

A REGULAR WORK SESSION WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 24th DAY OF SEPTEMBER 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: ORDINANCE CHANGES RELATING TO CORRECTION AND REFUND OF ERRONEOUS ASSESSMENTS

Chief Deputy Treasurer Donna Williams briefed the Board on a request to amend County Code Section 66-5 to allow refunds in the amount of up to \$2,500 without action of the Board, as allowed in Virginia Code Section 58.1-3981.

Ms. Williams explained that currently New Kent allowed the Treasurer's Office to issue refunds without Board approval for any request up to \$1,000. She reported that Virginia State Code allowed for refunds of up to \$2,500 and she felt that changing to the higher amount would save a lot of staff time and paperwork and would be more convenient for both the Treasurer's Office and the Commissioner of the Revenue's Office. She confirmed that most refund requests were for amounts under \$2,500.

County Attorney Michelle Gowdy confirmed that the requested change was compliant with State Code but that the ordinance change would require a public hearing.

Following discussion regarding the timing for that hearing, the Chairman directed that it be scheduled for the October business meeting.

IN RE: ORDINANCE CHANGES RELATING TO BUSINESS LICENSE DUE DATES

Commissioner of the Revenue Laura Ecimovic reviewed with the Board a request to amend County Code Sections 66-315, 66-317 and 66-318 regarding deadlines for business license applications and payments to be effective for the 2015 Business License year.

Ms. Ecimovic explained that her request was to change two things in the current County Code, the first being the March 1 deadline to file business license applications. She pointed out that most businesses did not have accurate numbers by March 1, which resulted in a lot of "guessing" and ultimately a lot of amended applications. She indicated that State Code provided for a deadline of no later than May 1, a date she felt would be better for her office and for the businesses since they would have already filed their federal tax returns and would have actual figures to report.

She advised that it was her plan to produce a book, similar to what was done with real property and personal property, from which the Treasurer's Office could generate bills to send out. She indicated that this would require changing the due date for paying business license fees from May 1 until June 30. She suggested that these changes would streamline the process for staff and would be a "good move" for businesses.

She admitted that this would be a "big change" and would require her office to do some outreach to the business community. She projected that the changes would be positively received and beneficial to the business community, since her office received a lot of complaints about the current March 1 application deadline.

She pointed out that the downside of the changes would be a two-month delay in collection of business license revenues.

Mr. Stiers commented that this was a request that he had made about ten years earlier, at which time he was told by the County Administrator that it would not be feasible because of cash flow disruption. Ms. Ecimovic advised that neither she nor the Treasurer had heard of that concern and noted that collection would still be within the same fiscal year.

Ms. Gowdy confirmed that the ordinance changes would require a public hearing.

Ms. Ecimovic advised that she would like for the changes to be effective for the 2015 calendar year.

Following discussion, there was consensus to schedule this hearing for the November business meeting.

IN RE: LIBRARY STATE AID REQUIREMENTS

Heritage Public Library Director Barbara Winters reviewed with the Board a request for the County to execute a Five-Year Plan for meeting State aid requirements.

Ms. Winters explained that the Commonwealth of Virginia had established the Library of Virginia Board and empowered that Board to regulate how funding was distributed to public libraries. She advised that funding was withheld if a locality's contributions did not meet the State median, a figure that was currently \$11.62. She pointed out that the figures in the proposed Plan were from FY13 and had changed, and she was waiting for them to be corrected. She indicated that what New Kent needed to do to avoid losing State aid was to bring its contributions up to the median over the next five years. She reported that Heritage had always had a waiver because it had never met the State median. She remarked that this Plan was being required in every locality across the State where the State median was not being met. She indicated that what she was asking was for the Board to give permission to the County's Chief Financial Officer to sign the Plan, once the figures were corrected, confirming that the Board would attempt to increase New Kent's portion by one-fifth of the shortage over the next five years. She clarified that this was not a request for any additional funding at this meeting and the Library would increase its budget request each year over the next five years in order to bring the total funding up to a figure that met State compliance.

Ms. Gowdy advised that she had added a paragraph to the proposed Plan, outlining that the Board was not empowered to make any binding funding commitment on a future Board.

Mr. Hathaway agreed that the figures on the proposed Plan did not appear to be correct and he would make sure that he was comfortable with the figures before the paperwork was signed.

Ms. Winters confirmed that this Plan covered New Kent's portion only, and included funding for both operations and the lease. She explained that everything for Heritage Library was split 70/30 between New Kent and Charles City, based on population figures.

There was consensus that the County Administrator should be the one to sign the Plan, once the figures had been corrected.

Mr. Stiers moved to authorize the County Administrator to sign the 5-year plan with Heritage Public Library for meeting State Aid Requirements, once the figures had been verified by both parties. 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: REIMBURSEMENTS FROM LOANS FOR EXPENDITURES FOR THE RADIO SYSTEM PROJECT

Before the Board for consideration was Resolution R-37-14 declaring the County's intention to reimburse itself from the proceeds of any financings for expenditures in connection with the proposed Radio System Project.

Mr. Hathaway explained that as the Board had decided at its last meeting to move forward with the radio project, adoption of the proposed resolution would allow the County to reimburse itself for any expenses incurred prior to closing on a loan for the project. He confirmed that there was nothing "pressing" at the current time.

Financial Services Director Mary Altemus reminded that the Board adopted a reimbursement resolution annually after it adopted its Capital Improvements Plan and adopting the proposed resolution now would not commit the County to a loan if the project did not proceed.

Bond Counsel Dan Siegel agreed, but pointed out that any such resolution would be retroactive 60 days from the date of adoption.

Board members advised that they were not comfortable moving forward at this time and action was deferred.

IN RE: RADIO SYSTEM PROJECT

Before the Board for consideration was a request to approve and authorize New Kent to approve a change order and amendment to the York County, James City County, and Gloucester County contract with Motorola in order to add New Kent.

Ms. Gowdy reported that she had participated in a recent conference call with Motorola and had provided proposed changes to the contract, and although Motorola had agreed to the changes verbally, nothing had been received in writing. Under the circumstances, she did not believe that the County was in a position to sign the contract and Motorola had extended the proposed prices until November 30. She recommended that the Board defer any action on the matter and confirmed that the Sheriff was aware of the situation.

She also advised that there was no "lock" on the interest rate for the Motorola financing and that a Request for Proposals was being prepared to be advertised later in the week to determine rates for bank financing.

Board members thanked Ms. Gowdy for her work on the contract and there was consensus to defer action on all items relating to the radio system.

IN RE: RADIO SYSTEM PROJECT FINANCING

Before the Board for consideration was Resolution R-38-14 authorizing the County Administrator to execute a Lease Agreement with Motorola for acquisition of the equipment for the Radio System Project.

This item was deferred.

IN RE: FARMS OF NEW KENT COMMUNITY DEVELOPMENT AUTHORITY

Trustee's Counsel Joe Fanone failed to appear as scheduled and the County's Bond Counsel Dan Siegel gave an update to the Board on the status of the Farms of New Kent Community Development Authority (CDA).

He reported that at a recent meeting of the Authority, Bill Huck had reported on how much the CDA was "underwater" from a delinquent tax standpoint and how much taxes were owed versus value of the properties, and had suggested that they might restructure with the bondholders and eventually ask for assistance from the County. Mr. Siegel advised that he suspected that the restructuring would be similar to what was recently done with the Lewistown CDA in Hanover.

It was noted that any restructuring would be between the partners and the bondholders and New Kent would not have any participation.

Mr. Siegel confirmed that taxes were up-to date for the parcels owned by Boddie Noell but taxes were delinquent for the properties of Republic (Land Bays 4 and 5) and the commercial parcels.

There was discussion regarding activity in various parts of the development, as well as the recent sale of the winery.

IN RE: CLOSED SESSION

Mr. Burrell moved to go into Closed Session pursuant to Section 2.2-3711A.1 of the Code of Virginia for discussion, consideration, and assignment of specific public officers of County Departments involving Community Development and Section 2.2-3711A.7 of the Code of Virginia for consultation with legal counsel and briefings by staff members where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body regarding the Historic School. 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 Board went into closed session.

Mr. Davis moved to return to open session. 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. 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:

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: PINE FORK PARK

Parks and Recreation Director Kim Turner provided an update on plans for Pine Fork Park and requested the Board's approval to move forward with a Master Plan.

Also present were Parks/Facility Supervisor Jason Baldwin and Jeff Staub of Silvercore Land Development Consultants, who was working with the County on the project.

Ms. Turner reported that a conceptual plan had been developed with input from the community and user groups and they felt that they had a good understanding of what the community wanted and that they had captured the majority of those needs in the plan. She indicated that she had presented the conceptual plan to the Planning Commission and had recently received approval from the Parks and Recreation Advisory Commission to move forward with the master planning process. She explained that a master plan was needed in order to apply for grants, but pointed out that items in a master plan were “not set in stone” and the County would be able to make changes and have options. She indicated that she wanted the community to understand that the park would not be built out all at one time, but would be phased in.

Mr. Evelyn advised that he had attended the recent meeting of the Parks and Recreation Advisory Commission and wanted to make sure that the Board was aware of the status of the project. He pointed out that there was some funding in the budget for this project and having a master plan would provide the opportunity to apply for grants.

Ms. Turner confirmed that there were no wetlands issues with accessing the park property although the County would have to work with the Virginia Department of Transportation (VDOT).

There were questions about parking. Mr. Staub explained that because of the linear layout of the property, parking was situated along the length of the spine road and would provide visitors the opportunity to park in the area of the field that they were using.

Ms. Turner pointed out that many of the proposed fields were multi-purpose.

Mr. Stiers asked about the possibility of including a community pool since there was not one available in the County. Ms. Turner pointed out that a pool was “was on everyone’s list” and was included as one of the future options in the field house area, but would not be feasible at the current time because of the significant costs and liability. Mr. Staub explained that there were a lot of options for the field house, all of which could be more closely analyzed in the future.

There was discussion regarding the pressing need for sports fields.

Mr. Tiller asked what would be included in the first phase. Mr. Baldwin spoke about the opportunity to get a matching grant from VDOT for the access road and that it was staff’s recommendation to develop the road and the field in the back part of the parcel during the first phase.

Ms. Turner remarked that she felt that the conceptual plan did a good job of combining the passive and active uses in the park. Ms. Gowdy suggested moving the maintenance shed away from the field house area to avoid problems with the neighbors and with the proffers that set forth that part of the park was to remain passive. Mr. Staub advised that the proposed location of the shed could be moved to the other side without any problems.

Ms. Turner emphasized that she and her staff were very mindful of the economic situations in the County and State and were trying to get “the biggest bang for the buck” and would continue to be fiscally responsible. She reminded that this was a new venture and there would likely be some mistakes but they would not be intentional. She also explained that they had to consider the operating impact of everything that they built, as well as safety and security.

There was discussion regarding sponsorships for the fields.

Mr. Evelyn commented that the Parks and Recreation staff and Mr. Staub were all taxpayers in New Kent, he felt Mr. Staub had given the County a good deal on the work he had done to date, and he thought the County should move forward with a master plan.

Ms. Turner asked the Board to contact her if they had any questions. Mr. Stiers advised that it was his understanding that a local church on Tunstall Road planned to have athletic fields at its new facility that would be open to the public and suggested that she contact them.

IN RE: OTHER BUSINESS

Mr. Evelyn asked that staff review the minutes and provide information on any discussion regarding whether or not stormwater permits would be needed for land disturbance of less than an acre.

IN RE: MEETING SCHEDULE

The Chairman announced that the next regularly scheduled meeting of the Board of Supervisors would be at 6 p.m. on Tuesday, October 14, 2014 in the Boardroom, and that the Board would also hold a retreat at 2:30 p.m. on October 3, 2014 at 9196 Hill Farm Road in Lanexa, Virginia.

IN RE: CONTINUATION OF THE MEETING

Mr. Stiers moved to continue the meeting until October 3, 2014, at 2:30 p.m. at 9196 Hill Farm Road, Lanexa, Virginia. 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 meeting was suspended at 11:19 a.m.