

THE REGULAR MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 5TH DAY OF NOVEMBER IN THE YEAR TWO THOUSAND ONE OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

IN RE: CALL TO ORDER

The meeting was called to order at 6:08 P.M.

IN RE: INVOCATION AND PLEDGE

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

IN RE: ROLL CALL

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

Chairman Lipscomb recessed the meeting for five (5) minutes.

IN RE: CONSENT AGENDA

Mr. Emerson presented the Consent Agenda, which consisted of the following: approval of the minutes from the October 9th, 2001 regular meeting; refund request of \$32,284.12 to Comcar Industries from the Commissioner of Revenue; resolution R-23-01 Authorizing the Submission of a Grant Application FY 2003 to the Chesapeake Bay Assistance Department; service agreement drafted by Bill Hefty of Hefty & Wiley for Crater Criminal Justice Academy, which holds no net effect to the County for this re-organization; Appropriations for FY 2001 -2002: carry forward funds for Radio System Line Item Number 4-7-91000-8180 \$12,973.00; carry forward funds for Professional Services Line Item Number 47-11010-3120 \$350.00; carry forward funds for Professional Services Line Item Number 4-7-21050-8005 \$4,195.00 giving a total supplemental appropriation of \$17,518.15; Other Appropriations for FY 2001 -2002 that are not carry forward funds: appropriations additional Local, State, and Federal funds to the Schools that they are scheduled to receive in the amount of \$204,064.00; DMV grant for "Highway Safety Statistics" #OP02-11-58211-2 \$1,500.00; DMV mini-grant for "Child Safety Seats" #J3301-80-57680-11 \$500.00; DMV mini-grant for "Child Safety Seats" \$1,500.00; appropriate funds fines collected for Animal Protection Service Unit violations to the Animal Control Budget \$1,000.00 giving a total supplemental appropriations of \$208,564.00 which was money-in/money-out; Finance Report for October 2001 \$2,513,824.72; and Treasurer's report showing the total cash as of September 2001 as \$11,410,991.61.

Ms. Ringley questioned the Treasurer's Report balance as the correct amount. Mr. Emerson advised that this is the time of year when the balance is lower however; the question would need to be directed to the Treasurer.

Mr. Burrell made a motion to approve the Consent Agenda.

The members were polled:

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

The motion carried.

IN RE: CITIZEN'S COMMENT PERIOD

There were no citizen's comments.

IN RE: ELECTED OFFICIALS REPORTS

Mr. Burrell advised that he did not have a report but questioned Mr. Emerson on the status of the truck scales in New Kent County since revenue projections for VDOT were less than expected. Mr. Burrell inquired if it would benefit the County to lobby for a change at the upcoming legislative session since it would more cost efficient to keep the scales where they are versus building new ones. Mr. Emerson said that right now the County is in a waiting period to see what is set forth by the DMV and VDOT but it may be to the benefit of the County to follow the meetings closely, and perhaps retain a lobbyist for the legislative session. Mr. Emerson urged the Board to contact their elected Delegates and Senators and advise them of the County's position.

Mr. Davis advised that he did not have a report but urged all Citizens's to Vote on November 6th.

IN RE: STAFF REPORTS

Mr. Emerson advised that there were no staff reports but updated the Board on the farmhouse at the Airport. The local fire departments are planning to use the building in training exercises, however with the recent burn ban placed by the Governor of Virginia; they have been unable to do so. Mr. Emerson stated that it would be more cost efficient to burn the building and bury the debris than to have it demolished and the training exercises will proceed once the burn ban has been lifted.

IN RE: RESIDENT ENGINEER'S REPORT

Mr. Rob Prezioso, Resident Engineer from VDOT, updated the Board on recent activities, projects and completed jobs in New Kent County. He reported the street sweeper has been all over the County in various areas: in the Eltham area a contractor has been in to clean up some dry timber; at least six (6) driveway entrances have been installed throughout the County; there was work on Route 249 brush control; work on the Route 33 low shoulders; overgrowth has been cut back at Route 249 and Henpeck; potholes have been repaired on Routes 249, 606 and 612; the Route 647 and 649 intersection has been worked on; and low shoulders have been filled in along Route 249 and will be starting on Route 155. The School Board reported some sight issue problems along Route 249, which has also been resolved. Construction along Route 606 should be completed this week as Brown's Avenue. Mr. Prezioso advised the Board that he has advertised for the Public Hearing on the six (6) year plan and will mail the necessary paperwork to the Board next week. Mr. Prezioso completed his report by introducing the new Maintenance Operations Manager, Mr. David Cristoff. Mr. Cristoff has worked with VDOT for 23 years and will be keeping Mr. Prezioso informed of maintenance issues throughout the County. Mr. Prezioso then opened the floor for questions from the Board.

Mr. Davis inquired if Mr. Cristoff has five (5) business cards for the Board Members. Mr. Prezioso advised that business cards have not been received from the printers but he will forward some as soon as possible. Mr. Davis questioned Mr. Prezioso about dust control and if a request must be placed to have a particular area looked into. Mr. Prezioso advised VDOT is aware of the dust problems due to the recent dry spell and they are limited in supply to correct the problem. VDOT is trying to address every request as it comes in.

Mr. Burrell had no concerns for Mr. Prezioso but asked if he would be available for a ride around District Three.

Mr. Lipscomb thanked Mr. Prezioso on the Route 606 project and questioned Mr. Prezioso on the status of the West Point Bridge project. Mr. Prezioso advised that he received his report on the project and it would most likely be forwarded to the Transportation Board along with recommendations in December.

IN RE: PRESENTATION OF FINANCIAL FORECAST REPORT

Mr. Steve Jacobs of Robinson, Farmer, Cox and Associates presented the Board information regarding an update of the Financial Forecast Report for FY 2003-2007. Mr. Jacobs presented a summary of documents that the Board had previously received in two (2) separate packages. The financial forecast begins with the budget from FY 2002 and builds from there. The first considerations in the forecast were the Capital Projects that the County is contemplating. These projects have been categorized by department or function and include: approximately \$700,000.00 in the General Fund funded utility projects, approximately \$5,000,000.00 in public safety projects, buildings and grounds approximately \$2,000,000.00 which is more of a general government project (renovation of old High School); approximately \$1,300,000.00 in other general government projects, and \$30,000,000.00 in school capital projects. Funding for these projects is basically from three (3) sources: grants (funding from State or Federal government), current residence which includes excess of revenues (annual revenues over annual expenditures forwarded to the general fund balance), and debt (i.e. BPSA, bonds, Public School Authority,

Literary Fund Loans, etc). The County's per capita debt burden (based on FY 2000) is approximately \$655.00 per household. Mr. Jacobs compared that debt with surrounding counties (Powhatan, Goochland, James City County, Henrico, Hanover, King William, Prince George, King and Queen, and Charles City), which are currently all over \$1000.00. Mr. Jacobs then looked at the per capita debt if the approximate \$33,000,000.00 in capital projects is carried out – the debt then rises to \$3,100.00 per household. Mr. Jacobs advised the Board that they have in the past, for forecasting expenditures, used the State's econometric model prepared by Warden Forecast Associates out of the University of Pennsylvania. Mr. Jacobs' firm found that these rates seem to be reasonable, although a little bit higher than inflation, but did not truly reflect what had been occurring in New Kent County over the last five (5) to seven (7) years. During this time, the County has experienced an annual growth rate of operating expenditures (not debt service or capital) of about 5.5%. A number of 6% was used in the forecast, over estimating expenditures a little bit. When figuring the expenditures, up to 40 different variables are used including, but not limited to: population CPI, building permits, and historic revenue trends. Given all these items, a preliminary revenue and expenditure forecast is prepared.

At this point, Mr. Jacobs looked at what the additional expenditures and capital improvements would do with the County's tax rate. In the past, an equalized real estate tax rate has been used however; a constant real estate tax rate was looked at this time to see how it could be used to fund not only the new capital projects but also the County's fund balance policy which requires the County maintain 15% of its operating expenditures as a cash balance. The constant tax rate would increase the current tax rate of \$.77 to approximately \$.95, and \$.18 difference. Mr. Jacobs walked the Board members through some tables in the packages that he presented summarizing the figures that a constant tax rate of \$.95 would carry the county through the year 2007 and cover the first two (2) debt payments on the capital projects. He advised that in the year 2008, if not before, the rate would need to be scrutinized, as it only currently would carry the County through the year 2007.

In summary, Mr. Jacobs reviewed the current real estate tax rate and how it would be affected by varying the different capital projects: the constant rate if no capital projects were done would be approximately \$.83 and fluctuating tax rate at general reassessment from \$.77 to \$.92; in doing general government projects only (not including school capital projects) the constant rate would be about \$.86 and fluctuating \$.93 at reassessment; looking at school projects only the constant rate \$.92 and fluctuating up to \$1.11 at reassessment; and looking at including rescheduling the Bottom's Bridge project plus all other capital improvements, the flat rate would be \$.99 and a variable rate jumping to \$1.17 at reassessment. Mr. Jacobs also commended the Board in saying that the County has done a fantastic job in fund management thus far. Mr. Jacobs opened the floor for questions from the Board.

Mr. Lipscomb questioned Mr. Jacobs as to why he shows tax on a \$100,000.00 as \$1,050.00 instead of \$950.00. Mr. Jacobs explained that amount is based on the home increasing in value after reassessment.

Mr. Burrell asked if the capital project for schools was right at \$30,000,000.00 and if the debt service was 20 years. Mr. Jacobs advised the debt service is actually 30 years. Mr. Emerson interjected to advise that operational costs have also been included in the \$30,000,000.00

estimate on school projects and that the analysis is very thorough. Mr. Emerson noted that the only number in the analysis that is a little questionable is the Bottom's Bridge Sewer because the number included does not account for the building of collection and distribution lines but solely the building of the force main pump station and elevated water storage. Mr. Emerson advised the Board that in configuring in the Bottom's Bridge capital project, they were conservative and the numbers are most likely low.

Mrs. Ringley verified that the low rate on real estate tax right now is \$.77 and the highest amount given is \$1.17, which incorporates all the capital improvement projects plus the Bottoms' Bridge Sewer project. Mrs. Ringley clarified that the capital improvements being discussed include building the new High School, a paid Fire and Rescue Station, a conversion of the Middle School, and a conversion of the Primary School. Mrs. Ringley asked Mr. Jacobs if the "most likely" scenario that he presented related back to the 15% of expenditures back into the cash fund balance. Mr. Jacobs confirmed that it was almost to the penny 15%. Mrs. Ringley then questioned if offsetting revenue was included in the Bottom's Bridge project to which Mr. Jacobs stated no. Mrs. Ringley concluded by stating that the School Board was having their meeting tonight however; they would most likely be interested in the Financial Forecast that Mr. Jacobs provided. Mr. Emerson advised that Dr. Geiger has been presented with a copy of the Financial Forecast.

Mr. Emerson pointed out to the Board that because financing would be done over a period of 30 years, general obligation would have to be done. VPSA will only do a 20-year repayment unless you went 20 years with a balloon. The other variable that Mr. Emerson is concerned about besides the Bottom's Bridge project is that the cost of the schools may vary since the study has not been completed. He advised the Board that currently all schools are at capacity, as well as the County Administration Building and that County employees would need to be relocated. Mr. Emerson encouraged the Board to continue this study every two years because he does have some concerns about the County's expenditures. Expenditures have increased 10% over the last 3 years versus the average over the last 10 years of 6% and the County grew 29% over the last 10 years and the population shows no signs of decreasing.

Mr. Raynes questioned Mr. Jacobs on the debt per capita information he provided for surrounding counties to New Kent and what the Goochland amount was. Mr. Jacobs advised Goochland is currently around \$1,600.00. Mr. Raynes then questioned if that included the two new schools that were recently built in that county. Mr. Jacobs advised that only one has been built thus far, the debt has not been incurred yet, and the population of Goochland is slightly higher than that in New Kent.

Mrs. Ringley stated that she believes there is a significant difference in general obligation and VPSA financing and questioned if general obligation has to go out as a referendum. Mr. Emerson confirmed that statement was correct. Mr. Emerson further explained that if the Board were to move forward on the information provided this evening, a referendum would be placed out to the citizens in the County listing each capital improvement separately for them to vote on.

IN RE: PRESENTATION OF THE NEW KENT HUMAN SERVICES TASK FORCE

Mrs. Marianne Powell of the New Kent County Department of Social Services introduced herself, Cathy Hargan, Sylvia Hathaway, and Kim Daniel who are all members of the Human Services Task Force (hereby known as HSTF). Mrs. Powell summarized the HSTF report on the strategy for the delivery of comprehensive human services. Currently there are sixteen (16) members on the HSTF and the organization came about because better communication was needed between departments in regards to services for County residents. Under the suggestion of the County Administrator, the HSTF was asked to prepare a report on what would be needed to for the County to have a Human Services Department. Ideally, such a department would encompass all of the human service agencies by both physically housing everyone together as well as all agencies working under one director. Mrs. Powell advised that the HSTF feels that the report you were provided detail a blue print for such a department. The HSTF has already completed the first twelve months of work and are looking towards other goals. They feel it is time to move past a task force and become an inter-agency council. Mrs. Powell then opened the floor for questions or comments from the Board.

Mrs. Ringley asked if the HSTF has found any areas where there were either a lack of service or a duplication of services offered. Mrs. Powell advised that the lack of services are the same ones that the County has seen for some length of time but as far as duplication, there are more instances where two departments may offer programs that could compliment each other if they were working together. Mrs. Ringley also questioned when the group met. Mrs. Powell stated that a regular schedule would most likely be set up after the first of the year.

Mr. Emerson advised that he feels the Board needs to address the issue of human services in the upcoming budget. Mr. Emerson feels that the creation of a Director's position is a necessity in the County and Social Services needs to be taken to the next level. In creating this department, you would allow Social Services the ability to garner additional funds through the State and becoming a level two (2) agency.

Mrs. Powell, as the Director of Social Services, presented the Board members with a handout detailing use of the EBT (Electronic Benefits Transfer) program coming to New Kent County in the spring. Mrs. Powell offered a summary explaining that this program will be used for persons on the food stamp program who will no longer receive coupons in the mail. With EBT, applicants will receive a credit card with their benefits on it.

IN RE: PUBLIC HEARING – Revised Erosion and Sediment Control Ordinance O -12-01

Mr. Emerson announced to Chairman Lipscomb that the Acting Planning Director, Jonathan Stanger, could not be present this evening however; Ms. Courtney Jones, Environmental Planner for the County would be presenting the ordinance changes and answering any questions the Board may have.

Ms. Courtney Jones introduced herself to the Board along with Michelle Zalewski and David Beale from the Department of Conservation and Recreation. Ms. Jones explained to the Board that what was presented are changes the County has incorporated to this ordinance based on requirements by the State and recommendations by the State Department of Conservation and Recreation and she has asked for civil penalties to be added for violation of this ordinance.

Mr. Burrell pointed out a typographical error in the ordinance presentation to Ms. Jones and recommended that, in the future, she use page numbers on her presentations.

Ms. Jones stated that these changes have been in effect since July 1, 2001 and that penalties have been assessed since September. She advised the Board that notification of the change was advertised in both the *New Kent, Charles City Chronicle* and in the *Tidewater Review* and she feels that most people have an understanding of and are aware of the changes.

Mr. Burrell stated that he feels additional effort should be made to notify the public of these changes as he feels the “average citizen” who may just want to increase his or her yard size is still unaware of the change and the possible penalties. Ms. Jones advised Mr. Burrell that there are provisions for home landscaping that do not fall under the Erosion and Sediment Control Ordinance and would not be subject to violation penalties. Ms. Jones went on to further explain that steps are taken to notify violators before any civil penalties are assessed. Mr. Burrell stated that he still feels additional public notification should be published.

Mr. Davis questioned if there were certifications to become a “responsible land disturber” and if so, did the County have a list to provide if needed. Ms. Jones responded by stating the Department of Conservation and Recreation has established a web site where an individual or company can go to become a licensed/certified “responsible land disturber”.

Ms. Ringley stated that it is her understanding that this is a revised ordinance and that the County already had a policy in place for land disturbing. Ms. Ringley asked Ms. Jones to point out the differences/changes in the old and new ordinance. Ms. Jones advised that under the new ordinance, a “responsible land disturber” must be designated and the new ordinance would allow the County the ability to impose civil penalties. Ms. Ringley questioned if some residents were “grand fathered” into the previous ordinance and would not be subject to civil penalties.

Chairman Lipscomb opened the floor for the public hearing. There were no speakers so Chairman Lipscomb closed the public hearing.

Ms. Zalewski from the Department of Conservation and Recreation addressed the Board to advise that the County is under an Erosion and Sediment Control program and by revising the Ordinance ahead of the results being issued is actually very proactive. Ms. Zalewski further explained that the changes to the ordinance are changes that will be required by the State in the next month.

Mr. Davis made a motion to approve the Revised Erosion and Sediment Control Ordinance 0-12-01 as presented.

The members were polled:

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

The motion carried.

IN RE: PUBLIC HEARING ON AFD-12-01 MR. DAVID BROOKS AND SHARON CONNER TO WITHDRAW TAX MAP AND PARCEL NUMBER 42-15B FROM THE EAST PROVIDENCE FORGE AGRICULTURAL AND FOREST DISTRICT (AFD)

Mr. Emerson advised the Board members that the application from Mr. David Brooks and Sharon Conner to withdraw Tax Map and Parcel Number 42-15B from East Providence Forge Agricultural and Forest District removed 11.324 acres from that AFD. The parcel was under common ownership with an adjacent parcel when placed in the AFD and has subsequently changed ownership. The East Providence Forge AFD would still have greater than the 650 acres remaining after this withdrawal. All agencies that have reviewed the request have recommended approval of this application.

Chairman Lipscomb opened the floor for the public hearing. There were no speakers so Chairman Lipscomb closed the public hearing.

Ms. Ringley stated that a letter was to be attached dated August 16, 2001 explaining the situation with this property however; she did not have the attached letter. Ms. Ringley questioned the situation. Mr. Emerson replied that the property was sold out of an interest in AFD, which was allowable, and it was divided. At the time, the planning department led the individuals to believe they could build on the property, which they cannot without it coming out of AFD. Ms. Ringley then asked who wrote the letter and to who was it directed. Mr. Emerson stated the letter was to either Gary Mitchell or Jonathan Stanger and from David Brooks and Sharon Conner however; he has not seen the letter but has talked to Ms. Conner on several occasions.

Mr. Davis stated that he feels that by approving this application, the Board is righting a wrong.

Mr. Davis moved to approve AFD Removals: AFD-12-01 for Sharon Conner.

The members were polled:

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

The motion carried:

IN RE: DISTRICT APPOINTMENTS

Chairman Lipscomb made a motion to appoint Elizabeth Yates as District One’s representative to the Historic Commission for a four-year term beginning January 1, 2002 and ending December 31, 2005.

Chairman Lipscomb made a motion to appoint George Tate as District One’s representative to the Board of Road Viewers for a one-year term beginning January 1, 2002 and ending December 31, 2002.

Chairman Lipscomb made a motion to appoint Raymond Bassetti as District One’s representative to the Parks and Recreation Advisory Commission for a four-year term beginning January 1, 2002 and ending December 31, 2005.

Chairman Lipscomb made a motion to appoint Phillip Felts as District One’s representative to the Airport Advisory Commission for a one-year term beginning January 1, 2002 and ending December 31, 2002.

Ms. Ringley made a motion to appoint Ray O’Leary as District Two’s representative to the Parks and Recreation Advisory Commission for a four-year term beginning January 1, 2002 and ending December 31, 2002.

Ms. Ringley made a motion to appoint William Jeffries as District Two’s representative to the Airport Advisory Commission for a one-year term beginning January 1, 2002 and ending December 31, 2002.

Mr. Burrell made a motion to appoint James Moody, Sr. as District Three’s representative to the Board of Road Viewers for a one-year term beginning January 1, 2002 and ending December 31, 2002.

Mr. Burrell made a motion to appoint Charles Moss as District Three’s representative to the Parks and Recreation Advisory Commission for a four-year term beginning January 1, 2002 and ending December 31, 2002.

Mr. Burrell made a motion to appoint Eugene R. Williams as District Three’s representative to the Airport Advisory Commission for a one-year term beginning January 1, 2002 and ending December 31, 2002.

The members were polled:

W. R. “Ray” Davis, Jr.
Rebecca M. Ringley

Aye
Aye

James H. Burrell	Aye
Dean E. Raynes	Aye
Julian T. Lipscomb	Aye

The motion carried.

IN RE: APPOINTMENTS TO BOARDS AND COMMISSIONS NOT DELEGATED
BY DISTRICT

Chairman Lipscomb made a motion to appoint James H. Burrell as New Kent County's representative to the Community Criminal Justice Board for a two-year term beginning January 1, 2002 and ending December 31, 2003.

Mr. Burrell made a motion to appoint G. G. Crump as New Kent County's representative to the Building Code Board of Appeals for a four-year term beginning January 1, 2002 and ending December 31, 2005.

Mr. Burrell made a motion to appoint Alex Baine as New Kent County's representative to the Building Code Board of Appeals for a four-year term beginning January 1, 2002 and ending December 31, 2005.

Mr. Burrell made a motion to appoint to appoint Norman Anderson as New Kent County's representative to the Local Disability Services Board for a one-year term beginning January 1, 2002 and ending December 31, 2002.

Ms. Ringley made a motion to appoint Maxine Bradby as New Kent County's representative to the Quin Rivers Community Action Board for a three-year term beginning January 1, 2002 and ending December 31, 2004.

Ms. Ringley made a motion to appoint William J. Wallace, III as New Kent County's representative to the Hanover Health Advisory Board for a two-year term beginning January 1, 2002 and ending December 31, 2003.

Mr. Burrell made a motion to appoint Julian Lipscomb as New Kent County's representative to the Airport Advisory Commission for a one-year term beginning January 1, 2002 and ending December 31, 2002.

The members were polled:

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

The motion passed.

IN RE: SUPPLEMENTAL SALARY TO NEW KENT SHERIFF

Ms. Ringley made a motion to supplement the salary of the Sheriff in the amount of \$6,500 to compensate him for his additional duties performed in the administration of the animal control program as discussed in closed session. This supplement will be effective on December 1, 2001.

The members were polled:

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

The motion carried.

IN RE: MEETING SCHEDULE

Chairman Lipscomb advised the next regular meeting of the Board of Supervisors will be held on Monday, December 10, 2001 at 6:00 p.m.

IN RE: ADJOURNMENT

Chairman Lipscomb adjourned the meeting at 8:25 p.m.

The members were polled:

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