

A REGULAR WORK SESSION WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 28TH DAY OF MARCH IN THE YEAR TWO THOUSAND EIGHTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 9:00 A.M.

IN RE: CALL TO ORDER

Chairman Thomas W. Evelyn called the meeting to order.

IN RE: ROLL CALL

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

All members with the exception of Mr. Davis were present at roll call. Mr. Davis arrived at 9:03 a.m.

Mr. Evelyn announced the Board would be going into closed session prior to discussing any scheduled agenda items. In addition, he announced that the order of discussion of agenda items would be changed to Item 3, Item 4, Item 1, Item 2 and Item 5.

IN RE: CLOSED SESSION

Mr. Stiers moved to go into closed session 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, involving the future construction of a new elementary school and fire station. The members were polled:

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

The motion carried.

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

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

The motion carried.

Mr. Davis moved to certify by roll call vote that to the best of each Board 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
W. R. Davis, Jr.	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: DISCUSSION ON THE ISSUANCE AND DISPLAY OF COUNTY DECALS

County Administrator Rodney Hathaway reported proposed County Code amendments for the elimination of the County decal had been included in the meeting materials. Although some concerns had been raised regarding use of trash transfer stations by nonresidents, the proposed amendments did not include issuing a decal for use of these stations. Mr. Hathaway suggested transfer station use be monitored and if there was a significant increase in volume, the Board could consider issuing a decal. As presented, the proposed amendments did not require a decal but did include language in section 58-41.12 indicating "proof of residence shall be required" to use County transfer sites. Mr. Davis suggested if the Board took action to do away with the decals, it would be difficult to reinstate them later. He asked if the proposed amendments required a public hearing. Mr. Hathaway indicated a public hearing would be necessary and could be scheduled for the April 9th meeting. Mr. Evelyn asked Sheriff Joe McLaughlin if he had any concerns regarding the elimination of County decals. Sheriff McLaughlin indicated he had no concerns.

IN RE: FY19 BUDGET DISCUSSION

County Administrator Rodney Hathaway distributed a "FY19 Budget Update" sheet and reported that a number of FY19 budget cuts made by the Board at their March 6th meeting and the release of reassessment contingency funds had resulted in \$504,150 in additional available funding. He presented two options for the allocation of this additional funding.

- Option 1 – Keeping the \$0.05 tax rate increase
 - \$217,000 Employee Bonuses (full time - \$1,000 and part time - \$500)
 - \$257,536 Historic School Renovation (\$3.5 million over 20 years at 4%)
 - \$ 20,000 Richmond Region Tourism or EDA Contribution
 - \$ 9,614 Add to Contingency
 - \$504,150
- Option 2 – Reducing tax rate increase to \$0.04
 - \$286,367 Reduce Real Estate Tax Rate by 1 penny to \$0.82
 - \$217,000 Employee Bonuses (full time - \$1,000 and part time - \$500)
 - \$ 783 Add to Contingency
 - \$504,150

Mr. Hathaway also reported the value of a penny of real estate tax had been adjusted from \$283,336 to \$286,367.

Mr. Davis questioned the employee bonuses and asked what the equivalent percentage would be. Mr. Hathaway indicated the proposed \$217,000 budgeted for employee bonuses was sufficient to fund a 2% salary increase. He indicated he was recommending bonuses rather than a salary increase because it would free up funding for the school the following year. Mr. Davis suggested he knew what the answer would be if employees were asked if they preferred a salary increase or a bonus. Mr. Hathaway suggested the answers would vary and noted employees on the lower end of the pay scale would fare better with a bonus.

Mr. Evelyn indicated he had thought the Board had cut one penny of the proposed five penny real estate rate increase at the March 6th meeting. Mr. Hathaway indicated this was correct and noted all cuts had been included in the \$504,150 noted as "Excess Budget Funds @ 0.83 RE Rate." He pointed out that Option 2 took into account the one cent rate reduction made at that meeting and also removed proposed funding for the Historic School Renovation, Richmond Regional Tourism or EDA contribution. Mr. Evelyn expressed concerns regarding taking on any additional debt (Historic School) and noted he was in favor of Option 2. Mr. Davis agreed and suggested the County was borrowing too much money and that tax payers needed a break.

Mr. Hathaway drew attention to a list of questions at the bottom of the handout and asked the Board for guidance in regard to each.

1. Do we continue to fund the Economic Development Consultant Position (currently Mark Kilduff)? Mr. Hathaway noted \$30,000 to continue funding this position was included in the FY19 proposed budget. This had been discussed at the March 6th meeting but no definitive answer had been given. Mr. Davis asked if the proposed funding would cover the position through July 1. Mr. Hathaway indicated the funding would cover through the end of the year and reported it was Mr. Kilduff's desire to stay through June 30, 2019. Mr. Davis asked what agreement had been reached regarding this position at the Board's December joint meeting with the Economic Development Authority. Mr. Hathaway indicated his recollection was that since funding was available to cover the position through the end of the year, the Board had agreed to keep the position through FY18 and to come back to discuss funding for the following year. Mr. Evelyn suggested that \$15,000 be put in the FY19 budget to cover the position through the end of 2018 and the Board could revisit any additional funding in November. Mr. Stiers suggested the funding cut from Richmond Regional Tourism would be better used to fund this position. Mr. Evelyn indicated he was in agreement with whatever the Board decided, either funding through December 2018 or June 2019. The general consensus was to reduce the budget amount to \$15,000 to fund the position through December 2018.
2. Do we continue to participate in the Richmond Region Tourism (RRT) organization? Mr. Evelyn reported he had met with Mr. Jack Berry with Richmond Region Tourism and Ms. Martha Shickle with the Richmond Regional Planning District Commission to discuss the County's continuing involvement with RRT. He indicated he did not support moving forward with RRT and its current request for funding and noted New Kent would have "no seat at the table but every four years." He suggested New Kent may want to consider looking to the Williamsburg area for tourism promotion. The general consensus was that it would not be in New Kent's best interest to continue being a part of RRT and to pay the increasing dues while having less representation on the RRT Board.
3. Are we in agreement to hire two firefighters for FY19? Mr. Hathaway pointed out that \$225,648 for salary and benefits and \$10,768 for turnout gear for four firefighters had been cut from the budget at the March 6th meeting. He indicated he

wanted to be sure Board members were in agreement with these cuts. Mr. Tiller suggested the Board consider delaying filling the two firefighter positions until next spring and then move forward with hiring six firefighters. He suggested the delay in hiring would result in sufficient savings to fill all six positions for the remainder of FY19 and would require no additional FY19 funding. He noted two training periods would be needed if the Board hired two firefighters this year and four the following year. Mr. Evelyn pointed out that adding six positions near the end of FY19 would result in the budget being "in the hole" at the start of FY20. Mr. Tiller suggested the additional \$225,000 for four firefighters would not come into play until FY20. Mr. Davis recommended the Board move forward with two firefighters for FY19. The general consensus was to move forward with plans to hire two firefighters for FY19.

4. FY19 tax rate? The general consensus was to move forward with an \$0.82 tax rate.

Mr. Hathaway reported the current budget adoption schedule called for the budget public hearing to be conducted at the April 25th work session with this meeting being moved from its usual 9:00 a.m. start to 6:00 p.m. He indicated this schedule had been suggested to allow for the budget to be adopted as early as possible to facilitate the School Board's issuing of contracts. He was recommending the Board revise this schedule and conduct the public hearing at its regular May meeting (May 14th). He indicated he did not want the perception to be that the Board was trying to move forward with a tax increase without citizen input. Mr. Evelyn questioned if the County could move forward with adopting its budget if there was no State budget in place. Mr. Hathaway indicated the Board could move forward with budget adoption but noted significant State budget changes could mean it would be necessary for the Board to come back and make revisions. Mr. Davis asked how soon after the public hearing could the Board take action to adopt the budget. County Attorney Brendan Hefty indicated a seven-day waiting period was required. With this in mind, Mr. Hathaway suggested the May work session be moved from May 30th to May 23rd.

Mr. Davis moved to adjust the FY19 Budget Calendar to hold the Budget Public Hearing on May 14th and to move the work session scheduled for May 30th to May 23rd. The members were polled:

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

The motion carried.

Mr. Evelyn left the meeting at 10:13 a.m. Mr. Tiller assumed the responsibilities of chair.

IN RE: RURAL LONG RANGE TRANSPORTATION PLAN PRESENTATION

Phil Riggan and Barbara Nelson with the Richmond Regional Transportation Planning Organization (RRTPO) distributed copies and presented the draft Richmond Regional Rural Long Range Plan (RLRP) for transportation. Ms. Nelson reported the RLRP was a planning document focused on identifying transportation issues and projects in the region's rural areas outside of the boundaries of the RRTPO but within the boundaries of the Richmond Regional Planning District Commission (RRPDC). Ms. Nelson noted a portion of New Kent County was outside of the RRTPO boundaries and would be impacted by the RLRP. Development of the draft plan had been guided by the RRPDC Rural Technical Advisory

Committee with Kelli Le Duc serving as New Kent County's representative. Ms. Nelson indicated plans were to receive input and suggestions from the Board, address any questions or concerns and to develop a final document ready for presentation and action at the June RRPDC meeting. She turned the discussion over to Mr. Riggan for a walkthrough of the elements of the New Kent County projects included within the proposed plan.

Mr. Riggan drew attention to Table 6 which contained a list of eleven proposed projects in New Kent County. Nine of the projects were considered "long-term", one was considered "mid-term" and one as "short-term". Mr. Riggan pointed out a brief description of each project had been provided and indicated he believed all eleven projects had been included in the previous plan. He announced he would be taking pictures in the County later in the day to fill in the "placeholders" noted in the report. Mr. Riggan noted Table 8 included summary information on available funding options for transportation projects. Possible funding options included the Smart Scale Program, Revenue Sharing, the Highway Safety Improvement Program, the Transportation Alternatives Program, the TA Set-Aside: Safe Routes To School Program and the Recreational Access Program.

Mr. Davis pointed out that most of the projects listed in Table 6 were within his district (District Five) and asked for clarification regarding the meaning of "short-term". Mr. Riggan indicated the designation of "short-term" was given to projects requiring the most immediate attention. The one New Kent project listed as "short-term" was the repair of the bridge over Goddins Mill Pond. Mr. Davis noted this bridge had been closed for several days while a steel plate was installed on the deck to allow traffic to be able to cross over. Ms. Nelson indicated the goal was to work "short-term" projects into the State Six-Year Plan. She reported there had been significant reductions in secondary road funding and the RRTPO was working with communities to place them in the best possible position to compete for funding. Mr. Davis also noted the Virginia Department of Game and Inland Fisheries (VDGIF) had purchased acreage in his district which was now open to the public. He suggested this had resulted in an increase in traffic and noted the Goddins Mill Pond bridge route provided access to the property. He asked if VDGIF had access to any funding that could be used to improve the road to this property. Ms. Nelson indicated she wasn't aware of any specific funding for VDGIF but suggested knowing these details would help support the case for funding the project with other available resources. Noting that Ms. Nelson had reported "short-term" projects were in the State Six-Year Plan, Mr. Stiers asked how long would it take for a "long-term" project to receive attention? Ms. Nelson suggested "long-term" projects would be in the 20-year range. She indicated it was important to have these projects listed in the plan because if they were not in the plan, it would make it harder to ever get the funding necessary to complete the work. Mr. Tiller noted funding for work on Henpeck Road had been diverted to other projects and now Henpeck Road was no longer on the list. Mr. Hathaway noted The Henpeck Road project had been on the list for Secondary Six-Year Plan funding which was a different funding option. Ms. Nelson also noted Henpeck Road was within the MPO area and the RLRP was for projects outside of this area. Ms. Paige asked how long some of the projects had been on the list. Ms. Nelson referenced the 2011 RLRP which had been approved in 2012 and noted projects for Farmers Drive, Old Stage Road, Eltham Road, Route 155, Good Hope Road, Old Church Road and Holly Fork Road had been included on that list. She indicated it was not uncommon for projects to stay on the list for a number of years and the focus would be on helping to move the projects forward by assuring they were competitive in the process. Projects would be reviewed annually with the Board of Supervisors and staff. She suggested the "playing field is not always level" and that they would be working closely with the State to not only fix but also prevent problems. Mr. Stiers asked if President Trump's \$1 trillion dollar infrastructure bill would help with any of these projects. Ms. Nelson suggested the infrastructure bill

would fund projects on an 80/20 basis with 80% of the funding being federal or state and 20% being local. She suggested rural areas would have difficulty competing for these funds. Ms. Nelson closed by asking the Board for any additional comments or questions regarding the draft plan. She indicated she enjoyed working with New Kent County staff and would be happy to provide the Board with briefings on RRTPO programs at any time.

IN RE: DEPARTMENT OF HOMELAND SECURITY GRANT REQUESTS

Fire Chief Rick Opett provided the Board with information on several grants for which he was seeking the Board's authorization to submit applications.

- Department of Homeland Security (DHS) Assistance to Firefighter Grant (AFG) – Chief Opett indicated this grant could be used for the purchase of capital equipment and if awarded, required a 10% locality match. Chief Opett indicated he would like to submit for the replacement of the SCBA (Self Contained Breathing Apparatus) compressor with the County's match being \$42,000. He also noted one of the County's existing pumper trucks was an open-cab which was a safety concern. He indicated he also wished to submit for funding for a replacement truck which would cost \$565,260 with the County's match being \$51,000. He reported \$42,756 for SCBAs was currently in the Capital Improvement Plan and suggested this as well as operational funds could be used to cover New Kent's match if either of the requests were to be awarded.
- Hazard Mitigation Grant – Chief Opett reported on what he considered to be a "critical safety issue" at both New Kent Elementary School and George Watkins Elementary School. He indicated that neither school had a backup generator and when power was out, children in interior rooms were in the dark. Generators and installation were estimated to cost between \$150,000 and \$200,000 per school and a 25% local match was required. Chief Opett indicated he was hopeful that one generator could be funded this year and a second the following year. He reported School Superintendent Dr. David Myers had indicated that school end of year funds could possibly be used to cover the locality match. School Maintenance Director Tim Pollock had indicated wiring for the generators could be an issue which was the reason for the \$50,000 price range variable.
- 100 Club of Richmond Virginia – Chief Opett reported he would like to submit a request to this organization for funding for bullet proof vests to be placed on ambulances for use in active shooter situations. The estimated cost was \$20,000 to \$30,000 and there was no local match requirement.
- Department of Homeland Security (DHS) Staffing for Adequate Fire and Emergency Response (SAFER) – Chief Opett indicated New Kent had not applied for a SAFER grant the previous year due to the DHS priorities. He suggested priority would be based on a locality's percentage of meeting NFPA 1710 minimum staffing requirements this year. He suggested the request would need to be for a minimum of 12 firefighters to be given high priority. Funding would be 75% federal and 25% local for the first two years, 35% federal and 65% local in year three and 100% local funding in year four and beyond. Chief Opett provided a handout depicting the financial impact an award for 12 firefighters would have on the County budget through FY22. He suggested that based on the DHS scoring system and priorities, he didn't think New Kent would be given priority without writing for 12 positions. Twelve additional positions would bring New Kent up to the NFPA's minimum daily staffing requirement of 15. Mr. Tiller suggested that because the Board was already planning to add six firefighter positions over the next two years, perhaps the grant should be written for only six more positions. Chief Opett noted that prior to his employment, a SAFER grant request for thirteen positions had been written. The County had received this award but because the Board had not known about or authorized submission of the application, the award had been declined.

He suggested the effort should be spent on something that would have the highest likelihood of funding. County Administrator Rodney Hathaway asked when the County would know if it would be receiving an award. Chief Opett suggested awards would most likely be made in October. Ms. Paige asked when the additional positions would be added if the award was received. Chief Opett noted the timing would depend on when the awards were made. Mr. Hathaway noted if the County received this award, it may be necessary to amend the budget. The general consensus was to authorize Chief Opett to move forward with applying for the described grants. Mr. Hathaway noted for the record that he did not want the Board to be caught off guard if they received a grant and reminded them that if a grant was awarded, they would need to revisit the budget.

Mr. Davis left the meeting at 10:49 a.m.

IN RE: OTHER BUSINESS – GOLF CART ORDINANCE

County Administrator Rodney Hathaway reported that Mr. Tiller and Mr. Evelyn had both indicated at the March 13th meeting that there was some renewed interest in allowing golf carts to be driven on County roads. He distributed copies of the proposed ordinance (O-06-16) the Board had previously considered in 2016. No action had been taken at that time. State Code contained provisions giving localities the ability to regulate golf carts and utility vehicles on designated public streets. The Code indicated “the governing body of any locality may by ordinance authorize the operation of golf carts and utility vehicles on designated public streets where the posted speed limit is 25 miles per hour or less.” Mr. Hathaway reported a VDOT Land Use Permit (LUP-GC) for Golf Cart & Utility Vehicle Accommodation would be required. Provisions of the 2016 proposed ordinance included but were not limited to the requirement that golf cart operators have a valid driver’s license, golf carts could only be operated between the hours of sunrise and sunset and the community or organization requesting that their streets be designated for golf cart use would be responsible for the purchase, installation and maintenance of golf cart designation signs. Mr. Hathaway also pointed out the proposed ordinance had also established a process for neighborhoods to come to the Board and request that they be added to the list of streets where golf cart use was permitted. Streets in Chickahominy Shores had been recommended for golf cart use in the original proposed ordinance.

Mr. Stiers asked if DUI (Driving Under the Influence) laws would apply to golf carts. Sheriff Joe McLaughlin indicated DUI laws would apply. Mr. Hathaway indicated it would be necessary to hold another public hearing if the Board wanted to reconsider this ordinance. Mr. Tiller asked if this issue would need to go to the Planning Commission. Mr. Hathaway indicated this was not an area over which the Planning Commission had any oversight and would not need to go before them. Mr. Tiller indicated he would like this item to be put to public hearing for a second time if Mr. Evelyn was in agreement.

IN RE: ADJOURNMENT

Mr. Tiller announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, April 9, 2018 and the next work session at 9:00 a.m. on Wednesday, April 25, 2018, both in the Boardroom of the County Administration Building.

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

C. Thomas Tiller, Jr. Aye

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

The motion carried.

The meeting was adjourned at 10:57 a.m.