

A REGULAR WORK SESSION WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 19th DAY OF NOVEMBER 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.	Absent
James H. Burrell	Present
Ron Stiers	Present
W. R. Davis, Jr.	Present

All members with the exception of Mr. Tiller were present.

IN RE: PRESENTATION OF THE ELTHAM STUDY

Planning Manager Kelli Le Duc introduced Richmond Regional Planning District Commission (RRPDC) Planner Anne Darby who had been working with the County on a plan for improvements in the Eltham area. Copies of the draft report entitled *ENHANCING ELTHAM – An approach to developing village character in eastern New Kent* as well as a page from the RRPDC's *Rural Long Range Transportation Plan* were provided. Ms. Le Duc noted that the study had been conducted for a number of reasons most of which focused on improving safety. Ms. Darby noted that the study not only set out to make recommendations to increase safety in the area but to also provide a vision for enhancing the area's village character. Ms. Darby provided an overview of the contents of the report which included a wealth of background information such as crash data, average annual daily traffic counts, current and future land use data, water and sewer service information and wetlands and floodplain maps. The report also included a list of seven recommendations outlining steps which would lead to the desired village character as well as increase the safety of the Eltham Road corridor. Recommendations included:

- the addition of safety signage,
- intersection improvements at Farmers Drive,
- decreasing curb cuts and discouraging new ones,
- encouraging infill development,
- extending water and sewer service to the community,
- building sidewalks along both sides of Eltham Road and
- suggestions for implementation and funding.

Mr. Davis noted that the County had received a grant ten to twelve years ago for the installation of sidewalks in Eltham and that members of the community had been against the idea. He asked how the County would get the right-of-way for sidewalks. Ms. Darby noted that a minimum seven foot right-of-way was required and her research had revealed that a 7' 6" right-of-way was present. She further noted that problems with speeding and vehicles not stopping for school buses had been taken into consideration when developing these recommendations. She reported that simple measures that would be more feasible and less costly such as safety signage, decreasing curb cuts and intersection improvements were being recommended to address the most immediate concerns first and that sidewalks as well as infill development and infrastructure investments were on a later timeline.

Mr. Stiers asked for a timeframe for the project. Ms. Darby noted that this document was for planning purposes and was not a project. Mr. Stiers noted that the plan called for New Kent County to pay twenty percent of the costs. Ms. Darby indicated that information was correct and pointed out that VDOT programs were available to pay for sidewalks and that the County could use the information contained in this plan as a tool to communicate to VDOT that sidewalks were a priority. County Administrator Rodney Hathaway noted that although a twenty percent match was required, in-kind contributions such as staff time could be factored into the County's contribution.

Ms. Le Duc asked that Supervisors let her know if they had any recommended changes.

IN RE: REVIEW OF CHANGES NEEDED IN THE CLUSTER SUBDIVISION ORDINANCE

Community Development Director Matt Smolnik and Planning Manager Kelli Le Duc presented information on recommendations for changes in the Cluster Subdivision Ordinance. Ms. Le Duc noted that Community Development had been asked to look into increasing the minimum acreage requirement for cluster subdivisions. She reported that the Planning Commission had reviewed the subject and felt that a fifty acre minimum would be appropriate. She noted that the most significant change to the ordinance was an increase of minimum acreage from ten acres to fifty acres.

County Attorney Michelle Gowdy also noted that recommended revisions would allow deed restrictions in addition to the conservation easement both of which would convey with the land. Mr. Davis asked who would be responsible for deciding what could be done on the property reserved in the easement. Ms. Gowdy indicated that the responsibility would remain with the Home Owners' Association.

Ms. Le Duc asked the Board to consider referring the matter to the Planning Commission for a public hearing.

Mr. Davis moved to refer the matter of recommended changes to the Cluster Subdivision Ordinance to the Planning Commission for a public hearing. The members were polled:

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

The motion carried.

IN RE: REVIEW OF CHANGES NEEDED IN THE AGRICULTURAL AND FORESTRY DISTRICT (AFD) ORDINANCE

County Attorney Michele Gowdy noted that the General Assembly had made procedural changes to the AFD process in 2013 and those changes had not been reflected in Chapter 62 of the New Kent County Ordinance. She noted that the most significant change which would make for a much smoother process was that the AFD program administrator would refer applications straight to the advisory committee rather than to the Planning Commission first. She asked that the Board consider referring the proposed ordinance changes to the Planning Commission for a public hearing.

Mr. Burrell moved to refer the matter of recommended changes to the AFD Ordinance to the Planning Commission for a public hearing. The members were polled:

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

The motion carried.

IN RE: PROPOSED 2015 LEGISLATIVE AGENDA

County Administrator Rodney Hathaway noted that the draft Legislative Agenda had been discussed at the last work session and there had been no changes since that date. He further noted that focus areas included funding for alternatives to groundwater, industrial residual (sludge), Interstate 64 widening, broadband and radio interoperability. He asked the Board if there were any recommendations for changes or additions.

Mr. Stiers asked if the Virginia Department of Environmental Quality (DEQ) would be making a decision on an industrial sludge application permit in December. Mr. Hathaway indicated that it was possible but no meeting date had been set. He also noted that many surrounding localities were including similar requests regarding sludge in their Legislative Agendas.

Ms. Gowdy suggested that Part II, 2-4 (regarding Colonial Downs) should be amended to read "Commonwealth and New Kent County".

Mr. Burrell noted that Part II, 2-1 (regarding unfunded mandates) had been included for a number of years and he wondered if the General Assembly would ever address this concern. In that same regard, Mr. Davis asked if the County received any funding from Virginia Department of Alcoholic Beverage Control (ABC) sales. Financial Services Director Mary Altemus indicated that New Kent no longer received ABC funding.

Mr. Burrell moved to adopt the 2015 Legislative Agenda with Part II, 2-4 amended to read "Commonwealth and New Kent County". The members were polled:

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

The motion carried.

IN RE: GRANT APPLICATIONS TO THE DEPARTMENT OF HOMELAND SECURITY,
ASSISTANCE TO FIREFIGHTERS GRANT (AFG)

Fire Chief Rick Opett reported that the open period for submitting grant applications to the Department of Homeland Security AFG program would close on December 5th. He also reported that since New Kent had not received a grant through this program in the past six years, it had been chosen to participate in an application mentorship program which had

over \$350,000,000 in available funding. He noted that New Kent had applied for three grants the previous year and that none had been funded. Plans for this year's applications included a request in support of fire department user radios for the 800 MHz radio project and a regional request in conjunction with James City County and the Town of West Point for support of the burn building/training center. If funded, the radio grant request would require a local match of approximately \$25,000 and the burn building request would require a match of approximately \$12,000 which would be divided between the three localities.

Mr. Stiers asked if the grant request for the radio project would go toward the 6.7 million dollar project the County was currently working on with Motorola. Chief Opett indicated that any funds awarded for this request would go toward that project. Noting that New Kent County was a major evacuation route, Mr. Stiers asked why it couldn't ask Homeland Security for a grant to fund the entire 6.7 million dollar project. Chief Opett noted that one million dollars was the maximum amount that would be awarded for any single request through this program and with eight to ten thousand applications expected, awards at that level would be unlikely.

Mr. Davis moved to allow the Fire Chief to submit applications to the Department of Homeland Security, Assistance to Firefighters Grant program to include one regional application and one communications related application. The members were polled:

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

The motion carried.

IN RE: RADIO SYSTEM PROJECT UPDATE

County Administrator Rodney Hathaway indicated that he did not have much to report since the last meeting. He indicated that he had been in constant contact with the County Administrator in James City County (JCC) and he wanted to assure the Board that JCC and the JCC Board of Supervisors were in full support of this project. He reported that they continued to try to get a handle on the costs to JCC and had been working with Motorola and York County to determine firm numbers. Mr. Hathaway also reported that there had been a meeting regarding this project on Monday, November 17th that New Kent had not been invited to attend. He reported that he had not heard that any action had been taken. He also reported that he had received notification from Motorola that it would extend the terms of its financing proposal until the end of December.

Mr. Stiers asked if JCC would be expecting New Kent County to reimburse any of their costs. Mr. Hathaway indicated that they had not expressed any desire for reimbursement. He also reported that New Kent would have to share in the cost of system upgrades planned for 2019 which would cost approximately \$80,000 to \$100,000. He also noted that JCC had sent a request to the partnering localities involved in this project asking that New Kent be included in all future meetings.

IN RE: OTHER BUSINESS

INDUSTRIAL ZONED AREAS – UNDERGROUND UTILITIES REQUIREMENT

Mr. Evelyn reported that it had come to his attention that businesses in industrial zoned areas were currently required by New Kent County Code to install underground utilities. He noted that at approximately \$75,000 per installation, this was a substantial cost and suggested that the Board consider using the CUP process as a means to waive this requirement when appropriate. Community Development Director Matt Smolnik had looked into the requirements in neighboring localities and reported that some permitted overhead utilities while others required underground. Mr. Smolnik suggested that the Board consider requests for overhead utilities in industrial zones on a case-by-case basis.

Mr. Burrell moved to refer recommended changes to the ordinance requiring underground utilities in industrial zoned areas to the Planning Commission for a public hearing. The members were polled:

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

The motion carried. The Board requested that a draft ordinance be prepared for consideration at the December 8, 2014 business meeting.

STATE REVENUE SHORTFALL

County Administrator Rodney Hathaway reported that the State was experiencing a revenue shortfall and that some of the shortfall was being covered by the State Rainy Day Fund. This shortfall would result in cuts in State aid to localities in support of a number of areas. Mr. Hathaway reported that he received notice earlier this month that New Kent would be expected to pay back \$35,545 by the end of the year. He added that staff was in the process of making the payment and he wanted the Board to know this was New Kent's obligation to the State to account for the revenue shortfall.

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 regarding the performance of the County Administrator or County Attorney; Section 2.2-3711A.6 of the Code of Virginia for discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the County would be adversely affected involving public safety radios and Section 2.2-3711A.19 of the Code of Virginia for discussion of the plans to protect public safety or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure involving infrastructure in New Kent County. The members were polled:

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

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

The motion carried.

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 December 8, 2014, in the Boardroom of the County Admin Building.

IN RE: ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 11:23 a.m.