

A MEETING OF THE BOARD OF SUPERVISORS WAS HELD ON THE 22ND DAY OF APRIL IN THE YEAR OF OUR LORD NINETEEN HUNDRED NINETY-EIGHT IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

Mr. Lipscomb called the meeting to order and asked Mr. Burrell to give the invocation and lead the Pledge of Allegiance.

IN RE: ROLL CALL

James H. Burrell	Present
Mark A. Hennaman	Present
Frederick G. Bahr	Present
Rebecca M. Ringley	Present
Julian T. Lipscomb	Present

IN RE: FY 98-99 BUDGET, ORDINANCE O-6-98 establishing Tax Levies for New Kent County, and ORDINANCE O-7-98 establishing Water and Sewer Rates and Fees and Water and Sewer Connection Fees.

Mr. Emerson reviewed the proposed FY 1999 operating budget of \$22,089,203, which has been balanced without a tax increase. Local discretionary revenues increased \$846,030 mainly from real property taxes, funds generated by the Colonial Downs pari-mutuel operations, limited growth in noncategorical aid from the Commonwealth, and local sales tax. Local revenues for FY 1999 are projected at \$10,976,713 for total FY 1999 revenues of \$22,089,203. Real estate was forecasted at 95 percent collection rate and personal property at 93 percent collection. The county is seeing strong growth in sales tax, business license, and investment revenues which is attributable to a growing commercial base and strong fund balance. The state provided revenues for the constitutional officers is seeing some limited growth. Pari-mutuel receipts are forecasted on numbers provided by the State Racing Commission and have increased \$127,932 for a total of \$640,620.

The proposed budget contains \$13,323,695 for the New County School System with an additional \$373,548 set aside in an enterprise fund for the School Food Program, for total school funding of \$13,697,243. The schools are slated to receive \$339,898 of new local contribution creating a total allocation of \$5,800,000. This represents an increase of 6.2 percent in local funding. The budget reflects a 2 percent cost of living increase for county employees and an average 3.67 increase effective December 1 for constitutional officers and their employees as directed by the State Compensation Board. Social Services employees, as directed by the State Department of Social Services, receive a 4 percent salary increase. County employees will also be eligible for a 0-3 percent merit increase based upon a performance review and effective on their anniversary date.

Mr. Emerson reviewed the highlights of the FY 1999 proposed budget. New positions are being created in: The office of the Treasurer with the addition of an accounting clerk; the Department of Social Services with the addition of a social worker; the Office on Youth with a family preservation coordinator; and in the Utilities Department with a part-time wastewater treatment plant operator. Also, two positions will move from part-time to full-time with the part-time animal control officer going to full-time status along with the transfer of Animal Control Management to the Sheriff's Department and the Public Works secretary becoming full-time due to the increasing workload of the Utilities Department. Also included is a new position for a Systems Manager for the county's newly created Office of Information Systems. Several positions were requested that are not recommended for funding: Director of Parks and Recreation

(Parks and Recreation Plan has not completed its review process and it has not been adopted by the Board of Supervisors, operational agreements have not been worked out, there is no space available for this office, and real life experiences of setting up this office has not been researched), and Social Services eligibility worker (State will not fund their share).

Mr. Emerson stated the Capital Requests that were recommended for funding: IBM AS400 Main Frame for the county's computer operations; Office of Information Services networking hardware and software; turnout gear for the Fire Department; at the airport, fuel tank removal and new tank installation, a credit card fuel pump system, and funds for the removal of deteriorating structures; and the water tank maintenance program. Capital Items requested and not funded include: new vehicle for the Emergency Services Department; new vehicle for the Utilities Department; forms printing system for the Accounting Department; geographic information systems ARC info upgrade for the Planning Department; Sheriff's Department car video system; Treasurer's Office request for a video camera system; and the Fire Department's request for a heavy duty rescue truck. These items were primarily not recommended due to constraints of available revenues. However, there were extenuating circumstances concerning some of these items such as the Fire Department heavy rescue truck, which should be included in the management study currently underway and contracted for by the Board of Supervisors. Once the Board of Supervisors has received this study it will detail the needs of the fire and rescue system of the county. Mr. Emerson was hesitant to recommend committing to long term funding of a new piece of fire apparatus without first having the conclusions of the study requested by the Board of Supervisors for guidance purposes. The study may bring to attention Capital Items of greater need in the fire and rescue system.

Other items worthy of mention are cars for the Fire Department. Recommended in this budget are insurance funds for three used Sheriff's vehicles to be provided to the Fire Department. This leaves two vehicles, one to be transferred to the school system and one to be retained for the wastewater treatment plant operator. At the airport, with the airport credit card gas pump and oil vending machine, it would appear the county may be able to reduce and possibly eliminate staffing at the airport. This could possibly turn the county-run airport into a break even operation. Funding is provided in the amount of \$75,000 for FY 1999 to begin the process of reassessment of real estate. Funding will also have to be provided in the FY 2000 budget to complete this process which will place the county in a four year reassessment cycle instead of a six year cycle. This budget recommends \$50,000 for confinement of prisoners. Over the last two years \$6,150 and \$16,165 respectively have been expended towards the confinement of prisoners. However, this year the Sheriff has fully expended the budget and at the Board's last meeting \$80,000 was appropriated to cover the costs through the end of the year. It appears this overage may be an anomaly due to the large number of prisoners being confined. However, if the \$50,000 provided does not cover FY 1999 costs and an appropriation is necessary, this number will have to be increased in FY 2000. For the first time this budget contains funding for the Salvation Army at \$3,000 and Central Virginia Health Planning Agency at \$1,446 . Both agencies have historically provided services to the county without financial assistance.

A contingency fund of \$245,509 has been created and set aside in the event additional funds are needed throughout the year for unforeseen reasons or as a safety net if revenues do not perform as projected. If these funds are not utilized during the year, the contingency fund then remits to the fund balance building a strong financial foundation for the county.

Ms. Shelley Carmichael gave a visual presentation of the proposed FY 1998-1999 Operating Budget. Mr. Lipscomb commended Mr. Emerson and Ms. Carmichael on their presentation. Mr. Bahr said he understood the schools did all the accounting on the revenue from the vending machines - was that correct. Mr. Emerson said they were considered activity funds, the county has no control over it, and it's not part of the county's budget. Mr. Burrell pointed out that the constitutional officers 3.67 percent increase effective December 1, will only be for part of the year. Mr. Burrell felt with the proposed

changes that will be implemented over the coming years at the airport he didn't have any problems accepting the budget as presented. However, next year if the airport is still running a deficit, he will push hard for something to be done because it isn't fair to the citizens to support with tax dollars something that isn't generating enough revenue to break even.

Mr. Lipscomb opened the public hearing. There was one person signed up to speak - Mr. A. C. Worley. Mr. Hennaman wanted those people who arrived late to have an opportunity to speak if they chose to do so. Mr. Worley yielded the floor to others who wanted to speak and said he would speak last. Mr. Lipscomb concurred with Mr. Hennaman and said he would call on people to speak row by row. The first citizen to speak was Ms. Thelma Wilson who asked if they said there would be a new staff member for Social Services. Mr. Emerson answered yes. Ms. Wilson wanted to know why - with the welfare roll going down. Mr. Emerson said it was a position being funded by the state. Ms. Wilson questioned the airport being able to function with no staff. Last year (or the year before) after the reassessment people thought the tax levy would go down and it's still at 82 cents - she thought it should come down due to all the reassessment and all the money from Colonial Downs. The next citizen to speak was Mr. Ray O'Leary, who questioned funding the Salvation Army and Central Virginia Health Planning - he thought it was a nice gesture and an insignificant amount, but is it proper use of tax dollars and isn't it setting a precedent that may be dangerous down the road? Mr. Lipscomb responded these agencies have each performed services in the county for many years. Mr. O'Leary asked what the Salvation Army does for the county. Mr. Emerson said they provide shoe certificates and help needy families - they are a stop gap where Social Services doesn't kick in. Mr. O'Leary asked if other localities funded them. Mr. Emerson said some localities do provide them with funds. The next citizen to speak was Ms. Jennifer Caldwell. Ms. Caldwell wanted to know what the county's plans were for the airport. Also, in last year's budget hearing she had asked where the funds they would pay out (airport lawsuit) was shown in the budget. Mr. Emerson said these funds were not budgeted as they were paid out of the fund balance after the Board appropriated the money this fiscal year. Ms. Caldwell asked if the amount of the suit and the legal fees could be broken down to show where they went. Mr. Emerson said this information had been provided to the Board and the information was available to Ms. Caldwell. The next citizen to speak was School Superintendent Roy Geiger. Dr. Geiger said he appreciated the way the School Board and Board of Supervisors have worked this past year (in a cooperative manner) and he hoped it would serve as a model for the future. He thanked the Board and staff for their work and thought the budget would meet the needs of the educational system. The next citizen to speak was Ms. Alease Christian. Ms. Christian said she agreed with Dr. Geiger's comments. She comes every year to support the schools and was pleased the Board supported the raise for the teachers. The last citizen to speak was Mr. A. C. Worley. Mr. Worley said he was the president of Worley Aviation, Inc., which built the airport in 1955. He said he was present as an individual citizen within the county and he was the beneficiary of the lump sum payment for the breach of contract suit against the county. He said he regretted it happened, he has never been hostile towards the county in any way, but it's over and done with now - history. He has visual access to the operation of the airport as his house is located across from it. After the suit several hundred citizens contacted him expressing their concerns over the payment of the lump sum. The citizens wanted to form a citizens committee to see what could be done to resolve this problem and asked him to be the chairman. He thought it was a conflict of interest, but did understand their concern. He asked the following questions: How does the county plan to reduce the airport staff when there is only a skeleton crew now? Mr. Lipscomb said the Board and staff were not responding to questions, just listening to comments. Mr. Worley asked when he would get a response. Mr. Lipscomb told him to call Mr. Emerson. Mr. Worley continued with his concerns about the capacity of the new fueling facility - he wanted to know the capacity of the new fuel tank. He asked about the safety aspects if they put in an automated system - what if there's a fuel spill? He felt the county would be opened up to liability damages unless it was a vacated facility. Have the FAA and state approved the operation of commercial airports without an attendant? Are they (Board) aware the county is in competition with free enterprise in so doing this? What is the demolition of the property in question pertaining to the airport? Could the Board explain the deficit of

\$60,151 for this year? Mr. Worley said he would send the written questions. He also stated that as a citizen he will be taking a more active part in having input into his local government and dealing with his elected representative and any help that he can render, he will do so. Mr. Lipscomb closed the public hearing. Mr. Lipscomb said the Board would not take action on the budget - they were required to wait seven days per the state law.

IN RE: OUTDOOR GATHERING PERMIT, OGP-1-98, FOR COLONIAL DOWNS, INC.

Mr. Emerson said a late Outdoor Gathering Permit for Colonial Downs was received and it is for their outdoor concerts. The staff recommended approval - it is basically the same permit the Board approved last year. Colonial Downs personnel were lax in getting it turned in, but in trying to work with local businesses Mr. Emerson requested the Board approve the Outdoor Gathering Permit OGP-1-98. Mr. Burrell made a motion to approve Outdoor Gathering Permit OGP-1-98 with the following conditions: No stage presentation, entertainment, or music shall take place after the hour of 11:00 p.m.; a copy of the security bond shall be forwarded to New Kent County upon receipt by the applicant; and adequate fire protection apparatus, as determined by the New Kent County Fire Marshall's Office, shall be on site during all outdoor gathering events.

James H. Burrell	Aye
Mark A. Hennaman	Aye
Frederick G. Bahr	Aye
Rebecca M. Ringley	Aye
Julian T. Lipscomb	Aye

IN RE: MEETING SCHEDULE

The regular meeting of the Board of Supervisors will be held Monday, May 11, 1998 at 6:00 p.m. The Planning Commission will meet on Monday, April 20, 1998 at 7:00 p.m.

IN RE: EXECUTIVE SESSION

Ms. Ringley made a motion to go into executive session for discussions relating to the acquisition (or sale) of real property for public use pursuant to '2.1.344 (a)(3) of the Code of Virginia and discussions relating to investment of public funds where competition or bargaining is involved pursuant to '2.1 -344 (a)(6) of the Code of Virginia.

James H. Burrell	Aye
Mark A. Hennaman	Aye
Frederick G. Bahr	Aye
Rebecca M. Ringley	Aye
Julian T. Lipscomb	Aye

The Board went into executive session at 6:55 p.m.

The Board returned from executive session at 7:38 p.m. Ms. Ringley stated Whereas, the New Kent County Board of Supervisors has convened an executive meeting 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 2.1-344.1 of the Code of Virginia requires a certification by the board that such executive meeting was conducted in conformity with Virginia law; Now, therefore, 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 meeting requirement by Virginia law were discussed in executive meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

James H. Burrell	Aye
Mark A. Hennaman	Aye
Frederick G. Bahr	Aye
Rebecca M. Ringley	Aye
Julian T. Lipscomb	Aye

The Board adjourned at 7:40 p.m.