

A REGULAR WORK SESSION WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 25TH DAY OF MARCH IN THE YEAR TWO THOUSAND FIFTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING, NEW KENT, VIRGINIA, AT 9:00 A.M.

IN RE: CALL TO ORDER

Chairman C. Thomas Tiller, Jr. 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: NEW KENT COUNTY AIRPORT UPDATE

New Kent County Airport Manager Duane Goss indicated he had been working as Airport Manager for approximately seven months and was pleased to provide an update. He reported the Airport currently had 42 based aircraft and enclosed hangar facilities included six units in a recently restored hangar at the west end, ten new units at the east side and seventeen older vintage units. All hangars were fully occupied with several additional planes currently being housed in the main hangar and six being stored as tie-downs. Mr. Goss also noted the flight school programs were going strong and expanding. The school employed two full-time flight instructors and had acquired a full motion three axis flight simulator in January. The ongoing obstruction removal project was coming to an end, a final survey had been conducted about a week ago and a draft survey would soon be available for review.

Mr. Goss reported an impact study involving all 66 airports in the state of Virginia had been conducted in 2010. He noted the numbers were very impressive even though this had been at a time when our country was economically at an all-time low. The report indicated 259,000 jobs with an estimated \$11,100,000,000 payroll were supported and sustained by the airport industry statewide. New Kent's contributions to these figures included 36 jobs with an estimated \$1,144,000 payroll. He suggested we could expect these figures to be even more impressive five years later.

Mr. Burrell noted the airport relied heavily on state and federal funding. Mr. Goss agreed and stated it his was job to leverage local money to maximize federal and state funding. Mr. Burrell asked for information on fuel pricing and sales volume. Mr. Goss noted aircraft fuel prices had fluctuated over recent months and the current price was \$4.47 per gallon. Sales for FY15 were expected to be in the 13,500 gallon range. Mr. Burrell asked for a comparison of County hangar rental fees with surrounding localities. Mr. Goss indicated New Kent's fees were slightly lower. Mr. Davis pointed out the County owned approximately 100 acres of land near the airport and it would be nice if an aircraft related business were to be located there.

IN RE: A POLICY FOR NAMING OF COUNTY OWNED PROPERTIES, FACILITIES, STREETS & STRUCTURES

County Attorney Michelle Gowdy reported there had been discussion among localities about how County owned properties such as parks and other structures could be named after persons or entities in a way that would be fair to all. She indicated a policy currently in place in Lynchburg had been used as a guide in developing a recommendation for New Kent. Ms. Gowdy asked the Board to consider placing this proposed policy on the April Consent Agenda.

Mr. Davis asked who would be making these naming decisions. Ms. Gowdy indicated requests would be received by the Department of Community Development and then forwarded to the Board for consideration.

The general consensus was to place this item on the April Consent Agenda.

IN RE: FY 2016-2021 SECONDARY SIX YEAR PLAN

County Administrator Rodney Hathaway noted it was time for the Board to take its annual look at the Budget Priority List and Secondary Six Year Plan (SSYP) for secondary roads. He reported the County received yearly state and federal allocations to fund proposed secondary road improvements and he had been advised by VDOT that, although the FY16 allocation had not yet been finalized, New Kent's allocation was projected to be \$88,111. He indicated the Board would be taking a look at the list of existing projects and determining if they were accurately ranked. There were currently three projects on the list including Dispatch Road (Rt. 613), Henpeck Road (Rt. 655) and Stage Road (Rt. 632) as well as several special funding projects. A portion of the funding necessary for the Dispatch Road and Henpeck Road projects had been previously allocated. No funding had been allocated for the Stage Road project.

Mr. Davis asked if Rural Rustic funding was still available and noted he believed the last New Kent road to receive Rural Rustic funding had been Mt. Pleasant Road approximately four to five years ago. Mr. Hathaway indicated Rural Rustic funding had not been available for several years and he was not aware of any recent legislation that may have changed this. Mr. Burrell pointed out that Rural Rustic funding also required a half match from the County.

Mr. Evelyn noted that some SSYP projects remained on the list for many years and pointed out that even projects that were fully funded could remain on the list for some time waiting for the work to be scheduled.

Mr. Hathaway noted, that given previous allocations and the anticipated \$88,111 allocation for FY16, the Stage Road project would be the most feasible and his recommendation would be that the Henpeck Road and Stage Road projects be swapped on the project ranking list. He further noted a public hearing would need to be held on the SSYP to provide an opportunity for residents to comment on the plan prior to Board action. He asked the Board to consider scheduling this public hearing for the next available meeting.

The general consensus was to schedule the FY 2016-2021 SSYP for public hearing at the next available meeting.

Mr. Tiller asked if MPO (now known as Richmond Regional Transportation Planning Organization – TPO) funding could be used for road improvements. Mr. Hathaway indicated he did not believe TPO funding could be used for six year plan projects and, if it could, he didn't believe any of these projects would qualify. Mr. Tiller asked if the Board needed to

make a decision on ranking now. Mr. Hathaway indicated the ranking did not need to be decided until after the public hearing.

IN RE: WORKFORCE INNOVATION AND OPPORTUNITY ACT

County Administrator Rodney Hathaway noted that Congress had passed the Workforce Investment Act (WIA) in 1998 which provided assistance to adults, youth and dislocated workers across the United States by helping them build work skills for available employment opportunities. Recent Congressional action had replaced the WIA with the Workforce Innovation and Opportunity Act (WIOA) effective July 1, 2015. Mr. Hathaway indicated, under this new act, a local workforce area would need to be approved by the Governor prior to July 1st in order to continue receiving federal funding. Mr. Hathaway suggested the Board had three options: to join with existing regional partners in requesting to be designated a workforce development area and by doing so, become eligible to receive Federal funding from the U.S. Department of Labor for workforce development activities and continue to enjoy regional services currently provided through the Capital Regional Workforce Partnership and the Workforce Investment Board; to establish our own workforce development area which would require a great deal of work and, given current demographics, would result in very little funding and no access to regional services currently being provided; or do nothing and receive no funding or services. New Kent's current partnership included Henrico County, the City of Richmond, Hanover County, Charles City County, Powhatan County and Goochland County. Mr. Hathaway recommended the Board take action to continue the partnership with these localities.

Mr. Davis asked if there was any chance WIOA funding would be available for the Bridging Communities Career and Technical Center. Mr. Hathaway indicated there were opportunities for schools to receive funding and he indicated some schools were offering apprenticeship programs using these funds.

Mr. Burrell moved that New Kent County join its regional partners in requesting designation as a local workforce development area to be known as the Capital Region Workforce Partnership, under the provisions of Section 106(b)(2) of the Workforce Innovation and Opportunity Act of 2014. The members were polled:

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

The motion carried.

IN RE: NOVUSAGENDA SOFTWARE

County Administrator Rodney Hathaway reported that Chief Technology Director Jonathan Stanger unfortunately was not able to be present for this discussion.

Mr. Hathaway reported the equipment used for broadcasting the Board of Supervisor and Planning Commission meetings over the Cox Cable channel had not been working for several months. The County was still able to broadcast PowerPoint slides but no video. It had been determined a new digital encoder with an estimated purchase and installation cost of \$25,000 was needed. Citing Cox Cable's limited service coverage in the County, Mr. Hathaway reported staff had looked at other alternatives to make meetings accessible to more residents through video streaming and agenda management software packages. He

noted there were a number of vendors capable of supplying these services and Mr. Stanger and he had reviewed the capabilities of several software packages. Of those reviewed, Granicus and NovusAGENDA appeared to most meet the needs of the County. Mr. Hathaway reported the start-up price, including equipment and training, for Granicus was \$35,000 compared to \$12,500 for NovusAGENDA and the annual cost for Granicus was \$16,000 per year compared to \$16,945 for NovusAGENDA. The NovusAGENDA software included an agenda management package, video streaming package and the ability to index meeting video to corresponding agenda items. Novus Solutions had offered a ninety-day pilot period at no cost and staff recommended the Board move forward and take advantage of this offer. It was noted James City County was currently using NovusAGENDA to manage meetings.

Mr. Davis asked what had happened with the COX MOU (Memorandum of Understanding) which provided the County with a cable channel. Mr. Hathaway indicated the MOU provided a channel but it was the County's responsibility to provide the equipment.

Mr. Stiers asked how much it would cost to fix the cable equipment. Mr. Hathaway indicated the estimated cost of the equipment and installation was \$25,000.

Mr. Davis asked if the County could rent out the cable channel. Mr. Hathaway indicated the channel could not be rented and we could not run advertisements.

Mr. Burrell noted the importance of making meetings more accessible to more people and pointed out the proposed software would do that.

Mr. Hathaway indicated he was not proposing to do away with the cable channel and it would continue to be used to broadcast slides. He would however like to move away from broadcasting the meetings through cable.

Mr. Davis and Mr. Stiers both suggested this was a large amount of money to reach only a few people and asked if the digital encoder could be purchased from another vendor for a more reasonable price. Mr. Hathaway indicated that was a possibility and noted the price given also included installation.

Mr. Tiller asked Mr. Hathaway to look into the possibility of purchasing the equipment necessary to restore video broadcasting through the cable channel from another vendor and to bring his findings back to the Board.

IN RE: OTHER BUSINESS – TENNIS COURTS

New Kent County Public Schools Superintendent David A. Myers was present to share additional information regarding the School Board's search for a possible alternate location for tennis courts. Dr. Myers and School Board members had previously shared information on the poor condition of the existing tennis courts at the March 12, 2015 Budget Retreat.

Dr. Myers thanked the Board for the opportunity to discuss the tennis courts. He indicated the courts had served the County well but had deteriorated to such a degree that home matches were no longer being scheduled there.

Mr. Davis noted the courts had been built approximately forty years ago and had cost \$25,000 at the time.

Dr. Myers indicated at forty years old, the courts had reached their life expectancy and repair work was no longer holding up. The School Board and staff had been investigating

other possible locations where six new courts could be built. Handouts were distributed depicting seven locations (other than the current location) which had been considered. Those locations were as follows:

Option 1 – Existing middle school parking area located to the side of the school building - parking area would be lost

Option 2 – Front lawn of the middle school - considered to be aesthetically unfavorable

Option 3 – Near elementary school playground and old baseball field – issues with underground utilities

Option 4 – A portion of the field located in front of the high school student parking area – some teams use this area for practice, some parking could be lost

Option 5 – Parking area located near existing baseball and softball fields – much needed parking would be lost

Option 6 – Behind the high school at the far end of the school property – not ideal for citizen use, would require more road work and electrical service

Option 7 – Behind the Post Office in front of the Health and Human Services Building

Mr. Davis asked what it would cost to resurface the existing courts. Dr. Myers indicated the cost for resurfacing was \$60,000 but recent resurfacing efforts were not holding up. He also noted there were a number of problems with the current location including drainage issues and traffic problems associated with home matches which were often scheduled to begin during the time elementary students were being dismissed. He also noted if any other trailers or a building addition were needed in the next few years, this area would be prime real estate for New Kent Elementary. He reminded the Board the cost of six new courts would be \$250,000 plus site work. He noted the pricing was with a State Contract vendor who already had a number of jobs scheduled and New Kent would need to make a move soon for the work to be completed by next fall. Dr. Myers suggested the options be narrowed down and then given to an architect/engineer to begin working.

Mr. Tiller asked if it were necessary to have six courts. Dr. Myers indicated six courts were considered to be the standard.

Mr. Evelyn indicated he could not support funding the tennis courts if it would be necessary to build new parking, install new electrical service and new paving and he would prefer the courts be located on a site where parking would already be available. His preferences were Option 4 in front of the high school or keeping the courts in their current location. He also suggested storm water management requirements may result in more being lost than the tennis court area and some parking with Option 4. He asked Dr. Myers which of the options the School Board was considering to be the best. Dr. Myers indicated staff had been looking at Option 4 with a more favorable opinion than initially, but these options would not be presented to the School Board until March 30th.

The general consensus was in favor of keeping the tennis courts in their current location or building new courts using the Option 4 site.

IN RE: OTHER BUSINESS – EMERGENCY PURCHASE – NEX GEN 911 SWITCH

County Administrator Rodney Hathaway and Lieutenant Lee Bailey presented information regarding the purchase of a Nex GEN 911 switch.

Lieutenant Bailey indicated this was an emergency purchase to upgrade the County 911 System and the total costs would be \$211,000. He also noted the County had been awarded a \$150,000 grant which would be expiring on June 30th. The County had already been given a one year extension and it would be unlikely any further extensions would be granted. Lieutenant Bailey pointed out this would be an upgrade on the 911 phone line side of emergency communications and was not associated with any plans for radio system improvements.

Mr. Hathaway reminded the Board funding for this project was in the Capital Improvement Plan and approval was being sought due to the dollar value of the upgrade. He noted a request such as this would normally be put on the next regular meeting agenda, but due to time constraints, the Board was being asked to take action to approve the purchase now.

Mr. Burrell moved to allow the County Administrator and the Sheriff to enter into a contract with Radio Communications of Virginia, Inc. for the purchase of a Nex GEN 911 switch. The members were polled:

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

The motion carried.

IN RE: OTHER BUSINESS – HEATH EASEMENT REQUEST

Mr. Burrell reported he had been contacted by Beverly Heath, Jr. who had requested authorization to use the existing easement near the New Kent County Visitor's Center as an access to land owned by his family. County staff had been made aware of this request and were asked to provide an update. County Attorney Michelle Gowdy noted that a copy of the deed to the County property had been reviewed and she reported the deed contained provisions allowing the Grantor to request a re-conveyance if the property were not used for the purposes for which it was originally given to the County. She indicated the County could give Mr. Heath their rights but due to the re-conveyance clause, this would not be a full guaranteed right. Mr. Burrell asked staff to send Mr. Heath a letter providing him with the information found.

IN RE: OTHER BUSINESS – BUDGET ADOPTION SCHEDULE

County Administrator Rodney Hathaway noted the FY16 Budget Adoption had previously been scheduled for the May 27, 2015 work session. Mr. Burrell had informed the Board at an earlier meeting that he would not be available on that date. Mr. Hathaway suggested consideration be given to an alternate date when all Board members would be present. After some discussion, it was determined the most appropriate action, without the need for scheduling an additional meeting, would be to move the work session to May 20, 2015.

Mr. Davis motioned to move the May 27, 2015 Work Session to 9:00 a.m. on May 20, 2015 with an intention to vote on the budget. The members were polled:

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

C. Thomas Tiller, Jr. Aye

The motion carried.

IN RE: CLOSED SESSION

Mr. Evelyn moved to go into Closed Session pursuant to Section 2.2-3711A.29 of the Code of Virginia for discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Board involving a public safety county wide radio system; Section 2.2-3711A.5 of the Code of Virginia for discussion concerning a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in New Kent County; and 2.2-3711A.7 of the Code of Virginia for consultation with legal counsel employed by the Board regarding specific legal matters requiring the provision of legal advice by such counsel involving contract negotiations, Historic School and proffers/easements. The members were polled:

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

The motion carried.

Mr. Burrell moved to return to open session. The members were polled:

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

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

The motion carried.

IN RE: OTHER BUSINESS – RADIO SYSTEM

Mr. Evelyn noted the Board had been talking about the radio system for what now seemed like years. He reported he had received a call on Tuesday, March 24th from a woman named Pattie who had identified herself as a Motorola Vice President. He indicated the Motorola representative had asked him and the Board to hold off on a vote to allow them time to submit a contract. She had indicated Motorola could have a contract to the Board within two weeks. Mr. Evelyn reported he had made it clear he was speaking on his own behalf and not that of the Board. He had expressed his frustration with what had transpired during discussions with the Consortium. He had also informed this representative that the Board had received a letter from Jackie Wasni (also a Motorola Vice President) indicating they no longer wished to work with the County which had left New Kent with no other option than to look elsewhere. He had shared with this caller that he wished Motorola had come to the Board with this request earlier when they could see talks with the Consortium were not going well. County Attorney Michelle Gowdy also reported she had received a similar request in an email from Ms. Wasni the week before and she had been notified that at least three Board members had indicated it was not the Board's will at that time.

IN RE: OTHER BUSINESS – RADIO SYSTEM FINANCING

County Administrator Rodney Hathaway noted that Financial Advisor Ted Cole with Davenport & Company and Bond Counsel Dan Siegel with Sands Anderson PC were present to share additional financing information for the proposed radio system project.

Mr. Cole distributed copies of a presentation which included two possible funding scenarios, one in which the County would make a down payment of \$800,000 from Fund 7 and the other in which there would be no down payment. He pointed out a total estimated project cost of \$5,500,000 and an interest rate of 2.35%, as supplied by Citizens and Farmers Bank (C&F) in its December 17, 2014 proposal, were used in developing the funding overview. The first scenario, which included the \$800,000 down payment, required a net borrowing amount of \$4,838,000 and would result in average annual debt service payments of \$548,517. The second scenario, which included no down payment, required a net borrowing amount of \$5,645,000 and would result in average annual debt service payments of \$640,001. Both scenarios assumed repurposing one cent of the two cents the Board had previously set aside for Historic School renovation. Both scenarios also included a possible two cent tax increase with the first scenario suggesting one cent in FY17 and another cent in FY19 and the second scenario suggesting either one cent in FY17 and another cent in FY18 or two cents in FY17. Mr. Cole pointed out the first scenario would allow borrowing to be lower, potential tax increases to be spread out over time and annual debt service payments to be lower. Mr. Cole also pointed out a one cent tax increase would generate \$244,183 in additional revenue and would not be enough to cover the full increase needed and two cents would generate a little more than would be needed.

Mr. Evelyn asked why the down payment amount had been lowered from what had been suggested in previous presentations. Mr. Davis asked if funds needed for contingency could be escrowed rather than borrowed. Mr. Hathaway noted previous presentations had

suggested a down payment of \$2,000,000 and the lower \$800,000 amount would allow for a larger CIP (Capital Improvement Plan) reserve. Any escrowed funds would also tap into this reserve.

Mr. Cole indicated Mr. Siegel would be presenting a proposed resolution that would set the parameters for funding a radio equipment lease purchase agreement. Mr. Siegel noted the resolution would give authority to the Board Chair and the County Administrator to move forward within the established parameters.

Mr. Burrell asked why only one bank was being considered. Mr. Cole reported that an RFP (Request For Proposals) had been issued when his firm had initially began working on funding proposals and, based on responses received at that time, C&F had been selected. County Attorney Michelle Gowdy also noted during a recent conversation with Jim Hudson who was a C&F board member, he had indicated C&F was ready to move forward and was waiting for word from the County.

Mr. Tiller noted the revenue generated by one cent was subject to change. Mr. Stiers also noted a one cent increase may not be needed if growth in the County were to exceed expenditures.

Mr. Siegel distributed copies of Resolution R-12-15. He pointed out parameters in the resolution included an aggregate principal amount not to exceed \$5,500,000, an annual interest rate not to exceed three percent and a term not to exceed fifteen years. In addition, the resolution included approval of the Equipment Lease Purchase Agreement and the issuance of not more than \$10,000,000 in bonds.

Mr. Cole indicated, once approved, it would take three to four weeks to finalize the documents with C&F.

Some concerns were expressed regarding giving authority to the Board Chair and the County Administrator to move forward with financing without first informing the Board.

Mr. Evelyn moved to adopt Resolution R-12-15 as presented with the understanding that prior to any execution, the Board would be made aware and would provide authorization to execute. The members were polled:

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

The motion carried.

IN RE: OTHER BUSINESS – HARRIS CORPORATION CONTRACT

County Attorney Michelle Gowdy reported she had reviewed the proposed agreement with Harris Corporation the previous evening and she had spoken with Richard Martin with Federal Engineering several times regarding the same and was comfortable with the terms of the agreement.

Mr. Evelyn moved to authorize the Chairman to execute a contract with Harris Corporation for a P25 Public Safety Radio System and any other necessary documents as purchased,

pursuant to Section 2.2-4304 of the Code of Virginia and pursuant to Section 3.36 of Spotsylvania County Virginia's 2012 RFP #13-02-04. The members were polled:

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

The motion carried.

IN RE: OTHER BUSINESS – RADIO PROJECT MANAGER

County Attorney Michelle Gowdy noted the contract with Federal Engineering had expired upon the Board's action to enter into a contract with Harris Corporation. She asked the Board to consider authorizing negotiations with Federal Engineering for a new contract for the services of a project manager to assist with the radio system until its completion.

Mr. Evelyn moved to authorize County staff to negotiate with Federal Engineering for a project manager to assist with the Public Safety Radio System. The members were polled:

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

The motion carried.

IN RE: MEETING SCHEDULE

Chairman Tiller announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, April 13, 2015 and the next work session would be held at 9:00 a.m. on Wednesday, April 29, 2015. Both meetings would be held in the Boardroom of the County Administration Building.

IN RE: ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 11:34 a.m.