

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 16<sup>th</sup> DAY OF NOVEMBER IN THE YEAR TWO THOUSAND SIXTEEN 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 Ron Stiers called the meeting to order.

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IN RE: ROLL CALL

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

All members were present.

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IN RE: INVOCATION, PLEDGE OF ALLEGIANCE AND WELCOME

Mr. Tiller gave the invocation and led the Pledge of Allegiance. Chairman Stiers welcomed staff, citizens involved in New Kent University (NKU), Sheriff's Office, media and VDOT representatives and others in attendance. Mr. Stiers jokingly suggested free food should be served more often if it would draw such a good crowd. Mr. Stiers was referencing a reception held prior to the meeting for NKU graduates. Mr. Davis indicated many individuals had been thanked during the reception and noted the NKU sponsor had not been mentioned. County Administrator Rodney Hathaway announced that NKU had been sponsored by Davenport and Company, the County's financial consultants.

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IN RE: CONSENT AGENDA

1. Approval of Minutes
  - a. September 28, 2016 Work Session minutes
  - b. October 11, 2016 Business Meeting minutes
  - c. October 19, 2016 Retreat/Work Session minutes
  - d. October 26, 2016 Work Session minutes
2. Miscellaneous
  - a. Approval of Change Order –Design Nine - \$74,500.00.
  - b. Approval of renewal of Public Utilities Contract with Worldview Solutions for Geographic Information Systems (GIS) services.
  - c. Authorize the County Administrator to sign the Commonwealth of Virginia Department of Health FY17 Local Government Agreement.
  - d. Authorize the County Administrator to sign the proposed Firearms Rider to incorporate into the 2009 Virginia Department of General Services Lease for space utilized by the State Health Department.
  - e. Approval of 2017 County Rabies Clinic, January 28, 2017.
3. Refunds
  - a. Due to NK/Abbitt, Heath Beverly L Sr, Blackburn Ronald, - erroneous assessment, \$2,873.96.

- b. Due to Mr. Adam Hebert - Land Disturbance Application was not necessary - \$630.00.
  - c. Due to Debora G. Fowler-Zehler – Chesapeake Bay Preservation Act Exception Permit Application was not necessary - \$230.00.
4. FY17 Carry Forward Appropriations
- a. FY16 VA Telecomm Planning Initiative Grant Project Funds, \$90,366.67.
  - b. Various County Capital Projects (Fund7) Not Completed in FY16:
    - P&R Wahrani Nature Trail, \$2,094.61,
    - Park Dev-FNK Proffer-Receipt Uncert, \$82,041.25,
    - Park Development – County Funds \$959,103.83,
    - P&R – Historic School Fields/Bleachers, \$33,303.96,
    - New Courthouse – Steps & Sidewalk, \$40,000.00,
    - Bank Building Purchase – New Library, \$900,000.00,
    - MIS Technology & Comm Master Plan, \$2,131.08,
    - Finance – Upgrade Integrated Software, \$831,440.24,
    - Board Room Tech Upgrades – Sound Improvement, \$12,714.56,
    - Pre-Eng Radio Infrs Sys Study, \$5,899.75,
    - Pub Safety Radio Sys-800 MHZ, \$1,811,193.80,
    - Fed Engineering – On Call Tech Support, \$53,364.79,
    - ISTEA/RSTP Bicycle Route Signage, \$1,939.87,
    - New Courthouse – HVAC, \$424,441.22,
    - County Facility Rehab Projects, \$38,421.82,
    - CD-Purchase Dev. Rights, \$101,959.73,
    - Historic School Campus – Renovation, \$329,616.36,
    - Replace MS Bleachers & Sound System, \$176,000.00,
    - High School Track Repair/Resurface, \$169,438.00,
    - Student Serv Bldg Conf Room Sound PRF, \$6,431.85,
    - NKHS Scoreboard Replacement, \$6,025.00,
    - NKMS – Lighting, \$15,890.40,
    - NKMS – HVAC Controls/Fire Alarm Panel, \$28,332.25,
    - Schools Misc. Improv/Equipment, \$20,925.00,
    - School Buses, \$64,398.00,
    - Appropriation of Funds from Prior Years, \$224,252.04,
    - Security Doors, \$51.08,
    - GWES – Roof Equipment, \$38,714.05,
    - NKMS – Gym Floor Replacement, \$125,000.00,
    - Tennis Court Construction, \$2,015.35,
    - NKHS Roof Repairs, \$1,949.02 and
    - Affordable Housing, \$28,761.00.
  - c. Various County Airport Projects (Fund 97) Not Completed in FY16
    - Terminal Building Improvements, \$3,862.67,
    - Rehab of Taxiway Design – Local, \$3,433.50,
    - Rehab of Taxiway Design – State, \$18,783.03,
    - Rehab of Taxiway Design – Federal, \$281,742.75,
    - Perimeter Fence – Local, \$10,000.00,
    - Perimeter Fence – State, \$40,000.00,
    - Security Improvement – Local, \$1,259.77,
    - Security Improvement – State, \$11,338.00,
    - Build New Kent Airport Bus Center, \$22,705.18,
    - Disadvantage Bus Enterprise – 2%, \$240.00,
    - Disadvantage Bus Enterprise – 8%, \$960.00,
    - Disadvantage Bus Enterprise – 90%, \$10,800.00,

- MIRL/REIL Design – 2% Local, \$2,000.00,
- MIRL/REIL Design – 8% State, \$8,000.00,
- MIRL/REIL Design – 90% Federal, \$90,000.00,
- Ramp Rehabilitation – 2%, \$1,900.00,
- Ramp Rehabilitation – 8%, \$7,600.00 and
- Ramp Rehabilitation – 90%, \$85,500.00
- d. Various County Public Utility Projects (Fund 98) Not Completed in FY16
  - Domestic Meter Supply, \$3,442.67,
  - Chemicals, \$1,436.50,
  - Chemicals, \$312.50,
  - Chemicals, \$412.50,
  - Contract Services, \$5,621.51,
  - Water/Sewer Testing, \$3,800.00,
  - Chemicals, \$35,247.01,
  - Machinery & Equipment, \$2,150.00,
  - Contract Services, \$448.00,
  - Repairs & Maintenance, \$2,700.00,
  - Chemicals, \$893.00,
  - SCADA System Installation – Water, \$87,850.00,
  - SCADA System Installation – Sewer, \$11,200.00,
  - Vehicle Replacement, \$22,000.00,
  - Intercom Larger/Smaller Water System, \$41,978.56,
  - Ground Level Tank Maintenance, \$686,231.83,
  - Reclaimed Water Line Extension, \$20,000.00,
  - Water Supply Plan Feasibility Study, \$166,832.55,
  - SCADA – Replace Current Servers, \$35,050.00,
  - Microwave Antenna – Admin & Courthouse, \$46,338.67,
  - Interconnect Water System Study, \$19,115.00,
  - GIS Utility Mapping & Updates, \$11,278.11,
  - Parham Landing SBR Diffuser Maint, \$58,000.00,
  - Aqua Aerobics Computer Upgrade, \$14,813.00,
  - Ext Water UP Rt. 33 From Rt. 360 to I-64, \$151,626.68
- e. Computer Replacement Funds (Fund 800) Unspent in FY16
  - Sheriff, \$3,578.34

\$8,660,697.91	Total
(\$558,586.45)	Total In/Out - Airport (97)
(\$90,366.67)	From Fund Balance - Grants (6)
(\$6,537,849.91)	From Fund Balance - Capital Projects (7)
(\$41,538.45)	From Fund Balance - Airport (97)
(\$1,428,778.09)	From Fund Balance - Water/Sewer (98)
(\$3,578.34)	From Fund Balance - Computer (800)

- 5. FY17 Supplemental Appropriations
  - a. Program Income received for FY17 from CDBG Plum Point Grant Participants, \$947.67.
  - b. Donations for the Animal Shelter, \$966.00.
  - c. Extension Program Sponsorship Revenue for Special Projects, \$639.00.
  - d. Gifts & Donations to New Kent Parks and Recreation: Talley Sign Company, (\$125.00), Kenneth & Sandra Blake, (\$20.00), Angela Perdue, (\$40.00), Janice & Stephen Caldwell, (\$20.00), Renno & Bonnie Marchetti,

- (\$20.00), Gregory & Lisa Chiles, (\$20.00), Catherine & James Conner, (\$20.00), Christi Walker, (\$20.00), & Misc. Cash, (\$80.00), \$365.00.
- e. Gifts & Donations to New Kent Fire & Rescue: D.J. & B.D. Rondeau, (\$200.00), Clifton & Anna Davis, (\$100.00) & TRUiST, (\$42.50), \$342.50.
- f. Gifts and Donations to the New Kent Airport for the Fall Flight Festival: Carol M. Mabe, (\$25.00), David B. Nance, (\$50.00), Golden Age Aero, LLC, (\$100.00), Rodney R. Molina, (\$100.00) & Misc. Cash, (\$135.00), \$410.00.
- g. Funds for Security Detail: New Kent County Public Schools Fall Football Events, \$597.46
- h. Funds for the FY17 Grand Illumination: Gary L. Green, LLC, (\$100.00), Active Life Fitness Center, (\$100.00) & The Williamsburg Chocolatier, Inc., (\$25.00), \$225.00.
- i. Funds Received from VML Insurance – Public Utilities – Lightning Strike 6/17/16 (Repairs Not Performed Until FY17), \$8,509.00.
- j. State Funds for Postage for Juvenile & Domestic Relations Court, \$850.00.
- k. Funds for FY17 Selective Enforcement Grants for Alcohol, (\$28,300.00), Speed, (\$10,500.00) and Occupant, (\$5,250.00) Plus FICA for Each, \$52,806.56.
- l. Correct Appropriation for Additional State/Federal Approved Services to 811 IV-E (AFDC) Foster Care & IV-E Adoption Subsidy (812), \$481.10 and \$22,600.00.
- m. FY17 Local Emergency Management Performance Grand (\$27,932.00) – CFDA# 97.042.
- n. Correct Appropriation for Additional FY17 Funds Received from the Commonwealth for Victim Witness, \$441.00.
- o. FY17 Public Safety Radio System – 800 MHZ Bond Interest (July, August & September 2016), \$1,845.39.
- p. Additional State & Federal Funding with a Local Match for the Design Phase of RAMP Rehabilitation at the Airport, \$55,000.00.

\$151,435.58 Total  
(\$32,864.63) Total In/Out - General Fund (1)  
(\$49,125.00) Total In/Out - Grants (6)  
(\$1,845.39) Total In/Out - Capital Projects (7)  
(\$54,310.00) Total In/Out - Airport (97)  
(\$8,509.00) Total In/Out - Water/Sewer (98)  
(\$3,681.56) From Fund Balance - General Fund (1)  
(\$1,100.00) From Fund Balance - Airport Fund (97)

- 6. FY17 Interdepartmental Budget Transfers
  - a. County Administrator – From Contingency to Special Events, \$5,500.00.
  - b. County Administrator – From Public Safety Radio Sys. – 800 MHZ to Federal Engineering, Inc., \$40,000.00.
  - c. Fire-Rescue – From Contingency to Operation Supplies – Hose/Nozzle, \$41,014.40.
  - d. General Services – From New Courthouse HVAC to County Access Control Upgrade, \$160,000.00
- 7. Treasurer’s Report: Cash as of September 2016, \$26,335,499.18

Mr. Evelyn drew attention to Board Room Tech Upgrades – Sound Improvement, \$12,714.56 under section 4.b. and noted he frequently received complaints from

constituents regarding the sound quality of the meetings being aired on Cox Cable. He requested an update on the proposed upgrades. County Administrator Rodney Hathaway agreed there were frequent comments received regarding the audio quality of the public broadcast channel. He reported this funding would be used to upgrade the audio in the boardroom which should improve the quality of the broadcast. This was carry forward funding which had previously been appropriated for this purpose and the County was currently in the process of receiving proposals from contractors. Mr. Evelyn also asked for additional information on ISTE/RSTP Bicycle Route Signage, \$1,939.87 which was also listed under section 4.b. Mr. Hathaway noted this was also carry forward funding which had been received when the bicycle program had originally been approved. These funds were appropriated for the replacement of existing bicycle signage and sign posts as needed.

Mr. Tiller moved to approve the Consent Agenda and that it be made a part of the record. The members were polled:

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

The motion carried.

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IN RE: SMALL BUSINESS CLOSE UP – SAFE & SOUND LLC

Community Development Director Matthew Smolnik thanked Mr. Davis for securing a presenter to be featured in the November Small Business Close Up. He introduced Chuck Ward with Safe & Sound, LLC. located at 18421 New Kent Highway in Barhamsville. He invited Mr. Ward to the podium to share information on his business. Brochures on the business had been previously placed at each Board member's seat.

Mr. Ward thanked the Board, Mr. Smolnik and especially Supervisor Davis for the invitation to speak about his company. He indicated Safe & Sound had started as a home-based business in 2004 and had expanded several times in its twelve years of operation. It had been because of the business growth and through some opportunities provided by the EDA (Economic Development Authority) that the business had moved from being home-based into leased space. He noted that Mr. Evelyn had mentioned problems with audio quality in the boardroom and suggested his business may be able to help. Safe & Sound was a security company performing security monitoring with eight employees all of whom possessed Virginia Department of Criminal Justice licensing. In addition to being a Class A electrical company, Safe & Sound held a number of other licenses and performed both residential and commercial installations. The company also installed car and boat audio systems, home theater systems, automobile remote starts, fire alarms, window security films and window tinting and offered free advice. He noted Safe & Sound was the business that could bring various technologies such as remote start and home security system monitoring together by smart phone access. The business continued to grow at an average rate of twenty percent annually and the services provided would continue to evolve as technology evolved. He indicated he was a resident of the County, his children attended County schools and it was his plan to continue operating in the County for years to come.

Mr. Evelyn reported that Safe & Sound LLC had done a great deal of work for his company and his family. He indicated that he highly recommended them and that it was great to

support local business. Mr. Stiers thanked Mr. Ward for the presentation and wished him continued success.

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IN RE: NEW KENT UNIVERSITY (NKU) 2016 GRADUATION

County Administrator Rodney Hathaway and Board members awarded certificates to the 2016 NKU graduates, identified as Ann Burks, Adrienne Burrell, Thomas Eckel, Chris Goebel, Margaret Goebel, JoAnn Lankford, Brant Lewis, Jean Mucchiari, April Noland, Christine Ondish, Dianne Pollard, Sharon Resek, Deanette Rogers, Amanda Stanger, Arthur Stauffer, Al Sullivan, Mable Sullivan, Kristin Swynford, Jill Williams, Consuella Wright, Robert Wright, John Yarema and Pat Yarema. Mr. Hathaway thanked class members for their participation and noted NKU was a ten-week program for County citizens which had been started ten years ago. Class members were given the opportunity to meet with County departments and to learn something about the work each was doing. He indicated there had been great discussions and suggested that he also came away each year having learned something more. He thanked them again for participating.

Mr. Davis indicated that when the program had been started, the Board had been skeptical about where it would go. He noted staff members were proud to participate and he believed this pride showed in their work. NKU class members often commented they could see that staff members were good at their jobs and they liked what they were doing. He jokingly suggested that after having completed the NKU program, they were all now eligible to serve on one of the many New Kent County committees or commissions.

Mr. Stiers invited NKU members to speak. Mr. Thomas Eckel addressed the Board indicating this had been one of the best classes he had ever seen and suggested it was due to the employees. He noted he had never seen such enthusiasm and love for their jobs. He closed his comments by indicating it had been a really great program and he was glad that the County offered the opportunity to participate.

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IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION – RESIDENCY  
ADMINISTRATOR’S REPORT

Supervisors had been provided a written report on maintenance items completed over the past thirty days as well as items scheduled for the next thirty days along with copies of Route 33 traffic studies. Maintenance Operations Manager Bruce Puffenbarger reported the primary focus for the past thirty days had been on asphalt patching and completion of mowing on secondary routes as well as snow removal equipment preparation. The focus for the next thirty days would be on milling and patching asphalt strips on Route 60, pothole patching on primary and secondary routes and regrading gravel roads.

Mr. Puffenbarger also provided the following updates:

- There had been some “ditching” work done on Route 613 and VDOT was trying a new material designed to reduce ditch erosion. This project would be monitored for the next year or so to see how well it would hold up.
- Referencing the traffic study reports provided earlier, he noted the study on Route 33 had resulted in a recommendation to keep the current posted speed limit.
- He reported that VDOT was moving into a new office and Ms. Debra Montgomery had sent new contact numbers out to the localities.

Board members provided the following comments and reported the following road concerns:

Ms. Paige indicated she had no questions and nothing new to report.

Mr. Tiller noted his appreciation for the repair work done in Five Lakes and indicated he had no new concerns to report.

Mr. Evelyn indicated he now was seeing some work in progress on the Route 612/Route 249 roundabout project. He pointed out the written report had indicted this project was in "Phase 3" and asked how many phases were in the project. Mr. Puffenbarger indicated he believed there would be five phases but suggested that Project Engineer Brian Ramsey would be the best person to contact for that information. Mr. Evelyn asked if the project was still on schedule for completion by the end of the year. Mr. Puffenbarger indicated the most recent information received had indicated the project was scheduled for completion by December 10<sup>th</sup> but again deferred to Mr. Ramsey. Ashland Resident Engineer Bruce McNabb indicated he was skeptical in regard to this completion date. Mr. Evelyn asked if there was anything more to report in regard to this project. Mr. Puffenbarger indicated he had not been able to check on the project recently and had nothing more to report.

Mr. Davis indicated he had recently ridden through Stage Road and had noticed a great deal of "wash boarding". He suggested that since this road would not be paved this fiscal year, it should be graded. He also noted a good job had been done on patching and the resurfacing on Route 33.

Mr. Stiers indicated he had no new complaints. He noted he had previously mentioned concerns regarding Landing Road (Route 650) to Maintenance Superintendent Jay Fread. Trees along the roadway were overgrown and had almost turned the street into a one-lane road. Trucks and campers were having difficulty driving through without having branches hit their mirrors. Mr. Stiers thanked Mr. Puffenbarger for the report.

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IN RE: CITIZENS COMMENT PERIOD

There were no citizen comments.

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IN RE: PRESENTATION OF J. STANNARD BAKER AWARD FOR HIGHWAY SAFETY

New Kent County Sheriff J.J. "Joe" McLaughlin, Jr. introduced the Director of the Office of Safety Programs for the National Highway Traffic Safety Administration Mr. John Marshall who would be presenting the J. Stannard Baker Award. Mr. Marshall had served as a Virginia State Trooper, a U.S. Marshal, as Director of the U.S. Marshal Service under President Clinton and as Secretary of Public Safety under Governors Warner and Kaine.

Mr. Marshall thanked the Board for allowing him time on the agenda for this special presentation. He noted he frequently traveled around the Country presenting numerous awards on behalf of the National Highway Traffic Safety Administration. In most cases these awards were presented to individuals he did not know but this presentation to former New Kent County Sheriff Farrar W. "Wakie" Howard, Jr. would be different in that regard because he had known Howard for many years and considered himself blessed to be able to call him "friend". Mr. Marshall noted former Sheriff Howard would be receiving the most prestigious award presented by the National Highway Traffic Safety Administration, the J. Stannard Baker Award for Life-time Achievement in Highway Safety. He suggested Sheriff Howard was very deserving of this recognition and cited his thirty-six years of service as New Kent County Sheriff, membership in the Virginia Sheriff's Association – serving one year as its president and membership in the National Sheriff's Association – serving many years on its Traffic Safety Committee. Mr. Marshall indicated Sheriff Howard had played a part in making a difference in saving lives across the State and the Nation. He indicated it

was a personal privilege and honor for him on behalf of the National Highway Traffic Safety Administration, the National Sheriff's Association and Northwestern University to present Sheriff Wakie Howard with the J. Stannard Baker Award for Life-time Achievement in Highway Safety. Sheriff Howard came forward to receive the award and congratulations from Board members and received a standing ovation. Other Sheriff's Office personnel also came forward for the presentation and photographs. Sheriff Howard noted that Mr. Marshall was a true professional and indicated he was honored that he would take time from his busy schedule to come to New Kent to make this presentation. He indicated he had noticed a problem with the award and that was that it had his name on it. He suggested the names of all the men and women in the Sheriff's Office should be noted because they were the ones who had done the work. He thanked them for their service and offered a special thank you to Sheriff McLaughlin and Chief Deputy Lee Bailey. He noted Deputy Bailey had headed up the Highway Safety Program at the New Kent Sheriff's Office for many years. He was also the individual who applied for safety program grants, scheduled special patrols and coordinated community service events. Sheriff Howard closed his comments by stating "occupant protection is his baby" and later added, "it's not me, it's the men and women that serve the New Kent Sheriff's Office". He thanked the Board for their time.

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IN RE:                   PRESENTATION ON QUIN RIVERS' PROGRAMMATIC INITIATIVES

Quin Rivers Community Action Agency Executive Director Dr. Jack O. Lanier thanked the Board for the opportunity to provide an update on some of the programmatic initiatives of Quin Rivers. He also thanked the Board for the proclamation given to Quin Rivers the previous month in recognition of Domestic Violence Month. He noted his appreciation for attention having been drawn to this issue which impacted many families and individuals. He noted a folder of materials including a fact sheet on "Quin Rivers – Who We Are and What We Do" as well as a fact sheet specific to New Kent County had been provided for each Board member. He reported the Richmond Times Dispatch had recently published an article indicating there had been an 110% increase in poverty in counties surrounding the City of Richmond and a 50% increase in the City. He suggested this was significant to Quin's services in New Kent because many of the programs offered were designed to address those impacted by poverty. He reported that approximately 3,000 individuals in New Kent were currently living below the 200% Federal Poverty Level. He introduced Client Services Director Emily DeCarlo and invited her to briefly summarize Quin's programs designed to assist socioeconomically challenged individuals living in the County.

Ms. DeCarlo thanked the Board for the opportunity to speak. She indicated she would be sharing information on three programs offered in New Kent County which were designed to help eliminate poverty and encourage self-sufficiency among individuals and families.

- Healthy Families – The Healthy Families program was a national, evidence based program, with both State and National accreditation. This was a home-visiting intervention program working with families prenatally through age five and was supported by both the Virginia Department of Social Services and the United Way. The State had increased financial support for this program over the past five years and plans were to expand this program by adding a bilingual staff member.
- Housing Counseling – This program was an assistance initiative for individuals struggling with mortgage payments or the inability to effectively manage personal finances. She suggested this program was very relevant in New Kent with 33% of families spending 30% or more of their income on housing.
- Project Hope – Project Hope was a domestic/sexual violence intervention and prevention program which had served 163 clients in New Kent during FY16. There had also been approximately 250 hotline calls during that same time period. Ms. DeCarlo also noted Quin had a great relationship with the New Kent Sheriff's Office and the Lethality



Assessment Program was providing an easy and effective method for law enforcement to identify and assist victims of domestic violence and connect them to the local domestic violence service program.

Dr. Lanier closed the presentation by noting that Quin Rivers was undertaking a needs assessment survey which would be completed by the end of the year. Final results would be reported to the Board at a later date but preliminary findings based on 191 responses suggested the top four areas of greatest concern were affordable housing, affordable medical care, transportation and employment opportunities. Data from the survey would be used to help Quin design programs to more appropriately assist those in need. Dr. Lanier thanked the Board for their continued support and entertained questions.

Mr. Davis asked for the total population of the Quin Rivers service area. Dr. Lanier indicated the total population was approximately 590,000. Mr. Stiers thanked Dr. Lanier and Ms. DeCarlo for the presentation.

Mr. Stiers asked the Board if they would like to move forward with Elected Officials Reports since it was too early to begin the 7:00 p.m. public hearings. Mr. Davis indicated the Board needed to go into closed session and he wished to make a motion.

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IN RE:           CLOSED SESSION

Mr. Davis moved to go into Closed Session pursuant to Section 2.2-3711A.1 of the Code of Virginia for discussion involving personnel. The members were polled:

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

The motion carried. The Board went into closed session. County Administrator Rodney Hathaway, County Attorney Bill Hefty and Deputy Board Clerk Wanda Watkins were excused from the closed session.

Mr. Davis moved to return to open session and that the Board certify by roll call vote that to the best of each member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Freedom of Information Act and identified in the motion to go into closed session were heard, discussed or considered in the closed session. The members were polled:

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

The motion carried.

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IN RE:           PUBLIC HEARING – NEW KENT FIRE AND RESCUE – PPEA RFP #16-2105,  
NEW FIRE HOUSE #5

County Administrator Rodney Hathaway reported the County had issued a request for proposals in accordance with the Public-Private Education Facilities and Infrastructure Act of 2002 for the design and construction of a new fire house on August 3<sup>rd</sup>. The new fire house would be located on property currently owned by the County at 7324 Vineyards Parkway. A pre-proposal conference had been conducted on August 19<sup>th</sup> with eleven individuals other than staff in attendance. Only one proposal from Evans Construction was received by the September 6<sup>th</sup> due date. The proposal included the design and construction of a 9,600 square foot fire house as well as options including the construction of a logistics/warehouse building, folding doors in lieu of overhead doors and a masonry monument sign. Mr. Hathaway indicated the proposal pricing had been submitted as proprietary information and could not be publicly disclosed at this time. He suggested the proposed price could be reduced through the negotiation process. He reported that if the County wished to continue negotiations and to allow the contractor to fine tune numbers, the contractor had requested the County enter into an interim contract that would allow for preliminary engineering work up to \$30,000. Mr. Hathaway noted the PPEA regulations required that this agreement not be signed within thirty days of the public hearing which would be conducted later in the meeting and asked that the Board consider authorizing him to sign the interim agreement at the proper time in order to continue negotiations. A copy of the proposal and renderings of the proposed fire house had been included in the meeting packet. He entertained questions and noted Fire Chief Rick Opett was also available to answer any questions.

Mr. Davis asked for confirmation that the agreement could not be signed until thirty days after the public hearing and that Mr. Hathaway was asking the Board to give him the authority to sign it. Mr. Hathaway indicated this was correct and also pointed out this was an interim agreement only for preliminary engineering work. Once a full agreement was negotiated, it would be brought to the Board for action. Mr. Davis asked if it would be necessary to conduct a public hearing on the full agreement. County Attorney Bill Hefty indicated another public hearing would not be necessary.

Mr. Stiers opened the public hearing. There being no one wishing to address the Board, he closed the public hearing.

Mr. Evelyn moved to authorize the County Administrator to sign an interim agreement with Evans Construction Incorporated to provide pre-construction services not to exceed \$30,000 for the construction of Fire House #5. The members were polled:

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

The motion carried.

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IN RE: PUBLIC HEARING – APPLICATION CUP-03-16, ANTEBELLUM ASSEMBLY HALL/  
VENUE

Before the Board for consideration was Resolution R-52-16 to approve Conditional Use Permit Application CUP-03-16, Antebellum Assembly Hall/Venue on tax map and parcels 33-17C and 33-19. The application had been submitted by Patricia Parsley, Alex Johnson and Jesse Martin who were under contract to purchase the subject property from current owners Clyde and Carol Brenneman.

Planning Manager Kelli LeDuc provided a brief overview of the application. The applicants had applied for a conditional use permit to construct and operate an assembly hall/venue on property zoned A-1. The two properties contained approximately twenty-two acres and were located south of the intersection of Marsh and North Courthouse Roads in Providence Forge. The venue would market to corporate events, weddings, family reunions, birthday parties, etc. with most events scheduled on weekends. The application had been through the standard review process and a few minor comments which would be addressed during the site plan process had been made. Updated conceptual drawings had been placed at each Board member's chair. Proposed conditions addressing buffering and hours of operation were included in the resolution. Staff was recommending approval and the Planning Commission had forwarded a favorable recommendation from their October 17<sup>th</sup> meeting. Ms. LeDuc indicated the applicants wished to address the Board.

Ms. Martin indicated she was present with her mother, sister and their supporters and they wanted to open something they didn't feel was currently available in the County. She and her sister had both planned weddings and many of their friends had also planned weddings and they knew the challenges faced while venue shopping in New Kent. Many current options included tenting with restrooms located in other facilities. She indicated they wanted to open a venue that could accommodate a large group (150 people) inside in a refined space. The facility would be like a blank canvas where clients could bring in what they wanted and use the space how they wished. The venue could be used for a variety of events and would be something different – "not a barn" or an "old house".

Mr. Stiers asked if any of the other applicants wished to speak. There being none, he asked Board members if they had any questions.

Mr. Evelyn asked if this CUP was approved, would there be a time limit set. Ms. LeDuc indicated no time limit was being proposed. Mr. Davis suggested the Board had been burned before by approving CUPs without time limits and cited a specific example in the eastern part of the County. He asked if a time limit setting an operational date could be set. Ms. LeDuc indicated that such a time limit could be set. There was some discussion among Board members regarding an appropriate time limit. Mr. Stiers asked the applicants if the proposal had indicated they planned to begin construction in February 2018.

Ms. Parsley indicated they were ready to move forward now. A contract was in place and everything was set to close on the property. The only thing stopping them from moving forward at this point was approval of the CUP. Preliminary plans had been drawn and they hoped to be in business by March 2018.

Mr. Evelyn suggested the Board had a duty to put a time limit in place. Mr. Davis agreed. Mr. Hathaway asked if the Board wished to base the time limit on the issuing of a building permit or on receiving a certificate of occupancy. County Attorney Bill Hefty suggested it should be based on receiving the certificate of occupancy.

Mr. Davis asked if VDOT had signed off on this proposal. Ms. LeDuc indicated VDOT had given preliminary approval noting there had been some site distance issues to be addressed. She also noted a turning lane would not be needed. Mr. Davis then asked if there were any wetlands issues. Ms. LeDuc noted wetlands would not be an issue. A little less than five acres of the twenty-two would be used for the project with the balance of the acreage remaining as a buffer.

Mr. Stiers noted this property was located next door to Jasmine Plantation and the applicants' proposal was to offer services similar to Jasmine. He indicated he had arranged

a meeting with the applicants and the owners of Jasmine Plantation. That meeting had occurred earlier in the day and he indicated the two wanted to work together. The only issue that had been raised was the possibility of noise issues if both venues had outside events scheduled simultaneously but this would not be a problem because the Antebellum plan was for inside events. He indicated it had been a great meeting, he felt the two would work together and the Jasmine owners had indicated they had no problem with the plan.

Mr. Stiers opened the public hearing.

Sharlene Maxim of 8150 Iden Place, Quinton, Virginia addressed the Board in favor of the Antebellum proposal. Ms. Maxim indicated she was a small business owner (hair dresser in another locality). She indicated she often encountered people who were looking for something like Antebellum and suggested what the applicants were proposing was not being offered at any of the local venues. She also suggested hair stylist services available onsite would be a big plus. She encouraged approval of the application.

There being no others wishing to address the Board, Mr. Stiers closed the public hearing.

Mr. Evelyn moved to approve Resolution R-52-16 with the following amendment to the CUP (Conditional Use Permit): "If a CO (Certificate of Occupancy) is not issued within five years, the CUP will be rescinded." The members were polled:

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

The motion carried.

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IN RE: ELECTED OFFICIALS' REPORTS

On behalf of veterans in New Kent and surrounding areas, Ms. Paige wished to thank the New Kent Historical Society and the New Kent Historic Commission for the recent Salute to Veterans held at the Historic School. She indicated a great deal of effort had been put into planning this event and noted she wished there had been more in attendance. She also noted her appreciation for the opportunity to attend the recent VACo conference and indicated she considered it to have been a great learning experience.

Mr. Tiller echoed Ms. Paige's comments regarding the VACo conference. He indicated it had been a good opportunity to meet and talk with individuals from other localities who were often facing the same issues as New Kent County. He also noted it was good to see the New Kent University (NKU) graduates and was pleased to report always receiving such positive feedback regarding the program. Participants were always excited and indicated they learned a great deal from participating. He also noted he was pleased to see several of the NKU graduates had stayed for the remainder of the meeting and encouraged them and all citizens to be involved in County government.

Mr. Evelyn reported he had received an email from a resident asking for an update on the Personal Property Tax Relief rate. He pointed out this had not been updated on the County website and he had spoken with Shannon McLaughlin in the office of the Commissioner of Revenue regarding this. Ms. McLaughlin had indicated the rate was currently 44.8% and the website would be updated the next day. Mr. Evelyn also reported on the recent New

Kent Educational Foundation Bowl-A-Thon and noted it had been a great event. Approximately \$24,000 had been raised for teacher grants and scholarships and he thanked all who had attended or donated to this cause. He also indicated he had a "shout-out" to Fire Chief Rick Opett and staff. He reported he had received a letter from a constituent in Ranch Acres who had recently experienced a gas leak on their property. They had written to praise how quickly Fire-Rescue staff had responded and the professionalism they had shown throughout the event. He noted that much of the correspondence received by Supervisors was not so positive and it was nice to receive such a letter.

Mr. Davis reported that Rappahannock Community College had recently awarded over \$436,000 in scholarships at a recent event. He noted these scholarships would make a big difference in the lives of students wanting to pursue a college education. He also noted his appreciation to the churches and local businesses who had allowed the County to use their facilities for the recent election. He pointed out there had been some lines but it had not been too bad. He indicated he did not believe New Kent needed any additional precincts but suggested there may be some need for fine-tuning. He also thanked those who had worked the polls.

Mr. Stiers pointed out there had been a report of Al Qaeda threats in three states prior to the recent election and Virginia had been one of those states. He indicated he had worked the polls in Providence Forge and wished to commend the Sheriff's Office for the job they had done on Election Day. He reported Sheriff's Office staff were frequently seen throughout the day and he thanked them for looking out for our citizens.

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IN RE: STAFF REPORTS

REIMBURSEMENT REQUEST – JOHN TOMLIN

County Administrator Rodney Hathaway had received a refund request for Mr. John Tomlin who was building a home at 11522 Royal Lane in Brickshire. Mr. Tomlin had been provided misinformation regarding the location of the lateral sewer line on the property. When the construction had progressed to the point of being ready to connect to the line at the front of the property, it had been discovered the line was actually located to the rear of the lot. The closest line to the front of the home was located across the street and would require boring under the road with an estimated cost of \$10,500. Mr. Davis asked if the refund was approved, what budget would fund the payment. Mr. Hathaway indicated the Public Utility fund would be responsible for the payment and the recommendation was for the County to reimburse one half of the cost. The County had provided Mr. Tomlin with information that was not correct, Mr. Tomlin had relied on this information and the error had not been caught during the construction process. Mr. Hathaway indicated the lateral lines had been installed many years ago prior to the employment of the current Utilities Director. He suggested the County should share the burden of some of the additional costs resulting from the error. Mr. Stiers reported he had spoken with Utilities Director Larry Dame who had indicated he was in favor of making the refund. Mr. Davis questioned who was responsible for the mistake. Mr. Hathaway suggested the County was partially responsible and the contractor was partially responsible. Building Official Clarence Jackson was present and indicated he could shed some light on the situation. Mr. Jackson suggested the contractor had gone by the plans which showed where the tap would be located. The line had been installed and had been inspected but when it was time to connect to the tap, the tap was not there. He suggested the plans depicted a tap that "just wasn't there". Mr. Jackson pointed out lateral lines in this area were some of the older ones in the community and were often not marked and installed twenty or more feet deep making them difficult to find. Mr. Evelyn asked who was responsible for finding the lines. Mr. Jackson pointed out the lines belonged to New Kent County and it was the County's system. He suggested the

proper location of the lines should have been noted on the plans but had not been. He suggested boring under the street was the best option. Mr. Stiers indicated he had been told it would cost approximately \$50,000 to go through the back of the property so connecting across the street was also the most economical route. Mr. Evelyn asked Mr. Jackson how often he thought situations such as this would arise. Mr. Jackson indicated this was the first time in the thirteen years he had worked for the County. There had been times when the lines had not been located exactly where the plans indicated but they had always been close. Mr. Stiers suggested it was only fair that the County take responsibility and pay a portion of the cost.

Mr. Tiller moved to approve a Public Utilities reimbursement not to exceed \$5,250.00 to Mr. John Tomlin for a portion of the lateral line connection fee. The members were polled:

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

The motion carried.

#### ADDITIONAL FUNDING REQUEST – OFFICE OF THE COMMISSIONER OF REVENUE

County Administrator Rodney Hathaway noted this request had been carried forward from the October 26<sup>th</sup> work session. Commissioner of Revenue Laura Ecimovic had requested an additional \$1,505 in funding for the purchase of a desk as well as additional funding for the renovation of office space. The recent approval of a half-time position had resulted in the need to purchase a new desk for an existing staff member and to move several other staff members into the area to be renovated. The additional funding request totaled \$4,230. The desk would be located in the Commissioner of Revenue's area and the painting, carpeting and other work was to be done in the back room where field inspectors would be located. Ms. Paige indicated she had inspected the area to be renovated and agreed the room needed to be painted and the existing carpet was old and stained. She reported she had been told that because the area would be used by field inspectors, the plan was to install tile rather than carpet. She also reported the existing map desk in the room would be moved to the current assessors' office space. Ms. Paige noted the original request for furniture had been \$750 which the Board had approved. She felt this was a reasonable amount for a desk and chair and was not in support of spending \$2,200 for these items (previously approved funding and the additional funding requested). She also pointed out the Board had already approved the purchase of a new computer at the time the half-time position had been approved. Mr. Davis indicated it had been several months since the Board had approved the part-time position and suggested they had done so believing it would improve DMV operating hours. He asked why the DMV office had been closed all day. Mr. Hathaway indicated he had done as the Board directed and the Commissioner of Revenue had been made aware that the Board had approved the part-time position with the expectation that the DMV would remain open continuously. Mr. Evelyn indicated he could answer the question because he had come to the DMV earlier in the day and had been informed that one employee was out sick, the part-time person was not fully trained and the other individual trained on DMV had been moved to business licenses. Ms. Paige suggested this explained today but it didn't explain last week or the week before that. Mr. Davis indicated he thought the Board had approved this position to keep the DMV office open. Mr. Stiers noted the County Administrator had shared the Board's request with the Commissioner but also noted because this was a Constitutional Officer position, the Board could not tell her how to run her office. Mr. Hathaway reported the DMV was posting notice

on their website when the New Kent office would be closed. Mr. Evelyn suggested that didn't help much because most people would not check the website before coming to the office. Mr. Evelyn noted the County received a percentage from the operation of the DMV office and asked Finance Director Mary Altemus if she knew that figure. Ms. Altemus indicated she didn't but could provide the information. Mr. Evelyn indicated the transactions he had come to DMV with earlier in the day had totaled over \$6,000. Because New Kent had been closed, he had gone to the West Point DMV. He agreed that the Board couldn't tell the Commissioner how to run the office but noted that in his own company, one person calling out sick didn't shut down the business. Ms. Paige pointed out that regardless of the Board's decision, at the end of the day they would still have no promise that the DMV would be open. Mr. Evelyn noted the Board had approved the part-time position and since that approval, the DMV staffing had gone from two full-time positions to one full-time position and a part-time position that was not fully trained. He suggested having a better understanding of how the Commissioner planned to staff the office would be helpful when the Board was making decisions regarding appropriating tax-payers' money. He suggested that with the current staffing plan, the DMV would be shut down more than in the past. Mr. Stiers asked if the Board wished to defer this item to the Work Session and invite Ms. Ecimovic to come and be a part of the discussion. Mr. Evelyn suggested that Ms. Paige had made some good points regarding the need for office renovations and suggested the Board consider moving forward with approval of this portion of the request.

Ms. Paige moved to approve a budget transfer in the amount of \$2,225.00 (\$1,500.00 for repairs and paint and \$725.00 for tile) to the Commissioner of Revenue's Office. The members were polled:

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

The motion carried.

#### POLICY CHANGE UPDATE

County Administrator Rodney Hathaway indicated he had asked Community Development Director Matthew Smolnik to provide a brief update on proposed policy changes and Building Official Clarence Jackson was also present to answer questions. Mr. Smolnik reported Mr. Jackson and he had met with members of their departments over the past few weeks to review preliminary findings of the DEQ's ongoing County audit. He indicated the County's GIS (Geographic Information System) contained an RPA (Resource Protection Area) layer based on the National Wetlands Inventory Surveys which were not field verified. Current practice included developers of new subdivisions delineating the wetlands RPAs at the time construction plans were prepared. Plats for large-lot subdivisions often did not include field verified RPA delineations and would include notations indicating the RPAs were based on the County's GIS and would be field delineated prior to any development. The County had relied on the GIS in the past to determine if planned construction met RPA setback requirements. He pointed out Mr. Jackson's department was tasked with getting building permits out within seven days of receipt and the department was doing a wonderful job meeting this challenge. When applications were coming in for properties on plats with the reliance on County GIS notation, the process would be halted until the field delineation, which could take several weeks, could be completed. County Code stated that GIS was to be "used as a planning tool only and the RPAs shall be field delineated". Given the seven-day permit turn-around time, Mr. Smolnik and Mr. Jackson were proposing that any plans

be presented to the environmental division first. This would not change County Code but would change current policy and would save the citizens time and money. Mr. Jackson indicated owners with plans to build far from the GIS RPA lines could continue to move forward but those that were proposing construction close to the lines would need a little more time. He suggested that most plans would move straight from environmental to permitting and there would be no delay in the approval. Mr. Jackson indicated they did not want to slow the process but pointed out the current process often made it difficult to hold to the seven-day permit turnaround standard. Mr. Smolnik noted he and Mr. Jackson wanted to make this process as seamless as possible. Environmental and permitting both had a good staff and they were working to provide a uniform plan review approach.

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IN RE: OTHER BUSINESS

There was no other business to be discussed.

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IN RE: DISTRICT APPOINTMENTS

Mr. Evelyn moved to appoint Ms. Michelle Gowdy as a representative to the Farms of New Kent Community Development Authority to serve a four-year term beginning January 1, 2017 and ending December 31, 2020. The members were polled:

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

The motion carried.

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IN RE: NON-DISTRICT APPOINTMENTS

There were no non-district appointments.

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IN RE: ADJOURNMENT

Mr. Stiers announced that the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, December 12, 2016, and the next work session would be at 9:00 a.m. on Wednesday, November 30, 2016, both in the Boardroom of the County Administration.

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

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

The motion carried. The meeting was adjourned at 8:35 p.m.