

The basis for the mathematical approach, which is being used by one of the surrounding localities with great success, is that during the winter quarter, January through March, a baseline consumption average will be established for each customer. The sewer volume charge shall be based on the lesser of either that consumption average + 20%, or the actual quarterly usage for that customer. Each year, at the end of the winter quarter, the average will be adjusted accordingly. A customer who comes in during the middle of the year and was not able to establish a winter quarter average, will be assigned a base use of 18,850 gallons per quarter. If there are customers who have applied for adjustments due to leakage, the default average would be used. 18,850 is the average usage, per customer, that the County has, based on the total yearly well production. There will be no pro-rata credits issued to any customer leaving in the middle of a quarter, and no cash credits given at all. There will be a \$10 administrative fee imposed each billing cycle to help defray the County's cost to process these credits. The programs have been loaded onto the computers and have been tested. Credits for current customers will be hand-generated and credits will be retroactive to January 2001. Petersburg uses the customer-owned meter system. Chesterfield County uses a companion or split service, having two meters on the existing service. Henrico County uses a separate meter service. Hanover used to use a separate service, but because of the increase in operating costs, is switching over to the mathematical system as the current meters falter.

It now takes the New Kent staff three days to read the approximately 1,000 meters currently in its system. He anticipates that it will require two additional days of staff time if separate meters are added for this purpose, and additional staff training will be required.

With a customer-owned meter, the customer would purchase their own water meter, pay a plumber to attach it to their irrigation system, and they would call in their reading at a set time of the billing period. The difference between a separate meter system and a split meter system, is a separate meter system requires a separate tap fee and an increased up front cost to the customer. The split or companion meter utilizes the same tap to the main, so no additional tap fee is required, but two separate readings are required. Meters are read using infra red data collectors, resulting in no manual reading and no margin for error, which reduces the time required to obtain the readings.

Mr. Loving reported that Chesterfield is looking at converting to the mathematical system. Hanover also uses the 120% figure, which gives the municipality a cushion of 20% above the average to accommodate fluctuations in usage. Those numbers can be easily changed from year to year as needs dictate. Hanover is even considering increasing the 120%. He believes that this system is fair to both the customer and the county.

Mr. Loving confirmed that this system in no way encourages people to conserve water usage.

The contractor, Piedmont Construction, who has installed the water lines in Brickshire and has given a warranty, has given an estimate of \$3,500 to install each separate irrigation system, which would break down to a \$2,000 additional tap connection fee and a \$1,500 installation of the piping, water meter

and the meter box. The least expensive would be the split service, utilizing existing lines, just adding a T and the additional meter, which would cost \$1,500 (per estimate from Piedmont). The County would own that meter. It would be necessary to use Piedmont in order to comply with the warranty currently in effect.

Chairman Davis opened the Public Hearing.

Larry Haviland, who is moving into Brickshire, questioned the basis for the 120% figure. He does not feel that \$1,500 up front is unreasonable for installation of a companion meter. He asked that the Board take the time to look at all of the options and make the right decisions for everybody.

Linda Callahan, also a Brickshire resident, is agreeable to using the winter quarter to establish a baseline average. She does object to adding 20% to that and feels that the \$10 quarter administrative charge is unreasonable. She also suggested that staff look to see what is being done in Williamsburg and localities at the eastern end of the County.

Laura Rumans, a Brickshire resident, reported that she moved in last July and was shocked to receive her first water bill in October for \$845. She appreciates the County taking steps to give credits.

John Pishko reported that he has lived in New Kent for over 20 years. He is concerned about county revenue, but he is also a builder (Vice President and partner in Emerson Builders) and homeowner in Brickshire. He reported that in every locality in which they build, Chesterfield and Suffolk, companion meters are used. He did not understand how Mr. Loving came up with the \$1,500 price tag - in Chesterfield it costs \$375 and in Suffolk \$390. It takes 1 hour and 15 minutes to install a companion meter. He also disputes the length of time for utility staff to read the meter and the additional time it is expected to take to read additional meters. Physically reading the meter takes no longer than 15 seconds. His objection to the proposed mathematical averaging is paying an extra 20% and the \$10 quarterly administrative fee. He feels this is the wrong track and that the companion meter system should be used. Each customer pays exactly what they owe and they can monitor their use. A disadvantage to the averaging is that it does not take into account the builder. As a homeowner, he does not object to pay \$375 - \$400 for a companion meter. Homeowners would much rather be billed for what they are using. It is a fairer system. He asked that other systems be considered before the issue is decided.

D. Radtke passed on his request to address the Board, advising that Mr. Pishko had covered what he wanted to say.

Dean Vorpagel expressed his thanks to Mr. Loving for the hard work he has put into this and supports his recommendation. He moved into Brickshire during February and his first water bill was for March use only (2,800 gallons). His next bill, for April, May and June, during which time he had his landscaping done, was over \$320, for 43,000 gallons. It does not seem fair to have to pay the additional sewer bill when most of the water was used for irrigation purposes.

Larry Elinskas, a resident of Brickshire, expressed his appreciation for the consideration that Mr. Loving and the Board members have given to the Brickshire residents. He moved here from the greater New York City, and his bill here is three times as much as it was there. He supported Mr. Pishko's comments.

William Leary, a resident of Brickshire, supported Mr. Loving's approach. He felt that the most important thing was that the utilities department recognized that the person who pays for the water that comes out of the tap, and for what goes back into the sewer. He hopes that it is approved.

Tim Suitor, a resident of Brickshire, agreed with many of the things that were said. He did question the 20% added to the winter usage as a baseline amount. He commended Mr. Loving for his efforts. He is most familiar with the irrigation meter system. The irrigation system he has in his house already has a meter encompassed therein, and he does not understand why that is not sufficient to use. He does not see the need to use a mathematical system. Every irrigation system has the technology already installed.

There being no one else signed up to speak, the Public Hearing was closed.

Mr. Lipscomb inquired why builders cannot be required to stub in a meter. Mr. Loving reported that the specifications would have to be re-written, requiring a larger service connection and the companion or split service. A big problem would be how to adequately handle the existing customers that have already been installed in Brickshire, which probably approaches 450 connections. He confirmed that Chesterfield charges \$375 for installation of a companion meter, but they have in house equipment and no overhead costs. The \$1,500 estimate came from the contractor that installed the water system at Brickshire. The cost for each ¾” meter is \$87.80; a 1” meter is \$134.74; this does not include the expansion nuts, washers or the box. Most residential customers have the ¾ “ meter.

Mrs. Ringley, although not wanting to delay getting relief to the water customers, and recognizing that Mr. Loving had done exactly what the Board had instructed him to do, moved that this matter be deferred until the October meeting, and requested staff to provide more information on the companion or split service meter system before a final decision is made. The members were polled:

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

The motion carried.

IN RE: APPOINTMENTS

The Board will continue to make appointments to various committees.

Mr. Lipscomb moved to appoint Richard S. Ellyson as District One’s representative to the Zoning Appeals Board, effective October 1, 2002, to complete a five-year term ending December 31, 2004.

Mrs. Ringley moved to appoint Sharon Coke as District Two’s representative to the Historic Commission, to complete a four-year term ending December 31, 2005.

Mrs. Ringley moved to appoint Harold Garland as District Two’s representative to the Board of Road Viewers to complete a one-year term ending December 31, 2002.

Mr. Burrell moved to appoint Pete Adamson as District Three’s representative to the Agricultural & Forestal Advisory Committee to complete a four-year term ending December 31, 2005.

Mr. Raynes had no appointments for District Four.

Mr. Davis had no appointments for District Five.

The members were polled:

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

The motions passed.

Mr. Lipscomb moved to appoint Gary F. Christie as Clerk of the Board, effective September 16, 2002. The members were polled:

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

The motion passed.

IN RE: MEETING SCHEDULE

The Board will meet for a work session on September 24, 2002, at 5:30 p.m. The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on Tuesday, October 8, 2002.

IN RE: ADJOURNMENT

There being no further business, the meeting was suspended at 9:12 p.m., to be continued at 5:30 p.m. on September 24, 2002, in the courtroom of the Old Courthouse.