

A REGULAR WORK SESSION WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 27TH DAY OF NOVEMBER 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: DOMINION ENERGY EXTERNAL AFFAIRS REPRESENTATIVE INTRODUCTION/
DISCUSSION

Dominion Energy External Affairs Representative Crystal B. Bright introduced herself. She had been employed by Dominion Energy for twenty-three years and had moved to the External Affairs position approximately two months ago. Ms. Bright urged Board members to contact her if there was ever anything Dominion Energy could do to assist them. She thanked the Board for the opportunity to introduce herself and asked if they had any concerns or questions. Mr. Davis reported he had spoken with Ms. Bright approximately a month ago regarding an issue. The issue had been resolved but he reported it had been "no thanks to Dominion." Ms. Bright suggested the issue had not been something that was Dominion's to resolve and had actually been a Cox issue. Mr. Davis suggested it was also a Dominion issue because Cox was using utility poles owned by Dominion. Ms. Bright indicated Dominion could not make Cox remove their equipment from the poles. Mr. Davis asked how much additional underground service conversion Dominion had planned for New Kent County. Ms. Bright indicated she did not have that information but could get back to him with an answer. Mr. Davis noted Dominion had already completed a substantial number of conversions and most of the work had been done very well. He did note concerns with some of the contracted work. Ms. Bright indicated she should be contacted regarding any concerns involving contractors working for Dominion. Mr. Stiers reported he had worked with Dominion several years ago to have Woodhaven Shores added to the list for underground utility conversion. He asked Ms. Bright if she would check on the status of this request. Ms. Bright indicated she would. Mr. Tiller agreed this could really benefit the Woodhaven Shores community. He reported there had been several storms in the past ten years which had done substantial damage to the utility service in this community and the power had been out for as much as two weeks. He suggested the underground conversion could have been done for the cost of restoring service several times. Mr. Davis asked if the priority for underground conversion was based on the length of time necessary for power restoration. Ms. Bright confirmed and also noted the number of customers affected was also a consideration. Mr. Davis suggested Woodhaven should be at the top of the list. Mr. Stiers and Mr. Tiller both agreed. Ms. Bright indicated she would look into this and would also be available for additional questions after the meeting.

IN RE: SECOND AMENDMENT RESOLUTION R-26-19

Before the Board for consideration was Resolution R-26-19 in support of Second Amendment rights. County Administrator Rodney Hathaway was about to begin a presentation on proposed Resolution R-26-19 when Mr. Evelyn requested that he be allowed to speak. Mr. Evelyn reported he and fellow Board members had received many phone calls, emails and texts and had numerous conversations regarding Second Amendment rights. He noted there was no question the Board supported the Second Amendment and the Constitution. He suggested it was important that any action taken by the Board be consistent with actions being taken by other localities. He further suggested Resolution R-26-19 should be amended to include the following final statement:

"Now therefore, be it further resolved, that the Board of Supervisors of New Kent County hereby declares New Kent County, Virginia as a "Second Amendment Sanctuary"."

The reading of this statement was followed by a robust round of applause. Mr. Evelyn then asked if all who were in support of the amendment would stand. He then asked if all who were in support of the resolution without the amendment would stand. He followed this up by asking if all who were opposed to the resolution would stand. Many stood in support of the resolution and none stood in opposition.

County Attorney Bill Hefty advised that the Board would need to vote first to accept the proposed amendment to Resolution R-26-19 and then vote to adopt the resolution.

Mr. Davis moved to accept the proposed amendment to Resolution R-26-19. 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 adopt Resolution R-26-19 as amended. 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. This action was followed by a standing ovation.

IN RE: DEPARTMENT OF HOMELAND SECURITY ASSISTANCE TO FIREFIGHTERS
GRANT – SCBA REPLACEMENT

Fire Chief Rick Opett reported New Kent had written grant requests for SCBA (Self Contained Breathing Apparatus) equipment for the past few years. He further reported the County's current equipment (70 units) was three NFPA (National Fire Protection Association)

cycles out of compliance and would cost approximately \$529,000 to replace. If awarded, the Assistance to Firefighters grant would take some of the financial burden off of tax payers and would require a local match of approximately \$52,000. Chief Opett was requesting the Board's authorization to submit this grant on behalf of New Kent County. Mr. Davis asked if anything could be done with the old equipment. Chief Opett indicated some vendors would take the old equipment as a trade or it could be sold on the GovDeals.com. He suggested there may not be much interest in this equipment since it was so many cycles out of compliance. Mr. Davis noted the equipment was still working and suggested there may be a volunteer fire department that would be glad to get them. Mr. Stiers asked for the life span of a SCBA. Chief Opett reported the existing equipment was approximately fifteen years old and suggested the life span was ten to fifteen years. Ms. Paige asked how much this would cost the County. Chief Opett reported that based on the quote received and a projected ten percent funding requirement, New Kent's share would be approximately \$52,000 and should not exceed \$55,000. Mr. Davis asked if each firefighter would have their own equipment. Chief Opett reported every trained firefighter including volunteers would have their own mask. Mr. Stiers asked if the County's match was currently in the Fire-Rescue budget. Chief Opett reported SCBAs had not been included in the CIP budget request and there was no budget for this. Ms. Paige asked for the application deadline. Chief Opett reported the application window should be open in the next four to five weeks and awards should be made by September 30th. Mr. Davis noted the awards would be made in the next fiscal year and the County's share of the cost could be included in that budget cycle. Ms. Paige asked if a decision was needed today. Mr. Davis indicated a decision to authorize an application was needed now. County Attorney Bill Hefty asked if the County would be required to accept an award if one was received. Chief Opett indicated there was no requirement to accept a grant award but suggested declining was not good practice. He noted CIP funding for this had been pushed off for several years because he believed the County could get a grant. Ms. Paige asked if the County's share would be a one-time expense. Chief Opett confirmed this would be a one-time expense. Mr. Davis suggested the County did not want firefighters risking loss or injury with old equipment.

Mr. Davis moved to authorize the Fire Chief to apply for the 2019 Department of Homeland Security Assistance to Firefighters Grant for SCBA (Self-Contained Breathing Apparatus) replacement. 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: DRAFT 2020 LEGISLATIVE AGENDA DISCUSSION

County Administrator Rodney Hathaway noted the draft 2020 Legislative Agenda had last been discussed at the Board's November 11th meeting. The Board had deferred action to allow additional time for review. He reported the information presented at today's meeting had not changed. Mr. Tiller asked if the Board had discussed reordering the priority of the agenda items. Mr. Hathaway indicated the Board had requested some changes to the order and those changes had been made. Mr. Stiers indicated he had concerns with Part 2, item 2-4, "Support for legislation that would provide counties with the same local taxing authority as Cities and Towns to enact local excise taxes such as the authority to levy and

collect a tobacco tax.” Mr. Davis asked if Mr. Stiers would be in agreement with the remainder of the items if 2-4 was removed. Ms. Paige questioned why the Board would remove it. Mr. Stiers indicated he was against taxing and suggested taxing was all government seemed to want to do. He suggested there could be many additional taxes with the new General Assembly and this would be another added tax that citizens would have to pay. He reported his research suggested most smokers were uneducated and poor and noted that he too was a smoker. He indicated his comments were not about himself and noted he didn’t feel the County should go after smokers. Mr. Davis suggested this item had been included because Virginia was a Dillon Rule state which meant localities could only do what the Commonwealth of Virginia gave them the authority to do. Towns and cities had taxing authority but counties did not. Mr. Hathaway also noted this item was one of the top priorities in the Virginia Association of Counties (VACo) legislative agenda which had been passed the previous month. Mr. Davis shared an example noting a gas line was currently running through New Kent County to supply the Town of West Point. The Town of West Point had the authority to tax this but New Kent County could not. County Attorney Bill Hefty pointed out the proposed language was asking that the County be given the authority to tax and was not imposing any taxes. The request was that counties be given the same options as cities and towns. He noted this had been a long-time position on the VACo legislative agenda. Mr. Davis suggested this was similar to transient occupancy taxes and meals taxes and noted New Kent had to receive permission from the state to begin charging meals taxes. This request would do away with that process and put counties on the same footing as cities and towns. Mr. Stiers asked for confirmation that if this was passed, any new tax would have to be voted upon separately by the Board of Supervisors. Mr. Hathaway confirmed this and noted a public hearing would also be required before any new taxes could be imposed. Mr. Hefty reiterated that this item had been on VACo’s agenda for many years and there had been no movement for approval. He was doubtful there would be any change in the next General Assembly. After further discussion, the general consensus was to strike 2-4 from the 2020 Legislative Agenda.

Mr. Stiers moved to adopt the proposed New Kent County 2020 Legislative Agenda with paragraph 2-4 removed. 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: RESOLUTION RECOGNIZING PLANRVA FOR ITS 50TH ANNIVERSARY –
R-25-19

Before the Board for consideration was Resolution R-25-19 recognizing PlanRVA for its 50th year anniversary. County Administrator Rodney Hathaway reported the Richmond Regional Planning District Commission (RRPDC) was now known as PlanRVA and the localities they represented had been asked to consider adopting resolutions commemorating the 50th anniversary of the organization. In addition to the PlanRVA anniversary, it would also be the 50th anniversary of the Virginia Planning District Commission Association established when planning district commission boundaries had been defined across the Commonwealth. He asked the Board to consider adoption of Resolution R-25-19.

Mr. Davis indicated he did not like the name change and noted New Kent had a member sitting on the Board (District Three Supervisor Patricia Paige). Ms. Paige reported she had voted against the name change. Mr. Davis noted the name no longer included the word "Regional" and suggested the new name implied the focus was on Richmond rather than other localities within the region. Mr. Hathaway noted agreement with Mr. Davis and reported there had been discussions about the name change not reflecting the service area.

Mr. Davis moved to not adopt Resolution R-25-19 recognizing PlanRVA for 50 years of service.

Mr. Davis suggested the RRPDC had done nothing for his end of the County in the past 50 years. Mr. Tiller suggested the TPO (Transportation Planning Organization) had done more for New Kent than the RRPDC. Mr. Hathaway noted the TPO service area did not include all of New Kent County. He did however note the importance of the TPO and reminded everyone of the role the TPO played in the distribution of state funding for transportation. Mr. Evelyn noted New Kent needed the I-64 widening project to continue through the County and TPO support would be needed. Mr. Hathaway also noted TPO support was needed for SMART Scale project funding. Ms. Paige asked if New Kent was receiving emergency management funding through the RRPDC. Fire Chief Rick Opett reported the RRPDC was responsible for writing the Hazard Mitigation Plan for the region and also submitted regional grant applications in support of emergency management. Mr. Hathaway reported PlanRVA had recently gone through some changes in management and was now under the leadership of Executive Director Martha Shickle. Ms. Shickle was focusing on defining the roles of PlanRVA in the region and making the organization a more effective resource to the localities it served.

The members were polled:

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

The motion failed.

Mr. Evelyn moved to adopt Resolution R-25-19 recognizing PlanRVA for 50 years of service.

The members were polled:

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

The motion carried.

IN RE: OTHER BUSINESS – PERSONNEL POLICY MANUAL REVISIONS

County Administrator Rodney Hathaway called Human Resources Director Karen Wiscott forward for discussion regarding proposed revisions to the Personnel Policy Manual. He noted the Board would not be asked to take any action on the proposed revisions at this

meeting. Ms. Wiscott thanked the Board for the opportunity to speak and distributed copies of the proposed manual. She drew attention to a summary of proposed changes including:

1. Updated terminology, i.e. references to items such as pagers were removed and items such as the Employee Self-Service portal and social media were added.
2. Health insurance and Affordable Care Act language was added and updated to bring Manual into legal compliance.
3. Safety language was updated and added from our insurance carrier.
4. Annual leave could now be used as it was earned. Use of annual leave had previously not been allowed during the 6-month probationary period. Employees would continue to not be paid out for this time if they left during their probationary period.
5. Previously adopted On-Call and Sick Leave Bank policies had formally been placed in the revised Manual.
6. Electronic Communication and Social Media policy had been added.
7. Page numbers were added; the table of contents and definition of terms were updated; terminology edited for consistency; and overall grammar was corrected.

Ms. Wiscott noted proposed changes were depicted in red and the manual had not been updated since 2009. She drew attention to number four on the summary list and reported employees would now be able to use annual leave as it was earned. Mr. Davis asked if everything marked in red would be removed from the manual. Ms. Wiscott reported items marked in red would either be removed or edited. She also reported the proposed changes had been reviewed by the County Attorney and Mr. Hathaway and were the result of a thorough review conducted by a committee composed of representatives from various departments. Mr. Evelyn noted the review was long overdue. Mr. Davis pointed out the section regarding hours for regular part-time staff was not consistent with current laws and the proposed updates would bring this into compliance. Mr. Evelyn asked if the proposed changes would be up for approval at the Board's December meeting. Mr. Hathaway confirmed this would be on the December agenda. Ms. Wiscott indicated the information was being provided now to allow sufficient time for Board member review. Changes would be effective January 1, 2020.

IN RE: OTHER BUSINESS – GRAND ILLUMINATION – INCLEMENT WEATHER PLANS

Mr. Davis noted the Annual Grand Illumination would be held on Sunday and the current forecast was for rain. He asked County Administrator Rodney Hathaway to provide an update on contingency plans for this event. Mr. Hathaway reported staff was monitoring the weather and the current forecast was for a 90% chance of rain. The current schedule would have events beginning at 3:00 p.m. and running through 6:00 p.m. The event would go on rain or shine but if raining, the schedule would be modified to start at 4:00 p.m. and the lights would be turned on at 5:30 p.m. as planned. A decision would be made on Friday to allow sufficient time to get the word out to the community. Shredding scheduled for 1:00 p.m. to 4:00 p.m. would go on as scheduled.

Mr. Tiller called for any other business. Mr. Evelyn expressed his appreciation to all who had attended today's meeting and wished everyone a Happy Thanksgiving.

IN RE: ANNOUNCEMENT OF UPCOMING MEETINGS/ADJOURNMENT

Mr. Tiller announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, December 9, 2019 in the Boardroom of the County Administration Building. There would be no December work session.

Mr. Evelyn 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 9:34 a.m.