

A REGULAR WORK SESSION WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 26th DAY OF FEBRUARY IN THE YEAR TWO THOUSAND FOURTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING, NEW KENT, VIRGINIA, AT 9:00 A.M.

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IN RE: CALL TO ORDER

Chairman Evelyn 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. Chairman Evelyn announced that he would be re-arranging the order of the Agenda in order to accommodate some added items.

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IN RE: BRIDGING COMMUNITIES REGIONAL CAREER & TECHNICAL CENTER

Before the Board for consideration was a request from Bridging Communities Regional Career & Technical Center to defer the first four years' of lease payments.

County Administrator Rodney Hathaway explained that Bridging Communities had agreed to a lease schedule to repay New Kent County \$700,000 in building renovation costs over twenty years. He noted that the renovation had been completed for approximately \$548,000, or \$142,000 less than the project budget, and Bridging Communities was now asking for that balance to be applied to the first four years of lease payments. He confirmed that would still allow for New Kent to be fully reimbursed by the end of the 20-year lease period.

New Kent School Superintendent Robert F. Richardson, Jr. credited the bulk of those unused renovation funds to School Maintenance Director Tim Pollock and his crew. He explained that a lot of the demolition work was done in-house and that they had also cleaned up and repaired the bathrooms which eliminated the need to renovate those facilities. He indicated that he wanted the Board and taxpayers to know what a great asset Mr. Pollock was and the part he played in these savings.

He spoke about how using these savings as lease payments would allow Bridging Communities to build up its capital reserve account for some costly items that need to be purchased for classes. He confirmed that New Kent was the fiscal agent for Bridging Communities and kept its budget, which was open for inspection, and that each participating locality paid its share of tuition payments twice a year. He advised that they expected to be at full capacity (200 students to include 70 from New Kent) next year and that these funds would allow them flexibility to bring in additional programs.

Dr. Richardson distributed a handout which included some student achievements and accomplishments, and shared how Bridging Communities was able to participate in business and community partnerships, as well as qualify for some grant funding, adding that he felt that the career and technical center was "delivering the goods in a remarkable way".

He reported that the Director was looking at ways to expand the Center's outreach to middle school students since "you can't wait until 10<sup>th</sup> grade to start talking about career planning" and they planned to use some of the funds for a summer program for 7<sup>th</sup> and 8<sup>th</sup> graders which could hopefully carry over into the school year in all five participating localities.

Mr. Davis spoke about how he would like to see Fire-Rescue classes as one of the programs, in light of the demand for firemen in all of the participating localities. Dr. Richardson reported that an EMT program was the number one priority identified at the last meeting of their Regional Board, followed by Fire-Rescue. He indicated that Rappahannock Community College could work with Bridging Communities on certification and dual enrollment, but space was an issue; however, if a regional fire training center was established in New Kent, then they hoped to be able to work with the Fire Chief to use that facility for some training.

County Attorney Michelle Gowdy advised that should the board grant this request, she would begin working on an amendment to the lease.

Board members agreed with Dr. Richardson that Mr. Pollock had done a good job with the renovation and cost-savings.

Mr. Burrell moved to approve the School Superintendent's request to defer the first four years of lease payments for Bridging Communities Regional Career & Technical Center. 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.

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IN RE: BYLAWS

Before the Board for adoption were its Bylaws, which were proposed to be amended to add a policy regarding photographing, recording or filming meetings.

Mr. Hathaway reviewed that at the Board's organizational meeting in January, there had been a proposal to amend the bylaws to incorporate a policy adopted by the Board several months earlier to require prior notification of intention to film or record a meeting. He indicated that the Board was required to wait at least 30 days to adopt the amended bylaws and that period had passed.

There was discussion regarding clarification as to whether notice was required to be given before the meeting started as opposed to before the filming began, as well as whether the policy was needed.

Mr. Davis moved to adopt the Bylaws, without the proposed amendments in Article IV, Section K, and to revoke the policy requiring advance notice of intent to photograph, record or film meetings. 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.

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IN RE:            AGRICULTURAL AND FORESTAL DISTRICT (AFD) PROGRAM

Chairman Evelyn reviewed that at its last meeting, the Board had adopted an emergency ordinance extending the 2014 application deadline until April 1 because of some confusion among the participants in the two districts that were ending.

Mr. Hathaway explained that when the AFD Program was last reorganized, all districts had ending dates, at which time application could be made for them to be re-established. Ending dates had been staggered among the districts so that two or three would end each year rather than all at one time. Ms. Gowdy advised that State Code allowed a period of no longer than ten years, and that the Board had three options at that time: end, modify or renew the district.

Chairman Evelyn introduced Bryant Bays, Senior Area Forester with the Virginia Department of Forestry, to help explain ways to certify that AFD participants with forestal land were properly managing their property.

Mr. Bays spoke about Forest Stewardship and Forest Management Plans that their foresters could develop for landowners that should meet the certification criteria for the County's AFD Program. He explained that the Plans cost around \$200 and should be good for ten years, and that landowners could also obtain similar plans from private foresters.

Mr. Davis advised that he felt there were AFD participants who were "not doing what they said they were going to do" and shouldn't be allowed to stay in the Program. He asked if it was possible to determine halfway through the cycle if a landowner was following the forestry management plan that had been submitted. Mr. Bays advised that the State Forestry Department was authorized to make that determination upon request by the locality; however, he explained that it was difficult when dealing with the long life cycle of hardwood management, which could be 100 years.

Commissioner of Revenue Laura Ecimovic spoke about the tax consequences of the AFD Program, explaining that it did provide up to a 75% reduction in taxes for the participants, and she would accept a Plan from the Forestry Department when she made her determination as to eligibility. She explained that the State Department of Taxation had charged Commissioners of Revenue throughout the state to annually audit these types of programs and how she required all participants to annually submit an affidavit that they were following their management plan in order to qualify for the tax reduction.

Mr. Evelyn asked if a "red flag" was raised when an AFD property was subdivided. Ms. Ecimovic explained that if the uses stayed the same, if it remained under the same ownership, and if it was contiguous, it would not affect eligibility.

Environmental Planning Manager Matt Venable advised that these plans would be acceptable in his office for AFD requirements; however, he noted that there was a possibility with hardwood plans that nothing could be done in ten years and it was still considered "management".

Mr. Bays spoke about ways to manage hardwood, which he advised depended on the species, and could include conducting annual inspections for invasive species and intermediate harvesting every fifteen or twenty years. He indicated that the State Department of Forestry continued to routinely fly over New Kent, looking for things like bark beetles, but admitted that it was easier to confirm pine management than it was hardwood. He reiterated that a request would have to come from the County before they would review a property for determination of compliance with one of their Plans, and it would be done at no charge to the County. He advised that they had a listing of private foresters to share with landowners, noting that there were ten firms with at least three foresters each.

There was discussion regarding the lifespan of a Plan. Mr. Bays advised that their Plans should be good for ten years. Ms. Ecimovic suggested that in the event that an existing Plan would expire before the AFD period, then a contingency could be added that the Plan be updated in order to stay in the Program.

Ms. Ecimovic spoke about how the AFD program was the largest exemption program that New Kent had and that the audit program had to be simple but fair to all concerned. She advised that if she didn't receive all of the information she needed by her deadline, including the Plan, then she would not be able to approve the tax exemption.

Mr. Venable expressed his concern about how the County could "keep up with" all of the Plans and whether the Forestry Department could keep up with all of the requests. Mr. Bays agreed that would be challenging since Will Shoup, the Area Forester for New Kent, covered three counties.

Mr. Davis spoke about "swamp" land that was in the Program but really wasn't suitable for forestry production and asked if it would be better for such land to be in a conservation easement. Mr. Bay advised that they had guidelines for both productive and non-productive forest land and they could still provide the owners of non-productive land with a Plan but it might not include timber harvesting. Ms. Ecimovic explained that swamp property was given a bigger tax break than AFD land and it was to the landowners' benefit to have it identified as swamp land.

The Board next discussed the issue of the AFD application fee and there was consensus that it should be sufficient to cover the cost of advertising and staff time so that those costs were not subsidized by the taxpayers. Ms. Ecimovic explained that it cost her office between \$700 and \$1,000 annually for mailing costs alone for her certification process.

Mr. Evelyn spoke about how it was confusing when there was no renewal fee in the past and it was important to get this change out to the public. He also commented about how he felt a \$500 fee per parcel might be "steep" for some of the smaller contiguous parcels.

There was consensus to adopt an emergency ordinance setting the fee at \$50 per parcel plus 25¢ per acre for the time being, and monitor the process to determine whether the fee was sufficient for the future.

There was discussion regarding the annual certification process established by the Commissioner. Ms. Ecimovic explained that an annual audit was the recommendation from the State and she felt it was a good business practice.

Mr. Davis moved to adopt Ordinance O-05-14, an emergency ordinance amending Appendix A-Fees to set the AFD application fee at \$50 per parcel plus 25¢ per acre, not to exceed \$500. The members were polled:

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

The motion carried.

The Board took a short break and then resumed its meeting.

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IN RE: METROPOLITAN PLANNING ORGANIZATION (MPO) EXPANSION

Dan Lysy, Director of Transportation, Richmond Regional Planning District Commission, updated the Board on the proposed expansion of the MPO. Accompanying Mr. Lysy was Tiffany Dubinsky, Senior Planner.

Mr. Lysy provided handouts that included the 4-Step Proposal to raise the standing and effectiveness of the MPO, some frequently asked questions, Guiding Principles and Details, and maps showing the MPO area, portions of New Kent in the MPO, and the boundaries of area planning organizations. He reviewed the core functions of the MPO, which included establishing and managing a regional forum for effective regional decision making; using data and planning methods to generate and evaluate transportation alternatives; developing and updating a long-range transportation plan that fostered mobility and access for people and goods, efficient system performance and preservation, and quality of life; developing a short-range transportation improvement program to implement the long-range plan; and involving the general public in regional transportation planning efforts. He reviewed that MPOs were established by Federal law, and that all area highway and transit projects had to be approved by the MPO to be eligible for federal funds. The MPO's member jurisdictions included the Town of Ashland, City of Richmond, and Counties of Charles City, Chesterfield, Goochland, Hanover, Henrico, New Kent, and Powhatan.

He reviewed that the 4-step proposal currently under consideration included expanding the use of the consent agenda at MPO meetings so that more time could be spent on regional policy issues; transforming its membership to a board that consisted of only local elected officials and officials of public and state agencies involved in transportation and not staff; expanding the MPO Study Area to include the entire Planning District which would involve bringing in those rural areas of Charles City, New Kent, Goochland and Powhatan currently not included; and changing the name of the MPO to the Richmond Region Transportation Planning Organization. He reminded that Robert Crum, Executive Director of the Richmond Regional Planning District Commission (RRPDC) had reviewed this proposal with the New Kent County Board of Supervisors at a meeting in October of 2013. He reported that the 4-step proposal was expected to be voted on by the MPO at its March meeting, after having been deferred in February in order to obtain an opinion from the Federal Highway Administration (FHA) regarding qualifications of voting representation. He reviewed how this proposal grew out of a concern of the 2013 MPO Chairman that the MPO should serve as a forum for local elected officials to identify, discuss and resolve important regional transportation topics rather than having those discussions with unelected staff. He confirmed that each jurisdiction would retain the same number of votes under the proposal, with the larger jurisdictions of Chesterfield, Henrico and Richmond having four votes, Hanover having three, Goochland, New Kent and Powhatan having two, and Ashland and Charles City having one, along with the Capital Region Airport Commission, GRTC, Richmond Metropolitan Authority, the RRPDC, and the Virginia Department of Transportation

(VDOT). He acknowledged that because allocation of votes were based upon population, the region's four largest jurisdictions would still control the majority of the votes (15 of the 28) on the MPO Policy Board and have "the most say" on how MPO transportation dollars were allocated.

He reviewed that currently transportation projects in the eastern portions of Charles City and New Kent counties and the western portions of Goochland and Powhatan counties could not be funded by the MPO even if they had significant regional benefits. In addition, significant portions of Interstate 64 within the Richmond Region were located outside of the MPO study area. He explained how expansion of the MPO boundary would provide a regional transportation planning program that matched the footprint of the RRPDC, would eliminate confusion about the Study Area, and would create a regionally-coordinated transportation planning program.

He confirmed that the expansion would result in the loss of the Rural Transportation Program funds - currently \$58,000 each year, but added that transportation projects in the now-excluded rural areas would become eligible for the other funding programs and the MPO could help advocate for those projects on the County's behalf.

Mr. Davis asked if the affected rural localities were being asked whether they wanted the expansion. Mr. Lysy indicated that the Board's representative to the MPO, Mr. Tiller, was authorized to vote on behalf of New Kent, and Mr. Tiller explained that he had wanted this discussion with the Board prior to voting at the MPO meeting.

Mr. Davis remarked that he felt the expansion might help the widening of Interstate 64.

Mr. Evelyn commented that he did not see how the expansion "could hurt us" but he doubted that it was supported by the larger localities. Mr. Lysy admitted that it was very likely that it "might not happen" but he commended the MPO Chairman for his efforts, and he felt that the strongest point in its favor was that it would help bring state transportation funding to this area, which would be a "win for the whole region".

Mr. Stiers asked about the last project that benefited New Kent. Staff advised that those projects included the sidewalk project recently completed in the Courthouse area, as well as the Route 155 shoulder improvement project currently underway.

Mr. Lysy indicated that elected officials from Goochland and Hanover Counties were the next in line for the MPO Chairman position, and that he hoped that the issue would be settled at the next MPO meeting.

Board members thanked Mr. Lysy for his update.

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IN RE: DMV SELECT OFFICE

Chairman Evelyn advised that he and Ms. Ecimovic had recently attended a meeting at Delegate Chris Peace's office regarding the possibility of opening a DMV Select Office in New Kent County in the Commissioner's Office, and he wanted to make sure that the Board was in support of the project.

Ms. Ecimovic advised that she had been working on this with Delegate Peace for around seven years and a proposal had unexpectedly "popped up" to open such an office on a trial basis. She indicated that this opportunity arose after she had submitted her FY15 budget request; however, in that request she had asked for an additional position in her office and

she insisted that her office could not take on the responsibility for the DMV Select without some commitment from the Board for that new position. She explained that the "real estate" side of her office was sufficiently staffed, but her office had not received any new staff for the "other side" for over fifteen years and, by State standards, was "almost three people shy".

She advised that the DMV wanted to open this office the first of April but she had asked that the opening date be moved to May 1 to give the County more time. She explained that having this office in New Kent would serve the Board's constituency and residents would be able to register new vehicles, renew their license plates and update vehicle information but would not be able to obtain their drivers licenses there. She said as a bonus they would also be able to register their boats and might be able to do some other game and fishing permitting. She indicated that the startup costs for the County would be minimal, with the exception of staff, and DMV would supply a credit card reader and provide all supplies. She advised that she would have to set up a separate bank account for the funds collected. She explained that DMV would make a site visit on March 11 and she did not expect that they would find any problems.

The Commissioner confirmed that New Kent would not receive any revenue from these operations during the test period but if it was a success and became permanent, then the County would receive a percentage of every transaction, which would help to offset the cost of staff.

She advised that she wanted everybody to be in agreement that this was the right thing for New Kent, as well as a commitment that she would receive the new position before she agreed to take on this project. She explained that although her front counter staff would be handling the DMV transactions, all of her staff would be cross-trained to handle it. She advised that she did not think that the DMV Select by itself would warrant a full-time person, but she was already too short-staffed and could not take on the project without a new permanent position.

She explained that the two non-real estate staff in her office handled business licenses, personal property tax, meals tax, and business taxes, and had to review the construction permits. She indicated those responsibilities continued to expand at some point in time, and being short of staff to handle these duties would result in loss of income for the County.

She indicated that the DMV Select would be open the same hours as County offices and the trial period would be between six months and a year. She confirmed that the DMV mobile unit would continue to visit New Kent to provide services in connection with operators' licenses and it was DMV's hope that having a local office in New Kent would reduce visits to their Sandston and Williamsburg offices.

She advised that the proposal to provide hunting and fishing licenses was still under review as the County did not want to compete with any of the local businesses that provided that service.

Mr. Hathaway advised that if the Board was in agreement, he would suggest advertising for and hiring a new person quickly so that everyone could get trained.

Ms. Ecimovic advised that she would wait to hear from Mr. Hathaway but needed to let DMV and Delegate Peace know as soon as possible.

There were no objections expressed by any of the Board members.

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IN RE: BOARD OF EQUALIZATION

County Attorney Michelle Gowdy reviewed with the Board some proposed amendments to County Code regarding the Board of Equalization.

She explained that when the Board of Equalization met earlier in the month for its training, it was discovered that New Kent's ordinance needed some amendments, which would require a public hearing that was proposed for the Board's March 10 meeting.

She also advised that State Code provided for the Board of Equalization to be compensated for the time that they were actively engaged, and that a proposal that they be paid for a minimum number of hours was not allowable.

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IN RE: GROUNDS MAINTENANCE

The Board heard from County Administrator Rodney Hathaway regarding an analysis as to whether there would be a cost-savings for existing County staff to maintain the grounds in the Courthouse complex rather than renew a contract with Green's Lawn Service.

It was reviewed that the contract with Green's Lawn Service had been pulled from the Consent Agenda at the previous meeting in order to make this analysis.

Mr. Hathaway reported that it had been determined that neither the two part-time Parks & Recreation staff nor the one full-time General Services staff with grounds maintenance duties, could take on this additional work load. However, based on his analysis, hiring a new part-time person working fifteen hours a week at \$12.50 per hour would result in a savings of around \$3,000 a year. He added that the Board needed to be mindful that this one person might not be able to give the same quality of service provided by the current contractor and, although there would not be the need to buy equipment at the outset, there would be wear and tear and maintenance costs on the equipment, as well as the cost of pesticide training and certification.

Mr. Davis remarked that he felt there would be a "hidden savings" in remaining with the current contract and that the current contractor was "doing a good job".

Mr. Stiers moved to approve proposed contract with Green's Lawns Service, Inc. The members were polled:

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

The motion carried.

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IN RE: BUILDING DEVELOPMENT DEPARTMENT UPDATE

Building Official Clarence Jackson was present to provide an update regarding the Building Development Department.

He reported that the number of single family housing permits issued in 2013 had increased from 2012 levels, and that those issued so far for 2014 were steady. He remarked that the fact that builders were again building "spec" houses was a good sign.

He advised that New Kent had just completed an ISO review and that New Kent had scored a "3" on a scale of 1 to 10 which was an improvement; however, he added that he did not think that the County would "ever get any better than that" because of how Virginia handled building code changes. He explained that this review, along with the one being done for Fire-Rescue, affected the rates charged for homeowners' insurance premiums.

Mr. Jackson explained that he was in middle of the review process of the new floodplain maps received from the Federal Emergency Management Agency (FEMA). He indicated that the main issue with the new maps was the requirement for stricter building standards for property along the York River because of "wave action" and suggested that the new floodplain maps might warrant more discussion at a future meeting. He reported that the Department of Conservation Resources (DCR) was reviewing the County's current ordinance to determine whether changes were required and Ms. Gowdy advised that she was likewise reviewing the State's model ordinance.

Mr. Jackson explained that the County was required to send out notices to those properties affected by the new maps, after which time there was a 90-day appeal process, and then the County would have a month to change its ordinance. The process would have to go to the Planning Commission as well and he emphasized the importance of meeting all of the deadlines; otherwise, everyone's flood insurance would lapse.

He advised that he felt the new maps better reflected the areas that should be in the floodplain. He indicated that he would be willing for his office to oversee the floodplain management process.

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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 employed or retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel involving public utilities, and pursuant to Section 2.2-3711A.29 of the Code of Virginia for discussion of the award of a public contract involving the expenditure of public funds, including discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Board involving the Historic School and PPEA. 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. 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
W. R. Davis, Jr.	Aye

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

The motion carried.

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

The motion carried.

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IN RE:           ADJOURNMENT

Mr. Burrell moved to adjourn the meeting. 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. The meeting was adjourned at 12:29 p.m.