

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 28<sup>TH</sup> DAY OF NOVEMBER IN THE YEAR TWO THOUSAND TWELVE IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 8: 30 A.M.

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IN RE: CALL TO ORDER

Chairman Burrell called the meeting to order.

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IN RE: ROLL CALL

Thomas W. Evelyn	Present
C. Thomas Tiller, Jr.	Present
James H. Burrell	Present
Ron Stiers	Present
W. R. Davis, Jr.	Present

All members were present.

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IN RE: ECONOMIC DEVELOPMENT WEBSITE ACTIVITY REPORT

Economic Development Consultant Mark Kilduff briefed the Board on website searches being conducted on New Kent commercial properties. He explained that searches made on New Kent's website were actually being done through the Virginia Economic Development Partnership's website which recently started making information available to each locality regarding the number, nature, and origin of the sites being looked at.

He reviewed data from 2007 to the present, which reflected that "hits" on New Kent's site started in 2008, when the properties were first posted on the website, and averaged between 2,100 and 2,200 hits per year in 2010 and 2011, with "erratic hits" in 2012. He noted that New Kent's trend mirrored the State's as a whole during this time period. He advised that October 2012 was a "terrible" month for New Kent with only 30 hits, but that there had been more than 70 so far in November. He admitted that there was no way to tell if these were new or repeat visitors.

He explained that there was information that could identify the type of industry making these searches, which broke down for New Kent in 2012 among Finance & Insurance (20.2%), Information Technology (11.9%), Research & Development (15.5%), Site Selection Consultants (14.3%), Food & Beverage (11.9%), with small percentages among Energy, Transportation, and Other. The percentages of New Kent property searches made by Virginia industries broke down between Research & Development (41.9%), Finance & Insurance (29%) and Energy (28.5%). New Kent 2012 searches by Company Location originated in California, Texas, North Carolina, Georgia, West Virginia, and Pennsylvania. New Kent searches from Virginia locations in 2012 were primarily from the Richmond and Hampton Roads area, which he suggested reflected where in the State the County should focus its advertising.

He identified the most viewed properties in the County, which included large tracts at the Route 106 and Route 105 interstate interchanges, along with a large tract in Bottoms Bridge and several along Route 33.

He reviewed similar data for the State, noting that all of the most viewed properties were large tracts and most of them had significant public funding involved.

He summarized that his key points included the importance of listing properties on the internet; New Kent was "getting its share", its Virginia market was nearby, and the searches were being made by a "good mix" of industries; the importance of dual power feed sites with fiber connectivity; and that large ready-to-go sites were what seemed to be in demand.

He did report that Dominion Virginia Power was helping New Kent to identify parcels where dual power feed would be possible along with fiber optic at a reasonable cost, and if one or two locations could be found, then New Kent might have a "prequalified" site that very few other localities had.

There was discussion regarding how "tobacco money" was being used to develop sites for marketing in other parts of Virginia, as well as how port expansion might impact New Kent and the State.

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IN RE:            CONFINED SPACE POLICY

Before the Board for consideration was a request to adopt a Confined Space Policy. Present were Public Utilities Operations Superintendent Harold Jones, Public Utilities Director Larry Dame, and Fire-Rescue Battalion Chief Eugene Gerald.

Mr. Jones explained that adoption of a Confined Space Policy was the first step towards a comprehensive safety program that needed to be established. He reviewed how such a Policy was not only required by the Occupational Safety and Health Agency (OSHA) but was also needed for the safety of County employees. He confirmed that the proposed Policy was a joint effort of staff from Public Utilities and Fire-Rescue, as well as the County Attorney. He explained that although staff presently followed safety procedures, there were no formal safety rules in place, and adoption of this Policy would reduce the County's liability and might serve to decrease premiums.

It was explained that this Policy had been developed based on OSHA standards refined for New Kent, and would only apply to County employees, but that private businesses also had to comply with OSHA standards.

There was discussion regarding "permitted" and "non-permitted" situations. It was clarified that in "permitted" situations, the County would contract with a third party that had the necessary credentials and certifications to respond.

There was discussion regarding what fit the definition of a "confined space", as well as the training that would be required. There were comments regarding OSHA visits and how it was important to have a written policy in place.

Mr. Evelyn moved to adopt the Confined Space Policy for New Kent County. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
James H. Burrell	Aye

The motion carried.

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IN RE: INTRODUCTION OF GRASS CARP INTO THE DIASCUND RESERVOIR

Environmental Planning Manager Amy Walker reviewed that New Kent had been advised by Newport News Waterworks that it was considering introducing grass carp into the Diascund Reservoir in efforts to control hydrilla. She explained that recent legislation provided affected localities with an opportunity to comment during the permitting process and New Kent would have that opportunity once the permit had actually been filed.

She explained that the grass carp would be obtained through an approved fish farm, where testing was required to confirm sterility. She noted that most of these farms were in Asia and if testing revealed any fertile fish, then that particular farm was removed from the "approved" list.

She reported that 10- to 12-inch fish were normally released after the spring spawning season and would eat any vegetation, unless they were overstocked, at which time they "would eat everything". She indicated that the Virginia Department of Game and Inland Fisheries recommended stocking two to three fish per acre, but that Newport News intended to stock only one fish per acre, as they did not want to eradicate all of the vegetation. There were concerns expressed about diseases, and she advised that unless the fish were overstocked, they should remain healthy.

She did confirm that the fish could escape the reservoir over the dam during a weather event, but she knew of no instances where any fertile or juvenile grass carp had been found in any of the local waters.

There was discussion regarding chemical and mechanical hydrilla control, as well as whether comments made by New Kent would have any impact on the permit process. Ms. Walker agreed to advise the Board when the permit had been actually filed so that a decision could be made regarding comments.

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IN RE: RURAL LONG RANGE TRANSPORTATION PLAN

Planning Manager Kelli Le Duc advised that the County's representative on the Commonwealth Transportation Board (CTB) was interested in participating in a tour of the roads that were included on the recently adopted Rural Long Range Transportation Plan. Included on that Plan were projects on Farmers Drive, South Waterside Drive, Stage Road, Eltham Road, New Kent Highway, Good Hope Road, Old Church Road, and Holly Fork Road. Since all of the projects were located in Districts Three and Five, it was agreed that Mr. Davis and Mr. Burrell would participate in the tour that was planned for February 8, 2013.

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IN RE: INTERSTATE 64 PENINSULA STUDY

Ms. Le Duc reviewed with the Board the draft Environmental Impact Statement for the Interstate 64 Peninsula Study, and how the Virginia Department of Transportation (VDOT) had requested comments from the affected localities on the study and the identified Alternatives. The Study reflected that the Alternatives retained for detailed study included a "No Build" Alternative and five separate Build Alternatives: Alternative 1A (adding additional general purpose lanes to the outside of the existing general purpose lanes; Alternative 1B (adding additional general purpose lanes in the median); Alternative 2A (adding additional lanes to the outside and tolling all lanes); Alternative 2B (adding additional lanes to the median and tolling all lanes); and Alternative 3 (adding managed lanes to the median). She

advised that she did not know which Alternative would be recommended by the Metropolitan Planning Organization (MPO) to the CTB.

There was general consensus that any of this work would be far in the future and discussion regarding whether the County could ask for a share of any tolls collected in New Kent.

Ms. Le Duc assured the Board that she would keep them informed and that any comments should be made by January 7.

There was discussion regarding the Route 460 project and how that would impact I-64.

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IN RE: LIBERTY LANDING

Ms. Le Duc reported that after a second public hearing on the Liberty Landing rezoning application and a ten minute discussion, the Planning Commission had voted unanimously to forward an unfavorable recommendation to the Board, based upon concerns about impacts to schools, roads, emergency services, and fire-rescue. She advised that a public hearing before the Board was scheduled for December 10, 2012. She reviewed that an updated proffer statement had been submitted by the applicant that had increased funding for schools, eliminated property for a fire station, and added funding for fire rescue.

There was discussion regarding some of the proffers, and whether any additional changes would require another round of public hearings.

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IN RE: SIDEWALK PROJECT

Before the Board for consideration was a request to approve a change order in the amount of \$49,098 to the contract for the sidewalk project.

Acting County Administrator Rodney Hathaway reviewed that during a preconstruction meeting, a drainage issue had been identified and that VDOT was requesting that it be addressed as part of the current phase of the sidewalk project. He explained that water was draining into an area along Route 249, where it was collecting and channeling into a bank and flowing into the parking lot. He confirmed that there was enough funding in the grant to cover the change order and there was no additional funds being required from the County. He indicated that the additional work included collecting the storm water and piping it to tie in with an existing storm water pipe near the maintenance garage that emptied in the woods.

He recapped that this was Phase 4 of the sidewalk project that included installing a sidewalk that would run the length of the historic school and connect to existing sidewalks at New Kent Elementary School and the Rose & Crown Tavern, as well as add decorative lighting poles and fixtures to match those along other parts of the sidewalk.

He agreed that the cost of the project seemed expensive but that he found the prices to be consistent with previous phases.

Mr. Davis moved to approve the change order with EL-X Enterprises for the New Kent Sidewalk project. The members were polled:

C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye

Thomas W. Evelyn	Aye
James H. Burrell	Aye

The motion carried.

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IN RE:           PARKING AND LOADING ORDINANCE CHANGES

Before the Board for consideration was Resolution R-51-12 initiating a text amendment to the County's parking ordinance.

Mr. Hathaway reviewed that at a previous work session, staff had been asked to look at the County's parking ordinance to see if changes could be made regarding the current 20-space threshold that required parking lots to be paved for businesses. He explained that it was being proposed that the threshold be changed back to 50 spaces. He did caution that such changes could have an impact on what businesses could have non-paved parking lots and how it "boiled down to aesthetics".

There was discussion regarding how graveled lots should be better for storm water control, although the Department of Environmental Quality (DEQ) rated them the same as asphalt.

Mr. Stiers explained that he had brought this to the Board's attention because he felt this was a significant expense for a small business that was trying to get established, and how it was affecting a small church.

There was discussion on other ways to remedy the situation that would not result in discrimination, as well as the issue of overflow parking, and the need to re-mark the spaces in the parking lot at Station 1.

There was consensus to send the proposal to the Planning Commission for review and recommendation, and Mr. Tiller moved to adopt Resolution R-51-12 to initiate a text amendment to Section 98-902 of the County's zoning ordinance. The members were polled:

Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye

The motion carried.

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IN RE:           FIRE CHIEF POSITION

Mr. Hathaway reported on another round of interviews scheduled for the following week.

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IN RE:           CLOSED SESSION

Mr. Evelyn moved to go into Closed Session pursuant to Section 2.2-3711A.7 of the Code of Virginia for consultation with legal counsel pertaining to actual or probable litigation. The members were polled:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye

Ron Stiers	Aye
James H. Burrell	Aye

The motion carried. Chairman Burrell indicated that the Board did not expect to take any action after Closed Session. The Board went into closed session.

Mr. Evelyn moved to return to open session. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
James H. Burrell	Aye

The motion carried.

Mr. Evelyn made the following certification:

Whereas, the New Kent County Board of Supervisors has convened in 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.

The Chairman inquired whether there was any member who believed that there was a departure from the motion. Hearing none, the members were polled on the certification:

C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye

The motion carried.

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IN RE: ADJOURNMENT

Mr. Tiller moved to adjourn the meeting. The members were polled:

Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye

The motion carried. The meeting was adjourned at 10:28 a.m.