

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 31<sup>ST</sup> DAY OF JULY 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	Absent
Ron Stiers	Present
W. R. Davis, Jr.	Present

All members were present, except Mr. Burrell who was reported to be en route to a family member's funeral.

---

IN RE: HISTORIC COMMISSION

The Board met with members of the Historic Commission, including its Chair Martha Martin, members Farron Cowles, Deborah Downs and Jefferson Ellett, regarding the Commission's future use of the Historic Courthouse, Courtroom, and the small building adjacent to the Historic Courthouse.

Ms. Martin read from a prepared statement, outlining the Historic Commission's sponsored events as well as their transition to the Historic Courthouse space years ago. She gave an alternate idea for office space for the Commission – the "little white house" that dates back to the 1800s.

Board members and Mr. Hathaway told the Historic Commission that the Historic Courtroom would not be altered by the School Board. It was noted that this provision was included in the lease between the County and the School Board.

There was discussion about the School Board's anticipated use of the little white house. The Commission indicated that they would like to preserve this historic resource and have the School Board's Director of Instruction use open office space in the high school.

The Board members were in consensus that they would try to work out this issue with the School Board.

---

IN RE: ADDITION TO THE SHERIFF'S IMPOUND BUILDING

Before the Board for consideration was a request to reject the unsolicited Public Private Education Act (PPEA) proposal submitted by Harlan Construction for an addition to the Sheriff's impound building.

County Attorney Michele Gowdy explained that it had been decided not to pursue Harlan Construction's proposal received in November 2012 but no formal action had been taken to close out this issue.

Mr. Stiers made a motion to reject the Unsolicited PPEA by Harlan Construction for the Addition to the Sheriff's Annex Impound Building.

The members were polled:

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

The motion carried.

---

IN RE: COUNTY SAFETY MANUAL

Before the Board for consideration was a request to adopt a Power Tool Safety Program, Fall Protection Program, Vehicle Safety Program, and Chainsaw Safety Program as part of New Kent's Safety Manual.

Battalion Chief Eugene Gerald explained that the County was already compliant in a majority of these areas and adopting these programs was just a means of documentation.

Board members asked about pending policies and previously approved policies. Mr. Gerald indicated that the responsibility of training in all of these areas fell to the appropriate department head.

Mr. Evelyn made a motion to adopt the Power Tool Safety Program, Fall Protection Program, Vehicle Safety Program, and Chainsaw Safety Program as part of the County Safety Manual.

The members were polled:

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

The motion carried.

---

IN RE: ENGINEERING SERVICES CONTRACT

Before the Board for consideration was a request to approve an engineering services contract with Arcadis US, Inc.

Public Utilities Director Larry Dame explained that in 2011 when this contract was negotiated, there were a few issues to be ironed out prior to getting it signed and approved. The contract never got approved by the Board and since discovered, all work with Arcadis had been put on hold.

Mr. Tiller made a motion to approve the Engineering Services Contract between Arcadis and the County.

The members were polled:

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

The motion carried.

Mr. Dame presented an award to the Board from the American Council of Engineering Companies of Virginia (ACEC). It was a 2013 Engineering Excellence Merit Award to Arcadis, Inc. for the Water Reclamation/Reuse System for New Kent County, Virginia.

---

IN RE:           STORMWATER ORDINANCE CHANGES

Legal interns Gregory Herrick and Aaron Forstie and Environmental Planning Manager Matt Venable reviewed with the Board changes needed in the County Code as a result of new State stormwater regulations.

Mr. Herrick explained that he and Mr. Forstie restructured the entire chapter as it was confusing and that they hoped that had helped. Both Mr. Herrick and Mr. Forstie answered questions from Board members regarding specific language and definitions.

Mr. Davis noted that these changes needed to be put in place and the County needed to be compliant with them by January 2014. Mr. Evelyn asked what would happen if the County did not comply and Mr. Hathaway indicated that the State would mostly likely take over the program and/or pull associated grant money.

Ms. Gowdy indicated that the changes were only what was required by the State. There was discussion about who has authority to set fees and Ms. Gowdy said that fees had not been set because that would be part of next year's budget. Mr. Herrick reminded the Board that the State took 28 percent no matter what the County's fee was.

Mr. Hathaway added that with these changes two employees were proposed to be hired in May FY14.

Mr. Tiller made a motion to ask the Planning Commission to consider O-12-13 in the month of September with a public hearing in October.

The members were polled:

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

The motion carried.

Mr. Stiers commended Mr. Venable for his recent work with a resident in Brickshire.

---

IN RE:           RIGHTS-OF-WAY IN KENWOOD FARMS SUBDIVISION

County Administrator Rodney Hathaway reviewed a request that the County abandon portions of Shewsbury Drive and Buckden Drive made by five property owners that live along the sections of the roads proposed for abandonment, in order to prevent future adjacent subdivisions from connecting.

Mr. Hathaway went over the process, should the Board grant this request. He also presented his concerns regarding this request including that it was not consistent with the County Code to abandon sections of roads.

Mr. Evelyn asked about the County's liability as far as this issue was concerned. Ms. Gowdy explained that residents bought their homes with the idea of connecting roadways.

Public Utilities Director Larry Dame added that this would reduce fire flows and that he would have no way to require that the builder hook up to the water system.

The Board took no action.

Mr. Hathaway said that he would respond to the Kenwood Farms letter accordingly.

---

IN RE:           RESTRICTING TRUCK TRAFFIC ON ROUTE 60

There was discussion about a recent request from a citizen about restricting truck traffic on Route 60.

Mr. Evelyn said that he didn't see how the Board could restrict trucks on a four-lane road. Mr. Davis followed up on Mr. Evelyn's comment by saying that even if the Board made that request of VDOT, it would be turned down.

Mr. Tiller asked if the Board could request this restriction of VDOT and it was found that there was no consensus to do so.

---

IN RE:           CLOSED SESSION

Mr. Stiers moved to go into Closed Session pursuant to Section 2.2-3711A.7 of the Code of Virginia for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel involving Public Utilities. The members were polled:

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

The motion carried. Mr. Davis said that there would be no action taken after the Closed Session. The Board went into closed session.

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

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

The motion carried.

Mr. Stiers 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:

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

The motion carried.

---

IN RE: OTHER BUSINESS - BUSINESS PARK ROAD CORRESPONDENCE

Mr. Evelyn explained that he had received a letter to the Economic Development Authority (EDA) from a constituent, Mr. Chester Alvis, concerning Business Park Road and it being an access point to the Fisher Tract.

Mr. Hathaway explained that the EDA didn't have the funds to pave Business Park Road and most likely would not consider doing so until they had a certain amount of investment on that road. He also said that in prior conversations with Mr. Alvis it had been discussed that the County would be willing to apply for a grant for that purpose as long as Mr. Alvis would put in the surety and that Mr. Alvis was not willing to do so.

Mr. Evelyn told the Board that no action needed to be taken at this time; he just wanted to share the letter with all of the Board.

The discussion centered on Dominion Virginia Power as well as their underground utilities policies and procedures.

---

IN RE: OTHER BUSINESS – UPCOMING BOARD RETREAT

Mr. Hathaway asked the Board to put November 15 on their calendar as a tentative Board Retreat. He added that he had two locations he was trying to decide between for the meeting.

---

IN RE: ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 10:38 a.m.