

THE BOARD OF SUPERVISORS HELD A WORK SESSION ON THE 9th DAY OF DECEMBER, IN THE YEAR TWO THOUSAND TWO OF OUR LORD IN THE COURTROOM OF THE OLD COURTHOUSE IN NEW KENT, VIRGINIA, AT 4:03 P.M.

IN RE: ROLL CALL

Julian T. Lipscomb	Present
Rebecca M. Ringley	Present
James H. Burrell	Present
Dean E. Raynes	Absent (arrived at 4:17 p.m.)
W. R. "Ray" Davis, Jr.	Present

Chairman Davis opened the meeting.

IN RE: COMMUNITY DEVELOPMENT AUTHORITIES

Mr. Christie introduced Marc Weiss, the Director of Economic Development for Hanover County, who shared with the Board his County's experience with a Community Development Authority at the Bell Creek project. He explained that it was critical for the Hanover Board of Supervisors that the CDA project be located in one of the five economic development zones that had been created in the county. Bell Creek is a mixed-use project on 550 acres, consisting of three components: 100+ acres reserved for an historical park; 550 residential units, 90 of which are age-restricted; and 170 acres for a business park, of which 20 acres will be for retail.

Mr. Weiss reported that advantages of using a CDA for Bell Creek include: no County funds are used; there is no liability on behalf of the County; it allows public infrastructure to be paid for by the property benefiting from the infrastructure; it provides water/sewer/roads to assist in the development of the business park; and that most of the improvements are owned and operated by the County. In addition, the improvements serve surrounding areas which are targeted for business development.

The steps involved in setting up a CDA are:

1. Receipt by Board of Supervisors of a petition from 51% of the property owners or owners of property that makes up at least 51% of the assessed value
2. Public Hearing held by the Board of Supervisors
3. Passage of a Resolution or Order by the Board
4. Filing of Articles of Incorporation with the SCC
5. Appointment of CDA board members
6. CDA then sells bonds to pay for improvements.

The CDA would then request that the Board of Supervisors levy the special assessments; the County levies and collects the tax and, after deducting its expenses, turns the revenue over to the CDA who uses it to pay down the debt.

The CDA board consists of five members appointed by the Board of Supervisors. Hanover felt it important to have at least two CDA members with accounting backgrounds. There is no Board of Supervisor representative on the CDA.

In the case of Bell Park, the County and developer elected to have the special assessments on the residential units paid as the lots are sold (which makes the bonds easier to sell). The assessments on the commercial property will be collected over a period of years, but that is an option and the assessments could be paid up front if the buyer wishes.

Mr. Weiss reported that there have been three CDAs in the State that have issued bonds. He believes that the purchasers of these bonds are sophisticated and use due diligence in their research on the properties involved. In the case of a default, the property would be sold to pay the debt, and the County would have no liability. In such a case, the bondholder's lien would be secondary behind any County tax lien. This would be a tax assessment lien, not a deed of trust. State law forbids the County from paying any debt of a CDA.

He explained that Hanover's emphasis is on economic development, and using this financing tool to fully install infrastructure at business sites in order to better attract prospective businesses.

IN RE: UTILITY OVERVIEW

Mr. Christie, County Administrator, reviewed the 1994 agreement with Henrico County as it pertains to providing sewer service in Bottoms Bridge. He and Mr. Loving, Public Works Director, related the details of a recent telephone conversation with officials from Henrico County, which included that New Kent would be responsible for payment of a capacity charge of .833% of overall plant costs, including real estate tax, straight line depreciation and investment in the plant, based upon a flow of 500,000 (per the 1994 agreement) gallons per day. A collection system for the waste will need to be built, and New Kent would be charged .833% of that, as well as .833% of the operation and maintenance costs. New Kent would be charged for 500,000-gallon flow, even if the flow was below that. The never-executed 1999 agreement proposed that Henrico would build a gravity pump system instead of the White Oak Plant, resulting in a savings of \$1,000,000; that savings would be given to New Kent in the form of a \$100,000 per year credit, for 10 years. That proposal would have to again be presented to their Board for approval. Any increase in the capacity over 100,000 gallons would increase the percentage of plant costs to be paid by New Kent.

Mr. Christie reported that this proposed capacity charge is a standard fee in other localities, and this does not seem to be an attempt by Henrico to gouge New Kent.

The proposed expansion of the water and sewer study by Resource International was discussed. Mr. Lipscomb moved that the Board move forward with the expanded study, at a cost of \$3,800. The members were polled:

Julian T. Lipscomb	Aye
Rebecca M. Ringley	Aye
James H. Burrell	Aye

Dean E. Raynes
W. R. "Ray" Davis, Jr.

Aye
Aye

The motion passed.

Ms. Katz, County Attorney, advised that in order to move forward with a CDA, those interested need to negotiate with the Board before filing their petition. Mr. Christie was directed to meet with business owners in Bottoms Bridge in order to determine their interest, as well as get more definitive cost estimates from Henrico. The Board will also need to pass an Ordinance to consider CDAs. Ms. Katz will provide to the Board, for their review, copies of ordinances that were entered in other localities. Mrs. Ringley expressed her wish to attend the meeting with the Bottoms Bridge group.

It was noted that the contract with Henrico County is silent as to what happens if New Kent stops sending sewage to Henrico. Henrico advised that they do not have any "out" clauses in any of other out of county sewer contracts. Mr. Burrell suggested that the County again look at using HRSD for sewer services. Mr. Christie suggested that, in the spring, the County takes steps to develop a countywide master utility plan.

Discussion was held regarding irrigation wells in areas that are served by public water. Mr. Davis moved that no new irrigation wells be permitted in areas that are served by public water. After additional discussion, Mr. Davis withdrew his motion and staff was directed to obtain more information and prepare a report and recommendation for the Board.

Mr. Christie asked for the Board's input regarding expansion of capacity at the existing sewer plants. Capacity at the Chickahominy Wastewater Treatment Plant is fully allocated and Brickshire is continuing to expand. Public Works staff has been monitoring flows from the rest area, which averages about 2,000 visitors per day, except on holidays when the number increases to 5,000. Mr. Loving does not anticipate problems with obtaining permits for increased direct discharge into the Chickahominy. The County's choice is to either proceed with the upgrade now, even though the volumes are not at capacity, or to accept and invest the funds for the expansion and proceed with construction when the flows approach capacity.

It was the consensus that the County invest the money collected for hook up fees (County will now collect 100% of the \$4,000 hook up fee, as opposed to 25%), and dedicate it to expansion of the plant when volumes dictate.

By consensus the Board also agreed that any fees collected as capacity charges would be accumulated in a utility enterprise fund that would be reserved for utility plant improvements/expansion.

There was also discussion of a sewer rate study, and Mr. Christie suggested that removing the hook up fees from the mix may result in a significant change in the rates. He noted that the contract with Henrico County for the operation of the Parham Landing Wastewater Plant details that Henrico will only pay for their portion of the operation of the plant. Therefore staff will develop some proposals for the board's consideration related to this invoicing procedure.

IN RE: CRIME SCENE VEHICLE

Deputy McLaughlin reviewed the proposal for replacing the Sheriff's Department's crime scene vehicle. The 1983 van in use now was bought several years ago from the Rescue Squad, and has frequent breakdowns, transmission and engine problems. The proposal is to purchase a 1996 diesel for \$11,000. Although the Rescue Squad would like payment up front, they are willing to accept payment in two installments. The new vehicle will be easier to maintain and more economical to operate. It is their intention to remove the equipment from the current vehicle and install it in the new vehicle, then sell the current vehicle at auction, using the proceeds to complete the conversion in house. They are asking the Supervisors to approve this purchase from the Capital budget.

After discussion, Mrs. Ringley moved to approve the proposed purchase of the crime scene vehicle and pay for it in full out of this year's capital budget. 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 passed.

IN RE: COUNTY FLAGS

The Supervisors were given a copy of an estimate to purchase ten County flags from The Flag Center for a total of \$1,918.80. This would provide a County flag and accessories for the Boardroom, as well as a flag for each of the schools, the three fire stations, VACo, and one to present to Eddie Kurzman at the request of the Extension office. After discussion, it was suggested that the flag ordered for Mr. Kurzman be of a smaller size than the others to accommodate home use. Mr. Lipscomb made a motion to permit the County Administrator to move forward with the purchase of ten County flags at a cost not to exceed \$1,918.80. 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.

IN RE: PAYMENT TO MARTY SPARKS

Mr. Christie reviewed the situation with Marty Sparks who is requesting compensation for attendance at ten Planning Commission meetings from January 2001 through January 2002. This period of time spanned two separate prior budget years. Mr. Sparks was not paid at the time of attendance because he had not completed and returned the necessary tax forms to the Accounting Department. After discussion, Mrs. Ringley moved that Mr. Sparks be paid \$500 for his attendance, as requested. 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.

At 5:40 p.m. the meeting was suspended for dinner, to be continued at the conclusion of the regular meeting.

The meeting was resumed at 8:20 p.m.

IN RE: LEGISLATIVE AGENDA

Mrs. Ringley moved that the Board adopt a resolution adopting a Resolution concurring with the Preamble to VACo's 2003 Legislative agenda, and read aloud the proposed Resolution. 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.

Mr. Christie reviewed the remaining documents presented for inclusion in the County's legislative package. There was some discussion regarding the statement concerning support for additional off track betting facilities, and it was the consensus of the Board to add language specifying that any licenses for additional OTBs should be issued only to Colonial Downs, and that the County should be alert to any efforts to do otherwise.

Regarding Comprehensive Services Act, it was suggested that stronger language be used, insisting that no additional burden be placed on the local governments.

Mrs. Ringley moved to include the School Board's legislative package as a part of the County's package as an attachment. 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.

IN RE: 350TH ANNIVERSARY

Mr. Christie reviewed the options available to start the planning process. November 20, 1654, has been identified as the official birth date of the County. It was suggested that the Historic Commission be approached to head this up, and that a broad cross-section of the community be involved in the preparations. It was the consensus of the Board to wait and see what the response of the Historic Commission is before making appropriations.

IN RE: NEW COMPACTOR AT ROUTE 618 REFUSE SITE

Mr. Loving, Public Works Director, reported that by installing a larger compactor at the Route 618 site, the County could save \$6,800 per month, or \$80,000 per year, as a result of the significant reduction in the number of pulls at that site. The cost of the new compactor would be recovered in five months. Construction of the unit could begin February 1, 2003, and the new compactor will eliminate the need for at least one or two of the open-top containers.

There was some discussion about improvements needed in the surfacing at that site. Mr. Loving was asked to get cost estimates to make those paving improvements.

Mr. Burrell moved to authorize staff to inform Central Virginia Waste Management Authority that the Board has agreed to the installation of the additional compactor at the Route 618 site, as presented, and that the cost of this compactor will be paid from the contingency fund. 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 passed.

IN RE: PERSONNEL POLICIES

Mr. Christie reviewed the differences between practices and the personnel policy as it pertains to compensation to employees who work on days when the county offices are closed because of inclement weather. After discussion, it was the consensus to operate according to the personnel policy and that, in such instances, employees are not entitled to payment of overtime. Mrs.

Ringley agreed to meet with Mr. Christie to review this situation as well as some other proposed changes in the personnel policy.

IN RE: CLOSED SESSION

Mrs. Ringley made a motion to go into closed session for discussion relating to the acquisition of real property pursuant to Section 2.2-3711A.3; for consultation and briefings by legal counsel, consultants or staff members pertaining to actual or probable litigation or other legal matters pursuant to Section 2.2-3711A.7; and for discussions relating to prospective business or industry pursuant to Section 2.2-3711A.5. 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.

Mr. Raynes made a motion to go into closed session to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia. 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. The Board went into closed session at 9:05 p.m.

The Board ended closed session at 10:12 p.m. Mrs. Ringley made the following motion in certification of the closed session:

Whereas, the New Kent County of Supervisors has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed session was conducted in conformity with Virginia law;

Now, there, be it resolved that the Board hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open session requirements by Virginia law were discussed in closed session to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board.

Chairman Davis inquired whether there was any member who believed that there was a departure from the motion. 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.

Mr. Raynes moved that the Board of Supervisors direct the County Attorney to move forward with the proposed Final Order to resolve the matter with Colonial Downs. 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.

RE: ADJOURNMENT

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