

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 20th DAY OF NOVEMBER 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: VEHICLE STORAGE FACILITY IN THE COURTHOUSE AREA

Before the Board for consideration was a request to release a Request for Proposals (RFP) for the construction of a vehicle storage facility for emergency vehicles in the Courthouse area.

Sheriff F. W. Howard, Jr. advised that this was a follow-up to previous discussions regarding an extension to the Sheriff's Office Impound Building to house their new crime scene vehicle.

He reviewed the increase in the number of calls for service in the Courthouse area within the last year for both Fire-Rescue and his office that included calls to the schools, businesses at Maidstone, Corinth Baptist Church, the Courthouse, the Administration Building, and the Health & Human Services Building. He advised that the population in the Courthouse area increased dramatically when the schools were in session, estimating a population in the immediate area of over 3,000.

Fire Chief Rick Opett spoke about how calls increased during the school year, making reference to some of the recent calls to the schools. He indicated that with the Courthouse area being between Stations One and Three, there was a ten- to thirteen-minute response time, noting that outcomes improved if help arrived within eight minutes. He advised that if Fire Administration staff could respond to these calls from the Administration Building, they could be on the scene within two to three minutes, and it was their proposal to put some spare apparatus at the Courthouse that the Fire Administration staff could use, or even consider assigning some part-time staff to the area during the school year. Mr. Davis suggested that some County employees could be cross-trained as drivers in order to assist as well.

Chief Deputy Joe McLaughlin, Jr. explained that the current proposal was for a metal 50' x 60' metal building on an eight-inch sealed and painted concrete slab, with three overhead twelve-foot doors and one door for personnel. He suggested that the building be equipped with minimum mechanical systems (HVAC, electrical and lighting) but sufficient enough to protect and prolong the lives of the apparatus. He advised that it was proposed that it be a design-build project and he estimated it would take about six months to build. Sheriff

Howard indicated that there should also be a small office if it was decided to add staff to the building.

Mr. Davis spoke about how this might also help to develop a Firefighter/EMT class at Bridging Communities Technical Center, as it would provide accessible equipment for some "hands on training" and assist the Center's partner localities since all were having the same fire-rescue staffing problems. Mr. Davis also suggested that there were some builders who might be able to complete the job in a shorter time.

Mr. Burrell moved to authorize the release of an RFP regarding the construction of a vehicle storage facility for emergency vehicles at the Courthouse. 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: COLONIAL DOWNS CONDITIONAL USE PERMIT APPLICATION FOR 2014
MOTORCYCLE RACE

Planning Manager Kelli Le Duc and Colonial Downs President Ian Stewart were present to review a conditional use permit (CUP) application filed by Colonial Downs for a motorcycle race in 2014.

Ms. Le Duc reported that the application was scheduled to be reviewed by the Planning Commission in December and would come to the Board for public hearing at its January 2014 meeting.

Mr. Stewart advised that the application was not much different from the last one, with it being the same event, same kind of motorcycle, and a date of August 23, 2014. He indicated that one of the differences was a later start time, a change that he hoped would increase attendance. The other difference was a request for a Sunday rain date, which had not been requested for the 2013 event.

He indicated that since the costly sound tests performed in 2013 reflected that the noise generated was well below the levels in the permit, they did not plan on repeating a sound test since it was basically the same event. Mr. Burrell predicted less noise in adjacent communities because the race would be later in the day when sound would not travel as far.

Mr. Stiers commented that since the event would feature the same kind of motorcycles, then the sound levels would likely not change and he did not see the need for another sound test. Mr. Davis and Mr. Evelyn agreed.

Ms. Gowdy suggested that one of the conditions of the new permit should be that the type of motorcycle would be the same as those in the 2013 event.

IN RE: ROUTE 249 WATERLINE

Assistant Director of Public Utilities Mike Lang reported on the status of the Route 249 waterline project and the proposed funding through the Virginia Resources Authority (VRA).

He reported that since the Board's public hearing on the Environmental Assessment, the State Department of Health had agreed that the project would have no significant impact.

He confirmed that the County had received a funding commitment letter from VRA and the next step would be for New Kent to make a formal commitment. He indicated that Bond Counsel Dan Siegel had confirmed that the Board would need to hold a separate public hearing on the borrowing. Ms. Gowdy explained that Mr. Siegel had some concerns about the rates and timing of the public hearing and was talking with VRA about a March public hearing. It was noted that the closing on the loan could not be held until the project had been put out for bid.

Public Utilities Director Larry Dame reported that there should be a savings of around \$80,000 per year in maintenance costs, and also advised that Mr. Lang had saved the County money by performing the environmental assessment himself instead of contracting it out.

It was confirmed that this did not have to have Planning Commission review.

Mr. Lang advised that the construction schedule would be set up so that the work at the intersection of New Kent Highway and Tunstall/Airport Roads would be done first so that it would not interfere with the VDOT intersection improvements scheduled for that area.

IN RE: CODE AMENDMENTS REGARDING WEAPONS

County Attorney Michelle Gowdy reviewed proposed changes to Chapter 46, Article VII of the County Code in order to bring it into compliance with the State Code.

She indicated that this should be the last of the County Code revisions that were necessitated by 2013 General Assembly action. She advised that the proposed amendment would match the language in the County Code to that of the State Code, and reported that the changes had been reviewed with the Commonwealth's Attorney and Sheriff's Office staff and all were in agreement. It was noted that a public hearing to consider the amendment would be scheduled for the Board's January business meeting.

IN RE: 2014 LEGISLATIVE AGENDA, PART 1 OF 2

Before the Board for consideration was a request to adopt the 2014 Legislative Agenda.

Mr. Hathaway reviewed the items on the proposed 2014 Legislative Agenda that had been distributed at a prior Board work session. Action items included thereon were the widening of I-64 from I-295 to Newport News; assistance to expand broadband in rural areas; reconsideration of the formula used for public education funding; State VRS funding for State-funded teachers (\$500,000 potential impact to New Kent); opposition to any reduction in CSA funding and a request for additional administrative funding; funding to achieve radio communications interoperability across the State by 2015; reverting to full funding by the State of the Line of Duty Act; a request for a study on the impact of expanding gaming options as a revenue source for transportation and resource protection infrastructure (bill expected from Hampton Roads as an alternative to proposed tolls); support of full funding for legislative mandates, incentives for regional cooperation and projects, and the VACo 2014 Legislative Program; and opposition to any moratorium on the transfer of newly-constructed secondary roads to VDOT as well as to any legislation transferring secondary road construction and maintenance responsibilities to Counties.

Mr. Evelyn suggested an additional item, asking the State to manage the stormwater management program for another year. Mr. Davis asked why the County couldn't adopt a stormwater management plan that was tailored for New Kent rather than use the State's model. Mr. Hathaway clarified that New Kent had used the State's model, but hadn't copied it "word for word" in crafting its proposed stormwater management code amendment. Mr. Tiller remarked that localities should have a little more "say so" in their own ordinances. Ms. Gowdy reminded that the State was doing what the Federal government was mandating, and had little control.

Staff agreed to work on language for the added item for the Board's consideration later in the meeting.

IN RE: CLOSED SESSION

Mr. Stiers 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 where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body and consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel involving the Public Utility system, Kentland Investments, and the corrected Sewer Service Agreement dated September 24, 1999. 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. The Board went into closed session.

Mr. Burrell moved to return to open session. 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.

Mr. Burrell 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:

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: 2014 LEGISLATIVE AGENDA, PART 2 OF 2

After the Board reviewed the proposed additional language, Mr. Evelyn moved to adopt the draft 2014 Legislative Agenda for New Kent County, with the following addition: "The County supports the Commonwealth allowing localities at least a one-year extension in implementing the new stormwater regulations. Preferably, the County supports the State continuing to administer the VSMP permit through DEQ." 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: SETTLEMENT AGREEMENT WITH KENTLAND INVESTMENTS LLC

Before the Board for consideration was a request to approve a proposed Settlement Agreement with Kentland Investments LLC.

Mr. Stiers moved to authorize the Board of Supervisors Chairman to enter into the proposed Settlement Agreement with Kentland Investments LLC after Kentland had executed such agreement. 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.

Mr. Stiers moved to appropriate \$467,405.33 from the Public Utility Department fund balance, line item 3-098-041090-0001 to line item 4-098-091030-5900. 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: ADJOURNMENT

Mr. Evelyn 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 9:57 a.m.