

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 12th DAY OF NOVEMBER IN THE YEAR TWO THOUSAND FOURTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

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IN RE: CALL TO ORDER

Chairman Evelyn called the meeting to order and introduced Mrs. Wanda Watkins, Deputy Clerk of the Board. He noted that Mrs. Watkins would be filling the position currently held by Mrs. Connie Nalls who would be retiring at the end of December. Mr. Evelyn thanked Mrs. Nalls for her service and noted how much she would be missed.

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IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

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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.

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IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Approval of Minutes
  - a. October 3, 2014 special meeting minutes
  - b. October 14, 2014 regular meeting minutes
  - c. October 29, 2014 work session minutes
2. Miscellaneous
  - a. Change order of \$3,937.49 for the Treasurer's contract with M & W Printers, Inc.
  - b. Sole source procurement for ESRI software three-year agreement/renewal
  - c. New road names (Diascund Creek Section 2)
    - i. Diascund Creek Way
    - ii. Diascund Creek Place
  - d. Resolution in Honor of the Honorable Thomas B. Hoover on his retirement
3. Refunds
  - a. \$1,440.82 to Edward and Brenda Christian for erroneous assessment
4. FY15 Carry Forward Appropriations
  - a. Additional FY14 School End-of-Year Balance, \$6,237.22

\$ 6,237.22 Total  
\$ (6,237.22) From Co. Capital Fund (7) fund balance
5. FY 15 Supplemental Appropriations
  - a. Program income received for FY15 from CDBG Plum Point grant participants (October 2014), \$469.00
  - b. Donations for the Animal Shelter, \$20.00

- c. Recovered miscellaneous revenue – Sheriff’s Office reimbursement from New Kent Winery (\$1,322.80), Metropolitan Richmond Sports Backers for Tour of Richmond Bike Race (\$3,965.94), Colonial Downs LP – Harness Racing (\$1,609.03), New Kent High School Security (\$193.77) and Reimbursement from Clerk of the Circuit Court – restitution for extradition (\$39.83), \$7,212.37
  - d. Gifts and donations for Fire-Rescue, \$37.83
  - e. Sponsorship revenue to Parks & Recreation – ChemTreat, Inc., \$800.00
  - f. Extension Program Sponsorship Revenue, \$260.00
  - g. Litter Control Grant Funds, \$6,357.00
  - h. Fire-Rescue Emergency Services Grant Funds, \$20,500.00
- \$ 35,656.20 Total  
\$ (35,656.20) Total In/Out

- 6. Interdepartmental Budget Transfers
  - a. *General Services*: \$500 from Animal Shelter Repairs to Boardroom Dais
  - b. *Information Technology*: \$3,735.81 from Server Infrastructure Improvement and GIS Topography to MIS-IT Servers
  - c. *Commonwealth’s Attorney*: \$500 from Part Time Salaries & Wages to Volunteer Stipend
- 7. Treasurer’s Report: Cash as of September 2014, \$24,756,473.48

Mr. Burrell moved to approve the Consent Agenda as presented 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.

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IN RE: NEW KENT UNIVERSITY 2014 GRADUATION

County Administrator Rodney Hathaway and Board members awarded certificates to the 2014 New Kent University graduates, identified as Beth Baldwin, Ty Elliott, Wandalyne Feltner, Jane Grimsley, Linda Grundy, Libby Joyce, Patty Knight, Charles Isenhour, Sonja Lazear, Ed Madill, Karen Martell, Lillian McElhinney, Phil Stowell, Mary Lou Wassel and Angela Wheeler.

Board members congratulated the graduates on their participation. Class members spoke about the merits of the program, commended staff and the presenters, and urged the Board to continue its support of the program.

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IN RE: RESIDENCY ADMINISTRATOR REPORT

David Cristoph, Maintenance Operations Manager with the Virginia Department of Transportation (VDOT), reported on maintenance activities and construction projects on New Kent roads from the past thirty days as well as those planned for the next thirty days.

He explained that construction work on Rt. 638 (Cosby Mill Road) had begun and that message boards were in place informing the public of the detour that would be in place beginning on November 11<sup>th</sup>. Mr. Evelyn asked if this construction had started on Monday, November 10<sup>th</sup> or Tuesday, November 11<sup>th</sup>. Mr. Cristoph responded that he knew there had

been concerns regarding the actual starting date and he was not sure how the confusion had come into play but the project had started on the 11<sup>th</sup>. Mr. Evelyn stated that he had received an email indicating that the start date had been moved from the 11<sup>th</sup> to the 10<sup>th</sup> and that he had sent that information on to his constituents. He noted that residents had adjusted their schedules accordingly and he asked Mr. Cristoph to follow up on the misinformation that had been provided. Mr. Cristoph indicated that he would follow up on these concerns.

Mr. Cristoph went on to report that the speed study on Rt. 631 (South Garden Road) had been completed and that the recommendation was that the speed be reduced to 45 mph. He asked Supervisors for any questions or comments.

Mr. Cristoph had reported on "day lighting" of roadway signs in his past thirty days/next thirty days report. Mr. Davis asked for an explanation of the work performed. Mr. Cristoph indicated that "day lighting" included the trimming of limbs and brush to improve sign visibility.

Mr. Stiers complimented Mr. Cristoph and the contractor who had performed recent concrete repair work on Rt. 60. He noted that the areas where concrete had been replaced with concrete were perfect with very little if any noticeable transition. He went on to note that areas where concrete had been replaced with asphalt were almost like hitting speed bumps. Mr. Cristoph indicated that these areas would most likely be milled and eventually replaced.

Mr. Stiers also noted that beavers had been at work along Rt. 155 the previous year and that VDOT had taken care of their capture and relocation. He reported that the beavers were once again at work in the same area and asked that this be addressed again.

Mr. Stiers also reported that there were a number of dead trees along both sides of Rt. 618.

Mr. Burrell asked for the distance the state right-of-way extended from the roadway ditch line. Mr. Cristoph reported that many roads were covered by prescriptive easements thirty feet in width or fifteen feet from the center line of the road and that the location of the ditches did not factor into determining the right-of-way. Mr. Burrell reported that he had concerns regarding a large tree in the area of 14434 Stage Road but was not sure whether or not it was located on the state right-of-way or personal property. Mr. Cristoph noted that VDOT would speak to property owners in situations where conditions on their property posed an eminent danger.

Mr. Tiller concurred with Mr. Stiers' remarks regarding asphalt repairs on east bound Rt. 60 and commented that it seemed to be in worse condition now than prior to the recent repair work.

In regard to the Cosby Mill project, Mr. Evelyn asked how long the road would be closed. Mr. Cristoph responded that the contract stated completion would be by April 1<sup>st</sup> but he believed it could be completed sooner. Mr. Evelyn asked that VDOT keep the Supervisors informed on the project's progress so that they in turn could keep constituents informed.

Mr. Evelyn also reported that he had received a call regarding honeysuckle on a fence that may be causing reduced visibility at Dispatch and Firethorn. He also reported that there were a number of low hanging limbs from Talleyville to the second entrance of White House Farms that were making it difficult for buses and other large vehicles to pass without being struck.

Mr. Burrell noted that there were a number of crossroads and corners in the County that were known by members of the community by specific names. He cited the intersection of Rt. 155 and Rt. 249 which was known as "Bob Carey's Corner" as an example. He asked if the County were to identify such corners and crossroads, would VDOT pay for and have signs identifying these locations installed. Mr. Cristoph indicated that he did not know but that he would check.

Mr. Tiller reported that he had also received a call regarding the visibility issue at Dispatch and Firethorn and that a deputy had checked the site distance about a month ago and noted that he did not have any concerns.

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IN RE: CITIZENS COMMENT PERIOD

Chairman Evelyn opened the Citizens Comment Period.

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

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IN RE: NEW KENT COUNTY AS A STORMREADY COMMUNITY

Before the Board for consideration was Resolution R-42-14 in support and acceptance of the County of New Kent, Virginia as a StormReady Community.

Fire Chief Rick Opett reported that achieving the National Weather Service's (NWS) "StormReady Community" designation had been one of the many goals included in his department's strategic plan to make New Kent County a better place in which to live. He announced that New Kent was one of only 47 of the 133 combined counties and cities in the Commonwealth of Virginia to earn this designation. Chief Opett reported that a requirement of earning this designation had been meeting the conditions of six NWS guidelines. Those guidelines included directives in the areas of communication, weather service information reception, hydrometeorological monitoring, local warning dissemination, community preparedness and administration. Mr. Bill Sammler with the NWS had also conducted a site visit in the County. Chief Opett noted that the StormReady Community designation meant that New Kent was prepared to potentially save lives and property during weather related events.

Mr. Bill Sammler noted that the National Weather Service StormReady Community program had been started as a result of the deadly 1999 flash flood in Nevada. He reported that the guidelines for StormReady Community designation were based on population and that New Kent had met or exceeded all guidelines for a community of its size. He added that New Kent's specific weather related plans were very detailed and among the best he had seen and as a result, had asked that we share our plans with other communities who may wish to become StormReady. He reported that he had noted weather radios in all schools during his site visit and that he had been most impressed to see that two of the three schools visited had external antennas to enhance signal reception. He presented a plaque and a StormReady Community road sign and commended New Kent County and Chief Opett for taking the initiative to become StormReady. He noted that the road sign could be customized with a New Kent County logo and that additional signs could be purchased.

Mr. Evelyn thanked Chief Opett and Mr. Sammler for their presentation and congratulated Chief Opett on this achievement.

Mr. Burrell moved to approve Resolution R-42-14 in support and acceptance of the County of New Kent, Virginia as a StormReady Community. 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:           CLOSED SESSION

Mr. Evelyn noted that the public hearing on Agenda Item 2 would not begin for another twenty minutes and suggested that there was sufficient time for the Supervisors to consider closed session items.

Mr. Tiller moved to go into Closed Session pursuant to Section 2.2-3711A.1 of the Code of Virginia for discussion and consideration of the performance of specific public officers involving the annual performance reviews of the County Administrator and the County Attorney and the assignment of employees in the New Kent Fire - Rescue Department and Section 2.2-3711(A.7) of the Code of Virginia for discussion with legal counsel where such discussion in open meeting would adversely affect the negotiating or litigating posture of the public body and consultation regarding specific legal matters requiring the provision of legal advice by such counsel involving the Airport and New Kent Fire - Rescue. 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.

The Board went into closed session.

Mr. Tiller moved to return to open session. 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.

Mr. Tiller 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:

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:           ORDINANCE O-13-14 AMENDING CHAPTER 66 OF NEW KENT COUNTY CODE  
REGARDING BUSINESS LICENSES

Before the Board for consideration was Ordinance O-13-14 approving an Amendment to Chapter 66 of the New Kent County Code regarding due dates for business license applications and payments.

Commissioner of Revenue Laura Ecimovic provided a quick overview of the amendments and explained that the changes would move the application due date from March 1 to May 1 and the payment dates from March 1/June 15 to June 30/September 15. These changes would make it possible for businesses to report more accurate figures and as a result, reduce Commissioner's Office staff time and paperwork associated with license changes.

Chairman Evelyn opened the Public Hearing.

There being no individuals signed up to speak, the Public Hearing was closed.

Mr. Davis moved to approve Ordinance O-13-14 amending Chapter 66 of the New Kent County Code. 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:           ELECTED OFFICIALS' REPORTS

Mr. Davis reminded citizens that open gun hunting season would be starting on Saturday and encouraged everyone to be safe. He also expressed his appreciation to Mr. Stiers for coordinating the annual Thanksgiving meal at the Providence Forge Recreation Center.

Mr. Stiers noted that the success of the Thanksgiving meal was not all about him and that it had taken approximately 200 volunteers to pull off serving 800 meals this past year. He also noted that a number of churches had been involved.

Mr. Stiers reported that representatives of Trane Heating Systems had offered to conduct an energy efficiency assessment of all county buildings at no cost. He asked Financial Services Director Mary Altemus what the County's current electrical costs were and for information on the New Kent County Public Schools energy efficiency initiative savings. Mrs. Altemus reported that the County was currently spending approximately one million dollars annually for Dominion Virginia Power service and that the schools had reported a savings of approximately \$18,000 in utilities over the past year. Mr. Stiers asked that staff consider pursuing this opportunity with Trane. Mr. Hathaway noted that the County had conducted such an assessment several years ago and that it was a good idea to review energy efficiency every three to four years.

Mr. Stiers also noted that letters regarding the County's new insurance rating were being sent out to residents and he encouraged everyone to contact their insurance agents to see if this would impact their insurance premiums.

Mr. Burrell reported that he had received a call from the Heritage Public Library requesting that the Supervisors consider the adoption of a resolution in honor of Mrs. Josephine Pemberton who had worked as a library volunteer since 1981.

Mr. Tiller reported that he and Mr. Hathaway had recently attended the Virginia Association of Counties (VACo) annual conference. He noted that it had been good to talk with supervisors from other localities and that he had attended several very informative seminars.

Mr. Evelyn reiterated his frustration regarding the confusion over the closing of Cosby Mill Road. He noted that he had passed the information he had received on to his constituents and that he would be in touch with staff to follow up with VDOT regarding the confusion.

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IN RE: STAFF REPORTS

County Administrator Rodney Hathaway distributed copies of an October 31, 2014 Virginia Resources Authority (VRA) work fee letter regarding the Virginia Pooled Financing Program. He noted that this letter was in response to the Board's October 29<sup>th</sup> action to approve Resolution R-43-14 for lease refinancing of various public capital improvements. In addition he noted that provisions of the resolution allowed the Board to stop plans to proceed if the savings were to drop below three percent. He reported that potential savings had been 5.786% or \$2,487,155 on October 29<sup>th</sup> and that the savings rate had now dropped to 4.574% or \$1,886,930. Mr. Hathaway reminded the Board that they had discussed the County's responsibility for payment of certain fees and expenses if they were to decide to not move forward with plans to refinance. The work fee letter provided details of those fees and expenses and indicated that the County would be responsible for up to \$65,000 which included up to \$25,000 in VRA expenses plus the cost associated with obtaining ratings of the VRA bonds which was estimated to be \$40,000. Mr. Hathaway asked the Board to consider authorizing him to sign and submit the VRA work fee letter as presented if they wished to proceed with refinancing plans. After some discussion Board members agreed that although the rate had fallen, it was still worth proceeding.

Mr. Davis moved to authorize Rodney A. Hathaway as County Administrator to sign and submit the Virginia Resources Authority (VRA) work fee letter 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.

Mr. Hathaway also shared information on the Community Tree Lighting and associated events scheduled for 3:00-6:00 p.m. on November 30<sup>th</sup> at the Historic Courthouse.

Chief Deputy Joe McLaughlin, speaking on behalf of Sheriff F.W. Howard, reported that it had been a joint effort of the New Kent Sheriff's Department, the Charles City Sheriff's Department and other state and federal agencies that led to breaking the case of a recent rape and abduction in Pennsylvania as well as a recent rape and abduction in Charles City. He reported that the Sheriff's Office had received a commendation conference call in this regard from United States Attorney General Eric Holder.

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IN RE: APPOINTMENTS

Mr. Davis moved to confirm the appointment of Wanda F. Watkins as Deputy Clerk of the Board. 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.

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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 Monday, December 8, 2014 and the next work session at 9:00 a.m. on November 19<sup>th</sup>, both in the Boardroom of the County Administration Building.

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IN RE: ADJOURNMENT

Mr. Burrell moved to adjourn the meeting. 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 adjourned at 7:35 p.m.