

A REGULAR WORK SESSION WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 28th DAY OF MAY IN THE YEAR TWO THOUSAND FOURTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING, NEW KENT, VIRGINIA, AT 9:00 A.M.

IN RE: CALL TO ORDER

Chairman Evelyn 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: RADIO PROJECT

Present to review the County's radio system needs with the Board were Sheriff F. W. Howard, Jr., Chief Deputy Joe McLaughlin, and Fire Chief Rick Opett, along with Terry Hall, Chief of Emergency Communications, York-Poquoson-Williamsburg Regional Emergency Communications Center & Association of Public-Safety Communications Officials (APCO) International Past President, and Michael McGannon, Manager, Wireless Systems, Consulting Engineering Associates Inc., who had been consulting with New Kent on its radio system. Also present were James City County Fire Chief Tal Luton and Gloucester Assistant County Administrator Garrey Curry, Jr.

Sheriff Howard thanked the Board for the opportunity to talk about the radio system. He indicated that in the past, he had not been able to answer many of the questions the Board had about the proposal to join a regional system and might not be able to answer all of them at this meeting, but he hoped that they were better equipped with the presence of Mr. McGannon and Mr. Hall, both of whom had been very helpful in lending their experience to this proposed project.

He acknowledged that Board members were aware of some of the problems with the current radio system and had Chief Deputy Joe McLaughlin play recordings of three different garbled radio calls, which he indicated were not isolated incidents but just samples of "dozens of these problems every day". It was reported that Lanexa was the worst area for radio reception, which affected responses in The Colonies, Chickahominy Shores, and at Rockahock Campground. Chief Deputy McLaughlin also played a recording of a radio call from York County for comparison.

Mr. McGannon reported that he had 20 years of experience working with governments, including Gloucester, King William and other places in Virginia. He spoke about how radio communications protected the lives and property of the residents and how portable radios were lifelines for employees. He reviewed that with New Kent's current VHF system, its portable radios provided only 50% coverage, well below the 95% public safety standard, and that the mobile radios only provided 80% coverage. He spoke about system reliability and how even one failure was one too many. He talked about the importance of having radios that worked in buildings and how technology had changed over the years.

He reviewed the requirements for a radio system that included frequencies that were interference-free; tower sites that were of the right height and in the right locations; and quality equipment that met Project 25 standards, a set of standards produced through the joint efforts of the Association of Public Safety Communications Officials International (APCO), the National Association of State Telecommunications Directors (NASTD), selected federal agencies and the National Communications System (NCS), and standardized under the Telecommunications Industry Association (TIA).

Mr. McGannon then talked about frequencies. He explained that VHF was the oldest band, had a lot of interference, and limited FCC protection. He described New Kent as a "VHF island" in the region. He indicated that UHF was not typically used by public safety in this region and would be another island. He advised that the 800 MHz band was a great platform with FCC protections that the County could continue to use for many years, and that New Kent already had a license for six pairs of frequencies.

There were questions regarding cell towers and whether they would cause interference. Mr. McGannon explained that each proposed tower site would be evaluated for interference issues but confirmed that wireless carriers could co-exist with the radio system equipment on the same tower, although those companies were more interested in capacity than coverage. He advised that it was estimated that New Kent would need four 300-foot towers to provide the necessary coverage to become part of the regional radio system, but it was possible to have a greater number of shorter towers.

He reviewed the criteria involving tower locations that included evaluations of existing structures, structural analyses, providing shelters at all sites in order to protect equipment, FAA evaluation of new sites, site acquisition, and land procurement. He emphasized that tower sites required contingencies in the reserve funding to cover unexpected costs that might arise.

He explained that the main decision to be made by a locality in developing a radio system was whether to have a stand-alone system or join a regional system. He reviewed that the four issues involved included finances (both initial and ongoing), technologies, operations, and governance. He noted that one big cost-savings of joining a regional system was that New Kent would not have to pay for a switch and would be sharing other costs. He indicated that when looking at New Kent's system, he looked both to the west and east, and it was his recommendation that New Kent join the regional system of York County-James City County-Gloucester County, which he described as "one of the premier" regional systems, well-programmed, and experienced. He suggested that joining that system would not only bring a huge improvement to New Kent's coverage, but would also save money by being able to share expenses, enjoy regional buying power, and have backup 911 Center capability.

He shared a map of existing coverage as well as projected coverage if New Kent joined the regional system.

Mr. Burrell commented that technology was always evolving and asked if towers would become obsolete because of the use of satellites. Mr. McGannon advised that the proposed platform would provide voice communications for a long time, that the system had been up for ten years and they expected to go another ten years, and that satellites were too expensive. He added that joining the regional system would also give New Kent compatibility with the localities to its west as well.

Mr. Davis asked how the County's tower ordinance might impact the towers for the radio project, since it imposed height and distance restrictions. There was discussion regarding that and Mr. McGannon advised that all of those issues would be taken into account.

Mr. Burrell inquired if New Kent would be able to hear the radio transmissions from its partner localities. Mr. McGannon explained that everyone had their own "talk groups".

Mr. Evelyn asked what would happen if one of the partner localities "decided to go with something different". Mr. McGannon assured that, although there was very little likelihood of that happening because of the cost, New Kent's equipment could stand alone by itself.

Mr. Hall emphasized that if New Kent joined their regional radio system, it would be a partner and not a tenant in the system. He reviewed how in the early 2000s, York County and James City County conducted independent needs assessments with different consultants, and two years later both had the same conclusions. He reported that their issues at that time were the same as New Kent's - inadequate radio coverage, the evolution of communications, the age and life expectancy of their current system and technology, channel capacity, increased down time, and radio interference. He reviewed that the two localities had agreed to a regional system in 2002 that was now a model for others. He indicated that their initial system deployed in 2005 and had been constantly updated. He reported that Gloucester County joined the system in 2009 and that the system currently had 7,500 – 8,000 radio transmissions a month and worked "flawlessly". He spoke about the use of a microwave system and the importance of not depending on the telephone system. He advised that their system would be able to handle any migration to the 700 MHz frequency and was also compatible with both digital and analog technology. He explained that the system allowed for encryption when needed and integrated voice and data.

He spoke about the advantages and efficiencies of the 700/800 MHz frequency and pointed out that if New Kent did not start construction within a year, it would lose the frequencies that it had obtained.

Mr. Currey explained that New Kent was in the same place now that Gloucester was in the early 2000s, and how Gloucester had committees and consultants, all of whom pointed them towards a regionally-managed project. He advised that the project was presented to their Board of Supervisors in 2006, and he talked about how he no longer worried about the radio system, failures, or how to get parts, because it worked.

Mr. Hall reported that they had set their standards at 95%, but now had in-building coverage at over 99%. He demonstrated how the units would alert officers if the units were not transmitting.

He explained the competitive procurement process that had taken place, culminating in a contract with Motorola.

Mr. Burrell asked about the availability for grant money for regional systems. Mr. Hall explained that New Kent had already received grant funding of \$400,000 – which was the only money that went to communications in Virginia this year – and that he expected there would be some more grant opportunities from Homeland Security next year. He added that he felt that New Kent had received this funding because of the importance of "filling the hole" that currently existed, by connecting Hampton Roads and the Capital Virginia regions.

He reported that their system now had 26 channels and 14 towers, state of the art P25 open architecture, and three individual 911 centers. He advised that in joining the regional system, New Kent would have redundancy for its 911 Center because all calls could be seamlessly transferred to James City County's call center if needed.

He spoke about how Motorola opened its first local shop in York County so that they would not have to use any third party contractors to service the equipment and how their current system used life cycle management and would take them into 2023. He indicated that Memoranda of Understanding (MOUs) covered the long term commitments and it was "not financially appealing" for any of the partners to "cut out".

He explained that the system was managed together with no unilateral decisions, with seamless redundancy and backup coverage.

Chief Luton spoke about the importance of the localities being able to communicate in the event of an evacuation of Hampton Roads, and advised that this system would provide that capability. He confirmed that James City County did have some mutual aid with New Kent now but needed to have a way to communicate in order for that to work.

It was pointed out that in the studies that were conducted after September 11, 2001, the first priority identified was interoperability.

Mr. Tiller asked about the necessity for mobile units since the portable radios were so clear. Mr. McGannon explained that most users would still have a mobile radio in their vehicles and use portable units when they were outside of their vehicle, and both were lifelines for the officer. Mr. Hall added that emergency personnel would need both mobile and portable radios because of the design of each unit. There was discussion regarding whether school buses would be equipped with portable or mobile units.

Mr. Hall advised that there would be recurring "soft costs" but reminded that the County would save \$1.5 million by sharing resources, not having to purchase a prime site switch, and not having to hire a system manager.

He reviewed the steps involved in the process. The first would include zoning and permits, surveys, licenses, and tower erection, with a goal of using existing towers, but only if they met the specifications.

The next step would involve constructing the buildings, which he warned could have unexpected costs. Thereafter, they would need to install the base station and equip each tower. He confirmed that the County would be able to lease space on the towers to cell companies. He explained that guyed towers needed about five acres and self-supporting towers needed less acreage.

He suggested that New Kent would need four tower sites and would have five channels.

He reviewed options regarding payments. Option 1 would be to pay for one year in arrears, based on a cost of \$6.7 million, at \$809,000 a year with the first payment due on August 1, 2015, or in FY2016. Option 2 would be to pay two years in arrears, at \$850,000 per year, with the first payment due August 1, 2016 or FY2017. He advised that the equipment would have a two-year warranty, with a maintenance contract of \$350,000 a year starting in FY2018. He advised that the estimated cost was based on four new towers and four new shelters, with no contingencies. He explained that the existing partner localities still had to take the proposal back to their respective governing bodies. He also provided a list of

tenants on the system, and advised that the funding from those tenants was used to offset costs of the system.

Mr. Davis asked about capacity. Mr. Hall advised that they were only using 52% of their capacity and did not anticipate that adding New Kent would use up that capacity.

Mr. Davis asked if New Kent would have the capability to communicate with VDOT on the system. Mr. Hall explained that could be programmed into the design.

Mr. Stiers asked about the \$1 million cost per tower. Mr. Hall clarified that was the cost for the tower and the equipment.

Mr. Stiers asked if the \$6.7 million estimate was the "worst case scenario". Mr. Hall confirmed that it was, "with no surprises". Mr. Stiers asked if the cost of the project could be as low as \$3.7 million. Mr. Hall would not commit to that figure, but pointed out that New Kent was quoted \$11 million years earlier and would be saving money by joining a regional system.

Mr. Hall explained that their system was monitored by Motorola in Chicago and had never been down. He advised that the generators would be a combination of propane and diesel and explained that each site was assessed individually.

Mr. Evelyn asked about the August 1, 2014 deadline. Mr. Hall advised that once New Kent made a decision, they would go back to their respective governing bodies for approval and also contact Motorola. He confirmed that once New Kent provided a letter of intent, Motorola would start mobilizing and a contract needed to be entered by August 1 which would provide a more definite price. He advised that the \$6.7 million estimate included all radio units.

Mr. Burrell asked if there was a market for selling New Kent's current radio equipment. Mr. Hall explained that the equipment might be able to be auctioned off for parts.

Mr. Evelyn asked that staff work to provide the Board with some financial options and analysis at the next meeting.

Mr. Stiers remarked that it was the Board's duty to give public safety staff what they needed in order to protect the citizens and that "something has to be done". He said that he did not know of any other options and felt the Board needed to act on it. He advised that he had already asked the County Administrator to "run some figures" and he felt that it could be worked out since the County would have a two-year window.

Mr. Evelyn commented that the Board had a responsibility to the taxpayers to make sure the County could pay for it.

Mr. Burrell noted that the maintenance costs alone equaled one and a half cents on the real estate tax rate. Mr. Hathaway advised that figure should only be about one cent after deducting the amount being paid on existing maintenance contracts.

There was consensus to make a decision once final figures were provided.

The Board took a break and then resumed its meeting.

IN RE: AIRPORT ENGINEERING SERVICES

Before the Board for consideration was a request to approve an Agreement with Delta Airport Consultants for airport engineering services.

Airport Manager Bill Kelly explained that some minor amendments had been made to the proposed Agreement that were still subject to concurrence by the Federal Aviation Administration (FAA) and the State, but asked that the Board approve the amended Agreement.

Mr. Evelyn pointed out that rates and fees were not included in the Agreement. Mr. Kelly advised that a Task Order would be developed for each project that would have rates and charges that would be reviewed by both the State and the FAA as to their reasonableness.

Mr. Burrell spoke about how the Airport had cost the County and the taxpayers over a million dollars since 2000, how it was just a hobby airport and did not bring much business to the County, about the pending environmental problems with the tree-clearing project as well as past litigation, how many of the hangar tenants were not New Kent residents, how the location and the length of the runway were limiting, and that he had asked the County Administrator to ask the County's Congressman to assist in efforts to determine if the FAA and State would forgive all sums relating to grants over the years if the County decided to sell or close the Airport. He added that he felt the grant funding being spent on projects at the New Kent County Airport would be better spent on other general aviation airports in the area that had better locations and longer runways.

Mr. Kelly advised that about half of the hangar tenants were New Kent residents and talked about how having non-residents as tenants generated tax revenue from outside the County. He pointed out that the figures that Mr. Burrell was using did not include the personal property tax collected on aircraft, and reminded that part of the Airport's operating expense for the last few years was a loan payment on the hangar project. He also advised that he had looked into other ways to bring in revenue, including drone schools and Christmas tree farming.

Mr. Hathaway confirmed that he would be bringing a proposal to the Board at its next meeting to pay off the balance on the hangar loan early in order to realize some cost savings. He also advised that he had talked with staff in Congressman Eric Cantor's office and they "seemed willing to assist" the County; however, something from the FAA in writing would be needed regarding whether the County would be required to repay grant funds.

Mr. Burrell advised that some communications in 1995 suggested that repayment of the grant funds could be forgiven and he asked that the Board look at that and "think along that line".

Mr. Kelly advised that the FAA had "never done that".

It was reported that the Airport property totaled 168 acres.

Returning to the proposal at hand, Mr. Kelly explained that the County did not currently have a General Services contract for engineering services and that the first project he anticipated coming up would be the runway overlay project estimated at \$150,000, of which New Kent's 2% responsibility would be \$3,000.

Mr. Davis moved to approve the amended General Services Agreement with Delta Airport Consultants for engineering services at the New Kent County Airport, with the caveat that “we do something about the Airport that is still bleeding us”.

Mr. Hathaway advised that he would submit a letter to the FAA to let them know of the County’s “intentions” and ask them to put in writing whether the grant funds would have to be paid back, which generated some Board member comments regarding what those “intentions” might be.

The members were polled:

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

The motion carried.

IN RE: SECONDARY SYSTEM SIX YEAR PLAN FY 2015 – 2020

Before the Board for consideration was Resolution R-15-14 approving the proposed Secondary Six Year Plan (SSYP) for Fiscal Year 2015 – 2020 and the 2015 Construction Priority List. A joint public hearing on the matter was conducted on May 12, 2014 and vote was deferred until this work session.

Mr. Hathaway advised that nothing in the Plan had changed since the public hearing. He explained that \$73,015 was set aside for secondary road projects for FY15, with the bulk of that money going to a drainage/shoulder repair project on Dispatch Road that was already underway, and the remainder to a Rural Rustic Road improvement project on Stage Road between Polish Town Road and Homestead Road. He noted that a surfacing/drainage project on Henpeck Road remained on the Plan but had no funding for FY15.

Mr. Burrell moved to adopt Resolution R-15-14 approving the Secondary Roads Six-Year Plan for FY 2015 – 2020 and the 2015 Construction Priority List. 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.

IN RE: UPDATE FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT)

Interim Residency Administrator Marshall Winn reported that the recent speed study conducted on Route 155/North Courthouse Road had been completed and did not find justification for a speed limit lower than 45 mph.

Mr. Evelyn advised that he had spoken with Sheriff Howard, who remained convinced that the speed limit should be 35 mph, and suggested that the Board send a letter to the State requesting such a speed limit.

Mr. Winn advised that the study took into account comments from Sheriff Howard and the Virginia State Police, as well as the accidents and fatalities that had occurred in the area, but did not find justification for a 35 mph speed limit. He advised that new 45 mph speed limit signs would be installed as soon as a hard copy of the study was received by his office.

Mr. Stiers advised that VDOT Traffic Engineers had talked about both short-term and long-term improvements for that area and asked what those long-term recommendations might be. Mr. Winn advised that he did not know.

Mr. Winn also advised the Board of an issue with overgrown plants that were affecting sight distances around all three roundabouts on Route 106. VDOT's New Kent Superintendent Chad Baker explained that the permit that had been issued to James River Nurseries and Farms of New Kent for the bushes had expired three years earlier and had never been reissued, and that no one was maintaining the plants. He advised that he had called the developer about the problem and if it was not taken care of, then VDOT would be removing the bushes. It was explained that a one-year permit was needed to keep certain types of plants.

Mr. Evelyn thanked Mr. Winn and Mr. Baker for bringing this issue to the Board's attention.

Mr. Winn then introduced Bruce McNabb, who had been selected to serve as the new Residency Administrator.

IN RE: PARHAM LANDING WASTEWATER TREATMENT PLAN MODIFICATIONS

Before the Board for consideration was a request to approve the low bid for modifications at the Parham Landing wastewater treatment plant.

Public Utilities Director Larry Dame reviewed that the Plant was generating more sludge than anticipated and, although the current system was "fine for now", he was worried about a sudden increase and the County needed to get the modifications installed and operational. He confirmed that the project was an item in the Capital Improvements Plan (CIP) and the project had been put out for bid and came in below what had been budgeted.

He confirmed that Patterson Construction, the low bidder, had been checked out thoroughly.

He indicated that New Kent was still having its sludge hauled to Henrico County at an annual cost of \$260,000. He advised that he would have a presentation for the Board later on in the year to review the results and recommendations of the sludge study that had been performed.

Mr. Davis moved to approve the low bid from Patterson Construction Company for the contract on the Parham Landing wastewater treatment plant modifications. 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: EXPANSION OF PASSENGER RAIL SERVICE

Mr. Hathaway reported that at the last meeting of the Virginia Peninsula Mayors and Chairs, a proposal was submitted by Newport News and Williamsburg for their partner localities to send a letter of support for a passenger rail study to be performed by the Virginia Department of Rail and Public Transportation, to look at adding additional trains to Amtrak service. He indicated that all of the localities so far had agreed to send a letter. He explained that the Amtrak line between Richmond and Newport News was apparently one of the busiest in the State and in the Eastern Region, and there were capacity issues in both Newport News and Williamsburg. He advised that there were two and sometimes three passenger trains a day, and it would impact the train traffic that traveled through New Kent.

There was discussion regarding rail traffic and whether high speed rail was still an option. Mr. Hathaway indicated that high speed rail was no longer a focus for this corridor because of the high number of crossings.

Mr. Davis moved to approve the draft letter in support of funding for a Peninsula corridor improvement study. 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: DAM MAINTENANCE

County Attorney Michelle Gowdy reviewed with the Board a proposal from Patriot's Landing regarding dam maintenance. She explained that Patriot's Landing had a little more than 30 lots that could only be reached by a road proposed to cross over a dam. Inasmuch as VDOT would maintain roads over dams only if the locality agreed to ultimately maintain such dams, she recounted that the attorney for Patriot's Landing had previously proposed a Deed of Easement that provided that the Homeowners Association (HOA) would be responsible for maintenance and repairs of the dam, but left the County with that responsibility if the HOA did not fulfill its duties, a proposal that had not been acceptable to the County.

She reviewed that the latest proposal provided that \$140,665 be placed into a bond – an amount that had been estimated to be the cost to reinstall the box culvert and earthen blowout in the event of a failure of the dam. It was noted that this was only enough funding for a one-time fix and was not a "lifetime guarantee".

Mr. Evelyn commented that he had concerns about setting a precedent.

Mr. Davis agreed, noting that there were other dams in the County that could fail at any time, and he did not think the County should enter into any agreements that would require future taxpayers to pay for something that benefited a homeowners association or thirty waterfront property owners.

Mr. Evelyn remarked that he felt this was a VDOT issue and asked why the developer wouldn't be held responsible. Ms. Gowdy reminded that VDOT would not enter into a contract without the County guaranteeing the security of the dam.

There were comments about the possibility of building a bridge instead but Mr. Hathaway advised that would be too expensive.

Ms. Gowdy suggested that one of the options was for it to be a private road, but that would require amending the Planned Unit Development, which would be costly as well. She confirmed that if it were a private road and the HOA defaulted on its commitment, then the County would not be held responsible.

Board members agreed that they did not want to "open this can of worms".

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

IN RE: FY15 BUDGET

Before the Board for consideration was Ordinance O-07-14 amending Appendix A – Fee Schedule for FY15; Ordinance O-08-14 establishing tax levies for the 2014 / 2015 tax year; the Administrative Recommended Capital Improvement Plan (CIP) for FY2015 – 2019; and the FY15 budget.

Mr. Hathaway reviewed two changes that had been made since the public hearings on May 12, 2014. The first involved the Fireworks Permit fee and he explained that it had been decided to leave the fee unchanged for FY15 and he would propose separate display and sales permit fees for FY16. The other change involved a reduction of \$175,000 in the CIP as a result of the removal of the tank replacement project at George Watkins Elementary School.

He also advised that there was a revised proposed budget motion, explaining that because the State had not yet adopted its budget and New Kent relied on State funding for operations, staff had been looking at contingency plans to protect its cash reserves. He described some of the areas that were being monitored, to include capital projects, part-time staffing hours and travel. The new language for the motion was proposed to be "until such time as the General Assembly adopts and the Governor signs a fiscal year 2015 budget, the County appropriations for the School Board shall not exceed \$4,332,901 for the July 1, 2014 to September 30, 2014 period. Should the Commonwealth of Virginia fail to adopt a budget by September 15, 2014, the New Kent Board of Supervisors shall consider additional funding options for the School Board." He explained that \$4,332,901 equaled three months of operations for the school system.

Mr. Evelyn reported that he and staff had met with the schools the previous day, and that the first proposal had been to limit the schools to receiving one-twelfth of its funding each month, but they felt that would not be sufficient for them to open schools since a lot of their expenses occurred at the first of the year.

There was discussion regarding how other localities were "in the same boat" and how this would affect those departments whose fiscal year began on June 1. Mr. Hathaway advised that there were no commitments from the State that localities would be reimbursed any funds they expended prior to a State budget being adopted.

Mr. Davis moved to adopt Ordinance O-07-14(R) amending Appendix A (Fee Schedule) of the New Kent County Code. 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.

Mr. Davis moved to adopt Ordinance O-08-14 as presented, to impose tax levies on real and personal property for the 2014/2015 tax year in New Kent County. 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. Davis moved to adopt the Administrative Recommended Capital Improvement Plan for FY2015 – 2019 as advertised, with the following changes:

Capital Projects Fund – as advertised	\$9,365,500
Elimination of the George Watkins Elementary School tank replacement	\$175,000
Total	\$9,190,500

The members were polled:

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

The motion carried.

Mr. Burrell moved to adopt and appropriate the Fiscal Year 2014 – 2015 Budget with the recommended changes totaling a net reduction of \$175,000 and make the following appropriations:

General Fund	\$16,077,063
Social Services	1,334,836
School Capital	--
Grants	--
Capital Projects	9,190,500
Human Services	1,736,248

Wireless E-911	46,699
Schools	27,405,849
School Food Service	948,432
Litter Control	0
Debt Service	6,193,332
Airport	1,749,949
Computer Replacement	124,200
Total Governmental & Schools	\$64,807,108

Water/Sewer	\$4,095,959
Bottoms Bridge Sewer	1,085,182
Total Public Utilities	\$5,181,141

Total Proposed FY2013-14 County Budget	\$69,988,249
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He further moved that until such time as the General Assembly adopted and the Governor signed a fiscal year 2015 budget, the County appropriations for the School Board shall not exceed \$4,332,01 for the July 1, 2014 to September 30, 2014 period. Should the Commonwealth of Virginia fail to adopt a budget by September 15, 2014, the New Kent Board of Supervisors shall consider additional funding options for the School Board.

Mr. Tiller remarked that he had thought a lot about cuts to the school system and proposed to give them another \$50,000. Mr. Evelyn advised that there had been some discussion among the Board members and asked if that additional funding would be used for the Chromebook initiative. School Superintendent Robert Richardson, Jr. advised that would be the "most likely thing we would look at", explaining that technology was critical to the Schools maintaining the accreditation.

Mr. Evelyn suggested that if the Board agreed, then that funding could be subtracted from the proposed Debt Service transfer and Mr. Burrell would need to amend his motion.

Mr. Tiller advised that another thing he'd "heard about" was the Bottoms Bridge District and he felt the Board needed to take a look at that since it was not "accomplishing what it is supposed to be doing".

Following discussion, Mr. Burrell amended his motion to show funding for the Schools at \$27,455,849 and funding for Debt Service at \$6,143,332. 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: STORMWATER ORDINANCE

Assistant County Administrator Jonathan Stanger and Ms. Gowdy were present to answer questions about the Stormwater ordinance changes that were scheduled for public hearing before the Board on June 9.

It was noted that the Planning Commission had voted 9:0 to send a favorable recommendation to the Board and it was confirmed that the proposed ordinance had not changed since the Board had sent it to the Planning Commission. Ms. Gowdy advised that some of the definitions had been amended at the request of the Department of Environmental Quality (DEQ) but were substantially unchanged.

Mr. Evelyn asked about the certification process. Mr. Stanger explained that once County staff had enrolled in the training program, they were deemed to be certified for one year, until they could pass the test, which he expected would be available after July 1, 2014. He indicated that the County's Environmental Planning Manager would be the one issuing the permits and that no construction permits could be issued until the Virginia Stormwater Manager Program (VSMP) permit had been issued. Mr. Hathaway explained that one of the concerns with having the State managing the VSMP program had been the length of time it would take to get a permit.

Mr. Evelyn advised that he would like to know what the consequences were if New Kent did not pass the ordinance by the July 1, 2014 deadline. Mr. Hathaway advised that in that event, all construction in the County would stop.

Mr. Tiller asked what would happen if a staff member issued a permit but later failed the certification test. Mr. Hathaway advised that person would be deemed to have been certified at the time that the permit was issued.

IN RE: HISTORIC SCHOOL, PART 1 OF 2

Mr. Davis advised that the Virginia Community College System was looking for a new home and suggested that New Kent offer the Historic School building as an option. Mr. Hathaway advised that he had made contact and, although that group had indicated that they were looking for a building in Richmond, Hanover, Henrico or Chesterfield, he had been asked to submit an application so that New Kent could be considered. It was reported that the VCCS was currently paying \$430,000 a year in rent in its current location.

Mr. Evelyn mentioned that there were also other ideas for uses of the building.

IN RE: CLOSED SESSION

Mr. Davis moved to go into closed session pursuant to §2.2-711A. 1 of the Code of Virginia for assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or County employees and pursuant to §2.2-3711A.7 of the Code of Virginia for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation where such consultation or briefing 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 DEQ, zoning, conflict of interests, and EEOC. 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. Davis 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. Davis 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.

IN RE: HISTORIC SCHOOL, PART 2 OF 2

Mr. Stiers suggested that since the Historic School was no longer being considered as an elementary school, the back end of the building should be used to expand Bridging Communities Technical Center and the Heritage Library could be moved into the front part of the building. He pointed out that would utilize all of the space and would save \$40,000 a year that the County paid towards the Library's rent.

Mr. Davis asked that no promises be made until the County received a response from the Community College system, but admitted that he felt that was what would possibly "end up there".

It was also explained that there had been some concerns about uses that would be permitted since bond funding had been used to renovate the building. It was reported that Bond Counsel Dan Siegel had advised that using the building for a public library was permitted under the bond.

IN RE: MEETING SCHEDULE

The Chairman announced that the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on June 9, 2014, in the Boardroom of the County Administration Building.

IN RE: ADJOURNMENT

Mr. Tiller 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 12:32 p.m.