

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 8<sup>th</sup> DAY OF OCTOBER IN THE YEAR TWO THOUSAND TWO OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

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IN RE:            INVOCATION AND PLEDGE OF ALLEGIANCE

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

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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.

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IN RE:            CONSENT AGENDA

Mr. Christie presented the Consent Agenda, which consisted of the following: approval of the minutes of the September 9, 2002, work session and regular meeting, as well as special work session on September 24, 2002; road name additions: Cripple Creek Ridge and Kurek Lane; adoption of Resolution R-41-02 - in recognition of Cris Otey, deceased; Resolution R-46-02, in recognition of Charles Moss; Resolution R-48-02, in recognition of Richard S. "Dick" Ellyson; authorization to sign Special Projects contract with CVWMA; authorization to accept the deed to the Winn Dixie well lot; Appropriations for FY2001-2002: to appropriate Virginia Department of Fire Programs Funds to Aid Localities, \$4,425.56, Total Supplemental Appropriation \$4,4235.56, Money-in/Money-out \$4,425.56, and -0- from the General Fund Balance; Appropriations for FY2002-2003: to appropriate additional State funding due to the increased demand for services, \$25,936.00; to appropriate funding to cover expenditures covered in County Administrator's employment, \$10,487.15; Total Supplemental Appropriation, \$36,423.15; \$25,936.00 Money-in/Money-out; \$10,487.15 from General Fund Balance; budget transfers for the month of September, 2002; monthly revenues during September 2002 - \$1,294,677.66; monthly expenditures during September 2002 - \$2,399,367.75; Treasurer's Report - total cash as of August, 2002, \$13,657,334.31.

Mrs. Ringley moved to correct the minutes from September 24, 2002, on page three, to show that property was zoned "B-1" rather than "A-1". Mr. Burrell moved to correct the minutes from September 24, 2002, on page two to reflect "renovated" rather than "remodeled". He also wanted to clarify Mr. Lipscomb's comments on page 2 of the September 24 minutes, changing 9 cents to 19 cents; however, Mr. Lipscomb confirmed that the minutes correctly reflected his comment. Mrs. Ringley moved to approve the Consent Agenda, subject to the two corrections to the minutes. The members were polled:

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

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The motion carried.

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IN RE: CITIZENS COMMENT PERIOD

Chairman Davis opened the Citizens Comment Period.

George Philbates addressed the Board on behalf of the senior citizens of the County, and expressed his concerns about the school bond referendum and building of the new high school. He represented that the current high school was designed to add five rooms, and that five more rooms could be built in the "accident prone" space in the foyer. Regarding the current middle school, he doesn't understand why it cannot be renovated to add air conditioning and wiring for school use, when those same renovations will be made if it is converted to office space. He suggested that the County should slow the growth in the County. He warned senior citizens that their real estate taxes will increase \$300 - \$500 per year, and increases in their Social Security will not keep up. He stated that unless someone can show the voters before November 4 why the new school is needed and insure that it will be "done right", there will be a lot of "no" votes.

Edward Christian, Jr., an engineer for a pre-set concrete company, spoke out against the school bond referendum. He suggested there has not been proper planning. He cited "outrageous" growth in the County. He urged the County to carefully consider all options before proceeding.

Mae O'Leary, a 17-year resident of District 2, mother of 2 children in the school system, addressed the Board in favor of the bond referendum. She stated that the current middle school is overcrowded, outdated and unsafe. She reviewed the feasibility of Mr. Burrell's suggestion to renovate the school as an alternative to building a new high school. She stated that this school has been renovated, added on to, and fixed up many times over the last 50 years. The school is currently over capacity, current enrollment being 595 and capacity being 522. Additional classrooms are needed for today's needs, let alone future needs. It doesn't make sense to add additional classrooms if the core facilities (library and cafeteria) cannot be enlarged. The hallways and stairwells are overcrowded between classes. She stated that rewiring the middle school would be nearly impossible and cost prohibitive, given that the school is 72 years old with multiple buildings. Sheriff Howard had mentioned that there are over 35 doors at the school which create safety concerns as it is virtually unlockable - a problem that is impossible to remedy. There are areas of the school that are not handicap accessible, including several classrooms. The school's grandfather status would disappear if renovations are undertaken, and the County would have a huge expense in meeting the ADA guidelines. Currently, buses can barely fit in front of the school to load and unload students, and the school is so close to Route 249, that an entire reconfiguration of the front of the school would be necessary to handle any future growth, if that is possible. Before converting the old bus garage to classrooms, an environmental study would have to be done in light of old fuel spills, gas leaks, etc. The main building of the middle school has been designated as an historical landmark, and certain rules and guidelines have to be followed when renovating that section in order to maintain its historical status. To renovate the middle school to meet future needs would take 18 months to 2 years, and she questioned where staff and students would be put during that time. There have been no estimated costs of the proposed renovation - she understands that the renovation of the Maggie Walker Governor School (one building) in Richmond cost in excess of \$20 million for a student population of 550. Our middle school is older, has a larger student population, and has multiple buildings. Even if the middle school is renovated, that will not solve the problem at the high school which is at capacity. The core facilities there (auditorium, cafeteria and library) can't be enlarged. For all these reasons, renovation of the middle school just doesn't make sense. She urged voters to vote "yes" on November 5

to build a new high school. This will solve the capacity problem at two schools - the County will get a new high school and allow the existing high school to become the new middle school.

Cynthia Gaines addressed the Board quoting, "Behold how good and how pleasant it is for brethren to dwell together in unity". She recounted the growth in the County since her childhood. She said that as growth came, past and present Boards have had the vision and faith to see things through. She stated that the County needs continued vision and faith, and needs new and improved schools. Every possibility has been explored - they have talked with architects, faculty, staff members, and citizens in the County. The Board has agreed that the County needs new schools, and pledged its support to encourage the County residents to support the referendum. That pledge of unity has now been broken and she asked that it be restored. Most of the Board has supported and actively worked to help win approval of the referendum by the voters. She asked that the effort not be undermined in the final hours. The students need a new high school and improvements are needed at the other schools. She urged that the Boards work together to achieve that goal. She represented that most of the people that they have talked with support the joint efforts to build a new school and to update and expand the current facilities. When she graduated 32 years ago from New Kent High School (the current middle school), there were 61 students in her graduation class. There were only 2 homerooms for each grade level. The whole school only had 320 students. The current cafeteria and the current gym were there, and there was an auditorium. She questioned how a facility that was adequate for 320 students 30 years ago, can be adequate today for 600 students, and stated that it could not be done simply by adding more rooms, air conditioning and a computer infrastructure. The School Board has been and will always be committed to obtain the highest possible raises for the teachers. People do not become teachers because of the pay, but because they love children and want to make a difference in their lives. Having state of the art facilities opens greater doors for teachers and even greater doors for the children. She thanked those who have not wavered from their support.

Van McPherson, resident of District 1 and School Board member, addressed the Board. He reported that state law provides that the School Board, an elected body independent of the Board of Supervisors, is responsible for the issue of building schools, and that the Board of Supervisors is responsible for determining how to fund those plans. He cannot find anywhere in the law where it is stated that the Board of Supervisors should or can make representations about the issues of whether it is best to build another school or to renovate an old school. He does not tell the Board of Supervisors how to do its job. Since someone is spreading the idea that the current middle school should be renovated, he shared some of the thinking that determined that idea to be impractical. First, the Maggie Walker School in Richmond, a single building used by 550 students, was renovated at a cost of over \$20 million into a beautiful, nice facility. It was built in the 1940s and is newer than our middle school. In comparison, our middle school has multiple buildings, roofs, walls and levels, and currently houses more than 595 students, and trailers are being used as classrooms for some of those students. Renovation of that school, according to an architect, would cost 70 - 90% of the cost of a new building of the same size, and then would require additional buildings to replace the trailers and even more additional buildings to accommodate the growth that has already taken place. Additionally, renovation would take up to two years to complete. There is nowhere to put the students for two years during the renovations. If it is decided to take that route, there is still over crowding in the high school, and more building at the high school would be required to address that issue. As to the proposal that money would be better spent on teacher salaries, computers and buses, he stated that the School Board has an active plan to bring teacher pay to acceptable levels, and those plans are working and have reduced turnover. The School Board has also enacted plans to deal with the issue of computers and technology, including a routine replacement schedule of old computers and requisition of new computers as they are needed. Finally, the bus replacement plan meets or exceeds the recommendations of the state. All of these issues have been discussed, planned and are being taken care of by the School Board that was elected to deal with those issues. He thanked the Board members who have discussed these issues with their counterparts on the

School Board and expressed his appreciation for the input and the support of those who have attended the School Board meetings and helped plan the direction required for the future of the schools.

George Jones, a current senior at New Kent High School, addressed the Board. He shared some of the needs he sees at the high school, including more space, a larger cafeteria (teachers have to stand up to eat) and meeting space, as well as room for weight lifting (currently held in the hallway). Some classes are held in trailers, which is a problem in bad weather.

Isabel White addressed the Board and stated that there was no way that the new school could be built with a nine-cent raise in taxes. Citizens need to know what it is going to cost them. She feels that it will cost between 18 and 25 cents, over a 20-year period. Buildings do not educate children, teachers do. She is in favor of renovating instead. She is concerned about the effect of such a tax increase on those on fixed incomes. She suggested that the County reduce by 50% the value of the homes of those over 65 where there are no children, and let owners of homes with children pay for the school. She cited the overcrowding on the buses. She wondered whether the County has looked at all the options, and questioned how much had been spent on architects and consultant fees in the last 10 years, and asked how many teachers have been lost over the last ten years because of low pay.

Steve Miles reported to the Board about the Character Counts program that is being promoted at all four schools. The six pillars of character for this year are respect, responsibility, trustworthy, caring, fairness and citizenship. The program has been well received by the students and the community. All have an opportunity to display their citizenship on November 4. He is the co-chair of the CARE committee and addressed Mr. Burrell directly about the proposed renovation project. He commended Mr. Burrell for the time he has spent on this issue and conceded that the plan could work if the County did not need to plan for the future. The County has to stop the "band aid" approach of development in all areas, and plan ahead for 5 - 15 years. He trusts the school system with his children, as well as the homework that they have done on the plan for the new high school. He recognizes the current state budget crisis, but feels that is a problem that will be worked through. The County cannot be short sighted and needs to be positive. He commended the Board on keeping teachers pay in the operating budget, and the CARE group will include that as one of its responsibilities. His personal mission is to keep CARE alive after November 5. Regarding the tax impact study, he asked that the information be presented to their Board so that everyone will know exactly what the impact is projected to be, but asked that people not be confused by the reassessment issue.

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

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IN RE: ELECTED OFFICIALS REPORTS

John Crump, Commissioner of the Revenue, expressed his concern about the tax impact of the school bond issue. It needs to be made very clear that the figures that are being given are based on the assumption that the meals tax will pass. There is going to be a general reassessment and the figure that has been suggested for the level of equalization would push the tax rate down, resulting in a significant tax increase. He suggested a strategic planning session for the Board to gather with other elected officials and citizens to determine what is needed, including the school, and to plan for growth issues in the County. Whether the referendum passes or not, there is a lot of work that needs to be done and plans need to be made. He is ready to work with the Board in any way to make sure that the bond referendum does pass and also to see that a plan is in place to pay for it, as well as for infrastructure for business development.

Herbert Jones, Jr., Treasurer, addressed the Board, and congratulated and welcomed Mr. Christie as new County Administrator. He reminded that tax season is approaching, and reported that bills are being

printed and will be mailed at the end of the month. Citizens can pay their taxes through the mail, on the Internet, at Citizens & Farmers Bank, and the Treasurer's Office will have extended hours on December 2 through December 5 from 8:00 a.m. until 6:00 p.m. He reported collection of \$196,000 in delinquent real estate taxes through the services of Attorney Elliott in Yorktown, and a real estate auction is scheduled on October 17 at the Courthouse steps.

Earlier this year, Mr. Jones reminded that he had asked the Board to "lead the charge" regarding current laws in the General Assembly regarding pari-mutuel wagering, specifically recommending elimination of the referendum requirement to expand the number of OTBs. He also had asked the Board to support the effort to expand the number of OTBs from six to twelve or sixteen. The General Assembly will soon be meeting and Mr. Jones expressed his hopes that the Board will include these items in its legislative agenda. Changes in these two laws could generate between \$3 million and \$5 million per year in taxable revenue to New Kent County. He is glad to see that the meal tax will be on the ballot next month, and it is conservatively estimated that a 4.5% meal tax would generate \$.5 million for New Kent County. He expressed his enthusiastic support for the School Bond referendum. This is an evolving process for a growing community, and is the right thing to do. He believes that a quality school system would attract the business necessary to increase the tax base.

Mr. Jones recounted the impact that September 11 has had on his life. He thanked the Board and the community for the overwhelming support he has been given. He has been informed that his activation will most likely be extended for an undetermined period of time past the end of January of 2003. In light of the current budget restraints, he proposed to donate back to the County 75% of his salary, and earmark those funds in equal parts to the New Kent County Parks & Recreation Department Capital Improvement Fund, New Kent County Fire & Rescue Operating Funds, New Kent County School Operating Funds, and to the Treasurer's Office for salaries and special services. He indicated that he had discussed this in detail with the Attorney General's Office and the Compensation Board. If this is acceptable, he will work out the details with the County Administrator and County Attorney.

Chairman Davis asked about the collection rate for the delinquent real estate. Mr. Jones estimated it to be about 40%. The contract with Mr. Elliott is for three years.

In response to a letter from a constituent, Mrs. Ringley requested that those who put up signs on poles around the County, be sure to remove them after the event is over. She joined Mr. Crump and Mr. Jones in endorsing the meal tax referendum, about which there has been very little talk this year. This is a tax that will have very little effect on the citizens in New Kent. With the interstate traffic that the County has now and in the future, it will be a very lucrative tax for New Kent to have in place. She reminded that the Registrar has the ballots for absentee voting for those who know they will not be available for voting on November 5. Absentee voting may be done at the Registrar's Office during regular business offices, and on two Saturdays, October 26 and November 2. Regarding the school bond referendum, she will reserve those comments until after Mr. Jacobs' presentation.

Mr. Burrell reported that Central Virginia Waste Management Authority has installed new recycling containers which should be more convenient to users. He reported that the Colonial Community Criminal Justice Board will be affected by the state budget cuts, and that Board is working very hard to establish a new substance abuse program. He wanted to clear up concerns and explain his position regarding the school bond referendum. He thanked CARE for their invitations to join their efforts. He has done research, talked to contractors and builders, engineers, and people around the State. The County has many retired and working people in New Kent who are on fixed incomes. There are other projects that need to be done in the County. The State is in dire need and the stock market has been down. He talked about recessions in the past. He expressed his doubt that the economy will return to its 1990s boom. He stated that buildings don't teach. The School Board is always asking for teacher

positions that are not funded, and attempting to bring the salaries up more than what the Board gives them. He reported that Teacher Aides are underpaid. If property owners are going to be charged \$300 or more in real estate taxes, and the County is having a hard time paying teacher and teacher aide salaries now, he questioned how will it pay them in the future? Where is the \$4,368,000 going to come from that is not on the school bond referendum? He stated that New Kent has some very good, dedicated teachers. The County is told every year that it has to pay teachers more or lose them. Nearly 400 teachers have been lost over 10 years. New Kent is a training ground for teachers who leave for other localities. How can the County ask the citizens to pay more for teachers? Other localities have renovated schools. Dinwiddie renovated four schools for \$26,700,000. He stated "you can't buy a Mercedes on a Volkswagen budget, and New Kent has a Volkswagen budget". There is no comparison between our middle school and Maggie Walker which is three stories high. Williamsburg spent \$12,200,000 to renovate a school that is two years older than our middle school. William & Mary has buildings that are 340 years old. Older buildings are better than the newer ones. The County can renovate, add all the rooms it needs, comply with ADA, and secure the entrances. The high school can accommodate five more classrooms inside and the library can be extended over the cafeteria. The cafeteria can be refigured to handle more students. He disputes the student growth rate reported, especially the number of children that are estimated to be in each household. The athletic field house is not even included in the requests from the School Board. There is computer storage areas at the middle school that can be converted into classrooms. He questioned the architect's fee. His heart tells him that he owes the truth to everybody. As to whether the Board of Supervisors has the right to do this, he read from Section 24.2-67 of the Code of Virginia which said "the governing body... shall be limited to neutral explanation and shall not present arguments by either proponents or opponents of a proposal". The School doesn't have nearly enough computers for the student population. When budget time comes and the Board of Supervisors is asked for more, it will be hard pressed to ask citizens to raise their taxes again. The County will not have any more money to put into education if it spends \$30,000,000 on the schools, and \$30,000,000 may be the minimum. Mr. Burrell stated that he was not elected for a popularity contest, but to be a steward of the taxpayers' money and govern the best way he knows how. His heart and prayers tell him that he is saying what he truly believes to be the best way.

Mr. Raynes reported that a resident of his district wants to make a presentation on behalf of the Humane Society. It was decided to invite her to the November meeting. He will reserve his comments on the school bond referendum until after Mr. Jacob's presentation.

Chairman Davis reported that on September 11, he represented New Kent County at remembrance events in Richmond and then later that evening attended events at New Kent High School, which he thought was the nicer ceremony of the two. He reminded that water restrictions and the burn ban are still in effect, and asked everyone to pray for rain. There are new voting machines and there will be demonstrations over the next couple of weeks.

Delegate Ryan McDougle addressed the Board and offered the assistance of his office. The state's budget is the foremost issue and he reported that, unfortunately, the members of the legislature have not been provided with the same information to which the Governor's Office has been privy, a situation he hopes will be rectified in the next couple of weeks. The pre-filing deadline for bills has been moved up to December 10 and any requests for legislation should be forwarded to his office prior to December 10. The pre-filing deadline is set so they can reduce the number of bills and can focus on the things which are most important. Most of their time this year will be focused on the budget. Regarding the relocation of the weigh station, he reported that bill is still in the Senate carry over, and no date has been set as yet for the carryover meeting. He anticipates that they will still move to try to kill the bill because there is no funding. Transportation funding has been greatly reduced. The thing that would most affect the weigh station would be the widening of I-64 as it comes down from Richmond. At the current time, there is only funding for planning and none for engineering or construction of I-64 up to I-295. Widening of I-

64 through New Kent is not in the 6-year plan. In order to alleviate the concerns that were raised by Senator Stosch and Delegate Grayson who introduced the bill to move the weigh station, VDOT has put up signs restricting the length of tractor trailers on Route 60 - the biggest problem seemed to be tractor trailers trying to avoid the weigh station by exiting onto Route 60. The second thing is to construct a pull out weigh station on Route 60 near the Henrico/New Kent line. DMV and VDOT have decided on a location for that to be constructed and are now negotiating on which agency will fund it. This pull out weigh station should be constructed within the next 12 months. Hopefully, this will address both problems that precipitated the bill to move the weigh station, or at least not reconsidering it until the 6-year plan is changed and I-64 through New Kent is updated. Regarding pari-mutuel betting and raising the number of OTBs, they have been working on that as well. That bill died on the House side of the General Assembly by one vote last year, and they are looking to see what they can do to get some of the legislators who voted against the bill more knowledgeable about Colonial Downs and pari-mutuel wagering. They are working closely with Jerry Monahan at Colonial Downs and others, and invited some of those legislators down to the Virginia Derby. Attendance was very good at this year's Virginia Derby and they were able to explain to the legislators and let them see what goes on there, as a number of them had never been to the track before. He has been assured that the bill will be presented again this year and they are optimistic about its success. He again reminded about the pre-bill filing date of December 10. Woodhaven Shores has made a request which they are now taking to Legislative Services and he looks forward to any additional requests. He asked that the County please let him know of any information or assistance that his office can provide.

Mr. Burrell asked Delegate McDougle to further discuss the weigh station issue. Delegate McDougle reported that two General Assembly sessions ago, a resolution was passed for the moving of the weigh station. There is no funding to make changes to that part of I-64 that would enable them to move it. The estimate to move the weigh station was \$15 to \$20 million, so that project has been removed from the six-year plan. It seems that everyone is in agreement that even if they wanted to continue with moving the weigh station, doing it before I-64 is widened through New Kent would be a waste of \$15 to \$20 million. It appears that this issue will not even be discussed until that those improvements are put back in the plan. In the interim, they are working to try to find alternatives. Mr. Burrell recommended that another lane could be put in the median between the existing lanes which would eliminate the need for moving the station. Delegate McDougle stated that there is also new technology that could be considered, and he is confident that if the project is re-initiated as part of the six-year plan, all options will be considered. He does not anticipate it occurring in the next six years.

Mrs. Ringley asked that Delegate McDougle share with his colleagues in the General Assembly, the fact that the State of Virginia will also realize an increase in revenues from an increase in the number of OTBs. Delegate McDougle reported that they have worked to try to correct some of the misperceptions and change some of those votes.

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IN RE:           STAFF REPORTS

Mr. Christie reported that the County remains under a burn ban, as instituted in August. He called on Public Safety Director, Larry Gallaher, to give an update. Mr. Gallaher reported that the burn ban was instituted on August 22 mainly in response to the lack of rain, which is down "in feet rather than in inches". The burn ban is being continued because of an increase of fuel on the forest floor due to the early leaf fall because of the drought. Seasonal leaf fall will begin in 2 - 3 weeks, which will provide more fuel. October is historically the driest month of the year. The burn ban will be lifted as soon as enough rain has been received. One or two rains will not be enough. The intakes of many of the dry hydrants, which have been placed at ponds and lakes, and required by NFPA standards to be put below the lowest level possible, are now above the water level.

Mr. Christie reported that the water restriction ordinance passed at the last meeting has been posted on the website and a notice is being developed to be delivered by the Sheriff's Office and staff of the Public Works Dept. to those who violate the ordinance.

Mr. Christie reported that in December of 2001, the Board had approved the six-year plan for the current year but through an oversight, omitted the Resolution that was needed to accompany it. In order to sign appropriate VDOT contracts, he asked the Board to approve Resolution R-50-02 tonight. Mrs. Ringley moved to adopt Resolution R-50-02. 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.

Mr. Christie reported that the Health Department will have \$6,542 in unallocated funds and proposes to use that for an automatic electronic defibrillator, additional family planning services and flu shot vaccines for county employees. The County is not under obligation to use these funds and may return them to the General Fund, or use just part of them for various Health Department services. He asked for the Board's direction. Mrs. Ringley inquired whether these proposed expenditures were included in their plan for this fiscal year, to which Mr. Christie responded that he did not think so. Mrs. Ringley indicated that in light of the budget conditions of the State, the County hold off on making any plans for spending that money. There was a consensus.

Mr. Christie reported that there had been only one response to the RFP for assessment services, and wanted some direction from the Board. Tri-County Appraisals has presented the one bid. It was decided that an interview would be scheduled for the next work session.

Mr. Christie reported that staff continues to work on the Vehicle Maintenance Facility, for which all of the bids were over budget. He has met with the architect and recommends that no action be taken at this time, giving staff more time to develop some options for the Board's consideration.

Mr. Christie reported that an additional bill had been received from the architect for services rendered in connection with the Fire Station, in the sum of \$5,663.75, and unless there are questions or concerns, he intends to process it for payment out of the fire station budget. This bill was for the additional time the architect spent on contract changes and negotiations

Mr. Christie reminded that there were three public meetings remaining for the County's comprehensive plan, the next one being on Thursday, October 10, at 7:00 p.m., focusing on transportation and public utilities.

The County received a notice of an increase in rates, effective in November, from Cox Communications. Mr. Tom Prevette is expected to address the Board in January to explain plans for expansion of the cable system in the County areas not currently being served.

A contract has been secured to perform some painting and cleaning of the Courthouse doors, as well as the trim work of the administration building. Parking lots around the courthouse will be paved this weekend.

Mr. Christie requested that a short priority setting session, such as a retreat, be planned to give him an opportunity to hear the Board's thoughts about direction for staff. This can be as short as part of a day, but should be facilitated. Chairman Davis asked that, by the end of this week, each Supervisor give him 3 days in the next six weeks on which they are available so this meeting can be scheduled.

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IN RE: OFFICE ON YOUTH

Kim Daniel, Director of the New Kent County Office on Youth and Comprehensive Services Act, reported that the mission of the OOO is to promote positive youth development, and in order to do that, the OOO oversees the CSA, which serves foster care children and children in special education.

Last year, the OOO sponsored a Youth Summit to determine the wants, needs and issues that are important to youth in the community. Ms. Daniel also serves as an integral part of the Richmond Central Region CSA Training and Resource staff, which sponsored a free resource and training gathering for those who deal with children, which had an attendance of 543.

Ms. Daniel assisted with the FAST program (Families and Schools Together), which attempts to empower families and facilitate communication between the family and the school. This is fully funded by a grant.

She reported that in order to get funding for youth services, it is necessary to determine what is needed. Next week a Comprehensive Youth Survey will be conducted in grades 6 - 12, and she encouraged parents to stress to their children to take the survey seriously. She will also be collecting data from different agencies, for comparison and analysis as well as performing a resource assessment.

She thanked the School Board members for allowing her office to come into the schools, and thanked the County for allowing it to exist, and she hopes to locate and develop more funding for their programs. She distributed some literature for the Board's review, as well as a self-addressed stamped postcard for completion and return to her, outlining what each Supervisor would like to see from her office..

The meeting was suspended for a break at 7:40 p.m. and called back to order at 7:55 p.m.

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IN RE: FISCAL IMPACT STUDY

Steve Jacobs from Robinson, Farmer, Cox, presented his Financial Impact Study and gave a brief overview of the process. The first thing he does when preparing a financial forecast for a jurisdiction, is to look at the capital programs that are being anticipated by the locality. He had slides that presented a graphic representation ( pie chart) of the capital projects contemplated by New Kent County for FY2003 - 2008. Approximately 76% of the capital programs is represented by school projects (Watkins Elementary renovation, Primary School Conversion K-5, and the High School). The balance of the projects are represented by general government projects (Parks & Rec, Libraries, Court projects, Public Safety, fire stations, Sheriff's vehicle replacement program, and utilities). It is anticipated that 82% of these capital projects will be funded by debt. Approximately 18% is anticipated to be fund type debt. Next he considers funding sources and current revenues (accumulated fund balance or excess of revenues over expenditures). He reviewed some of the surrounding localities' per capita debt which is higher than New Kent's (just under \$600 per capita). James City County is just under \$2,000 per capita. If all capital projects are considered, and 82% is financed by debt, New Kent's per capita debt would be around \$2,700. Financing of public utilities was not included in this information. What he is finding is that urbanizing jurisdictions that are small, that are experiencing growth, are having to get ahead of the curve and take on debt before the growth so they can accommodate what is coming.

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Once the capital program has been established, he considers the budget of the locality. He has used the current fiscal year's budget as a base. No adjustments have been made at this point for real property taxation - the current number is held constant and an adjustment will be made later in the process for that. Certain things are not included, including transfers between agencies and non-recurring items. Nor are there any new capital projects included in the forecast. Recurring expenditures (salaries, fringe benefits, office supplies, operating capital outlay) of county government and schools are increased at a rate of 5% per year. This is higher than the inflation rate (close to double) but is close to what the County's experience is. Over the last 5 - 7 years, the rate has increased annually about 5.4%. Using a graph, he illustrated that revenues exceeded expenditures until 2007. What is seen is a rate of revenue increase that is slower than the expenditures increase, keeping in mind that the expenditures are increasing but the real estate tax is held constant.

From there, adjustments are made, including a forecast of real property values and tax revenues. Looking at a normal rate of increase in assessables, a bump of 15% is expected upon reassessment in FY2005. Added to the expenditure side, after consultation with county administration, are new staff in public safety, community development, finance and administration, and expenses associated with that new staff, half by 2004 and the rest by 2005. Also included are revenues from meals and admission taxes, as well as additional operating expenses for the new high school and existing debt service.

Mr. Burrell asked, if the new high school is built and the middle school is renovated for office space, whether those remodeling or operating expenses are included. Mr. Jacobs indicated that they were not.

Mr. Jacobs reported that after these adjustments were made, he then evaluates the impact and determines the real estate tax necessary to fund any operating shortfall, as well as the real estate tax rate necessary to fund new capital projects and new debt service, and to meet the Board's specified fiscal policy of maintaining at least a 15% fund balance.

At this point, he looked at 5 different sets of capital projects, with two different perspectives on the tax rate. First, what would the tax rate need to be to fund future operations, as we expect them to be, if the County had no new capital projects. Then he looked at what the tax rates would need to be if the County funded future operations as they expect them to be and paid debt service only on the high school. Thirdly, what would the rates need to be if the County funds future operations and funded all school capital projects. Fourth, the school projects were dropped and only general government projects were considered. And lastly, he looked at the tax rate necessary to fund all capital projects. Given that set of five combinations of capital projects, he further looked at the tax rates in terms of either equalized tax rate, where the tax rate is allowed to vary each year to meet the specific needs of that year, and at a constant tax rate where one tax rate is set to fund all projects and needs for the five year planning period.

If no capital projects were funded, the constant tax rate would be \$.75 per hundred dollars of evaluation throughout the planning period. If the tax rate were allowed to float to balance the burden, it would fluctuate up and down.

If the County weren't growing, if there was no added staff, if revenues were growing faster than expenditures and the County didn't have to change the tax rate, upon reassessment the tax rate of \$.79 would drop to \$.69 and that is where it would hold. However, operational changes will require an increase in revenue - trends in revenues and expenditures indicate the need for additional revenues, so you are looking at what will be needed each year to fund operations.

If the County were to consider the high school only (it still has to pay for additional expected operations), the constant rate needed has been computed to be \$.85.

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If the County were to consider all of the school projects only, the constant rate needed has been figured to be \$.87.

Choosing general government projects only, the constant rate needed has been computed to be \$.79.

To fund all projects, the constant rate needed has been figured to be \$.91.

On the hypothetical \$100,000 home, current taxes would be approximately \$800 per year (\$4,000 over 5 years). Over a five year period, taxes needed to pay for option 1 (no projects, just operations) would total \$4,300 (recognizing the increase in value of the home upon reassessment in 2005 to \$115,000); taxes needed to pay for the high school project only would total, over the 5 year period, \$4,726; taxes need to pay for all of the school projects would total, over five years, \$4,900; taxes to pay for general government projects only, would total \$4,500 over 5 years; and all the projects, just under \$5,100.

Mr. Raynes clarified that translated to an \$800 increase in taxes over the 5-year period, for a house worth \$100,000 today.

Mr. Burrell disputed those figures, based on the fact that principal payments alone on \$30,000,000 borrowed for 20 years, would equate to \$.15 tax rate increase per year, without even making any interest payments. Mr. Robinson offered to spend some time with him to go over the report.

Mrs. Ringley reminded that there were other factors built into this forecast, and it was not straight debt service.

Mr. Burrell represented that the budget of the County has almost doubled in ten years. Mr. Burrell asked if all the school projects or just the high school project were done today, and there were no other changes, what increase in the tax rate would be necessary. Mr. Jacobs explained that to build just the high school, would take a \$.25 raise, and to fund all school projects about \$.30, but that there are a lot of variables involved, including the growth rate and the reassessment rates.

Mr. Lipscomb asked for an explanation for the difference between the figure of \$.88 given by Mr. Jacobs at the last meeting and the \$.91 figure today. Mr. Jacobs reported that he had double added something on the draft which lead to the variance.

Mr. Burrell questioned whether the study had been based upon the assumption of passage of the meal tax referendum, and asked what amount had been calculated for that. Mr. Jacobs confirmed that his study had included revenues from meals and admissions tax of \$185,000. Mr. Burrell inquired whether the required tax rates needed would increase by about \$.02 if that measure did not pass, and Mr. Jacobs confirmed that they would.

Mrs. Ringley wanted everyone to understand that the passage of the bond referendum did not mean that the County is automatically indebted for \$25.6 million, but that it has the authority to borrow that money, based on its judgment, for a period of 8 years. If the Board does not exercise that right within 8 years, it can appeal for a two-year extension. She commented that the model of \$100,000 has been used because the math is easier. She reported that in 1999, the average new home cost \$118,000. There are many older homes in the County that were worth less than \$118,000 in 1999. Breaking it down by year, the real estate tax on a home valued at \$100,000 would total \$790 in 2001. In 2003, using the constant rate of \$.91, the tax would increase to \$910, an increase of \$120. In 2004, at the time of the general reassessment, the \$100,000 home will then be worth \$115,000, and at a \$.91 constant tax rate, the taxes would total \$1,048, \$69 of which is dedicated to the high school debt service (\$.06) and \$69 to the

impact of general government capital projects. That continues throughout the study period - 2005 would be the same. In order to realize the \$300 tax increase reported by some, her calculations show that increase would apply to a \$500,000 home. She feels that to remodel/renovate/refurbish the middle school is simply a Band-Aid for the students that are attending the schools today - it doesn't address the growth or the needs that are constantly being placed or the requirements that the school system must meet. Renovating a 70,000 square foot building which is not adequate to house the current body of 600+ students, is not preferable to moving them to the existing high school which has 110,000 square feet. She also wanted to clear up the notion that the new high school will be built and be empty - the architects and consultants that are being used have given the school system numbers that include furnishings, computers and equipment. Operational costs for the new high school are also included in the \$.91 rate. Remodeling the middle school to accommodate Parks & Rec, or other general governmental use, has not been built into it. Those needs are going to have to be addressed anyway, in the form of another building, another trailer, or the administration building. Space is already being rented in Providence Forge to house the Social Services department. We have heard about the issue about where students would be housed during a renovation of the middle school. Renovation and rewiring of the middle school for use of offices will have to be done, but it will be a lot less to remodel that building for the use of adults as offices compared to what it would take to meet the standards the County must meet to put its students there, and put 20 computers in a classroom. The increase in teachers salaries is built into the model, and have not been ignored, nor has bus replacement. As far as the suggestion of locking the doors from the outside so people can't get in, that will not work because the students who are moving between the buildings have to be able to get in those doors. She reported that she has looked at these numbers, and has computed that at \$.79, taxes on a \$100,000 home will be \$790 in 2002. To fund all of the capital projects and include the general reassessment, that \$790 increases to \$1,047 in 2007. A \$69 increase per year on a \$100,000 home is reasonable for a taxpayer to bear when one considers how that \$69 a year benefits 2600 students each year. She does not know where she can spend \$69 a year and have that kind of impact on that many citizens. She offered to go over all of these number with anybody at any time.

Mr. Raynes does not dispute the numbers, but as he understands from Mr. Jacobs, for a \$100,000 home for five years, for no projects taxes would total \$4300 and for all projects \$5100, about \$160 a year. He thinks the average house in New Kent being built today has a value of closer to \$200,000, so that would translate to \$320 a year. Personally, he agrees with Mrs. Ringley and has no problem with those numbers - he will pay it in a heartbeat, even though his children do not attend New Kent schools. He supports the schools and feels the new high school is needed but it is going to be up to the voters. He does think that a \$320 increase for those on fixed incomes will be tough. He thinks the County needs a plan, whether the referendum passes or fails. The County needs to figure out how the money will be spent to result in the best product, and if the County can give tax relief to those who cannot afford it. Williamsburg has done a great job in its school renovations. New Kent schools are in sad shape, and everyone knows that growth is coming, and if the County spends \$10 to \$12 million today to fix what it has, in 5 - 6 years it is going to have to build something new anyway. Growth is coming and sooner or later the County is going to have to build a new school. Sooner or later, the Board will be discussing this again. Growth is moving into New Kent from both the Williamsburg and Henrico County ends. The Board needs to be ready for whatever is going to happen with the bond referendum. If the referendum fails, the County has to be ready to do something, as it cannot continue as it has in the past. This is in the voters hands and he wouldn't have it any other way.

Mr. Burrell concurred with Mr. Raynes' comments that the Board needs to do something. If the bond referendum passes, he will do everything he can to see that it is done expeditiously, but in the event it does not pass, he wants the Board to go on record tonight saying that it will immediately address the needs of the school, and do what it takes to bring them up to par, to assure people that it will not be

another several years dragging its feet. He wanted to go on record saying that he will be the first to ask in the event it does not pass.

Chairman Davis reminded Mr. Burrell that was the Board's job. Mr. Burrell commented that in the past, the Board has cut the school board budget and never gives it everything it wants, and he wants the School Board to know that the Board of Supervisors will address these needs immediately and not put them on the back burner. Even if the Board will not agree, he wanted to tell the citizens that if this does not pass, he will make a point of putting a motion before the Board that they immediately start making plans to address the needs of the school system.

Mrs. Ringley reminded the Board that if the bond referendum does not pass, it will be very difficult for the County to obtain financing. If the voters turn this down in this election, it will be two years and a determination of an emergency by the state board of education before New Kent could obtain funding from VPSA, and if the County went out on its own into the market, it would have a very difficult time finding anyone to take on this issue. It is critical that the bond referendum pass because two years from now, four years from now, the County is going to be in much worse shape. In 2 - 4 years, we need to be addressing the next set of facility needs for the schools, not still addressing today's needs. Today's needs are years overdue. She wanted everyone to understand that the failure of this bond referendum ties the County's hands.

Mr. Burrell reported that it was stated in a work session that to get the other \$4,000,000 needed for the schools, taxes could be raised \$.08 next year. \$800,000, without even going to a bond referendum, would give a lot of capital improvement. If the bond referendum passes, taxes will have to be raised substantially. The people have a choice. If the County raised the money through the proposed tax increases and dedicated it to school improvements, there would be no debt to fund.

Mrs. Ringley asked if the County was willing to do that next year if the bond referendum fails, then why is it being discussed now. She wondered why the County wasn't willing to do it this year, and asked Mr. Burrell to confirm that he would be willing to raise taxes 8 cents next year to take care of what the bond referendum would have. Mr. Burrell reminded Mrs. Ringley that she was the one that was against the proposed five-cent increase in taxes to fund this year's budget, and Mrs. Ringley responded that did not include building a new school.

Mr. Lipscomb stated that the problem is not going to go away. A new school is needed.

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IN RE: HORSE KEEPING IN RESIDENTIAL DISTRICTS

George Homewood reported to the Board that this was a request from members of the Board, stemming from inaccurate representation provided to County citizens by professional real estate agents about what County zoning will and will not allow - more specifically that horse keeping was permitted in the RO, ROA, R-1, and R1A districts, and when in fact it is, but only with a use permit. This is an attempt to streamline that process that will allow the owners of large residential lots to keep horses on their property.

Staff looked at several ways to do that - the first was the idea of issuing an administrative use permit; however, in consultation with the County attorney, that is not permissible under the Code of Virginia. The second way would be to expedite the use permit process that would bypass the planning commission and come directly to the Board of Supervisors, which would cut approximately 25 - 30 days off the process but would still entail a public process. The third would be to create a by-right situation subject to some substantial performance standards - an administrative version of use permit conditions - which would provide a similar level of protection; however, it is important to understand that if a person could meet all of the criteria, the County could not deny the application.

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Horse keeping is compatible with maintaining the rural character of New Kent that is so important to everyone. Sufficiently large land areas can support horses and horse keeping; however, horses can and do have a negative impact on neighboring properties, neighborhoods and the environment, if not properly controlled and maintained. The performance standards will hopefully mitigate any negative aspects of horse keeping on large sized residential lots.

Resolution R-47-02 initiates an application to amend the zoning ordinance to allow horse keeping in large residential areas as a matter of right, subject to twelve conditions. Those conditions include that the horses must belong to the property owners; they may not stable horses neither as a favor or for commercial use for anyone; minimum size parcel is 5 acres; the maximum number of horses would be set at 10, only if there are 24 acres or more; require stable and fences; require set backs from property lines and environmental features; require that a manure management plan be executed and reviewed by the Soil and Water Conservation District; and prohibits any kind of riding stable or intensive use.

Adopting this Resolution would transmit this issue to the Planning Commission to conduct a public hearing and provide their considered judgment and recommendation back to the Board. The Board of Supervisors will also be required to have a public hearing before this could become law. The exact wording tonight is not as critical as the sense of what the Board would like.

Mrs. Ringley inquired whether there would be any kind of environmental assessment or permitting involved. Mr. Homewood indicated that if this were to take place in A-1, virtually none of the proposed conditions would apply, because under state code, horse keeping is considered to be an agricultural operation. Regarding the set back lines, she inquired if those would be confirmed by an inspection. Mr. Homewood indicated that the zoning permit would include the requirement for plot planning, and in instances where the measurements are determined to be very close, staff would go out and field measure.

Mr. Burrell moved to adopt Resolution R-47-02 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.

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IN RE:            IRRIGATION SEWER CREDITS

Charles Loving presented Ordinance O-24-02 which is based on the mathematical method which was discussed at the last meeting, as well as Ordinance O-24-02 (R) which is a separate meter method of recording the irrigation use, as well as Resolution R-48-02 which would provide for retroactive sewer irrigation credits given to existing customers of the utilities.

The first method, the mathematical method, would apply to all water accounts holders of county residential dwellings, to give some relief for the sewer charges that people paid on past water used for irrigation purposes, such as watering lawns and plants. The mathematical method is basically a winter quarter establishment of a baseline consumption which occurs from January through March. The sewer charges shall be based on the lesser, either 120% of the winter quarter usage, or the actually quarterly usage. Customers without a winter average would be assigned a sewer volume charge of 18,850 gallons. There would be no pro rata credits issued for water account holders leaving in the middle of any quarter,

and there would be a \$10 administrative fee imposed in each quarterly billing cycle.

The second method is a companion water meter, or a split water service, utilizing the existing water service for domestic use with a separate adjacent meter for irrigation. The cost of this service to each customer would be \$600 which would include the meter, meter sets, and all appropriate piping. The Public Works department has interviewed four separate contractors to get the best price, and the \$600 price would be held until July 1 at which time re-bids would be sought for new rates. The cost of installation of companion meter would also be reviewed annually by the Director Of Public Works who would make recommendation to the Board regarding any increase of construction costs.

Resolution R-48-02 provides retroactive credits for existing customers, utilizing the mathematical method, allowing a non-cash sewer credit for customers from January 1, 2001, through September 30, 2002, based on a 120% of the winter quarter consumption, or 18,850 gallons for those who did not establish a winter quarter average.

Mr. Lipscomb inquired as to the number of gallons of water used by an average household of 4 persons in the winter. Mr. Loving indicated he did not have that figure available, but the 18,850 average is based on all the water customers of the County, based on a household of three.

Mr. Lipscomb inquired about the high water usage reported in Brickshire. Mr. Loving reported that there were some contractors who were using large amounts of water for irrigation for new construction.

Mr. Lipscomb reported that he had spoken with people from other counties, who indicated that the best method was the mathematical method. Mr. Davis reminded that according to those who spoke at the last Public Hearings, the residents did not want the mathematical formula.

Mr. Raynes wanted to confirm that the County would have to go back and add the second meter to all the lots that are on the system now, at a cost of \$573.70. Mr. Loving reported that there are 585 lots under the utility system now, and if the County went in all at one time and retrofitted all of the lots, it would cost \$335,000. If this plan is chosen, then he would recommend that installation be for the current residents (approximately 25 at present) who are interested, and thereafter, it would be done as homes are built. The problem is that there is a lot of mobilization just to do one home, and the current price is only guaranteed until the first of July.

Mr. Raynes reported that looking back at the minutes from the last meeting, the people who lived in Brickshire were for the mathematical formula, and the builders were against it.

Mrs. Ringley inquired about the meters that were already installed on irrigation systems. Mr. Loving reported a conversation with the project manager at Brickshire, Ric Rowland. Mr. Rowland indicated that he was only able to locate one customer who had an irrigation meter. Some irrigation service contractors do install a less expensive meter on the system, similar to a pressure gauge. Most people were looking at the back flow preventer, thinking it was a water meter. Mr. Davis reported his conversation with Mr. Rowland, who indicated there was no current requirement for a meter on irrigation systems.

Mrs. Ringley asked why, in new construction, the County would be contracting for the meter, rather than the builder. Mr. Loving reported that the services are already there on the 585 lots, and the meter will be set when the home construction is complete. She questioned why it would take \$450 extra to set this meter when you are already setting the other. Mr. Loving explained that this would be a hand dug around the utilities that are already there - telephone, cable TV, power, which will take more time and effort to retrofit. In a new section of the subdivision where the utilities haven't been installed yet, the

contractor has been given a price of about \$400 extra to set an irrigation meter at the same time. Mrs. Ringley wondered why the developer at Brickshire had not anticipated this issue.

Mr. Loving expressed his concern about conservation of water for irrigation purposes. There are other municipalities that are looking at the high consumption of water for irrigation which reduces the system capacity, and he suggested that the County may need to evaluate the rates.

Mrs. Ringley, in looking at the minutes from the last meeting, reviewed the opinions of the speakers at the public hearing, and felt that they were more evenly divided than what Mr. Raynes had suggested.

Chairman Davis opened the Public Hearing.

Larry Haviland owns property in Brickshire on which he is currently building a home and hoping to move into at the beginning of December. He is currently renting in Five Lakes where his water bill was \$30. He is concerned that his bill will increase to \$600 a month once he moves. He spoke with five different homeowners in Brickshire who reported bills of over \$600. He watched one of the houses for three weeks, did not turn on the sprinkler system at all during this period, and their bill was \$650. He said the homeowners wanted any kind of relief, and the mathematical formula sounded like a good idea until they learned about the surcharges and percentages added on. Others indicated that they wanted to be more in control of their cost of water usage. The cost of a separate meter has decreased from \$1,500 at last meeting to \$570, which is more palatable. He would prefer to pay that up front and control his own destiny as far as water usage. Other owners might have a different feeling. There are two issues, the first being to give some relief for back payments on sewer charges made for irrigation usage, and the second is what is best for the future to fairly assess irrigation charges. He and his wife are in favor of the meter system. Everyone in Brickshire is required to have an irrigation system. He knows of four systems that have meters on them, but is unsure how the units are measured, and whether the meters are calibrated.

Jacob Cheeks, a new member of New Kent County and a resident of Brickshire for two months, addressed the Board. He works as a Postmaster in Richmond, after relocating from Chesapeake. He was attracted to New Kent by the quality of life. He indicated his support for the school bond referendum and although he has no children, he would be willing to pay whatever increase in real estate tax is necessary to support a quality school system. However, concerning utility bills, he opened his first one today and it was \$542.10 for 2 months, of which \$360 was for sewer charges. He is in favor of a second meter but is not in total agreement regarding the \$600 for installation. He thinks between \$300 and \$350 would be more in line. He does not expect a cash refund, but would expect a credit on future bills for sewer charges for retroactive irrigation use.

Tim Sutor, a resident of Brickshire, has a meter (measures in cubic feet) on his irrigation system, and he knows there are other meters in Brickshire. It is standard installation on most irrigation systems. He has lived other places and has never had water and sewer bills like he is getting now. His most recent quarterly bill was for \$618, which covered the period of water restrictions and being away on vacation in July with no water use. He feels the County could offer either method to residents. He does not agree with the amount of the proposed installation fee for the second meter. He does not understand the percentages involved with the mathematical method, or the administrative fee. He would prefer to be able to use the meter already on his system, but he supports both methods and thinks it should be left up to the homeowner to either invest in the additional meter or use the mathematical formula. Either would be a step in the right direction. When pressed to make a choice, Mr. Sutor said he would choose the separate meter system. On another subject, Mr. Sutor indicated that the building permit information reflects that the cost of the average house being built in New Kent County is \$224,000, and that the \$100,000 house is not average any more.

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

Mr. Lipscomb preferred the separate meter system, which can be read with the current county meter reading system. Chairman Davis reported that in most cases, the retroactive credits may more than pay for the cost of the meter installation. Mr. Christie pointed out that the Resolution provides that the credits will be given on future sewer bills, not on the water bills, which may take two or three billings. Mr. Lipscomb asked if the billings could be combined into one, rather than having separate billings. Mrs. Altemus reported that the software to accomplish that would cost approximately \$950.

Mrs. Ringley moved for adoption of Ordinance O-24-02 (R) as presented. Chairman Davis said that he would like to amend the motion to require that any new house that has water and sewer, would have to have an irrigation meter provided by the builder. Mrs. Ringley indicated she would accept that amendment to her motion. Mr. Loving reported that requirement could be a change to the County's standard of construction for Public Works. He has spoken to the developer most affected by this issue, who has no particular problem with doing that.

On Mrs. Ringley's motion for adoption of Ordinance O-24-02 (R) with amendments, 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.

Mrs. Ringley moved to adopt Resolution R-48-02 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.

Later in the meeting, County Attorney, Ms. Katz, inquired whether the amendment made to the ordinance involving sewer irrigation credits to require all future new construction of residential dwellings on public water and sewer to have a separate irrigation meter, was for everyone, or just those with irrigation systems. Mrs. Ringley indicated that if there were no irrigation system, there would be nothing to which to attach a separate meter. If an irrigation system is installed, a separate meter will be required to be installed or the homeowner will end up with a large sewage bill. Mr. Raynes suggested that it be required on all new homes with both water and sewer service. Mr. Loving will also put those requirements in his standards. Ms. Katz suggested that rather than amend the ordinance, put the requirement in the standards (after it is agreed what those will be). Mrs. Ringley indicated that it would be very reasonable to assume that there might be a lower cost development that would be on county sewer, that would not have any inclination to have irrigation systems, and the County will be imposing an extra meter charge on them, just because it included this amendment. Since the Ordinance has been adopted with the amendment, it will need to be brought up again for a motion for reconsideration.

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Mrs. Ringley moved to reconsider Ordinance O-24-02(R) as amended. 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.

Mrs. Ringley moved to adopt Ordinance O-24-02 (R) 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 passed.

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IN RE:            ADDITIONS TO YORK RIVER AFD

Chairman Davis removed himself from discussion, and the meeting was turned over to Vice Chairman Julian Lipscomb.

Courtney Jones, Environmental Planner, explained these requests to the Board. Provided was a map of the York River AFD and those parcels proposed to be added: the first, tax map parcel 28-27A, is 33 acres owned by Clyde C. & Catherine Davis; the second, tax map parcel 28-27, 109 acres owned by Fork Neck LLC. She briefly recounted the purpose and effect of AFDs, which is to preserve, protect and encourage the natural resources of the County. This policy provides open spaces protection, watershed protection, and wildlife habitat. The AFD process is a mutual undertaking by landowners and the County, preserving these areas as economic and environmental resources. The time frame for review of AFD is no earlier than 4 years and no later than 10 years. AFDs are also reviewed when additions or removals are made. She reviewed the criteria involved in AFDs.

Ms. Jones reported that the Virginia Dept. of Forestry, the Virginia Cooperative Extension and Colonial Soil & Water Conservation District had reviewed these applications. The Dept. of Forestry had a positive recommendation and the Cooperative Extension and Soil & Water did not have any comments. The AFD Advisory Commission met on August 28, 2002, and recommended to forward these applications to the Planning Commission with a positive approval. The Planning Commission met on September 16 and made a positive recommendation for the application. Staff also recommends approval, which may be accomplished through the adoption of Resolution R-44-02 and R-45-02.

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

Mrs. Ringley moved to adopt Resolution R-44-02 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.	Absent from vote

The motion carried.

Mrs. Ringley moved to adopt Resolution R-45-02 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.	Absent from vote

The motion passed.

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IN RE: READOPTION OF PROVISIONS IN NEW KENT COUNTY CODE

Chairman Davis returned to the meeting. Ms. Katz, County Attorney, reported that this Ordinance is to restore the provisions that were in the Code of New Kent County prior to the recodification, that were incorrectly changed by the publisher. These changes were never the intent of the Board. There will be another coming to the Board for consideration at a later time regarding environmental law, particularly the Chesapeake Bay Act.

Mrs. Ringley asked who had performed the review of the entire Code to determine what errors were made. Ms. Katz indicated that she supervised paralegals to do it, and she went back and looked again. They are using the former code as well as copies of adopted ordinances for comparison. She indicated that the authority given to Municipal Code was to make everything conform to the Code of Virginia and statutory changes that the General Assembly had made. In addition to comparing the changes between the two, she also compared it to the Code of Virginia. She does not know where some of the changes came from. Once the environmental corrections are made, she is going to forward the changes to Municipal Code and ask them to compensate the County for the review and publishing expenses incurred in connection with its mistakes. She does not know what their response will be. Although she was not personally involved in the recodification process, she understands that Municipal Code took all the ordinances adopted, went through the old Code and made a comprehensive list of what they thought the changes should be. That list was reviewed by the County Administrator and legal staff over a series of weeks. A new list was prepared which was agreed upon and that is what Municipal Code says it reviewed. Ms. Katz reported that she has reviewed that second list and these changes are not included thereon. Some of the changes are so far fetched, she has no idea where they came from.

Mrs. Ringley complained about the new Code binder itself, and the difficulty she has encountered in using it.

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

Mr. Burrell moved to adopt Ordinance O-25-02 as presented. The members were polled:

Dean E. Raynes	Aye
Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye

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Julian T. Lipscomb	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion carried.

Mr. Lipscomb moved to appoint Gary F. Christie as New Kent County's representative to the Capital Area Training Consortium to serve a perpetual term, replacing Richard S. Ellyson.

Mr. Lipscomb moved to appoint Gary F. Christie as New Kent County's alternate representative to the Metropolitan Planning Organization to complete a four-year term ending December 31, 2003.

Mr. Lipscomb moved to appoint Gary F. Christie as New Kent County's alternate representative to the Richmond Regional Planning District Commission to complete a four-year term ending December 31, 2004.

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 carried.

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IN RE: MEETING SCHEDULE

The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on Monday, November 4, 2002. He reminded the other Board members that they need to provide him with some days they are available in the next month to schedule a goal setting work session with Mr. Christie.

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IN RE: ADJOURNMENT

Mr. Lipscomb made a motion to adjourn. 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.

There being no further business, the meeting was adjourned at 10:15 p.m.

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