

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 26th DAY OF JUNE IN THE YEAR TWO THOUSAND THIRTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 9:00 A.M.

IN RE: CALL TO ORDER

Chairman Davis called the meeting to order.

IN RE: ROLL CALL

Thomas W. Evelyn	Present
C. Thomas Tiller, Jr.	Present
James H. Burrell	Present
Ron Stiers	Present
W. R. Davis, Jr.	Present

All members were present.

IN RE: OFFICE RELOCATIONS, PART 1 OF 2

Electoral Board members Kenneth Moore and Bill Jeffries addressed the Board regarding a proposal to relocate the School Board Office to the Historic Courthouse and relocate the Voter Registration and Elections Office to the Health and Human Services Building.

Mr. Moore spoke about how the Voter Registration Office had certain mandates under State regulations and how it was not yet clear how a recent Supreme Court opinion regarding the Voting Rights Act would affect the current requirement for pre-clearance of changes by the Justice Department. He reviewed the needs of the Voter Registration Office in terms of space for both current and future staff, as well as for equipment and work space. He clarified that the proposed space in the Health & Human Services Building did not have enough space for their staffing needs, as it was anticipated that the growth in the County's population would soon necessitate additional personnel, and there were some questions regarding access, visibility, after-hours security, and compatibility with the current uses of that building, as well as potential additional costs to staff the Central Absentee Precinct if it were in a separate location from the Voter Registration Office.

Mr. Evelyn indicated that he felt that the square footage in the Health and Human Services Building was comparable with what the Voter Registration Office had in the Historic Courthouse and that access or privacy would not be an issue.

Chairman Davis emphasized that the proposal was just an option and the Board had not made any determination. He thanked Mr. Moore and Mr. Jeffries for their input and assured them that the Board would not be making a decision on this issue at this meeting, but was just considering all possibilities in order to "find the best spots for all of the County offices". He admitted that he had some personal reservations about the Courtroom in the Historic Courthouse being renovated for School Board office space.

On a different subject, Chairman Davis suggested that, in order to save money, the Electoral Board should check to see if there might be a County vehicle that could be used instead of leasing a rental truck to move its voting equipment on election days. There was also some discussion regarding the increase in early voting.

IN RE: RURAL TRANSPORTATION FY14 TECHNICAL ASSISTANCE PROJECT

Anne Darby, Senior Planner with the Richmond Regional Planning District Commission, and Planning Manager Kelli Le Duc were present to follow up on ideas from the Board for a Rural Technical Assistance Project (TAP) for FY14.

The Board discussed issues with a proposed pedestrian plan for Eltham, which included right-of-way problems and the possibility of future extension of public utilities to that area.

There were comments regarding issues on Farmers Drive, including inadequate width, incompatibility with bicycle traffic, and poor drainage; deficiencies on Stage Road; Mt. Pleasant Road; expansion of Route 30 in Barhamsville; and improvements to the intersection of Route 249/30/33. Ms. Le Duc reminded that most of those issues were addressed in the Long Range Rural Transportation Plan, and the TAP could not address engineering matters and was merely a plan.

There was consensus that the TAP be a sidewalk plan for Eltham, with a public utilities component. Ms. Darby indicated that she would work with County staff to develop something that would be a publishable plan.

IN RE: FIRE-RESCUE APPARATUS AND EQUIPMENT

Fire Chief Richard Opett reported that the used apparatus discussed at a previous meeting would be arriving in July and would be at Station One (Providence Forge).

IN RE: FIRE-RESCUE STAFFING ADJUSTMENTS

Chief Opett provided an update on his staffing plans for FY14. He reported that with the two new positions included in the budget, there would be some "consistency" in staffing both Station Two (Quinton) and Station Four (Lanexa). He indicated that the Quinton station would have paid staff there twelve hours every day, including weekends, and the Lanexa station, beginning in October, would be staffed twelve hours a day for 20 days a month.

He reviewed his plans for fixed hours for the Battalion Chief, Fire Marshalls and Logistics staff, which would allow him to better control overtime expenditures. He clarified that all of the staffing adjustments would be covered under his budget and he was not asking the Board for any additional appropriations.

He reported that call volumes remained steady, with most of them in the Quinton/Bottoms Bridge area.

IN RE: BURN BUILDING GRANT

Before the Board for consideration was a request from the Fire Chief for permission to submit the final application for a Burn Building grant through the Virginia Department of Fire Programs.

Chief Opett explained that the grant would provide funds to help pay for a regional training center on 50 acres owned by New Kent, and confirmed that he had received confirmation from the fire departments in James City County, Charles City County, King and Queen County, and King William County, as well as the West Point Volunteer Fire Department and

the James City/Bruton Volunteer Fire Department that they would be interested in participating. He reviewed that all of those entities had a need for a place for career and volunteer staff to take firefighter training, and how difficult it was to find openings in the closest similar facilities. He reviewed a conceptual drawing for the center, which he hoped could be constructed on vacant land near the Henrico East Jail. He indicated that there might be a law enforcement component, but that would not be included in the grant application.

County Attorney Michele Gowdy advised that the land for the proposed project was part of the property currently under a 50-year lease with Henrico County for the Jail and indicated staff would consult with the New Kent's Sheriff Office prior to approaching Henrico regarding use of the land. Chief Opett indicated that the grant did not specify that the burn building be on that particular property and those discussions would not affect the grant application.

He estimated the total cost of the facility at \$1,553,383 and, after deducting the projected funding of \$725,383, there would be \$828,000 in out-of-pocket costs. He proposed that New Kent assume 50% of that sum at \$414,000, with the partner localities sharing the remaining 50%. He indicated that his goal was to try to find donors to help with the costs, and clarified that it was a two-year grant and the County would not have to provide any funding until FY16.

Staff explained that if the grant was awarded, then New Kent would move forward to secure memoranda of understanding with each of the partner localities, at a percentage to be determined at that time, and prior to any contract for construction.

Chief Opett confirmed that he felt that having such a facility in New Kent would help with recruitment.

Mr. Burrell moved to allow the Fire Chief to submit the Virginia Department of Fire Programs, Burn Building Grant, as presented. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye

The motion carried.

IN RE: STAFFING FOR ADEQUATE FIRE & EMERGENCY RESPONSE (SAFER) GRANT

Chief Opett provided the Board with an update on the 2013 SAFER grant process. He reported that it would be a two-year grant with no match required, and that it was his understanding that New Kent's decision not to accept last year's grant would have no impact on its eligibility for this one. He advised that he would be working with the County Administrator on some "hard facts and numbers" to review with the Board at a future work session. County Administrator Rodney Hathaway added that he would be looking at the County's growth rate to try to determine the number that he felt the County could absorb after the grant ended and not affect the real estate tax rate.

Mr. Davis asked if an interstate highway's impact on a locality improved its chances for grant approval. Chief Opett advised that he did not think it did, but added that he was

looking to see if there would be any assistance available through the Rural Domestic Preparedness Consortium.

Mr. Stiers asked about the volunteer recruitment program. Chief Opett confirmed that a volunteer recruiter had been recently hired with some funds reallocated through the 2008 SAFER grant, who was recruiting at locations in the County, with some success, and there would also a media campaign starting in the near future, as well as a volunteer retention program.

IN RE: GREENWOOD ESTATES STREETS

Before the Board for consideration was Resolution R-14-13 requesting that the Virginia Department of Transportation (VDOT) accept the streets in Greenwood Estates, Section IV, Phase 1A, into the State System for maintenance.

Mr. Tiller removed himself from discussion and vote because of a business relationship with the developer of that subdivision.

Mr. Hathaway explained that VDOT had advised that they had performed a final inspection of the streets in Section IV, Phase 1A (Mako Road and Greenwood Boulevard) and had determined that they met State standards and were ready to be brought into the State system for maintenance. He explained that the next step was for the Board to adopt a resolution making that formal request to VDOT.

Chairman Davis noted that these resolutions were normally part of consent agendas but considering this one at the work session was being done at the request of the developer.

Mr. Stiers moved to adopt Resolution R-14-13, as presented. The members were polled:

C. Thomas Tiller, Jr.	Abstain
James H. Burrell	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye
W. R. Davis, Jr.	Aye

The motion carried.

Mr. Tiller rejoined the Board.

IN RE: AGRICULTURAL AND FORESTAL DISTRICTS (AFD) ORDINANCE CHANGES

Legal Interns Gregory Herrick and Aaron Forstie updated the Board on changes needed to the County's AFD ordinance in order to reflect the role of the Commissioner of the Revenue in the process.

It was explained that changes were needed to the County Code to bring it into compliance with the State Code, and that these particular changes were not to the Planning side of the process, but were specific to the Commissioner of the Revenue and its part in the process. Ms. Gowdy advised that the remainder of the ordinance would be amended when a new Environmental Planning Manager had been hired.

Commissioner of the Revenue Laura Ecimovic confirmed that she had worked with the County Attorney's Office on these proposed changes, and explained that it would assist the

taxpayer to understand that there were two separate processes involved – acceptance into the program and then qualifying for an annual tax break.

There were no objections to the proposed changes being advertised for public hearing in August.

IN RE: COUNTY CODE AMENDMENTS NEEDED TO REFLECT CHANGES IN STATE CODE

The legal interns then reviewed changes needed to several other sections of the County Code to provide consistency with State Code changes.

The Code sections needing changes were identified as Section 2-74(a) regarding the State Retirement System; Section 10-44 regarding control of dangerous and vicious dogs; Section 14-34 regarding recordkeeping for Precious Metals & Gems dealers; Section 98-1023(c) regarding appeals made to the Board of Zoning Appeals; and Section 66-4 regarding the charges for credit card service.

Ms. Gowdy advised that the Board of Zoning Appeals ordinance change would likely have to be reviewed by the Planning Commission, and confirmed that she had worked with the Treasurer and the Sheriff's Office on the ordinance changes that would affect their respective offices.

There were no objections to moving forward with public hearing on these changes.

IN RE: PAWN SHOPS

Ms. Gowdy reported that a citizen had requested that the County look at adding a pawn shop ordinance to its Code. She advised that State Code required the locality to issue a license for this use. She indicated that she and the Sheriff's Office had looked at ordinances from some other localities and had developed a proposed ordinance for New Kent for the Board to consider.

Chief Deputy McLaughlin reviewed that the Sheriff's Office was already performing some of the same processes with precious metals and gems dealers that would be required of pawn shops owners should the ordinance be adopted, and described what those processes included.

There was discussion regarding the sale of firearms. Chief Deputy McLaughlin explained that a business could not sell firearms without being federally licensed. Ms. Gowdy indicated that she would check to see if the sale of firearms could be excluded.

She did advise that the Board could limit the number of pawn shops operating in New Kent at one time, if it wanted. There was consensus to limit the number to two.

Mr. Burrell moved to send a Pawn Shop Ordinance to the Planning Commission for consideration and recommendation. The members were polled:

James H. Burrell	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
W. R. Davis, Jr.	Aye

The motion carried.

IN RE: OFFICE RELOCATIONS, PART 2 OF 2

The Board continued to debate the proposed relocation of the School Board and Voter Registration offices.

Mr. Burrell suggested that the Board consider a new building for the School Board offices which might be more functional than trying to retrofit the Historic Courthouse.

Mr. Hathaway advised that the County had received a proposal for leased space which he would review with the Board later in closed session.

Mr. Evelyn spoke about the conditions of the current School Board office space. He indicated that he understood there were concerns about the Historic Courtroom, but it was his understanding that if the School Board offices were relocated to the Historic Courthouse, they would not modify the Courtroom in any way, but would like to use it for meetings, with the County still maintaining control. He spoke about how the Health and Human Services Building was ADA compliant and the Voter Registration office would have about the same amount of square footage there that it had in the Historic Courthouse. He indicated that this would be a "temporary fix" and would save the taxpayers \$45,000 a year. Regarding the claim that the Voter Registration Office wasn't a good fit with the other uses in the Health and Human Services Building, he provided a handout showing a similar mix of uses in the buildings where voter registration offices were in other localities. He indicated that the Board's job was to provide them with adequate space.

Mr. Davis advised that his main concern was the Historic Courtroom.

Mr. Stiers asked how this would affect the Historic Commission. Mr. Hathaway advised that he would be meeting with that group and was working on some potential space for their displays at the Visitors Center.

Mr. Evelyn suggested that the County work with the Voter Registrar on a two-year lease, and he agreed that he did not want the Historic Courtroom modified. Ms. Gowdy advised that condition could be included in the lease with the School board.

Mr. Hathaway advised that the School Board would like to be in its new space before the school year started, and that its current lease was on a month-to-month basis.

Mr. Stiers suggested another money-saving option would be to use some of the empty mobile classrooms for School Board Offices.

There was consensus to add this item to the Board's July 8, 2013 agenda for a decision.

IN RE: RESIDENTIAL CHICKEN-KEEPING

Mr. Hathaway reported a request to consider allowing the keeping of chickens in residential areas. He spoke about the problems with enforcement and other issues that were being encountered in other localities, and asked for the Board's input before asking for the Planning Commission to consider any ordinance changes.

There was no consensus to move forward on this issue.

IN RE: WILCO HESS CONDITIONAL USE PERMIT APPLICATION

Ms. Gowdy reported that the applicant had agreed to some additional conditions suggested by staff that included doing additional traffic studies, if warranted, during the four-year period after beginning operations, as well as the posting of a \$100,000 bond that could be used to pay for any traffic signal that might be needed. She advised that the applicant raised concerns about the required safety plan and she had forwarded to him information confirming that the same requirement had been made of the Pilot in order to assure him that his project was not being treated differently.

IN RE: LEASE OF PINE FORK ROAD PROPERTY

Mr. Hathaway advised that the County had received a request to farm an eight-acre parcel recently acquired on Pine Fork Road for park uses. He proposed that the lease be for only one growing season and terminate December 31, 2013, at which time the County could re-evaluate the status of the park planning process. He advised that a public hearing would be required, at which time the opportunity would be opened up to others who might want to make a counter offer.

Mr. Evelyn advised that although he was not in the farming business, the interested party was his uncle and he would not be participating in the discussion or vote on the issue.

There was discussion regarding the lease amount, as well as costs involved with mowing the property and well as advertising the public hearing.

There was consensus to lease the property at \$25 per acre and proceed with the public hearing.

IN RE: CLOSED SESSION

Mr. Tiller moved to go into Closed Session pursuant to Section 2.2-3711A.29 of the Code of Virginia for discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Board involving the leasing of property for the School Board. The members were polled:

Ron Stiers	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye

The motion carried. The Board went into closed session.

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

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye

W. R. Davis, Jr. Aye

The motion carried.

Mr. Tiller made the following certification:

Whereas, the New Kent County Board of Supervisors has convened in a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed session was conducted in conformity with Virginia law;

Now there be it resolved that the Board hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open session requirements by Virginia law were discussed in closed session to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board.

The Chairman inquired whether there was any member who believed that there was a departure from the motion. Hearing none, the members were polled on the certification:

C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye
W. R. Davis, Jr.	Aye

The motion carried.

IN RE: COUNTY-WIDE WARNING SIRENS

Mr. Stiers asked about the possibility of installing tornado sirens in the County. Chief Opett suggested that he look into funding through the Virginia Department of Emergency Services for four to five sirens, which he estimated would cost \$25,000 each.

IN RE: WAIVER OF COMMERCIAL PERMIT FEES

There was no support for a proposal by Mr. Stiers to again offer a temporary waiver of commercial permit fees.

IN RE: ADJOURNMENT

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

James H. Burrell	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
W. R. Davis, Jr.	Aye

The motion carried. The meeting was adjourned at 11:22 a.m.