

A REGULAR WORK SESSION WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 24TH DAY OF APRIL IN THE YEAR TWO THOUSAND NINETEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 9:00 A.M.

IN RE: CALL TO ORDER

Chairman C. Thomas Tiller, Jr. called the meeting to order.

IN RE: ROLL CALL

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

All members were present.

IN RE: FY20 TAX LEVIES ON REAL AND PERSONAL PROPERTY – ORDINANCE O-01-19

Before the Board for consideration was Ordinance O-01-19 to impose tax levies on real and personal property for the 2019/2020 tax year in the County of New Kent, Virginia. County Administrator Rodney Hathaway reviewed the ordinance, reminding the Board that they had advertised no changes in the real estate and personal property tax rates and this ordinance would set the FY20 tax rate at 82 cents per \$100 of assessed value.

Mr. Davis moved to adopt Ordinance O-01-19 as presented, to impose tax levies on real and personal property for the 2019/2020 tax year. The members were polled:

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

The motion carried.

IN RE: APPENDIX A – FEES (GENERAL GOVERNMENT) ORDINANCE O-02-19

Before the Board for consideration was Ordinance O-02-19 amending Appendix A of the New Kent County Code (Fee Schedule) to change certain fees charged for County services (General Government Fees) under the authority granted in the Code of Virginia. County Administrator Rodney Hathaway reviewed the ordinance and noted the only change proposed for the upcoming budget year was the addition of a \$50 per hour fee for the use of a Multi-Purpose Emergency Response Vehicle (MERV). This vehicle was equipped with stretchers and other equipment and adoption of this ordinance would allow Fire-Rescue to recover some of the costs associated with its use.

Ms. Paige moved to adopt Ordinance O-02-19 as presented, amending Appendix A – Fees (General Government Fees), of the New Kent County Code. The members were polled:

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

The motion carried.

IN RE: ADOPTION AND APPROPRIATION OF FY20 CAPITAL IMPROVEMENT PROGRAM
– RESOLUTION R-13-19

Before the Board for consideration was Resolution R-13-19 to adopt and appropriate the New Kent County, Virginia Fiscal Year 2019-2020 Capital Projects Budget. County Administrator Rodney Hathaway noted the total capital projects budget was \$1,942,626 and the resolution contained a breakdown of the fund distribution by department.

Referencing the County's plans to provide ambulance/EMT services to Colonial Downs during practice and racing days, Mr. Davis asked how the costs of these services would be paid. Mr. Hathaway indicated Colonial Downs would be invoiced for the services. Fire Chief Rick Opett reported he was working on an agreement with Colonial Downs and indicated they would be charged a lump sum and a set hourly rate would be in place for labor and vehicle use. Rates would be competitive with private ambulance services. Mr. Stiers asked if they could be billed monthly. Chief Opett indicated terms for the actual billing had not been established. He indicated these services would only be provided during practice sessions and on race days and noted the two ambulances to be utilized would be dedicated to the track. Mr. Davis asked about ambulances for horses. Chief Opett indicated the horsemen would be making arrangements for the horses. Mr. Evelyn asked what would happen to the ambulances after the racing season was over. Chief Opett reported they would go back into the County's fleet. Mr. Davis reported Board members had attended the Colonial Downs ribbon cutting ceremony the previous day and suggested the crowds would create a burden on EMS services and the Sheriff's Office. Chief Opett agreed this was a concern.

Ms. Paige moved to adopt Resolution R-13-19 to adopt and appropriate the New Kent County, Virginia Fiscal Year 2020 Capital Improvement Program. The members were polled:

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

The motion carried.

IN RE: ADOPTION AND APPROPRIATION OF FY20 GOVERNMENTAL AND SCHOOL
BUDGETS – RESOLUTION R-11-19

Before the Board for consideration was Resolution R-11-19 to adopt and appropriate the New Kent County, Virginia Fiscal Year 2019-2020 Governmental and School Budgets. County Administrator Rodney Hathaway reviewed the total \$69,851,662 County budget. Mr. Evelyn asked if this budget included \$28 million for the new elementary school. Mr.

Hathaway indicated that it did not. Funding for the new school had been included in the FY19 budget. Among the fund appropriations contained in the resolution were a General Fund total of \$20,312,078, Debt Service Fund totaling \$8,417,687, a School Governmental Fund total of \$33,691,389 and a School Nutrition Fund totaling \$1,334,881. The Public Utilities budget would be adopted by separate resolution and motion.

Mr. Evelyn moved to adopt Resolution R-11-19 to adopt and appropriate the New Kent County, Virginia Fiscal Year 2019-2020 Governmental and School Budgets. The members were polled:

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

The motion carried.

IN RE: ADOPTION AND APPROPRIATION OF FY20 PUBLIC UTILITY FUND BUDGET
RESOLUTION R-12-19

Before the Board for consideration was Resolution R-12-19 to adopt and appropriate the New Kent County, Virginia Fiscal Year 2019-2020 Public Utility Fund Budget. County Administrator Rodney Hathaway reported the proposed FY20 Public Utility Fund Budget totaled \$9,318,901 with \$8,283,090 of that being in the Water/Sewer Fund and the remainder in the Bottoms Bridge Utility Fund. He pointed out this was a \$3.5 million increase over the previous year. This increase was due to one capital project which involved the connection of the Farms of New Kent water system with the Kentland system. No rate or fee increases were proposed for FY20.

Mr. Davis moved to adopt Resolution R-12-19 to adopt and appropriate the New Kent County, Virginia Fiscal Year 2019-2020 Public Utility Fund Budget. The members were polled:

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

The motion carried.

IN RE: REIMBURSEMENT RESOLUTION - R-14-19

Before the Board for consideration was Resolution R-14-19 declaring the Board's intention to reimburse itself from the proceeds of one or more tax-exempt financings for certain expenditures made and/or to be made in connection with capital improvement project(s) for the County and the County school system. County Administrator Rodney Hathaway noted the Board adopted a reimbursement resolution annually which enabled funds to be used for preliminary project expenses such as engineering. A list of projects eligible for reimbursement had been attached to the resolution.

Board members began to ask questions regarding several projects in the works. Mr. Evelyn asked for an update regarding due diligence for the purchase of properties for schools and government facilities. Mr. Hathaway reported due diligence was going very well. He had met with Moseley (architects) the previous day and they had indicated the fifteen acre site on New Kent Highway was suitable. The County would be working with the schools regarding designs and the schools were forming a design review team. The title report had come back clean, there were no hurdles to jump and the closing would be finalized soon. Mr. Tiller asked if VDOT had given any comments regarding access to the property. Mr. Hathaway reported Moseley had met with VDOT and it would be necessary to widen New Kent Highway to three lanes which would require the purchase of easements. Mr. Evelyn asked who would be on the design review team and suggested there should be someone who would be budget minded to make sure needs were met without being excessive. In regard to the lane widening and given that the adjoining property had recently been purchased by a church, Mr. Tiller asked if the church would have also been expected to widen the road. Mr. Hathaway reported there had been a discussion with representatives of the church where a shared entrance option had been considered. He indicated the timing of the two projects would be important and he suggested the construction schedule for the church was ahead of the County's. He also reported Moseley had looked at utilities and was recommending that water be extended to the property and that grinder pumps be used for sewage.

Mr. Davis moved to adopt Resolution R-14-19 declaring the Board's intention to reimburse itself from the proceeds of one or more tax-exempt financings for certain expenditures made and/or to be made in connection with Capital Improvement Projects for the County and the County School System. The members were polled:

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

The motion carried.

IN RE: AMENDMENT TO THE NEW KENT COUNTY COMPREHENSIVE PLAN –
RESOLUTION R-07-19 (R1)

Before the Board for consideration was Resolution R-07-19 (R1) to approve and add Appendix D – A Water Resources Element – to the New Kent County Comprehensive Plan. County Attorney Brendan Hefty advised this was the same resolution the Board had voted down on April 8, 2019. He reminded the Board they had voted in November 2018 to make these amendments as a part of a Corrective Action Agreement with the DEQ (Department of Environmental Quality). He suggested that failure by the County to comply with the terms of the Agreement could result in a civil penalty not to exceed \$20,000 per day. In essence, the Board had already agreed to amend the Comprehensive Plan by approving the Corrective Action Agreement.

Mr. Evelyn indicated he had voted against approving the resolution on April 8th and wished to change his vote. Mr. Hefty indicated it was Mr. Evelyn's option to make a motion to rescind the previous vote. If the vote was rescinded, a motion could then be made to approve Resolution R-08-19 (R1).

Mr. Evelyn moved to rescind the vote on Resolution R-07-19 made on April 8, 2019. The members were polled:

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

The motion carried.

Mr. Evelyn moved to adopt Resolution R-07-19 (R1) to approve and add Appendix D – A Water Resources Element to the New Kent County Comprehensive Plan. The members were polled:

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

The motion carried.

IN RE: STREET SIGN REPAIR & REPLACEMENT BUDGET TRANSFER REQUEST

County Administrator Rodney Hathaway indicated he was asking the Board to approve the transfer of \$2,500 from Contingency to the Street Sign Repair and Replacement fund. He noted the initial placement of street signs was the responsibility of the developer but the County was responsible for maintenance and replacement. The Street Sign Repair and Replacement fund had a balance of approximately \$640 and the Planning Department had a list of signs in need of repair or replacement. He suggested this budget transfer should be sufficient to cover these expenses through the end of the fiscal year.

Ms. Paige moved to transfer \$2,500 from the Reserved for Contingency fund to the Street Sign Repair and Replacement fund. The members were polled:

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

The motion carried.

IN RE: OTHER BUSINESS – ADMINISTRATIVE PROFESSIONALS DAY

Mr. Evelyn noted today was Administrative Professionals' Day and thanked Deputy Board Clerk Wanda Watkins and Executive Administrative Assistant Krista Eutsey for their support.

IN RE: OTHER BUSINESS – REQUEST FROM REGISTRAR'S OFFICE

County Administrator Rodney Hathaway reported he had received a request from the Registrar's Office for a climate controlled equipment storage space. Some of the equipment was electronic and was currently stored in a Parks and Recreation classroom in the Historic School gym. The gym space was to be renovated for an after school program for middle school students. Mr. Hathaway reported he had discussed the possibility of renting storage facility space but the Registrar's Office had indicated they wanted to keep the equipment close. Mr. Hathaway suggested another option could be placing a 12' x 19' storage shed in the County impound lot. Approximate costs were as follows: 12' x 19' shed - \$6,000, climate control - \$2,000, electrical service - \$5,000 and finishes - \$1,500. He suggested a \$15,000 appropriation would be needed to cover these expenses.

Mr. Evelyn asked if any of the storage facilities in the County offered climate controlled units. Mr. Hathaway indicated they did. Mr. Evelyn asked who would be responsible for the upkeep of the shed. Mr. Hathaway indicated upkeep would be the County's responsibility. Ms. Paige was concerned that the Registrar's Office had not been receptive to a rented storage unit. Mr. Davis pointed out the County had not spent any money on voting machines for a number of year and it was important to be sure this equipment was properly stored. Sheriff Joe McLaughlin reported that he and Fire Chief Rick Opett had been discussing this in the back of the meeting room and had agreed that there may be space in the radio room that could be used. Parks and Recreation Director Kim Turner pointed out the space in the Historic School gym where the Registrar's Office was currently storing equipment was not climate controlled. She indicated she did not know where they were storing electronics. It was noted the electronic equipment included laptops used for electronic poll books and ballot counters. Ms. Paige asked why a climate controlled space was being requested if the equipment wasn't being stored in a climate controlled space now. Mr. Davis suggested the County could find a suitable place to store the equipment. Mr. Hathaway indicated the equipment would need to be moved out soon so that the renovation plans could move forward. The general consensus was to see if suitable storage space could be found in existing facilities and to defer any decision on the request for a shed to the next work session.

IN RE: OTHER BUSINESS – POTABLE WATER SUPPLY AGREEMENT

Public Utilities Director Larry Dame presented a proposed Potable Water Supply Agreement between New Kent County and Chickahominy Power, LLC. Mr. Dame indicated this agreement was to deliver potable water to Chickahominy Power by allowing them to connect to New Kent's water main tie in at the end of the existing 12" water main on the west side of Route 106, Emmaus Church Road. The power plant would be built in Charles City County and all costs of connection would be paid by Chickahominy Power. Mr. Dame indicated County Attorney Brendan Hefty had reviewed the agreement and Chickahominy Power had agreed to all of the rates and terms. He also pointed out the agreement included a clause indicating that in the event Chickahominy Power received water from another source, they would reimburse New Kent for its external costs associated with obtaining the renewal of the Groundwater Withdrawal Permit in an amount not to exceed \$10,000. Mr. Dame suggested this agreement would generate approximately \$150,000 annually for the supply of 30 million gallons of potable water. He also reported he was doubtful Charles City County would be able to get a ground water withdrawal permit because they did have another option which was New Kent.

Mr. Davis asked what it would cost New Kent County to run the connection line. Mr. Dame indicated there would be no cost to New Kent for the connection. All costs for running the water line would be paid by Chickahominy Power. Mr. Dame suggested this agreement

would be a good thing for the Public Utility fund. Mr. Stiers asked if it would reduce customers' water rates. Mr. Dame suggested the additional revenue would help to keep water rates down. He asked the Board to consider authorizing the County Administrator to enter into this agreement.

Mr. Evelyn moved to authorize the County Administrator to enter into a potable water supply agreement between New Kent County and Chickahominy Power in a form approved by legal counsel. The members were polled:

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

The motion carried.

IN RE: OTHER BUSINESS – TEMPORARY CLOSING OF COLONY TRAIL

Fire Chief Rick Opett reminded everyone that Colony Trail would be closed on Friday, April 26th from 9:00 a.m. to 3:00 p.m. for CSX to make repairs to the railroad tracks. He reported Fire-Rescue would stage apparatus on the other side of the tracks. Mr. Davis suggested vehicles could get in and out of The Colonies by using an access beside the tracks. Chief Opett noted this access was currently flooded. It was suggested that CSX would grant access across the tracks in the event of an emergency.

IN RE: OTHER BUSINESS – COMBAT RANGE PERFORMANCE STANDARDS

Mr. Tiller suggested the Board should consider having the Planning Commission look into performance standards to be used if anyone was to come to the County with a proposal for a combat range. He indicated he would like to task the Planning Commission with developing the proposed performance standards for recommendation to the Board of Supervisors. Mr. Evelyn asked if there was any application involving a combat range in the review process. Planning Director Kelli Le Duc indicated there was none.

Mr. Davis reported the frequent use of tannerite (a binary explosive) in the County. He reported tannerite could be purchased easily at sporting goods and other stores and asked if there were any standards regarding its use. Sheriff Joe McLaughlin indicated there were no standards and what was being sold in Virginia stores was legal. Deputy Fire Chief Brian Bennett reported there had been some discussions regarding the use of tannerite and the Fire Code but noted that when called to investigate, there would be no evidence remaining. Mr. Davis asked if there had been any fires as a result of the use of tannerite. Mr. Bennett reported he was not aware of any.

Ms. Le Duc suggested performance standards were to address permitted uses. County Attorney Brendan Hefty noted a combat range could still be approved as a conditional use. Mr. Tiller indicated he had made his original suggestion because he thought it would be a good idea to have performance standards in place if an application for a combat range was received. He suggested that if standards were in place, a potential applicant would know up front if what they were proposing would fit into the expected standards. Mr. Stiers indicated he would rather see the County Code changed so that combat ranges would not be allowed in the County. Mr. Tiller indicated he wanted to make this fair and allow for the opportunity

to apply. If standards were in place, it could be determined if an applicant's proposal would fit into those standards.

Ms. Paige moved to have the Planning Commission develop proposed performance standards to be applied in the event an application was submitted for the possible construction of a combat range. The members were polled:

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

The motion carried.

IN RE: ANNOUNCEMENT OF UPCOMING MEETINGS

Mr. Tiller announced the Board was about to go into closed session and there would be no further actions. The next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, May 13, 2019, and the next work session at 9:00 a.m. on Wednesday, May 29, 2019, both in the Boardroom of the County Administration Building.

IN RE: CLOSED SESSION

Ms. Paige moved to go into closed session pursuant to section 2.2-3711A.1 of the Code of Virginia for a personnel discussion involving the Environmental Director and Environmental staff. The members were polled:

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

The motion carried.

Ms. Paige moved to come out of closed session. The members were polled:

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

The motion carried.

Mr. Evelyn 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:

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

The motion carried.

IN RE: RECESS/RECONVENE

The meeting was recessed at 10:27 a.m. Board members traveled to Fire Station 5 located at 7344 Vineyards Parkway, New Kent, VA 23124. The meeting was reconvened at 11:00 a.m. Board members toured the facility currently under construction and were provided lunch.

IN RE: ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 12:39 p.m.