

A REGULAR WORK SESSION WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 27TH DAY OF APRIL IN THE YEAR TWO THOUSAND SIXTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING, NEW KENT, VIRGINIA, AT 9:00 A.M.

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IN RE: CALL TO ORDER

Vice Chairman W. R. Davis, Jr. called the meeting to order.

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IN RE: ROLL CALL

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| Thomas W. Evelyn      | Present |
| C. Thomas Tiller, Jr. | Present |
| Patricia A. Paige     | Present |
| Ron Stiers            | Absent  |
| W. R. Davis, Jr.      | Present |

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

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IN RE: NEW KENT RADIO PROJECT UPDATE

Federal Engineering Consultant Cliff Brown and Harris Corporation Program Manager Greg Strader were present to provide an update on the Public Safety Radio project. Copies of a PowerPoint slide presentation had been distributed to Board members prior to the meeting.

Mr. Strader pointed out New Kent had reached an agreement with Harris Corporation on March 25, 2015 to provide and deploy a new Public Safety Radio System. Features of the agreement included standards-based APCO P25 Phase 2 digital communication, six 800 MHz channels at each of four tower sites, microwave ring topology, five Symphony dispatch consoles with logging recording, 550 portable and mobile radios, ten years of after-market service, installation, engineering and program management services. Benefits of the system included the latest digital technology, improved outdoor and indoor RF coverage, expanded interoperability, high availability/redundancy, encryption and security as well as advanced features for both dispatch and end users.

Mr. Strader noted radio system components had been tested and then packaged for shipping at the Harris facility in Lynchburg. Mr. Brown indicated the majority of the pieces had already been received in New Kent and were in storage awaiting installation. The microwave system, which would be the last component to be received, would be shipped from Texas in May.

Mr. Evelyn asked who was handling the unloading of the components from delivery trucks. County Administrator Rodney Hathaway reported an adjacent business owner was allowing the County to borrow his lift equipment and County employees were doing the unloading.

Mr. Strader drew attention to a map which depicted the level of portable radio coverage the system would provide. He indicated the agreement had included a 95% coverage requirement and preliminary testing suggested a guaranteed coverage level of 98.6%. Mr. Brown pointed out the few areas which would not be included in the 98.6% coverage area would still have good coverage but it would be at a level less than 95%. Actual coverage testing would be run to verify these numbers once the system was installed.

Mr. Brown noted there were typically two things outside of the control of the County and the vendor that could potentially slow down a project such as this; FCC licensing and site acquisition. He indicated FCC licensing had not been an issue for New Kent but site acquisition had been somewhat difficult. He suggested site acquisition could typically be completed within three to five months. He reported New Kent was now into its eleventh month and the agreement for the fourth site was still pending. He indicated a big hindrance to the process had occurred when ownership of several of the towers had changed in the middle of negotiations. Once the new owners took possession, the negotiation process had to be restarted. Mr. Brown indicated site work could now begin at three locations and once the lease amendment for the final site was executed, work could also begin at that site.

Mr. Strader provided a review of the project schedule. He indicated some radios to be installed in County school buses would be received on April 28<sup>th</sup> and plans were to install all bus radios over the summer break. These installations would be done locally using the County Vehicle Maintenance Facility. Mr. Strader also pointed out the full system installation was scheduled for completion in July. Once installation and testing were complete, the County would then approve the system and coverage results. Mr. Strader noted the system was scheduled to be fully in service by September 1, 2016 at which time the warranty and thirty-day burn in period would start. Mr. Brown suggested that although there had been some major delays associated with site acquisition, the process was falling into place nicely. He indicated several months of time had been saved at the end of the schedule which had made up for some of the time lost on the front end. He also suggested coverage testing would be more accurate with full foliage on the trees.

Mr. Evelyn asked who would sign off/approve the system for New Kent. Mr. Hathaway noted he had been authorizing payments on the project and the final sign-off could be brought to the Board if they wished. Mr. Evelyn indicated he would like to hear back from the Sheriff's Office and Fire-Rescue before final acceptance of the system.

Mr. Brown indicated the agreement included ten years of after-market service. This service included a three-year warranty and a seven-year maintenance plan. Mr. Brown indicated the warranty start date and the thirty-day burn in would restart if there was anything that needed to be fixed during the thirty-day burn in. Mr. Strader provided a review of the pricing associated with various portions of the agreement and indicated New Kent had already paid a little more than \$2 million toward the project. After-market services would cost \$1,573,254 over the ten year period.

Ms. Paige asked if there would be training on the new radio system for bus drivers and dispatchers. Mr. Strader indicated training would be provided for both and each of the groups would have their own training. Dispatcher training would be scheduled in June and would last approximately three days. Mr. Brown also noted some training had already been conducted for IT staff and the Emergency Communications Officer.

Mr. Evelyn asked if Harris had any plans to open a satellite service location. Mr. Strader indicated he wasn't aware of any plans to open another service shop and noted the closest shop was in Spotsylvania and repair work could also be done in Lynchburg. Mr. Brown pointed out Harris had won several sizable contracts in the area and suggested another service shop may come in the future.

Mr. Davis thanked Mr. Brown and Mr. Strader for their presentations.

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IN RE: VIRGINIA SOLAR/SUNWORKS LLC PRESENTATION

Virginia Solar/Sunworks LLC Managing Partner Matthew Meares was present to give the Board an overview of a proposed solar project in New Kent County. Copies of a PowerPoint slide presentation had been included in meeting packages.

Mr. Meares noted Virginia Solar was a Richmond based utility scale solar developer focused on the Commonwealth of Virginia. The company had been formed about a year ago and was comprised of a team of renewable energy professionals who had developed several thousands of megawatts of wind and solar projects. He reported Virginia Solar had developed a seventeen megawatt solar project in Powhatan County which had been sold to Dominion Virginia Power in September 2015. In addition to the Powhatan project, several other projects were currently in the works with Conditional Use Permits having been successfully completed in Buckingham and King William Counties.

Mr. Meares indicated solar energy was becoming economically competitive with other forms of electricity generation. Mr. Davis suggested solar energy was economically competitive due to the federal incentives being offered. Mr. Meares agreed and also pointed out Dominion Virginia Power had an obligation to build 400 megawatts of solar in the Commonwealth before 2020. Mr. Davis asked how close a solar project would need to be to a substation. Mr. Meares suggested the ideal location would be more than one mile and less than five miles from a substation. He indicated anything more than five miles would require upgrades to the grid and would substantially increase the cost. He also noted New Kent was being considered as a possible solar location due to its good electrical infrastructure. A solar project at the location being considered would be consistent with the County Comprehensive Plan and A1 zoning.

Mr. Meares drew attention to several pictures depicting the visual impact of a solar project. He indicated the project would be constructed of non-reflective panels which would move through the day to track the sun. The maximum height of these panels would be eight feet. Mr. Davis asked what size cable would be necessary to connect the project to the substation. Mr. Meares indicated he was not sure of the physical size of the cable but indicated it would be the same as the cable coming out of the substation. Mr. Davis asked if the cable would be overhead or underground. Mr. Meares noted all electrical lines would be buried with the possible exception of those crossing wetlands and public right of ways. He also indicated existing Dominion Virginia Power right of ways would be used and trees and shrubs would be planted to mitigate the visual impact. There would be no discernable noise associated with the actual operation of the facility. There would however be some noise during the construction phase but construction hours would be limited to sunrise to sunset, Monday through Saturday. Once completed, the site would be monitored remotely 24/7.

Mr. Davis asked if there would be any glare from the solar panels. Mr. Meares indicated glare testing had been conducted and it had been determined there would be no glare along New Kent Highway. Testing along Mt. Nebo Road had suggested a possible ten minute period of time when glare could be an issue. Mr. Meares indicated plantings along the perimeter of the project should mitigate the possible glare in this area. He also noted there would be a fifty foot buffer around the project and it would be surrounded by a six to seven foot fence topped with three strands of barbed wire.

Mr. Davis raised the question of what would happen to the project site if solar became a thing of the past. Mr. Meares drew attention to the slide entitled "Decommissioning". He indicated the solar components would need to be removed at the end of the project's estimated thirty-five year useful life. The land would then be returned to tilled farmland or another authorized land use. Funds would be reserved by the project to ensure funding for

the decommissioning of the site. These reserved funds could be in the form of a letter of credit, a surety bond, cash or based on the investment grade of Dominion Virginia Power.

Mr. Evelyn asked how these funds were being held in King William County. Mr. Meares noted that although the King William project had been approved, actual construction had not yet started. He noted however, reserve funds for the Powhatan project were based on the investment grade of Dominion.

Mr. Meares pointed out the land being considered for this project was well over four hundred acres but, because much of it was wetlands, the RPA (Resource Protection Area) setbacks significantly reduced the acreage available for the project. In addition, the landowner was also restricting what acreage could be used. Mr. Evelyn noted for the record that he was related to the property owner. He indicated he did not know if this would be considered a conflict, but the property owner was his uncle. County Attorney Jeff Gore indicated he would need to check to see if this would be considered a conflict.

Economic benefits of the project included:

- During Construction – 13 direct jobs, 1 indirect job and 1 induced job with \$1.3 million economic impact
- During Operation – 1 direct job and 1 induced job with an economic impact of \$1.2 million per year for the next thirty-five years
- A total of \$43 million in economic impact
- Real Estate rollback taxes of \$41,000 and \$5,000 per year
- No personal property tax paid
- No burdens on the County (schools, police, EMT, etc.)

Solar panels would be mounted with space between the panel and the ground underneath, allowing for air flow above and below the panels and eliminating any "heat island" effect. Mr. Meares noted the project would involve minimal water usage. He pointed out there may be a need for some water during the construction phase to help control dust but the system itself would use no water and was not expected to need to be washed. The ground below the solar panels would be covered with vegetation and rain water would still permeate through the ground. He indicated a storm water permit from the State would be required.

In closing, Mr. Meares indicated Virginia Solar would be hosting a community meeting from 6-8 p.m., on May 10<sup>th</sup> at the Farmer's Daughter, a restaurant located at 18950 Motel Drive in Eltham, Virginia 23181. Advertisements announcing this meeting would be published in the local papers and letters would be sent to adjacent land owners. Supervisors and Planning Commission members would also be invited to attend.

There was some discussion regarding whether the solar project would increase the value of adjoining properties. Mr. Meares indicated there would be a number of factors that would impact the value of adjoining properties and he noted the capacity of the substation would be a major factor. If the substation was already at capacity, no other solar projects could be added to the grid without substation upgrades.

Mr. Tiller asked if there was a point in time when payment of personal property tax would be required. Mr. Gore indicated there would be no personal property taxes to be paid unless the State changed the law.

Mr. Davis thanked Mr. Meares for his presentation. This item was scheduled to go to the Planning Commission for consideration at its May meeting.

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IN RE: LEGISLATIVE UPDATE

New Kent County Attorney Jeff Gore was present to provide an update on recent General Assembly legislation. He indicated the most significant legislation impacting local governments involved changes to how proffers associated with residential properties could be accepted. The new measures were designed to prohibit a locality from requesting proffers considered unreasonable or proffers not directly related to the impacts of the development. There would be no categorical limits or changes to possible proffer uses for on-site purposes but possible off-site uses would be limited to public safety, transportation, schools and parks and recreation. He suggested that in the past, impacts only had to be related to a development but now, it would be necessary to prove they were specific to the development. Mr. Gore indicated capacity analysis would be required to show requested proffers were justified and would be in place to address actual impacts.

Mr. Evelyn asked how this would affect water and sewer. Mr. Gore indicated water and sewer service within the development would not be impacted but the locality could not request proffers to expand off-site facilities such as water or sewer treatment systems. County Administrator Rodney Hathaway asked how these changes would impact mixed use developments. Mr. Gore indicated it would be necessary to determine what percentage of the development was residential and proffers would then be based on that percentage.

Public Utilities Director Larry Dame suggested if the new measures would not allow for proffers associated with the upgrade or expansion of wastewater treatment facilities or water service, there would be no more need for rezoning in New Kent for residential purposes. He suggested that once New Kent's currently approved developments were built out, the current treatment plant capacity would be maxed out. There was some discussion as to whether the Board could turn down proposed new developments based on the lack of treatment plant capacity. Mr. Gore suggested a broader context should be used with consideration being given to the many factors impacting the approval of new developments. He noted this subject had been argued heatedly in the General Assembly and suggested there could be some interest on both sides to revisit this in a few years.

Planning Manager Kelli Le Duc asked if these proffer changes would have any impact on transportation. Mr. Gore indicated there would be no changes impacting transportation upgrades but suggested a more strict analysis could be required.

In response to concerns regarding the loss of wastewater treatment plant proffers, Mr. Tiller asked if the County could create other ad valorem tax districts. Mr. Gore suggested this could be one possible avenue but there would be other avenues that could also be considered.

Mr. Davis asked if there had been any updates regarding FOIA (Freedom of Information Act). Mr. Gore indicated there had not been and pointed out this was the third year in a three year study on FOIA and suggested there could be something new next year as a result of this study. He also pointed out the oversight of Conflict of Interest had been transferred from the Secretary of the Commonwealth to the newly formed Virginia Conflict of Interest and Ethics Advisory Council.

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IN RE: DESIGNATION OF LOCAL FIRE OFFICIAL

County Administrator Rodney Hathaway indicated each locality was required to designate a local Fire Official through the DHCD (Virginia Department of Housing and Community

Development). He noted the lack of a local Fire Official could slow down the approval of commercial building permits and result in all plans requiring DHCD approval. Mr. Hathaway pointed out New Kent had recently hired Brian Bennett as Deputy Fire Chief and Mr. Bennett possessed all the necessary certifications required of a local Fire Official. He recommended the Board designate Mr. Bennett as New Kent County's Fire Official through the DHCD.

Mr. Evelyn moved to designate Brian Bennett as the local Fire Official through the Virginia Department of Housing and Community Development. The members were polled:

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|-----------------------|--------|
| Thomas W. Evelyn      | Aye    |
| C. Thomas Tiller, Jr. | Aye    |
| Patricia A. Paige     | Aye    |
| W. R. Davis, Jr.      | Aye    |
| Ron Stiers            | Absent |

The motion carried.

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IN RE: MEETING SCHEDULE

Vice Chairman Davis announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, May 9, 2016 and the next work session would be held at 9:00 a.m. on Wednesday, May 25, 2016. Both meetings would be held in the Boardroom of the County Administration Building. Mr. Davis also announced the County would be hosting an employee appreciation picnic at noon on Friday, April 29, 2016 on the County Administration Building lawn. County Administrator Rodney Hathaway noted the picnic would be moved to the Sheriff's Office training room in the event of rain.

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IN RE: ADJOURNMENT

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

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|-----------------------|--------|
| C. Thomas Tiller, Jr. | Aye    |
| Patricia A. Paige     | Aye    |
| W. R. Davis, Jr.      | Aye    |
| Thomas W. Evelyn      | Aye    |
| Ron Stiers            | Absent |

The motion carried.

The meeting was adjourned at 10:17 a.m.