

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

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IN RE: CALL TO ORDER

Chairman W.R. Davis, Jr. 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: HISTORIC SCHOOL PHASE 3

County Administrator Rodney Hathaway noted the County had been in the process of developing plans for the renovation of the west wing of the Historic School. The County had reached out to John Hopke and Associates to conduct a feasibility study. A team consisting of representatives from the Extension Office, Parks and Recreation Office, New Kent County Public Schools and Ms. Paige had been formed to discuss possible uses for the Historic School. Mr. Hathaway indicated information on the costs associated with the renovation would be discussed but no action was being requested at this time. This presentation would serve as a starting point and as an opportunity to receive comments from the Board.

Mr. Hopke noted the Historic School was a remarkable building built during the height of the Depression and his firm had been asked to assist with studying the feasibility of repurposing the west wing while preserving its historical significance. A conceptual design had been developed based on the discussions of the team previously mentioned. Community wants and needs as well as staff requirements had been considered. An assessment of existing conditions had found the building to be in very good structural condition with some water damage noted. Mr. Hopke suggested the existing mechanical system was not worth reusing and recommended it be replaced with a forced air multi-zone system. The plumbing system fixtures, although serviceable, did not meet current code or support new intended uses of the space and would also need to be replaced. The electrical system was antiquated and also in need of total replacement. Recommendations were that the west wing renovation include a new and separate electrical service independent of the power currently supplied from the adjacent building. Mr. Hopke noted that some of the electrical system could possibly be salvaged but suggested it was often more costly to save portions of an existing system than to start over. The floorplan focused on preserving the main entrance and its historical features, restoring the existing auditorium to its original grandeur and providing office space for Parks and Recreation and Virginia Cooperative Extension employees. Additional space would be utilized as work rooms, a staff break/catering room, shared meeting space, table and chair storage and a senior café. Other recommendations included the replacement of an existing stairway on the left side of the building with an elevator or lift and improvements to the existing stairway on the right side of the building.

Mr. Evelyn indicated he believed there had been discussions regarding the possibility of the Historic Commission having space in the building and he asked if this was no longer the plan. Mr. Hathaway noted the Historic Commission had been a part of the consideration and the priorities discussed by the team were what was depicted on the conceptual plan. He also noted the team had discussed the Historic Commission's access to the shared meeting space and the availability of wall space for displays. Parks and Recreation Director Kim Turner also reminded everyone that the Historic Commission had purchased a building for use as a museum and she agreed that there would be plenty of room for historical displays. NOTE: The names Historic Commission and Historical Society are often used interchangeably. Although the two do frequently work together, the Historic Commission is a County Commission with members appointed by the Board of Supervisors and the Historical Society is a private entity with membership open to the public. The Historical Society is the owner of the previously mentioned museum.

Mr. Hopke pointed out the plans included the development of a handicap entrance to the left of the building which would extend as an open porch along the side of the building to a covered porch at the senior café. He indicated the lower level of the building presented its own challenges. There had been ongoing problems with water penetration in portions of the basement and it was questionable if the space could be used. Given its current condition, it was recommended the area be gutted, another attempt be made to solve the water problem and the space be used for storage. Recommendations for the newer portion of the building, which included the gymnasium, included the conversion of a locker room to the right of the building into men's and women's locker rooms and bathrooms which could be used in support of Parks and Recreation programs. The space beyond the locker rooms was recommended to be used as open-air storage for Parks and Recreation equipment.

Additional site development included a proposed amphitheater in the existing courtyard. Mr. Hopke indicated the natural slope of the courtyard would lend itself to this use and the previously mentioned porch along the side of the building could be used for additional viewing of courtyard events. Mr. Davis noted there had been ongoing water problems in the courtyard. He further noted the Board had approved work to correct this problem and he asked if the work had been completed. Mr. Hathaway indicated this project was currently underway. Mr. Davis suggested the amphitheater could possibly be a good location for weddings. Mr. Hopke shared an impressive virtual rendition of the exterior and interior of the building and pointed out special features as the video progressed. Mr. Davis asked what the seating capacity would be for the auditorium. Mr. Hopke suggested the auditorium would seat over 150 but pointed out the proposal did not include fixed seating. Removable chairs and tables were recommended so the auditorium could be used as a multifunction room. Mr. Hopke provided an overview of costs associated with the renovations. Additions and alterations to the west wing were estimated to cost \$3,200,000, the courtyard amphitheater was estimated to cost \$265,000 and the locker room conversion was estimated to cost \$520,000. Mr. Stiers asked if asbestos was present. Mr. Hopke indicated asbestos was present in the floor of the basement and how best to handle it had been discussed. Mr. Evelyn noted an asbestos study had been conducted on the building a number of years ago and asked if that information was still adequate. Mr. Hopke suggested it may be a good idea to conduct a new study but noted costs associated with hazardous materials had not been included in estimates. He suggested the asbestos could be encapsulated with a layer of concrete.

Ms. Paige indicated she had expressed her opinion in several meetings and she was holding firm on her position that the building should not be a Parks and Recreation and Extension office building but more of a community building. She also suggested the County should

consider the cost of removing the asbestos rather than covering it with concrete. Mr. Davis asked if the ceilings would be high enough if a layer of concrete was added. Mr. Hopke indicated the ceilings would be high enough. Mr. Davis asked if the project could be staged. Mr. Hopke indicated the project could be staged but recommended all electrical work be done at once. Mechanical work could be completed as the renovation work was done.

Mr. Davis asked if there was anything else the Board needed to do. Mr. Hathaway noted the information provided was a plan for future use of the Historic School. He suggested this project should be kept in mind as staff and the Board worked on budgets and Capital Improvement Plans. He noted the County would need to borrow funds in the next few years to build a new school and there may be an opportunity to include this project in the borrowing. Mr. Davis indicated he was not being flippant when he had suggested the facility could be used for weddings. He suggested graduates from the school thought highly of the facilities and there may be some opportunities for fundraising. Mr. Evelyn asked if the County borrowed to build a school would they be able to combine borrowing for renovations to a facility that could be rented for weddings. Mr. Hathaway indicated it would depend on the source of the funds and noted there would be some borrowing options that could only be used for educational facilities. Mr. Evelyn indicated he did not believe much of the existing County debt would be retired in the near future. Mr. Hathaway agreed and noted the debt on the high school and the expansion of the middle school would not be retired until 2026.

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IN RE: NEW KENT COUNTY CODE CHAPTER 66 AMENDMENT

County Administrator Rodney Hathaway reported that recent Virginia General Assembly legislation had amended taxation code to give localities the authority to include tax exemptions for surviving spouses of certain persons killed in the line of duty. The State Code indicated the exemption would apply only to the portion of the value of the dwelling in question that was not in excess of the average assessed value for single-family dwellings in the County. Amounts in excess of the average assessed value would be taxed at the usual rate. Mr. Hathaway noted this exemption would apply only to the place of residence and would expire if the individual remarried. Mr. Davis asked how much such an exemption would cost. Mr. Hathaway suggested only a few individuals would be eligible and indicated he didn't believe the exemption would have a huge financial impact. Mr. Stiers asked if the exemption would be retroactive back to the date of death. Mr. Hathaway indicated the exemption would apply to tax years beginning on or after January 1, 2017. County Attorney Jeff Gore pointed out the State Code mandated the tax exemption for military killed in action but exemptions for others killed in the line of duty were optional. He indicated that if a locality chose to adopt the optional line of duty exemption, this exemption and the mandated killed in action exemption would both work the same way. Mr. Davis noted many Vietnam veterans had been exposed to Agent Orange and asked if death due to this exposure would be considered line of duty. Mr. Gore indicated there was a process for applicants to receive confirmation from the Department of Defense as to whether or not the death was due to wounds received in action. The burden of proof would be on the surviving spouse. Mr. Stiers noted the bottom line was that this exemption would impact only a few people. Mr. Hathaway agreed and indicated if the Board wished to move forward with adopting such an exemption, he would schedule the item for a public hearing in November. The general consensus was to move forward.

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IN RE: OTHER BUSINESS – TABLE OF LAND USES

County Administrator Rodney Hathaway reported Ms. Paige had spoken with him regarding the number of mini-storage facilities being constructed in the County. He pointed out mini-storage facilities were permitted by right in the EO (Economic Opportunity) and Industrial zoned districts. Many of the properties zoned EO were located in some of the most visible commercial corridors in the County. A proposed resolution R-37-17 initiating a zoning ordinance text amendment to Section 98-62, Table of Land Uses was distributed. The proposed amendment would require a Conditional Use Permit (CUP) for the construction of mini-storage facilities in the EO district. Mr. Hathaway indicated this text amendment would give the Board the ability to evaluate mini-storage construction on a case-by-case basis. County Attorney Jeff Gore pointed out adoption of R-37-17 would not approve a text amendment but would direct the Planning Commission to start the process of approving the amendment. Ms. Paige asked if the amendment would affect the entire County. Mr. Hathaway indicated this amendment would apply to the entire County and noted the County was currently requiring a CUP for mini-storage construction in Business zoned districts. Mr. Evelyn asked if there were any mini-storage construction applications in the works. Community Development Director Matthew Smolnik indicated no official applications had been submitted. He added that he frequently spoke with many people regarding a variety of potential projects but the vast majority of those who said they were planning to build never did.

Building Official Clarence Jackson indicated he wished to comment. Mr. Jackson pointed out that County Code required that mini-storage facilities visible to the public right-of-way be faced in brick, block or vinyl siding. He pointed out that most mini-storage facilities were of steel construction and would require a layer of wood upon which to attach the vinyl. He suggested this would result in taking a noncombustible building and making it combustible. He also noted that in his opinion, he did not believe vinyl significantly changed the aesthetics of the building. Mr. Davis asked if the Board could include specific construction requirements in the CUP application process. Mr. Gore indicated the CUP process would give the Board much more flexibility to set specific requirements but pointed out the underlying codes would need to be considered. Mr. Jackson noted the current Code required that some material other than metal be visible. He again stated he didn't believe vinyl changed the aesthetics significantly and suggested the use of vinyl should be removed. Fire Chief Rick Opett also agreed that the combustibility of vinyl was a concern. He pointed out that the perimeter of many of these buildings was landscaped with combustible mulch which added to the concern.

Ms. Paige indicated that many mini-storage facilities were built with metal because it was the easiest to build and the easiest to maintain. She suggested this was not what should be built on some of the most visible properties in the County. She suggested that mini-storage facilities being built near communities should be constructed of materials that would blend in well with the requirements of the community. She noted the CUP process would give the Board the ability to address this concern.

Mr. Hathaway recommended that the Board adopt R-37-17 and send it to the Planning Commission for review and public comment.

Ms. Paige moved to approve and forward Resolution R-37-17 (Initiating a Zoning Ordinance Text Amendment to Section 98-62, Table of Land Uses) to the Planning Commission for review and recommendations. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye

Patricia A. Paige	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye

The motion carried.

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IN RE: OTHER BUSINESS – BUSINESS TAX/MEALS TAX SUMMARIES

County Administrator Rodney Hathaway distributed documents entitled "Business Tax Summary" and "Meals Tax Summary." He noted the Economic Development Authority (EDA) had come before the Board the previous month requesting that the Board look into a way of providing a steady source of revenue for the Business Incentive Program. A portion of revenue generated by new business taxes had been suggested as a possible funding source. Mr. Hathaway indicated he had since been asked to also take a look at business tax revenue as a possible funding source for Public Safety, schools and Parks and Recreation. A formula for the distribution of total new business tax revenue had been developed. Public safety would receive 45%, the EDA would receive 10%, schools would receive 25% and Parks and Recreation would receive 20%. Using only new business tax revenue and FY13 as the base year, the spreadsheet depicted how much funding would have accumulated for each of the four areas if this formula had been in use. He noted this was a good suggestion because it assured a steady source of revenue for each of the four areas but was also bad because it would tie the Board's hands. He noted the summary figures depicted steady growth in both business tax and meals tax revenues. Mr. Davis suggested the information made for interesting reading. Mr. Hathaway suggested this would be something to consider in the budget process.

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IN RE: CLOSED SESSION

Mr. Stiers moved to go into Closed Session pursuant to Section 2.2-3711A.7 of the Code of Virginia for consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigation posture of the public body, involving the Central Virginia Waste Management Authority, the Plum Point neighborhood and the Hilton Woods neighborhood and pursuant to Section 2.2-3711A.3 of the Code of Virginia for discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County. The members were polled:

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

The motion carried.

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

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

W. R. Davis, Jr.                      Aye

The motion carried.

Mr. Evelyn moved 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:

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

The motion carried.

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IN RE:                      ADJOURNMENT

Mr. Davis announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Wednesday, November 15, 2017 and the next work session would be held at 9:00 a.m. on Wednesday, November 29, 2017, both in the Boardroom of the County Administration Building.

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

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

The motion carried.

The meeting was adjourned at 10:48 a.m.