

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 25th DAY OF SEPTEMBER IN THE YEAR TWO THOUSAND THIRTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 9:00 A.M.

IN RE: CALL TO ORDER

Chairman Davis called the meeting to order.

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.

IN RE: ROUTE 249 WATERLINE PROJECT

Public Utilities Assistant Director Mike Lang briefed the Board on the project in advance of an upcoming public hearing on the Environmental Review required by the Virginia Department of Health funding offer for the project.

He reported that the engineering work was 99% complete and there should be a final plan by the end of the week. He confirmed that the Virginia Resources Agency (VRA) had approved a grant of \$1.249 million at an interest rate of between 2.5% and 3.5%, but that the County had not yet committed to accept the grant.

He advised that a decision had not yet been made as to what would be done with the generators that would no longer be needed when the five well sites closed down, suggesting that they could be kept to use as mobile units or could be sold. He reported that the proposed project would include thirteen new fire hydrants and could help to improve homeowners' insurance premiums. He confirmed that the project had received a letter of support from the Department of Environmental Quality, would eliminate two groundwater withdrawal permits, and was the start of a centralized water system for New Kent. He advised that no adverse comments had been received from any of the reporting agencies and there had been a great deal of coordination with the Department of Transportation in an effort to install the waterline before the FY15 construction of the roundabout at the intersection with Route 612 (Tunstall/Airport Roads).

IN RE: AMBULANCE PERMIT FOR ALLIANCE SPECIALTY TRANSPORT

Before the Board for consideration was Resolution R-20-13 supporting the issuance of an ambulance permit for Alliance Specialty Transport.

Battalion Chief Lisa Baber explained that as a part of the ambulance permitting process, Alliance Specialty Transport, which provided non-emergency inter-facility transportation between hospitals and was based at Henrico Doctors Hospital, was required to obtain a resolution of support from the Board before its ambulance permit could be issued because its office was maintained in the owner's home in New Kent County. She confirmed that this

company would not be a part of the County's EMS system and would be required to renew its permit annually at a cost of \$100.

Mr. Evelyn moved to adopt Resolution R-20-13, as presented. The members were polled:

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

The motion carried.

IN RE: INSURANCE SERVICE OFFICE (ISO) COMMITTEE

Before the Board for consideration was a request to create a committee to review the County's current ISO ratings and bring recommendations to the Board.

Fire Chief Rick Opett explained that there had been increased interest in improving the County's current ISO ratings and that he asked for a committee to review what needed to be done before applying for a new rating. He indicated that 60% of the rating was based on fire service and 40% on water.

There was discussion regarding dry hydrants. He advised that they did have a list of the locations of the dry hydrants in the county and were working on a list of possible locations for more hydrants, and would be looking for grant money.

He explained that the number of fires in a locality would not have an effect on an ISO rating, but training, staffing levels, number of stations, apparatus, and dispatching methods did.

He suggested that the ISO committee be comprised of a member of the Board of Supervisors, a staff member from the Department of Public Utilities, Building Official's Office and the Sheriff's Office, as well as two staff members from Fire-Rescue. He agreed with a recommendation from the Board that a local insurance professional also be included. He advised that once the committee was formed, it would take three to six months for it to complete its work.

Mr. Burrell moved to form a committee of no more than seven members, to review the New Kent County current Insurance Service Office (ISO) ratings and report recommendations to the Board within six month. The members were polled:

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

The motion carried.

IN RE: FIREFIGHTER POSITIONS

Before the Board for consideration was a request to approve the hiring of two additional firefighters to staff Station 4 and to transfer funds from FY14 part-time salaries to full-time salary line items to fund the positions.

Chief Opett explained that at the suggestion of one of the Board members, he had determined that currently budgeted funds, totaling \$83,872.32, for part-time positions at Fire Station 4 could be used to fund two full-time positions at that station, which would provide a dedicated staff and some accountability for the equipment at Station 4, as opposed to having part-time firefighters working there when available. He indicated that he would be able to fill the positions from the pool of applicants for the two new positions approved in the FY14 budget.

He reported that \$77,514.58 would be needed to fund these two positions through June 2014 (including benefits) and that no additional funding would be needed, and he would include funding for these two positions in the budget for FY15 instead of funding for part-time workers for that station.

Mr. Evelyn moved to approve the hiring of two additional firefighter/EMT/Medics to staff Fire Station 4 with a work schedule of 7 a.m. to 5 p.m. Monday through Friday, by transferring \$83,872.32 from part-time salaries to full-time salaries. The members were polled:

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

The motion carried.

IN RE: ASSISTANCE TO FIREFIGHTERS GRANT

Chief Opett asked for permission to add this item to the Agenda for the Board's consideration because of an upcoming filing deadline for applications. He indicated that he intended to apply for items in four categories, and in each instance, any local match required would be paid from either existing budgeted funds or a future CIP, and included

- \$130,000 for operational equipment, requiring a 5% match, to include two heart monitors and personal protection equipment
- \$989,000 for a 100-foot aerial device to be housed at Station 1, requiring a 5% match
- \$500,000 for equipment and operating supplies for the new regional training center, to augment the Burn Building grant, with the 10% match being shared among the regional group consisting of the counties of New Kent, King William, James City, King and Queen, and Charles City, and the Town of West Point
- \$1,500,000 towards the Joint Regional 800MHz Radio project, requiring a 10% match, on top of the other grant that had been applied for

There was discussion regarding commitments from other localities for the regional projects.

Mr. Stiers moved to allow the Fire Chief to apply for the Assistance to Firefighter Grant offered in 2013. The members were polled:

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

The motion carried.

IN RE: VIRGINIA LOCAL DISABILITY PROGRAM

Before the Board was a request to include a resolution on the Board's October 15 Consent Agenda to opt-out of the Virginia Local Disability Program (VLDP).

Human Resources Manager Jane Bahr explained that New Kent had until November 1, 2013 to opt out of the VLDP. She explained that a comparable private plan offered better rates and that the County would have the flexibility to continue to compare plans, and it was staff's recommendation that New Kent opt out of the VLDP. It was clarified that this program would only affect new staff hired after January 1, 2014 or current employees who wanted to "opt in".

Mr. Burrell moved to add this item to the Consent Agenda for the October 15 regular Board meeting. The members were polled:

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

The motion carried.

IN RE: BEAR HUNTING

County Attorney Michele Gowdy briefed the Board on changes needed to the County's Code to comply with changes in State Code regarding bear hunting.

She advised that a call from a resident led to the realization that the Department of Game and Inland Fisheries had established a bear hunting season in New Kent; however, the County Code only allowed muzzle loading rifles to be used to shoot deer. She asked that the Board consider an ordinance that would bring the County Code into compliance by changing "deer" to "big game" in the appropriate section. She indicated that a public hearing would be needed.

There was consensus to move forward with the amendment.

There was also discussion regarding coyotes.

IN RE: AGRICULTURAL AND FORESTAL DISTRICT (AFD) PROGRAM

The Board discussed the AFD Program, for which the Board had previously instituted a two-year moratorium on the application process that would expire at the end of 2013. Furthermore, the Board had previously held a public hearing regarding taxation of AFD properties, after which action had been deferred in order to further review that amendment with the Commissioner of Revenue. It was reported that the Commissioner was sick and was not able to be in attendance at this meeting.

Ms. Gowdy advised that there were two districts up for renewal in 2014 and that the applications would have to be ready to put out in January so staff could start processing the renewals as well as applications from anyone who wanted to join those two districts. Additionally there were changes that were needed to County Code to comply with recent changes in the State Code.

There was discussion regarding the changes regarding taxation. Ms. Gowdy distributed copies of the State Code sections that governed, pointing out that those sections under Taxation were under the authority of the Commissioner of the Revenue and not the governing body. She reminded that it was the Commissioner's responsibility to determine if AFD properties were being used for agricultural or forestal purposes before granting annual tax relief and that the changes were only clarifying the County Code as to what was already taking place and making it more transparent to the citizens.

Following discussion regarding political ramifications and next steps, Mr. Burrell moved to postpone action on Ordinance O-04-13 to a meeting in the future when the Commissioner of Revenue could attend. The members were polled:

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

The motion carried.

IN RE: WOODHAVEN SHORES DAM RENOVATION PROJECT

Before the Board for consideration was the request to approve a letter from the Board confirming that there would be no County-funding for a dam renovation project in Woodhaven Shores. Mr. Stiers explained that Woodhaven Shores was looking for Federal Emergency Management Agency (FEMA) funding and such a letter was needed in order to move forward.

Mr. Evelyn moved to approve the revised letter regarding the dam renovation project at Woodhaven Shores. The members were polled:

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

The motion carried.

IN RE: CLOSED SESSION

Mr. Evelyn moved to go into Closed Session pursuant to Section 2.2-3711A.1 of the Code of Virginia for discussion about the performance of specific County employees involving Fire-Rescue and the Department of Social Services and pursuant to Section 2.2-3711A.7 of the Code of Virginia for consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel involving personnel. The members were polled:

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

The motion carried. The Board went into closed session.

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

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

The motion carried.

IN RE: HISTORIC SCHOOL RENOVATION PROJECT

The Board discussed the Historic School project, and whether an unsolicited Public Private Education Act proposal for the next phase would be the responsibility of the Board of Supervisors or the School Board. Ms. Gowdy advised that the State Code was vague in its language of "responsible public entity", and there was really a "mixed bag" as to how that was handled in other places.

Mr. Hathaway advised that the project would take about 22 months to complete. It was noted that the School Board would prefer a design-build process that it would manage, and that if the Board managed the project, it would need the approval of the Superintendent and the State Department of Education.

Following further discussion, Mr. Stiers moved that the Board of Supervisors manage the next phase of the Historic School Renovation project, with input from the School Board. The members were polled:

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

The motion carried.

IN RE: VOTER REGISTRATION OFFICE

Mr. Hathaway reported that he had received communication from the Chairman of the Electoral Board, advising that the current Voter Registration office space was not appropriate because it was too small to handle absentee voting. He indicated that apparently the Electoral Board had been working with the owner of property next to the Courthouse who was willing to build and lease a 3,500 square foot building for the Voter Registration Office at a cost of \$42,000 a year.

IN RE: CROSS COUNTRY TRAIL

Board members discussed an issue that had been recently raised regarding the high school cross country trail and its encroachment across private property that had been leased to a hunt club who had posted "no trespassing" signs and communicated that the property could no longer be used for the cross country trail.

IN RE: ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 11:08 a.m.