

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 10TH DAY OF MARCH IN THE YEAR TWO THOUSAND FOURTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

Chairman Evelyn called the meeting to order.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

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: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Approval of Minutes
 - a. February 10, 2014 business meeting
 - b. February 19, 2014 special meeting
2. Miscellaneous
 - ~~a. First Amendment to contract with Done Right Heating and AC~~
 - b. First Extension to Professional Audit Services Agreement
 - c. Resolution R-07-14 declaring the County's intention to reimburse itself from the proceeds of any tax-exempt financings for certain CIP expenditures
 - d. Resolution R-08-14 designating New Kent County as a hybrid entity for HIPAA regulations
3. Refunds
 - a. \$401.63 to Ryan Homes Richmond East Division for canceled permit
4. Supplemental Appropriations
 - a. Program income received for FY14 from CDBG Plum Point participants, \$868.23
 - b. Public education donations to Fire-Rescue, \$265.00
 - c. Donations for the Animal Shelter, \$75.00
 - d. Insurance recovery funds for Fire & Emergency Management, \$327.25
 - e. Recovered miscellaneous revenue – Sheriff, \$1,324.10
 - f. Funds received from vending machine sales for employee holiday parties, \$391.27

\$ 3,250.85	Total
\$(3,250.85)	Total In/Out

5. Interdepartmental Budget Transfers
 - a. *Cooperative Extension*: \$980 from PT Salaries & Wages and Office Supplies to Professional Services and Xerox
 - b. *Circuit Court Clerk*: \$55.00 from Permanent Records to Overtime
 - c. *Board of Supervisors*: \$65,000 from Reserved for Contingency to Property-Land Purchases
 - d. *School Board Office*: \$1,074.57 from Appropriation of funds from prior years to Middle School Renovation

6. Treasurer's Report: Cash as of January, 2014: \$40,132,519.67

Chairman Evelyn announced that there had been a request to pull item 2.a. from the Consent Agenda and discuss it at the next work session.

Mr. Burrell moved to approve the Consent Agenda, with the removal of item 2.a., and that it be made a part of the record. The members were polled:

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

The motion carried.

IN RE: RESIDENCY ADMINISTRATOR REPORT

Mike Cade, Residency Administrator with the Virginia Department of Transportation (VDOT), announced that this would be the last meeting he would attend as Residency Administrator as he would be retiring April 1, 2014. He indicated that interviews for his replacement had not yet taken place. All of the Board members expressed their congratulations and best wishes, remarking that Mr. Cade had been among the best Residency Administrators ever assigned to New Kent, how they appreciated the open lines of communication and prompt attention, and they would miss him.

He then reported on maintenance activities and construction projects on New Kent roads from the past month as well as those planned for the next thirty days. He indicated that State forces had spent a lot of time dealing with snowfall and the resulting potholes and pavement repairs. He reviewed that inmate forces had performed litter pickup and other maintenance, and that VDOT had received 61 complaints during the month, which were mostly drainage issues. He indicated that they would continue with pavement repairs, litter pickup, daylighting roadway signs, and maintenance of non-hard surface roads, as well as prepare for the start of the mowing cycle. He reported that a traffic study of Townsend Road/Route 602 had been completed, with a finding that the statutory 35 mph speed limit posting was appropriate with warning signs on one curve.

Mr. Evelyn commented that it had been evident after the last snowstorm how important sunshine was in helping to clear the roadways and commended Mr. Cade and his crewing for doing such a good job.

Mr. Davis agreed and spoke about the large number of potholes that had resulted. He inquired about the status of the I-64 paving project, calling the interstate "a mess", especially the eastbound lanes. Mr. Cade confirmed that the project had been advertised for bid and was projected to take place in 2014 and 2015 but he did not know when the work would be done in New Kent. He added that the Secretary of Transportation commuted to Richmond from his home in Hampton Roads and was personally aware of the condition of the highway.

Mr. Davis reported that the timing changes made to the traffic signal in Eltham seemed to have helped as he felt there had been a decrease in the number of motorists failing to stop at the light.

Mr. Burrell advised that it was his understanding that many residents of Charles City County were crediting Mr. Cade for the Route 618 bridge replacement project.

Mr. Tiller advised that the issue he was going to report had already been addressed.

IN RE: INTRODUCTION OF NEW STAFF

Financial Services Director Mary Altemus introduced Shannon Walton, a newly-hired Accountant in her department.

IN RE: CITIZENS COMMENT PERIOD, PART 1 OF 2

Chairman Evelyn opened the Citizens Comment Period.

Elizabeth DiLandro, a third-grade student at New Kent Elementary School, said that the Board shouldn't make "a second school" and should save the money to use for other things.

Kimberly DiLandro spoke against the project to renovate the Historic School into an elementary school. She admitted that she did not have all of the information but felt there was "plenty of evidence" that it was not a good idea. She spoke about the lack of technology and playgrounds, as well as the issue of asbestos removal, and asked why the County was considering this idea and "in a hurry to spend taxpayer money" to put students at risk. She encouraged the Board to "go beyond this band aid" and think towards the future. She welcomed information on the Board's plans.

Chairman Evelyn explained that the project was still in the negotiation phase.

Jaime Johnston also spoke against the decision to renovate the Historic School for classroom space. Her first objection dealt with the PPEA process itself, which she felt resulted in poor communication, lack of transparency, and a lack of confidence by the public in the ability of the Board of Supervisors and School Board to work together. She remarked that the School Board members were "educational leaders" who could provide insight and she asked that the two Boards work together. She commented that nostalgia needed to be "separated from practicality" and how the proposed renovation was only a short-term solution – a "multi-million dollar band aid". She spoke about the challenge for classroom space and how both the children and teachers deserved a technologically-advanced school. She indicated that although she had "every confidence in Marengo as a builder", she did not think it was in the best interests of the younger children to transform the Historic School into an elementary school. She concluded in commenting that although there were a lot of concerns among the citizens about this issue, with so few showing up to speak, she feared that the Board would not "hear the voice of the community".

IN RE: ARTS ALIVE

Tim Dice, Marketing Committee Co-Chair of Arts Alive, reported that the relationship between New Kent County and Arts Alive, an organization devoted to promoting and stimulating awareness and a love of the arts, was stronger and more diverse than it had ever been. He spoke about how what Arts Alive did tied in so well with the County's vision and mission statement, as well as its goals of enhancing the quality of life.

He pointed out that, under the Local Challenge Grant, every dollar up to \$5,000 contributed by local governments was matched dollar-for-dollar by the Virginia Commission for the Arts. He talked about how they were committed to keeping fees and ticket prices low so that more citizens from all of the member localities could participate.

He reported on participation by New Kent residents in their various programs. He noted that of the 312 subscribers to the 2013-2014 Season Series, 59 were from New Kent. He indicated that they hosted an annual subscriber reception at Wallace Manor in New Kent County, and had presented free performances by Word-Beat to all six elementary schools in the Arts Alive service area in the spring of 2013, reaching approximately 1,800 students. He announced that one of the two performing arts scholarships awarded in 2013 was won by a New Kent County High School student. He noted that artists from New Kent participated in the visual arts exhibits held seven times per year, and talked about the two children's summer camps that were held at New Kent Middle School in the summer of 2013, pointing out that of the 158 students, 93 were from New Kent, as well as 6 of the 13 paid teachers. He spoke about the 2013 Missoula Drama Camp, in which 24 of the 54 students participating were from New Kent. He also remarked on the large number of New Kent residents who served as volunteers, ushers, leaders and board members.

He concluded by asking that the Board consider what Arts Alive had done and would continue to do as New Kent worked on its upcoming budget.

Board members spoke about their experience with Arts Alive as well as the benefits that it brought to the students and about its dedicated volunteers, and thanked Mr. Dice for the update and for all that Arts Alive did.

IN RE: CITIZENS COMMENT PERIOD, PART 2 OF 2

Chairman Evelyn re-opened the Citizens Comment Period to allow remarks from late arrivals, as well as to provide an update on the Historic School renovation project.

He commented that there appeared to be a lot of misinformation about the project and reported that he and Mr. Stiers had met earlier with a group of citizens to address some of the concerns. He clarified that no contract had been signed for the project and that the proposal was still in the negotiation phase. He asked County Administrator Rodney Hathaway to provide additional information.

Mr. Hathaway agreed that there was a misperception in the community that the County was close to signing a contract. He explained that the process was just beginning and the County was waiting for the contractor to provide a set of plans and cost information, and once those items were received, a series of meetings would be set up with the School Board and the community before deciding if the renovation was a feasible option for an elementary school.

Mr. Stiers also agreed that there was a lot of misinformation. He advised that once the information had been received from the contractor, he would like to have a town hall meeting for the residents. He emphasized that the Board wanted the process to be as open and transparent as possible. He stated that everyone cared about the students, but reminded that there was only so much money to spend and it was important to figure what the County could do and use a "common sense approach".

Chairman Evelyn then invited additional citizen comments.

Judy Adkins apologized for her tardiness. She expressed her concerns about mold in the Historic School buildings, which had been vacant for eight years and continued to leak. She explained that her son, a first grader, had mold allergies and that she was concerned with the prospect of "putting him in that building". She spoke about how there were so many questions and a lot of things that needed to be determined before the Board committed to this project. She referred to the lack of information regarding the cost of the project and how it felt like the County "was writing a blank check". She talked about the PPEA process itself and how there had been no competitive bids, and how she would prefer that the County develop a design and release it for bid so that it would know "what it was getting" and have more control. She said there were too many questions about things like playgrounds, parking lots, and pick-up areas, and so many expenses that had not been included. She suggested that in the spirit of full disclosure, citizens needed to know before any contract was signed. She asked that the Board make a financially fair and fiscally-responsible decision.

Ralph Westbay complained that none of the Board members had responded to an email he had sent them earlier, and how it would be "nice" to put out information in writing. He also spoke about the 30-day window before a contract would be signed.

County Attorney Michelle Gowdy explained that State Code provided that the Board was required to wait at least 30 days after the public hearing to enter into an agreement. She reviewed that the motion made by the Board at its February 19 meeting had only authorized staff to develop an interim agreement relating to demolition work and plans for the 1930s building, and she confirmed that at the 30-day mark, the County would not be close to signing any agreement.

It was pointed out that Marengo Management was scheduled to meet with the School Board on the following day in order to receive input on school needs. Mr. Evelyn admitted that the last School Board meeting "didn't go very well" but pointed out that there was a Historic School Renovation Subcommittee in place, that he recently had "good conversation" with the School Board Chairman, and there was some action to "get the wheels back on the train". He agreed that there was still a "long way to go" but pointed out that the Board had been working on this project for a long time and that everything had been public. He thanked everyone for their comments and indicated that it was important for the Board to continue to receive citizen input.

There being no one else signed up to speak, the Citizens Comment Period was closed.

IN RE: APPROVAL OF THE JANUARY 2014 WORK SESSION MINUTES

Before the Board for consideration was a request to approve the minutes from the January 30, 2014 work session. These minutes were not included on the Consent Agenda with the others because Mr. Evelyn had been absent.

Mr. Davis moved to approve the minutes from the January 30, 2014 work session. The members were polled:

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

The motion carried.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Stiers announced that he had attended a meeting on February 18 at which time the School Superintendent and School Board had considered a proposal to outsource student transportation. He reported that a representative from Student Transportation of America had been allowed to give a ten-minute presentation on the proposal, which provided that all current school bus drivers would retain their jobs at the same salary. He indicated that there were two scenarios, one where the transportation company would purchase the current school bus fleet for \$1.7 million and replace them with hybrid diesel buses at savings of \$150,000 a year, or a lease arrangement that would result in a savings of \$225,000 a year. He reported that the School Board voted down the proposal.

Mr. Burrell announced that Richmond Region Tourism had reported a banner tourism year in 2012 that had tied the all-time record set in 2008, resulting in a \$29 million impact on New Kent. He suggested inviting someone from that organization to give a presentation at an upcoming meeting.

Mr. Burrell again requested that plans be made to refigure the dais. Mr. Hathaway advised that those plans were being developed and would be an item for discussion at the next work session.

IN RE: EAGLE SCOUT PROCLAMATION

Before the Board for consideration was a Proclamation for Christian Craig Babin who had earned the rank of Eagle Scout.

Mr. Evelyn read aloud the proposed Proclamation and spoke about Christian's Eagle Scout project that included installing a lighted flagpole at his church.

Mr. Burrell commented that many of America's best leaders had been Eagle Scouts.

Mr. Burrell moved to adopt the Proclamation for Eagle Scout Christian Craig Babin, as presented. The members were polled:

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

The motion carried.

IN RE: HUNTING ON SUNDAYS

Before the Board for consideration was Resolution R-11-14 opposing a recent General Assembly bill that allowed hunting on Sundays.

Mr. Evelyn reminded that the General Assembly had passed and the Governor had signed a bill allowing hunting on Sundays on private land. He explained that many localities were adopting resolutions in opposition and, since he had received a lot of calls and concerns, he felt the Board should discuss it.

Mr. Burrell commented that although he understood Mr. Evelyn's concerns, he didn't understand why hunting shouldn't be allowed on Sundays since sports like fishing, racing and playing golf were allowed. He indicated that everyone who had contacted him supported hunting on Sundays, and he understood that many people worked and could only hunt on weekends.

Mr. Evelyn spoke about how hunting on Sundays in Georgia had resulted in a shortened hunting season. He indicated that he was a hunter but many people he had spoken with had a lot of concerns.

Mr. Davis advised that he have heard from people "on both sides", with the majority being against hunting on Sunday. He admitted that he was not happy with the "way it was done" without input from any governing body in Southeast Virginia. He pointed out that about a quarter of the open land in Virginia was either Federal or State land where Sunday hunting would not be allowed. He spoke about how the burden was on private landowners to keep people from trespassing on their property, and he felt that this would make matters even worse. He remarked that there were a lot of non-residents who came to New Kent to hunt without licenses and reminded that there had been two incidents last year of houses being shot by hunters. He indicated that the County was getting more densely populated, and he felt that this had been "forced on us" and was another State mandate with no local input. He also spoke about the Department of Game and Inland Fisheries being short staffed and having problems with enforcement, and how the State required safety courses and licenses to operate a boat no matter what age, but that only underage hunters were required to complete a hunter safety course.

Mr. Evelyn indicated that the DGIF had hired 32 new game wardens across the State and he confirmed that everyone applying for a hunting license had to complete a hunter safety course.

Mr. Stiers stated that although he believed in personal property rights, he felt Sundays were days to spend time with family, and hunters could find another day to go hunting. He reminded that the woods were enjoyed by more than just hunters and if he were asked to vote, he would oppose hunting on Sundays.

Mr. Davis advised that, although he didn't think adopting this resolution would do any good, he felt it might "make the General Assembly think twice before doing it again". Mr. Evelyn indicated that the issue would probably be back in the General Assembly next year.

Mr. Davis moved to adopt Resolution R-11-14 opposing hunting on Sundays, as presented.

Mr. Burrell explained that he understood both sides of the issue and although he had a problem with the State mandating something without input from the localities, he had to represent his constituents and would vote against it.

The members were polled:

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

The motion carried.

IN RE: BOARD OF EQUALIZATION ORDINANCE AMENDMENTS

Before the Board for consideration was Ordinance O-04-14 amending Chapter 66, Article II to update the sections regarding the Board of Equalization.

Ms. Gowdy explained that the need for the amendments became evident during a Board of Equalization training session with the State Department of Taxation, and she reviewed each of the proposed changes that included how the members were paid, changes to some of the dates, and adding language regarding retention of records.

Chairman Evelyn opened the Public Hearing. There being no one signed up to speak, the Public Hearing was closed.

Board members commented that it appeared that these amendments were merely bringing New Kent's ordinance into compliance with State code.

There was discussion about the appeal process. Ms. Gowdy advised that the first step of the process was for property owners to meet with the Commissioner of Revenue to resolve any issues (which was underway) and thereafter they could appeal to the Board of Equalization, who would hold hearings the last week of June. Any subsequent appeal would be to the Circuit Court. Staff reported that the deadline in 2014 to file an application for a hearing with the Board of Equalization was May 5.

Mr. Burrell moved to adopt Ordinance O-04-14, as presented. The members were polled:

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

The motion carried.

IN RE: STATE BUDGET

Ms. Gowdy reported that New Kent had received a request from Delegate Chris Peace the prior weekend for the Board to consider a resolution regarding the State budget. She explained that she had prepared the resolution as received from Delegate Peace that asked the Governor and General Assembly to separate Medicaid expansion from the budget

process, which was marked "option 2" and as well an alternate resolution with the Medicaid language removed that only asked for a timely budget, since she wasn't sure what the Board would feel comfortable with. She confirmed that the request had been forwarded to the School Board as well.

Mr. Burrell spoke about how this had become a partisan issue and although he understood both sides, he felt that the General Assembly needed to "bite the bullet" and make a decision rather than forcing it on the localities, and he suggested that this might be a tactic to get support for a particular position.

Mr. Evelyn commented that with the current budget stalemate, localities might not get final figures until the last minute and it was "putting everyone in a bind". He also remarked that it was "no secret" that the Affordable Care Act had been "tough on localities and schools" as well as on businesses.

Ms. Gowdy reported that the latest figures from the Financial Services Department showed that 32% of New Kent's budget came from the State.

Mr. Burrell suggested that this was a "tactic to put fear in us" and since the General Assembly could be called back into session, the Board should consider this kind of resolution at a later date.

There was a discussion regarding Medicaid expansion and how there was a concern that Federal funding might not continue in the future, as well as comments about Federal spending and deficits.

Mr. Davis stated that he didn't know of any resolution that would help the General Assembly come to an agreement, but noted that New Kent did call on Delegate Peace for "a lot of stuff" and he only asked for help "once in a while". He asked if any other localities had adopted a similar resolution. Ms. Gowdy advised that she did not know but did know that Delegate Peace had sent the same request to all of the localities that he represents.

Mr. Burrell asked if the Board could study the request and take a vote at the next work session. It was pointed out that the General Assembly's next session would start on March 24 which was before the Board's work session on March 26.

Mr. Davis remarked that he felt option 2 would be "adding fuel to the fire" and option 1 "put it back in their court" and that the General Assembly should work it out.

Mr. Burrell commented that he had mixed feelings but he wanted the General Assembly to act and not "put it back on us", and that would be the only reason he would oppose adoption.

Mr. Davis moved to adopt Resolution R-10-14, option 1.

Mr. Stiers made an alternate motion to adopt Resolution R-10-14, option 2. The members were polled on Mr. Stier's motion:

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

The motion carried.

IN RE: STAFF REPORTS

Mr. Hathaway pointed out that the FY15 Proposed Budget had been distributed to the Board members earlier in the evening. He explained that there would be a joint meeting with the School Board on March 26 at which time the Schools would present their operating budget and CIP and that the Planning Commission would hold a public hearing on the CIP at its April meeting. He advised that he would make a formal presentation at the Board's April 10 meeting and that the April 30 work session would be primarily dedicated to the budget. Any budget work sessions could be scheduled in May and a public hearing was planned for the June 9 business meeting. He confirmed that the proposed budget would be posted on the County's website this week.

Mr. Evelyn thanked staff for all of their work and commented that adopting the budget was the "most important thing" the Board did. He asked his fellow Board members to look at the proposed budget and contact staff with any questions and concerns.

IN RE: DISTRICT APPOINTMENTS

Mr. Stiers moved to nominate William Chandler for Circuit Court appointment as District Four's representative to the Board of Zoning Appeals to serve a five-year term beginning January 1, 2014 and ending December 31, 2018. The members were polled:

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

The motion carried.

IN RE: NON-DISTRICT APPOINTMENTS

Mr. Burrell moved to appoint Edward Pollard as New Kent's Planning Commission representative to the Richmond Regional Planning District Commission to serve a one-year term beginning January 1, 2014 and ending December 31, 2014. The members were polled:

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

The motion carried.

Chairman Evelyn asked that Mr. Tiller convey to Mr. Pollard the Board's thanks and appreciation for his long-time service in this capacity.

IN RE: MEETING SCHEDULE

The Chairman announced that the next meeting of the Board of Supervisors would be held at 6:00 p.m. on Thursday, April 10, 2014, and the next work session at 9:00 a.m. on March 26, 2014, both in the Boardroom of the County Administration Building.

IN RE: ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 7:30 p.m.