

A REGULAR MEETING WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 13TH DAY OF MAY IN THE YEAR TWO THOUSAND NINETEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING, NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

Chairman Tiller 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: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Tiller gave the invocation and led the Pledge of Allegiance.

IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Minutes
 - a. March 15, 2019 Budget Retreat Minutes
 - b. April 8, 2019 Regular Session Minutes
2. Miscellaneous
 - a. Approval of New Development Street Names
 - b. Approval of Resolution R-10-19 Requesting the Acceptance of Diascund Creek, Section 2 into the State System for Maintenance
 - c. Renewal of General Services Agreement for Airport Engineering Consultant Services
3. Refunds
 - a. Refund due to BREMAC, BP# 001777-2019, \$48.75
 - b. Refund due to BREMAC, BP# 001644-2019, \$52.12
4. FY19 Supplemental Appropriations
 - a. Program Income Received for FY19 - CDBG Plum Point Grant Participants, \$251.
 - b. Donations to the Animal Shelter, \$575.
 - c. Gifts & Donations to: Fire/Rescue - Ann Hockaday Rev Trust/Ann W. Hockaday Trustee (\$50) and to Sheriff - New Kent Womens Club (\$150), \$200.
 - d. Funds received from VML Insurance: General Services - Pipe Burst at Courthouse DOL 10/25/18 (\$3,452.57 & \$7,470.26), Sheriff - Veh #297 Struck Deer DOL 3/31/19 (\$4,153.05, \$135 & \$1,937.85) and Airport - Airplane Struck Security Fence DOL 3/19/19 (\$7,875), \$25,023.73.

- e. Donations for TRIAD (Sheriff): HHHunt (\$500), Magellan Health (\$25), Golden Services, Inc. D.B.A. Comfort Keepers 160 (\$25) and Cash Donations from the Spring Fling 2019 (\$124), \$674.
- f. Grant Funds Received for the 2018 State Homeland Security Program CFDA 97.067, \$29,447.
- g. Commonwealth Attorney Asset Forfeiture Funds for the Purchase of Computers for the Review of Sheriff's Body Cams and Randy Del Rossi, \$4,424.68.
- h. Additional State & Federal Revenues Received by Social Services for the Clients Continuation of Services Due to the Basic Maintenance Cost of Living Increase, Effective 4/1/19, \$3,181.

\$63,776.41 - Total
(\$18,848.73) - Total In/Out - General Fund (1101)
(\$29,447.00) - Grants (1106)
(\$3,181.00) - Total In/Out - Social Services (1201)
(\$7,875.00) - Total In/Out - Airport (1210)
(\$4,424.68) - From Fund Balance - Asset Forfeiture - CWA (1151)

- 5. FY19 Interdepartmental Budget Transfers
 - a. Administration - From Reserved for Contingency to Professional Services, \$4,600.
 - b. General Services - From General Services Vehicle (\$5,535), From Courthouse Lighting Upgrade (\$26,515) and From Quinton Park Basketball Court (\$100), \$32,150 to County Facility Rehab, \$32,150.
 - c. School Board Office - From Appropriation of Funds From prior Years to School Vehicles (Non Bus), \$12,662.
- 6. Treasurer's Report: Cash as of March 2019, \$50,014,106.71.

Mr. Evelyn moved to approve the Consent Agenda as presented and that it be made a part of the record. 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: OLDER AMERICANS MONTH – MAY 2019 – RESOLUTION R-08-19

The Board had taken action at their April 8, 2019 meeting to adopt Resolution R-08-19 recognizing May 2019 as Older Americans Month in New Kent County. Ms. Katie Johnson, representing The Capital Area Agency on Aging Public Guardian Program, joined Ms. Paige at the podium for a formal reading and presentation of the resolution. The resolution noted the 2019 theme for Older Americans Month was "Connect, Create, Contribute." Ms. Paige presented a copy of the resolution signed by County Administrator Rodney A. Hathaway and Board Chairman C. Thomas Tiller, Jr. to Ms. Johnson and thanked her for all The Capital Area Agency on Aging was doing for seniors. She also recognized Ms. Vera Burrell who was involved with the Senior Connections Senior Café at the New Generation of God's Children in Christ Church in New Kent County. On behalf of Senior Connections Ms. Johnson thanked

the Board for this special recognition and for their ongoing support of programs supporting seniors. She encouraged everyone to make an effort to connect with older adults, particularly those who were isolated or homebound. She also noted she had brought a supply of "Fifty Plus" magazines which was a publication of Beacon Newspapers, Inc. Each monthly edition included a "pull out" section on Senior Connections and the May 2019 edition focused on May being Older Americans Month. These magazines were currently available at the library (Heritage Public Library) and efforts were being made to have them available at other locations within the County. She again thanked the Board for their support and encouraged them to continue doing the good work they were doing.

IN RE: SMALL BUSINESS CLOSE UP – COLONIAL KITCHEN & MARKET

Economic Development Director Matthew J. Smolnik noted he would be reintroducing a local business now under new ownership. He introduced Shannon Rudd, the new owner and operator of Colonial Kitchen & Market located at 11861 New Kent Highway, New Kent. Mr. Smolnik noted Ms. Rudd had plans to take the business in a new direction. He invited her to share information about the business.

Ms. Rudd thanked the Board for the opportunity to speak about the Colonial Kitchen. She reported she had been the General Manager for over a year and had become the owner on April 1st. The restaurant would continue serving lunch and dinner Tuesday through Saturday and brunch on Sundays. She also indicated they would focus on becoming more involved in activities in the community and were currently emphasizing autism awareness. They would also be launching a "Meet the Candidate" series with Commonwealth's Attorney candidates Todd Duvall and Scott Renick featured on Wednesday. Various events in support of the school PTOs were also planned and Ms. Rudd noted she would like the restaurant to become a meeting place to raise awareness or for community fundraising. She was hopeful customers would like the changes being made and reported new menus were in the works. Ms. Rudd noted her children were present and would be distributing cards for 50% off an appetizer of your choice to everyone in the audience. She entertained questions.

Mr. Davis suggested Ms. Rudd's predecessor had offered picnic baskets for people traveling to the wineries but noted he did not know if this had been a success. He asked Ms. Rudd if she was planning anything like this. Ms. Rudd indicated Colonial Kitchen was doing a lot of things with the wineries and had actually teamed up with New Kent Tours to offer discounts to charters who were doing the local wine tour. She also reported they would be integrating with Third Base Grill at the other end of the County in some joint marketing ventures. She indicated she was also open to suggestions from the community. She also reported they were doing a lot with children involved in team sports as well as academics by providing discounts for team shirts or good reports cards and were also planning a summer "read a book" promotion. The restaurant had also provided catering services to Colonial Downs while they had been building and she reported she would be meeting with the Colonial Downs Food and Beverage Director to see what they may be able to do in the future. Board members thanked Ms. Rudd for her presentation and wished her the best of luck.

IN RE: PROHIBITED USES – COMBAT RANGE/TRAINING FACILITY

Mr. Tiller reminded everyone that Ms. Paige had made a motion several weeks ago (April 24, 2019) to task the Planning Commission with looking at performance standards for a combat range/training facility. He suggested he could not say how many hours he had been on the phone with County Administrator Rodney Hathaway and County Attorney Brendan Hefty in this regard. He indicated he had spent a great deal of time thinking about this and had lost sleep over this. He announced that he would like to make a motion.

Mr. Tiller moved to have the Board of Supervisors refer to the Planning Commission for its review, to hold a public hearing, and make a recommendation in accordance with section 15.2-2285 of the Code of Virginia, an ordinance to add "Combat Range/Combat Training Facility" to the list of prohibited uses in Section 98-64 of the New Kent County Code.

Mr. Tiller asked if any Board members wished to comment. Mr. Stiers indicated he wished to comment and stated, "Where were you a year ago?" Mr. Tiller indicated he had been present a year ago and had since changed his mind. Mr. Stiers indicated he had brought this up on numerous occasions, had reported to the Board on a visit to a combat training facility and had spoken to Barhamsville residents and had decided a year ago that combat ranges should be added to the list of prohibited uses. He suggested he had felt this way a year ago, had continued to feel this way in November and continued to feel this way today. Mr. Tiller indicated that was good and that he now also shared Mr. Stiers' feelings in this regard. He thanked Mr. Stiers for his comments and asked if any other members wished to comment. Ms. Paige indicated she had expressed her feelings regarding combat ranges publically but suggested the motion should be amended to not only include combat ranges but that the entire list of prohibited uses also be reviewed. Mr. Tiller deferred to County Attorney Brendan Hefty for guidance. Mr. Hefty indicated the motion before the Board was to specifically add combat ranges/training facilities to the list of prohibited uses. He suggested the Planning Commission could add additional uses if they so desired as well as make any other recommendations they wished. Ms. Paige suggested the current list of prohibited uses had been developed more than ten years ago and asked, "why not go back and review the entire list?" She suggested that opinions may have changed in regard to some of the uses. Mr. Davis agreed and suggested that most of the prohibited uses had been "knee jerk reactions" to something that had come up. He indicated he felt Ms. Paige's amendment made good sense and suggested some of the prohibited uses may now be out of date. Mr. Stiers asked if this action would also come under the Strategic Plan for the County. Mr. Hathaway indicated it would not and noted an addition to the list of prohibited uses would amend the County Code and a Strategic Plan would not. Mr. Evelyn indicated his issue had not been with the combat range but rather the prohibited use ordinance in general. He reported he had done some research and was aware that other localities had prohibited uses but suggested it was his understanding that the only prohibited use that could be supported from a legal standpoint was a landfill. He asked Mr. Hefty if this was correct. Mr. Hefty indicated this was correct and noted there was precedent set by a Supreme Court Case involving a landfill but no other cases specifically involving a combat range existed. Mr. Hefty noted as a point of order, the Board had a motion on the table from Mr. Tiller and Ms. Paige had followed with a motion to amend. Ms. Paige asked if she had made a motion or a request. Mr. Hefty indicated that was the question. Was she making a motion to amend or asking Mr. Tiller to change his motion?

Ms. Paige moved to amend the motion to also include asking the Planning Commission to consider whether to add or remove other uses in the prohibited uses category.

Mr. Hefty indicated a vote on the amendment was now needed. The members were polled:

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

The motion for amendment carried.

Amend motion restated – Mr. Tiller moved to have the Board of Supervisors refer to the Planning Commission for its review, to hold a public hearing, and make a recommendation in accordance with section 15.2-2285 of the Code of Virginia, an ordinance to add “Combat Range/Combat Training Facility” to the list of prohibited uses in Section 98-64 of the New Kent County Code and to ask the Planning Commission to consider whether to add or remove other uses in the prohibited uses category. The members were polled:

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

The amended motion carried.

Mr. Tiller moved to rescind the motion approved at the April 24, 2019 Board Work Session to have the Planning Commission develop performance standards for combat ranges.

For clarification, Mr. Stiers indicated he had voted against this motion at the April 24th meeting and asked if he could now vote to rescind the motion. Mr. Hefty indicated he could.

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: CITIZENS COMMENT PERIOD

Mr. Tiller opened the citizens comment period and provided brief instructions on procedures. He called Donald Hazelwood of 9808 Fire Tower Road, Toano to the podium. Before Mr. Hazelwood could speak, Mr. Davis indicated Mr. Hazelwood was present at his request and suggested his needs could be addressed by VDOT later in the meeting. Mr. Hazelwood agreed and returned to his seat.

John Lockwood of 20251 Triangle Road, Barhamsville – Mr. Lockwood indicated he was glad the Board had rescinded the request for performance standards for combat ranges which he felt was stating that combat ranges would be allowed as long as they could meet the specified standards. He suggested the only standard to be addressed would be that it be prohibited. He was also glad the Board had moved forward with a motion to have the Planning Commission consider combat ranges as a prohibited use but noted he was curious about the timing. He reported speaking with Ms. Paige on several occasions about this subject and was glad the Board had moved forward. He asked if this would be on the next Planning Commission agenda. It being too late to advertise for the May 20th meeting, this item would be scheduled for the June meeting. Mr. Lockwood indicated again that he was glad the Board was moving forward and suggested this was the only option in regard to a combat range. He noted that he and others had been saying this from the beginning. He noted he knew how some of the Board members felt about prohibitions in general and

suggested the combat range did fit the prohibited uses category just as a landfill did. He suggested there was nothing that could threaten the health, safety and wellbeing of a community any more than a combat range. He again noted he was glad the Board was moving forward in this direction. He closed by mentioning the community-wide cleanup day scheduled for Saturday, May 18th. He was hopeful VDOT would be able to address what type of safety steps would be in place and provide good signage. He also suggested the Sheriff's Office could possibly put out notices encouraging people to be cautious. He thanked the Board for the opportunity to speak. Mr. Tiller thanked him for his comments.

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

VDOT Resident Administrator Marshall Winn indicated he would give Mr. John Lockwood a call in response to his comments regarding safety steps in preparation for the community-wide cleanup day. He also reported receiving a number of concerns regarding the Kentland Trail and Route 155 intersection. Changes had already been made to the pavement markings and extra signage installed. VDOT engineering would also be conducting traffic counts over an extended period of time. Traffic counts would be taken now as well as in the summer when horse racing resumed. A written report on maintenance items completed over the past thirty days had been provided and reported a variety of work at various locations throughout the County including pothole repair, blading dirt roads and work on a number of driveway pipes. 137 work requests had been received and 89 completed.

Mr. Winn drew attention to the construction and traffic engineering projects report and reviewed three Route 60 projects scheduled to begin in late June or early July. Other projects included a bridge deck replacement over the Chickahominy River canal on Route 155 and Phase II of a widening project on Route 613 (Dispatch Road). Paving on I-64 would impact eastbound traffic beginning at 7:00 p.m. today and run through 4:00 p.m. tomorrow. Westbound traffic would be impacted beginning at 4:00 p.m. on Tuesday through 4:00 p.m. on Wednesday. Traffic would be limited to one lane and delays were expected. Drivers could use Route 60 and Route 249 as alternates during these hours.

He reported Richmond District Engineer Bart Thrasher had emailed County Administrator Rodney Hathaway earlier in the day regarding setting up a meeting to discuss options for Kentland Trail and Route 155. Mr. Thrasher had suggested several dates and had offered to host this meeting at the Ashland office.

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

Mr. Davis asked for an update on the bridge over Bradenham's Pond. Mr. Winn indicated the biggest issue VDOT was facing in working on this bridge was a spillway that did not belong to VDOT. He reported some of the bridge beams were in poor condition and the project was currently in design. Mr. Davis also reported receiving an email from a gentleman named Jim Duke who had indicated he did not live in New Kent but traveled through the County on Route 60 numerous times each week. Mr. Duke had expressed concerns about the grass not being mowed. Mr. Davis passed the email on to Mr. Winn. In regard to Mr. Donald A. Hazelwood who had signed up for citizen comments, Mr. Davis reported Mr. Hazelwood was the owner of property on Tabernacle Road which had been divided into lots. Some time prior to 2007, VDOT had done an inspection of the access road for acceptance into the state highway system for maintenance. Because there had not been three homes on the road at the time of the inspection, it could not be brought into the state system. There were now three homes on the road and Mr. Hazelwood wished to be released from the surety bond on the project. He also reported Mr. Hazelwood had

documents dated March 16, 2007 from a Mr. Campbell with VDOT indicating all concerns with the road had been addressed. Brent Pollard with VDOT was now saying they had no records of this and had indicated a final inspection could only be made if a set of plans could be provided. Mr. Winn indicated this was the first he had heard of this and he would discuss this with Mr. Pollard and get in touch with Mr. Hazelwood. Mr. Davis indicated Ms. Sheri Wood in Planning was checking for plans and would send anything she found to VDOT.

Mr. Stiers thanked VDOT for the work done so far at Kentland Trail. He reported the New Kent Transportation Safety Commission had met on April 10th and he distributed copies of their list of concerns. He suggested the first three items which were the Kentland Trail/Route 155 intersection, the Kentland Trail/Colonial Downs Parkway intersection and the Route 249/Dispatch Road intersection would be addressed during the meeting with Mr. Thrasher. Other items on the list included a new crossover on I-64 at the 222.15 mile marker to address delays in emergency response, "S" curves on Henpeck Road and flooding on Old Church Road at the Hanover County line. Mr. Stiers reported he had been told the Henpeck Road issue was a Smart Scale Project. Mr. Winn indicated he did not believe that was the case. He also noted plans were in the works to raise the road this summer in an effort to address the flooding issue on Old Church Road. Mr. Stiers asked why the meeting with Mr. Thrasher could not be held here in New Kent County where the actual areas of concern could be seen. He suggested an on-site visit would be much easier than reviewing a map to determine what should be done. Mr. Winn indicated the meeting could be held in New Kent if that was what the Board wanted. In regard to Mr. Winn's earlier report on new pavement markings at the Kentland Trail/Route 155 interchange, Mr. Stiers noted there had been two turn lanes and now there was only one. He suggested this would cause more problems when horse racing was back and 6,000 cars were expected. He suggested this would have to be fixed before horse racing returned in August. Mr. Davis indicated it had always been his understanding that VDOT had said the owner would be responsible for installing a stop light at this interchange when the warrants were met. He asked if this was still enforceable. County Administrator Rodney Hathaway indicated this had been a part of a 1995 or 1996 proffer and enforceability was a question as well as who the owner was. Mr. Stiers noted some repaving had been done on Rockahock Road a while back but had never been finished. He asked when this project would be completed. Mr. Winn indicated there was no funding for this project. Mr. Stiers indicated the funding had been there and asked what VDOT had done with it. Mr. Winn reported any remaining funds for this project had been diverted to snow removal and suggested it could be included in FY21 projects. Mr. Stiers noted his appreciation for the work VDOT had already done.

Mr. Evelyn indicated he had previously reported a concern on Mount Prospect Road to Mr. Winn and had nothing new to report.

Ms. Paige reported issues with the driveway at 12720 New Kent Highway. She also noted issues with the shoulders in the 12000 and 13000 blocks of Cooks Mill Road. She noted her appreciation to VDOT for all they were doing and specifically noted the completed studies which had been included in Mr. Winn's written report. She also reported issues with potholes on Stage Road between Polish Town Road and Roper's Church Road. She asked if VDOT could supply maps of New Kent County for use at the Visitors Center. Mr. Winn indicated VDOT could supply maps which included both New Kent and Charles City.

Mr. Tiller reported several potholes including three at Pinehurst Drive and Point Drive, three on Pinehurst Drive near the golf cart crossing and several at Magnolia Woods Lane and Sassafras Road. He asked who was responsible for repairing or replacing a bent street sign. Mr. Winn indicated street signs were the County's responsibility.

Mr. Winn asked Mr. Hathaway to let him know what dates and times would be good for a meeting to work on a plan for the Route 155 and Kentland Trail interchange. Mr. Tiller thanked Mr. Winn for the report.

IN RE: NEW KENT COUNTY BROADBAND ADVISORY COMMITTEE CHARTER –
RESOLUTION R-16-19

Before the Board for consideration was Resolution R-16-19 chartering the New Kent County Broadband Advisory Committee. County Administrator Rodney Hathaway noted the expansion of broadband service in the County was a priority. In support of this focus, the Board had previously taken action to appropriate funds and had authorized the County Administrator to execute a contract with Rural Broadband Consulting, LLC. Among the expected outcomes of this contract was the development of a strategic broadband plan. Rural Broadband had recommended the formation of an advisory committee consisting of seven members; one appointed by each District Supervisor and two at-large. The County Administrator or his/her designee would serve as staff support to the committee. Officers would include a chairman, a vice chairman and a secretary and the charter would have no specified duration. Mr. Hathaway indicated he had asked the Board to consider making appointments to this committee at tonight's meeting so they could move forward.

Mr. Davis asked why a charter was needed. Mr. Hathaway reported the County had begun the process of chartering committees and commissions around 2010 or 2011 and suggested it was a good practice for managing these boards. County Attorney Brendan Hefty also noted the Board's governing bylaws stated "the Board shall charter all committees" (Article VII, Paragraph C). Mr. Hathaway indicated a charter would provide a detailed description of the committee's responsibilities and, in most cases, establish an ending date for the committee or commission. Mr. Davis asked if anyone was checking to see if the committees were doing what their charters suggested. Mr. Hathaway noted the Broadband Advisory Committee would be required to submit a yearly report to the Board. Mr. Davis asked if this could be changed to quarterly. Mr. Hathaway agreed that it could and Mr. Tiller suggested reports be made at least quarterly or sooner if needed. County Attorney Brendan Hefty suggested the charter could be amended to state "quarterly or as directed by the Board."

Ms. Paige moved to adopt Resolution R-16-19 to establish a charter for the New Kent County Broadband Advisory Committee with an amendment to require the submission of reports on a quarterly basis or as directed by the Board. 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.

Mr. Evelyn asked if the previously established Broadband Advisory Committee should be decommissioned. Mr. Hathaway reported no action was necessary in this regard because that charter had expired.

IN RE: NEW KENT COUNTY STRATEGIC PLANNING PROCESS AND STEERING
COMMITTEE CHARTER – RESOLUTION R-15-19

Before the Board of consideration was Resolution R-15-19 chartering the New Kent County Strategic Plan Steering Committee. County Administrator Rodney Hathaway noted he was not only asking the Board to create the steering committee but also asking them to authorize him to begin the procurement process to seek proposals for a consultant to lead the strategic planning process. District Supervisors would each appoint two members and two additional at-large members would be appointed. The County Administrator or his/her designee would serve on the committee. Mr. Stiers questioned why a Board member had not been included. Mr. Hathaway reported the inclusion of a Board member had been discussed but it had been decided that since the final product would come to the Board for approval and the Board would have final input, a Board member appointment would not be necessary. Ms. Paige indicated she was glad the County was moving forward in this direction. She noted she had suggested the need for a Strategic Plan over two years ago and indicated it would be her desire that every County department have a strategic plan to present during the annual budget review process. Mr. Davis asked when the last County Strategic Plan had been adopted. Mr. Hathaway indicated he was not sure. Mr. Davis suggested he had been involved in the adoption of two County Strategic Plans in the past twenty years and three when he had worked for the state. He suggested that none were worth the paper they were written on and none did what they were set out to do. He also suggested they changed as leadership changed. He suggested that although it would look good to have a strategic plan, he didn't believe it would do any good. Mr. Hathaway suggested the County Strategic Plan should be a living document. Mr. Evelyn noted the Board still needed to work on the zoning rewrite and the price quotes for that had come in high. He noted the importance of being sure all of the documents aligned with each other.

Ms. Paige moved to adopt Resolution R-15-19 to charter the New Kent County Strategic Plan Steering Committee. She further moved to authorize the County Administrator to advertise a request for proposals for a consultant to lead the strategic planning process. The members were polled:

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

The motion carried.

IN RE: PUBLIC HEARING – REPEAL OF SECTIONS 66-3 & 66-6 OF THE NEW KENT COUNTY CODE – ORDINANCE O-03-19

Before the Board for consideration was Ordinance O-03-19 to eliminate and repeal Section 66-3, Admission Tax on Horse Racing Licensee, and Section 66-6, Tax Imposed on Admissions Charged for Attendance at Events of the New Kent County Code. County Administrator Rodney Hathaway reported the elimination of the admissions tax had been a part of the FY20 budget process and had been included in the April 24th adopted budget. It was necessary to remove these sections from County Code in order to fully implement this repeal. Mr. Davis asked if this would result in the County giving up a lot of money. Mr. Hathaway reported the previous year's admissions tax revenue had been approximately \$2,500 and suggested it had probably cost the County more than \$2,500 to collect it. Mr. Evelyn suggested that even without the admissions tax, the County would be receiving more revenue from Colonial Downs than it had previously. Mr. Davis suggested the admissions tax had been in place since 1999. Mr. Hathaway suggested 1999 had been the year the County had received authority in the Code of Virginia to begin collecting an

admissions tax. He noted the County could decide to reinstate this tax at any time. Mr. Davis asked for admissions tax revenue figures from five years ago when Colonial Downs had still been open. Finance Director Mary Altemus indicated she did not know that figure but could find out and left the meeting to retrieve the information. Mr. Davis indicated he hated to see the County give up a good revenue source. Mr. Evelyn suggested the County was collecting no admissions tax now. Mr. Hathaway pointed out the current code did allow for the collection of admissions tax not only for horse racing but also for other events such as concerts. He noted Section 66-3 was horse racing only and Section 66-6 was for all other events. Mr. Davis suggested Colonial Downs had been the only one to ever pay this tax. Mr. Hathaway noted there had been others and specifically noted a country music concert held at the New Kent Winery and some events held at Rockahock Campground.

Mr. Tiller opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Mr. Evelyn moved to adopt Ordinance O-03-19 to eliminate and repeal New Kent County Code Section 66-3, Admission Tax on Horse Racing Licensee, and Section 66-6, Tax Imposed on Admissions Charged for Attendance at Events. 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: ELECTED OFFICIALS' REPORTS

Mr. Davis commented on the opening of Colonial Downs and suggested the first few weeks had been a resounding success. He also reported he had attended Rappahannock Community College's graduation recently and had been impressed to learn that almost half of the degrees had been awarded to dual enrollment students. New Kent County students had been well represented. He encouraged all students to take advantage of this opportunity to earn a two-year degree while still in high school.

In response to concerns from Brickshire residents regarding Colonial Downs traffic, Mr. Stiers assured the residents the Board was on top of this. He noted the VDOT report had mentioned several steps already taken to address concerns and noted more remained to be done. He was hopeful there would be no serious accidents in the interim.

Mr. Evelyn indicated he had nothing to report. He suggested there was a lot going on in New Kent and encouraged drivers to be mindful and exercise care.

Ms. Paige reported she had recently hosted the first District 3 Town Hall Meeting and noted her appreciation to all who had attended and the presenters. She suggested she would be hosting more of these meetings in the future but would hold them to a shorter time frame. She congratulated the New Kent Winery on being the first New Kent County recipient of an AFID grant (Agriculture and Forestry Industries Development). This grant would be used in connection with an expansion of production at the winery. Ms. Paige also reported she had traveled to Vinton with Economic Development Director Mathew Smolnik for the Colonial Downs' facility ribbon cutting and Colonial Downs' staff had been surprised to see New Kent County represented. She thanked everyone who had donated or participated in Relay for

Life or who had prayed for someone who was going through cancer. Twenty teams had raised over \$34,000 for the American Cancer Society to assist with providing services as well as fund research. She reminded everyone that cancer's impact was not only on the one with the disease but also on caregivers, helpers and family members. She suggested the issue of widening I-64 through New Kent County was an ongoing battle but New Kent was up for the fight. She closed by reminding everyone to be safe while traveling.

Mr. Tiller noted he had also been in Vinton recently for family reasons but had not had the opportunity to stop by the Colonial Downs Rosie's facility. He noted the New Kent Wine Festival (A Taste of New Kent) had been the previous week. He noted Ms. Kate Ferris with the New Kent Chamber of Commerce was in the audience and asked her how the event had gone. Ms. Ferris suggested the event had gone very well and attendance appeared to be larger than the previous year. Unfortunately the event had been cut short due to a storm.

IN RE: STAFF REPORTS – APPROVAL OF APPROPRIATION OF ADDITIONAL STATE REVENUES FOR FY19 FOR NEW KENT COUNTY SCHOOLS

County Administrator Rodney Hathaway reported New Kent County Schools had received additional Basic Aid funding in the amount of \$144,000. The School Board had been conservative in their enrollment projections and was due additional funding based on the Average Daily Membership (ADM) total of 3,224 reported on March 30th. The School Board had requested these funds be appropriated as follows:

59732009-606008	\$ 40,000.00	Fuel Vehicle Operations
59642009-606007	\$ 25,000.00	Maintenance Parts and Supplies
59642009-603300	\$ 30,000.00	Maintenance Contract Services
541111103/		
531111104-606030	\$ 36,000.00	Secondary Related Arts/Band Uniforms
541111103-606041	\$ 13,000.00	Athletic Supplies (Pole Vault)

Mr. Evelyn asked how many band uniforms would be purchased. Mr. Hathaway indicated he was not sure but noted uniforms of various sizes as well as warm-ups and t-shirts were included. He also noted this funding included "secondary related arts" but had no details. He reported he had felt the \$13,000 for a pole vault pad had been high and, after checking with several vendors, had found this figure to be in line. He noted the existing pole vault pad was in very bad condition and there was concern that this could lead to injuries.

Mr. Davis moved to appropriate State funding for public schools to cover anticipated needs through the end of the current school year, as presented in the memorandum from the School's Executive Director of Budget & Finance, dated May 13, 2019. 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

Mr. Stiers reminded everyone that this Saturday was "Team Up to Clean Up" and safety vests, orange garbage bags and grabber sticks would be provided. The County had been divided in six zones with a designated meeting area in each.

IN RE: APPOINTMENTS – DELEGATED BY DISTRICT

Mr. Evelyn moved to appoint Ronald W. Durrer as District One representative to the Broadband Advisory Committee to serve a term ending December 31, 2019.

Ms. Paige moved to appoint Chris Stone as District Three representative to the Broadband Advisory Committee to serve a term ending December 31, 2019.

Mr. Stiers moved to appoint Kevin Eddowes as District Four representative to the Broadband Advisory Committee to serve a term ending December 31, 2019.

Mr. Davis moved to appoint Leon Taliferro as District Five representative to the Broadband Advisory Committee to serve a term ending December 31, 2019.

Mr. Tiller indicated it had been his intention to appoint Kevin Eddowes to represent District Two as a business owner. Since Mr. Eddowes had been appointed by Mr. Stiers, he asked if there was anyone from District Two in the audience who may be interested in serving. Given that no one responded, he noted Kate Ferris who was a District Two resident was present and asked if she would be willing to serve. Ms. Ferris indicated she would serve.

Mr. Tiller moved to appoint Kate Ferris as District Two representative to the Broadband Advisory Committee to serve a term ending December 31, 2019.

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 motions carried.

IN RE: APPOINTMENTS – NOT DELEGATED BY DISTRICT

Mr. Evelyn moved to appoint Mark Flynn as an at-large representative to the Broadband Advisory Committee to serve a term ending December 31, 2019. 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.

Mr. Davis moved to appoint Bob Jeremiah as an at-large representative to the Broadband Advisory Committee to serve a term ending December 31, 2019.

Ms. Paige indicated she also wished to make an appointment but there were only two at-large seats available. Mr. Tiller asked who she wished to appoint. Ms. Paige moved to appoint Charles Karow as an at-large representative to the Broadband Advisory Committee to serve a term ending December 31, 2019.

Mr. Jeremiah indicated he would rather have Mr. Karow serve and yielded in his favor. The members were polled on the motion to appoint Mr. Karow:

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: OTHER BUSINESS - FARMERS MARKET UPDATE

Mr. Davis asked County Administrator Rodney Hathaway if he could provide an update on the New Kent Farmers Market. Mr. Hathaway reported the market which was under construction at the intersection of New Kent Highway and Vineyards Parkway was expected to be open by July 6th and remain open through October 24th. An application for potential vendors was available online and was also scheduled to go out in the mail later in the week. The goal was to have at least twenty vendors for the opening season. The market would be for vendors selling only items locally produced. Mr. Hathaway noted the market would be opening late in the growing season and suggested this may present a challenge because many of the vendors may have already made commitments with other markets. He suggested it may be necessary to schedule the market for Sunday or a midweek evening and he anticipated an official schedule would be out by the middle of June. Anyone interested in applying to be a vendor could also get an information packet from the New Kent Administration Office. Vendors would be charged a \$45 annual fee.

Mr. Davis asked about restroom facilities. Mr. Hathaway indicated porta johns would be used. Mr. Stiers asked if water would be available and would porta johns be permanent. Mr. Hathaway reported there would be no plumbing and porta john facilities with water were available. Mr. Davis indicated he was hopeful the market would be open three days a week.

IN RE: ANNOUNCEMENT OF UPCOMING MEETINGS AND ADJOURNMENT

Mr. Tiller announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, June 10, 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.

Mr. Evelyn moved to adjourn. 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. The meeting adjourned at 7:43 p.m.