

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 12th DAY OF NOVEMBER IN THE YEAR TWO THOUSAND FIFTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

Chairman Tiller called the meeting to order.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

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: CONSENT AGENDA

1. Approval of Minutes
 - a. September 30, 2015 Work Session minutes
 - b. October 12, 2015 Business Meeting minutes
2. Miscellaneous
 - a. Approve New Road Names: Whispering Mill Way in Diascund Creek Subdivision.
 - b. Approve New Road Names: Ponderosa Pine Lane and Winding Jasmine Road in Patriot's Landing Subdivision.
 - c. Award contract in the amount of \$33,500 for demolition services (5 obsolete water pumping stations) to East Coast Abatement & Demolition and authorize the County Administrator to execute a contract in a form approved by the County Attorney.
 - d. Adopt Resolution R-36-15 to renew the Clean County Committee charter until January 31, 2020.
 - e. Approve Proclamations recognizing Nia Darrisaw, Caitlin "Caity" Thompson, Emily Wilson, Brooke Forsythe, Sylvia "Aly" Murray and Breanna Sublett, members of New Kent Girl Scout Troop #016 who have earned Silver Awards.
 - f. Authorize the County Administrator to execute the proposed utility easement for sections 3 and 4 of The Oaks subdivision.
3. Refunds
 - a. Refund due to Patriots Landing Mgmt. Corp – erroneous assessment due to acreage incorrectly listed on plat, \$4,842.68
 - b. Refund due to Melvin C. Peay, Jr. – erroneous assessment – Veteran's Tax Exemption, \$3,087.90

4. FY16 Carry Forward Appropriations
- a. Food & Serving Supplies – Employee Functions, \$2,531.52
 - b. Food & Serving Supplies – Sheriff’s Employee Functions, \$311.51
 - c. E-911 Grant Funds, \$68,588.50
 - d. Veterinarian Services Fund, \$35,958.55
 - e. Property Survey Funds in the County Attorney Budget, \$3,560.00
 - f. FY15 Economic Development Funds for Payment of Service Order #100010 for remote locking system at the Visitor’s Center, \$1,998.00
 - g. Additional Purchase of Development Rights & Affordable Housing Funds, \$26,296.73
 - h. Remaining Litter Control Grant Funds, \$33.69
 - i. Remaining FY15 School Operating Funds, \$467,980.70
 - j. Reduce appropriation of funds from prior years (Schools) and increase line items Furniture & Fixtures Secondary Instruction, \$20,000.00 and Misc. Services – Fiscal Services, \$25,000.00. (One-time expenses for furniture due to safety concerns and growth in schools and data/records management of back file information.)
 - k. Reduce appropriation of funds from prior years (Schools) and increase School Grant Fund (207) Estimated Fund Balance to cover negative balance from FY15, \$7,608.41

\$599,650.79	Total
\$(580,928.78)	From Gen Fund (1) Fund Balance
\$(26,296.73)	From Capital Fund (7) Fund Balance
\$(33.69)	From Litter Grant Fund (15) Fund Balance
\$7,608.41	To School Grant Fund (207) Fund Balance

5. FY16 Supplemental Appropriations
- a. Program Income Received for FY16 from CDBG Plum Point Grant Participants (October 2015), \$798.67
 - b. Donations for the Animal Shelter, \$335.00
 - c. Extension Program Sponsorship Revenue for Employees Wreath Making Workshop, \$180.00, James City County Williamsburg Master Gardner Carole’s Garden E-35 Sponsorship, \$296.09 and Daily Press, \$165.00.
 - d. Gifts & Donations to New Kent Fire Rescue, \$983.00:
(Thomas E. Couch, Sr., \$20.00, W. Eugene Dolmovich, \$50.00, Doris Modr, \$30.00, Rachel Serio, \$25.00, Rebecca Beaver, \$25.00, J. Russell Curle, Jr., \$50.00, Paul Bauer, Jr., \$50.00, Carawan Group LLC, \$106.00, James G. Dunn, \$25.00, Laverne W. Shaffer, \$100.00, Linda K. Drexler, \$100.00, Ann S. Boyd, \$100.00, Diane F. Clark, \$50.00, Melissa Hernandez, \$40.00, William C. Tennis, \$25.00, Betty Sims, \$20.00, TRUIST, \$42.00, Anna M. Bryant, \$50.00, Debra Jo Daum, \$50.00 and Thrift Insurance Corp., \$25.00).
 - e. Gifts & Donations to Sheriff’s Department, \$1,519.00:
(New Kent Women’s Club – Honor Guard, \$150.00 and Proclaiming Grace Outreach – Vet Services, \$1,369.00).
 - f. Gifts & Donations to Sheriff’s Office from Challenge Americas Bike Race June 14, 2015, \$99.25, New Kent Winery Security Detail Car Show September 20, 2015, \$617.23, Security Detail for September 2015 Football Games, \$888.11 and Emmaus Church Attic Event September 20, 2015, \$55.14.
 - g. Funds from VML Insurance to Sheriff’s Budget – 2015 Chev Tahoe – Date of Loss 08/26/2015, \$1,573.00.

- h. Funds from Commonwealth of Virginia Supreme Court Reimbursement for Travel/Extradition, \$107.80.
- i. 2016 Litter Grant Award in the Amount of \$6,393.00.
- j. Federal/State Funds Received by Social Services for Special Needs Adoption, \$52,000.00.
- k. Funds for State Fire Program Grant, \$52,568.00.
- l. Fy2015 Local Emergency Management Performance Grant, \$27,932.00, CFDA#97.042.
- m. Funds to the IT Department for Server Replacements, \$20,000.00.

\$166,510.26	Total
\$(88,117.29)	Total In/Out – General Fund (1)
\$(52,000.00)	Total In/Out – Social Services Fund
\$(6,393.00)	Total In/Out – Litter Control Fund
\$(20,000.00)	Total In/Out – Computer Fund

- 6. FY16 Interdepartmental Budget Transfers
 - a. Contingency to Promotional, \$6,000.00
 - b. Legal Services to Airport PC, \$1,800.40
- 7. Treasurer’s Report: Cash as of September 2015, \$24,787,955.77

Mr. Evelyn asked for more information regarding Consent Agenda Item 3.b., a refund due to Melvin C. Peay, Jr. County Administrator Rodney Hathaway indicated the Veteran’s Tax Exemption had not been taken into consideration when the Peay property had been assessed resulting in a refund due to the property owner. Mr. Burrell motioned 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
James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

IN RE: SMALL BUSINESS CLOSE UP – DISTRICT TWO

There was no Small Business Close Up for the month of November.

IN RE: IN RE: NEW KENT UNIVERSITY (NKU) 2015 GRADUATION

County Administrator Rodney Hathaway and Board members awarded certificates to the 2015 NKU graduates, identified as Lavonne Allen, Linda Assessor, Linda Bey, Kathy Bomwell, Pat Burke, Robert Burrell, Cecile Crane, Sandra Eatmon, Rubin Eatmon, Bonnie Hunt, Katheryn Jeremiah, Robert Jeremiah, Herbert Jones, Jr., Robert Kowalke, Maggie La Casse, Paulette LaRocca, John Leyo, Marilyn Leyo, Fred Matthies, Chris Matthies, Michael McElhinney, Patricia Paige, Larry Reynolds, Marion Shackford, Mathew Starr, Donna Williams, Steven Yackulak, and Marianne Yackulak.

Mr. Tiller thanked class members for their interest in the program and noted he hoped they each had gained a much better understanding of County operations. Class member Mathew Starr address the Board and noted he had worked with several neighboring localities and was somewhat familiar with how those localities operated. He suggested one thing had stood out during the ten-week course and that was the staff's genuine need and desire to serve the people. He noted this made New Kent stand out as a county and pointed out this was not the norm in other localities.

Mr. Evelyn asked how many years the County had been offering NKU and how many residents had graduated from the program. NKU Committee Member Krista Eutsey indicated this was the ninth year and average yearly enrollment had been twenty to twenty-five. Mr. Davis noted that although this program involved extra work for employees, they were proud and happy to be able to take part. He suggested all previous classes had come away very impressed with the County. Mr. Burrell indicated he had taken a similar course in the city of Richmond and it had been an eye opener for him and he thanked the citizens for enrolling in the 2015 NKU class. Mr. Stiers indicated he was proud of the graduates. He noted the Board would be appointing citizens to various committees and commissions in January and encouraged graduates to contact their respective supervisors if they were interested in serving. Mr. Tiller again thanked those who had participated as well as the department heads who had led the sessions and encouraged graduates to share the information they had learned with others in their communities.

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

Ashland Residency Administrator Bruce McNabb reported that Maintenance Superintendent Chad Baker had been transferred to the VDOT central office in Richmond. Mr. McNabb indicated he would report on construction and Maintenance Operations Manager David Christoph would report on maintenance items and introduce the new Maintenance Superintendent.

Mr. McNabb indicated he was happy to report that the bridge on Cosby Mill Road had finally been paved. He also reported that VDOT had formally notified the surety for the Route 249/Route 612 roundabout project that they were finding them in default. He indicated he had heard a new contractor had been selected but had no details at the time. He noted he would keep the Board informed and the next big step in the process would be to hold a pre-construction meeting with the County being invited to attend.

Mr. Hathaway indicated he had a number of questions regarding the Park and Ride project and asked who would be the contact for this project. Mr. McNabb indicated David Christoph would be our contact until the new Maintenance Superintendent was settled in.

Mr. Christoph noted Supervisors had been provided with a list of maintenance projects completed on New Kent roads during the past thirty days as well as those planned for the next thirty days and he entertained questions from the Board.

Mr. Davis asked when the Park and Ride facility would be completed. Mr. Christoph indicated he was not sure and would need to look into this and get back to the Board. Mr. Stiers pointed out paving work had been done at the Park and Ride and noted he hoped there were plans for a smoother surface to be applied. Mr. Christoph again indicated he would need to look into this and get back to the Board.

Mr. Christoph noted the Board had reported a number of concern to Chad Baker at the previous month's meeting and he was not sure of the status of these requests. He indicated Mr. Davis had reported a fallen tree on the shoulder of Holly Fork Road and his records indicated VDOT had cleared the tree from the shoulder. Mr. Davis confirmed the tree had been removed. Mr. Christoph also indicated Mr. Burrell had asked for additional daylighting of signs at Polish Town Road and Route 30 and he asked Mr. Burrell if this work had been done. ("Daylighting" is VDOT terminology describing the cutting back of limbs and vegetation that may be obstructing the view of roadway signs.) Mr. Burrell noted he had not been in the area recently and was not sure if the work had been completed. Mr. Christoph further noted Mr. Tiller had reported concerns regarding Winding Way and concrete patch work on Route 60 and asked Mr. Tiller if the concerns had been addressed. Mr. Tiller also noted he was not sure if the work had been completed.

Board members reported the following additional road concerns to VDOT.

- Mr. Davis reported concerns regarding Route 600 (Holly Fork Road) at the New Kent County and James City County line. He indicated the crown of the road surface was very high and he felt it could be dangerous.
- Mr. Burrell reported concerns regarding west bound I-64. He indicated the road had been paved but there were depressions in the right lane where the pavement was sinking. He also noted concerns regarding the recent placement of a "Left Lane Norfolk" sign at the Route 33 approach to I-64. He indicated he did not feel the placement of the sign close to a curve sign gave drivers sufficient time to select the appropriate lane.
- Mr. Evelyn indicated a resounding question at the polls the previous week had been the status of the Route 249/Route 612 roundabout project. He pointed out it had been suggested at the previous Board meeting that a meeting be arranged with staff to discuss the roundabout project. Given that more information was now available, he asked Mr. McNabb if VDOT was close to being ready to have that meeting. Mr. McNabb indicated that when he had more information than was currently available, he would be happy to notify the Board. He pointed out that finding a new contractor was the key at this point. Mr. Evelyn indicated he was not sure if Mr. Baker had met with Mr. Shiflett regarding drainage issues at the mini storage facility under construction near the roundabout project. He reported Mr. Shiflett had indicated VDOT had not been able to install a pipe which was holding up construction on the mini storage. Mr. Evelyn asked Mr. McNabb if VDOT would arrange a meeting with Mr. Shiflett within the next month and indicated he would be happy to attend this meeting. Mr. Evelyn also noted a citizen had reported overhanging trees on Quinton Road on the north side of Rose Cottage headed to South Quaker Road.
- Mr. Stiers reported he had recently met with VDOT representative Larry Bradsher and a property owner regarding a beaver dam on Route 155 near Fire Station 1. Mr. Stiers reported Mr. Bradsher had indicated he would have someone come out to see what could be done but he didn't believe that had happened. Mr. Stiers also reported the Transportation Safety Commission had been told at its July meeting that New Kent would be awarded an additional \$100,000 for road improvements anywhere in the County. The Commission had decided those funds should be designated for repaving Rockahock Road. Mr. Stiers pointed out previous VDOT reports had indicated this project would be completed in October but nothing had happened to date and he asked Mr. Christoph if he had a date for completion of this project. Mr. Christoph indicated Marshall Winn with VDOT was heading up this project and he would have to get an update from him and then report back.
- Mr. Tiller indicated site distance issues had previously been noted at the intersection of Henpeck Road and Sassafras Road. He reported that County Administrator Rodney Hathaway had contacted Mr. Lipscomb, the landowner, who had completed

the necessary paperwork to allow VDOT to come onto the property to correct the problem, including grading down the embankment. Mr. Christoph asked if this authorization had been processed through Mr. Baker. Mr. Hathaway indicated Mr. Lipscomb had been working with Mr. Baker but it had been his understanding that VDOT only wanted to control the vegetation but Mr. Lipscomb was requesting that the bank be regraded so he could handle the maintenance himself.

- Mr. Evelyn asked for the opportunity to make an additional comment and thanked VDOT for going out to the Route 249/Route 612 roundabout project site to do some cleanup as the Board had requested. He indicated he wanted the public to know VDOT had attempted the cleanup and unfortunately had been run off the site by the property owner. He indicated they had not been able to do all they had planned but thanked them for what they had been able to do.

Mr. Christoph reported that Chad Baker's last day in the New Kent office had been November 9th. He announced that Mr. Jay Fread would be the new Maintenance Superintendent for New Kent County. Mr. Christoph introduced Mr. Fread and noted he was coming to New Kent from Montpelier County, had previous experience as a Maintenance Superintendent and had previously worked in the Elko area.

IN RE: CITIZENS COMMENT PERIOD

Mr. Charles E. Moss, Sr. of 14600 Stage Road, Lanexa, VA and Chairman of the New Kent Electoral Board indicated he wished to share the results of the recent election as well as other items involving the election. Mr. Moss provided the name and number of votes received for the winners of seats held by State Representatives, County Constitutional Officers, County Supervisors, County School Board members and County Soil and Water Conservation Directors. Mr. Moss also provided a breakdown of expenses associated with the election and reported this year had set a record with total expenses of \$27,784.21. Voter turnout had been almost fifty percent. Mr. Moss reported it had been suggested to the Electoral Board that there had been some election impropriety involving candidate campaigning. He indicated the Electoral Board had contacted the State Board of Elections for guidance and these concerns were resolved. Mr. Moss expressed his appreciation to all who had provided support and assistance during the election and specifically noted General Services, the County Administrator, the Sheriff's Office, VDOT and the Supervisors. He indicated he would be coming to the Board with a request for additional funding for a presidential primary which would be held in March 2016. He jokingly added that the good thing about the primary would be there would be no write-ins and indicated that due to the volume of write-ins, the Electoral Board and staff had worked until Friday tabulating the results of the most recent election.

Mr. Stiers indicated he had worked at the polls in Providence Forge for sixteen years and this had been the first time he had seen candidates park their vehicles at the front of the building. He noted he had heard complaints in this regard from a number of individuals and felt these parking spaces should have been available for voters. Mr. Moss pointed out Virginia law did not allow campaigners to be closer than forty feet from the polls and some of the parking area at the Providence Forge location was within that forty feet. He indicated he had also received comments from several citizens who had noted similar concerns. Mr. Stiers suggested that candidates should stay off the pavement and keep those spaces available for voters. Mr. Moss indicated these concerns would be taken into consideration.

Mr. Evelyn indicated he had been voting at Providence United Methodist Church and Hopewell Church since he had been old enough to vote and he wished to recognize the workers at those two precincts for doing such a good job. He noted some of these people

had been working these precincts for many years; they were very helpful and it was nice to see their friendly faces. He expressed his appreciation to all poll workers in District 1.

Mr. Burrell noted in recent years New Kent had ranked in the top three percent of the State in regard to voter turnout and he asked Mr. Moss for the County's current ranking. Mr. Moss indicated the ranking remained in the three to four percent range. Mr. Burrell asked Mr. Moss how many years he had served on the Electoral Board to which Mr. Moss replied this was his fortieth year. Mr. Burrell announced that Mr. Moss had recently been inducted in to the ASA (American Softball Association) Hall of Fame for Umpires. He indicated Mr. Moss had started his umpire career in the seventies and had also umpired in Canada for a season. Mr. Burrell called for a round of applause recognizing Mr. Moss for this high honor.

Mr. Davis noted he had come to the Registrar's Office on Thursday and had seen the entire Electoral Board working hard on tabulating votes. He also agreed with Mr. Evelyn's comments that poll workers were often not recognized for their dedication. He also pointed out that polling places consisting of churches, businesses and schools were due recognition for giving up a day so that voting could take place at their locations. Mr. Burrell added that seven of the ten polling places were churches.

IN RE: RICHMOND REGION TOURISM (RRT) PRESENTATION/UPDATE

Richmond Region Tourism (RRT) President and CEO John F. "Jack" Berry, Jr. noted he represented a regional cooperative tourism program including the counties of New Kent, Chesterfield, Hanover, Henrico and the City of Richmond. He indicated he was present to share RRT's annual report and to thank the Board for all they had done in support of RRT and its programs. He started his presentation by sharing a video on the 2015 International UCI Bike Championship races which had recently been held in the City of Richmond. Mr. Berry noted that Mr. Burrell was New Kent's representative to the RRT Board and had served as chair for the past two years which had been critical years in the planning of the UCI event. He suggested the video and his presentation would be somewhat of a reflection of and attributable to Mr. Burrell's leadership. Mr. Berry began a review of a slide presentation entitled "I Am Tourism". He noted the Richmond region had over seven million visitors who were spending over two billion dollars annually. He shared a graph which depicted hotel and motel sales since 1987 and noted the last two years were under Mr. Burrell's leadership and that 2015 had shattered all previous records with three hundred million in sales. The number one reason visitors were coming to the Richmond region was equally distributed between the following four categories: business; family and friends; meetings, conventions and sports; and tourists/interstate travel. Survey results had indicated ninety-three percent of visitors planned to return to the area and forty-four percent planned to return within the year. He also pointed out that Richmond, Virginia had been listed in Frommer's Top Destinations for 2014 and had been named American Express Travel's number one summer travel destination for 2015. He also noted that just five years ago shopping had been a key driving force behind many visitors to the region but that had since been replaced by food. He pointed out there were over nine hundred restaurants in the area as well as breweries and wineries and people were choosing to visit because of the many options available. Sports tourism was also a very big draw for the region and the biggest weekends of the year were sports driven. Mr. Berry pointed out Virginia Tourism Corporation's mission was, *"To bring more people (visitors) to the Commonwealth; get them to stay longer; and spend more money"* and Richmond Region Tourism's mission was to, *"Grow the economy of the Richmond Region by attracting conventions, meetings and visitors and by ensuring that all have a great experience"*. He pointed out that RRT had representatives on the road all year attending approximately forty-five shows in an effort to advertise and promote tourism in the Richmond area. He noted information was available

through a number of advertising campaigns as well as a visitor's guide publication and the VisitRichmondVa.com website. Mr. Berry also noted a half day "I Am Tourism" class was available which included instruction on the RRT website as well as a motor coach tour highlighting some of the local sites. He noted there were over eight hundred graduates to date. He suggested the area was hotter than ever and because bicycling was becoming a hot attraction for baby boomers, the Capital Bike Trail would be an ongoing attraction.

Mr. Tiller asked Mr. Berry if the recent bike race had produced the expected financial impact. Mr. Berry indicated a preliminary study was in the works and he noted the event had "far exceeded ... expectations and the destination never looked better". He indicated an economic brochure on the impact of tourism was being developed and would include impact information on the bike race. He suggested the notoriety this event had given the region would be the biggest take away.

Mr. Burrell thanked Mr. Berry for his kind words and suggested it had actually been Mr. Berry and his staff who were responsible for much of the mentioned successes.

IN RE: NEW KENT COUNTY 2016 LEGISLATIVE AGENDA

County Administrator Rodney Hathaway presented the draft New Kent County 2016 Legislative Agenda and noted this agenda had first been presented at the October work session meeting. He indicated the items contained in the agenda were the same as those presented at the work session with the exception of the addition of a request that the General Assembly take action to repeal the Certificate of Public Need (COPN) statutes. Mr. Hathaway noted that many states had already taken similar actions since the federal government had made the COPN an unmandated requirement. He also noted that the most pressing needs of New Kent County had been taken into consideration when determining which items should be taken to our legislators. He provided a brief overview of the agenda items including: funding for alternatives to groundwater, Interstate 64 widening, broadband, COPN (previously mentioned), additional regulation of the use of industrial residual (sludge) and support for a requirement that all bills that would have a local fiscal impact be filed on the first day of the General Assembly session. New Kent County position statements included: support for full funding for all mandated legislation with any associated cost, support of regionalism and cooperation encouraging localities to work together, opposition to any legislative or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purposes of ongoing maintenance, opposition to any legislation requiring the transfer of secondary road construction and maintenance responsibilities to counties, support for any legislation that would allow Colonial Downs to maximize its potential to benefit the Commonwealth and New Kent County and support for the Virginia Association of Counties (VACo) 2016 Legislative program.

Mr. Hathaway noted a proposed motion had been included in the meeting packet and asked that the Board consider adopting the Legislative Agenda as presented.

Mr. Evelyn moved to adopt the 2016 New Kent County Legislative Agenda. The members were polled:

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

The motion carried.

IN RE: PUBLIC HEARINGS – ORDINANCE O-14-15 REPEALING PROFFERS (ZM-02-15)
AND RESOLUTION R-35-15 APPROVING CUP-01-15 PHILBATES/NEW KENT
COUNTY FIRE & RESCUE (TAX MAP & PARCEL 26-87F)

Planning Manager Kelli LeDuc noted that because the proposed ordinance and resolution were involving the same parcel of land, she would be making only one presentation. She indicated that Mrs. Rebecca Philbates and New Kent Fire & Rescue had applied for a Conditional Use Permit (CUP) to operate a vehicle extrication training facility on New Kent Highway across the street from Philbates Auto Wrecking and Towing. Ms. LeDuc noted New Kent Fire & Rescue wanted to use the site to offer public safety training. She pointed out this use was not defined in the zoning ordinance therefore a CUP was required. Ms. LeDuc also noted the subject property had been rezoned from A-1 to Business in December of 2009 and this rezoning had also included the approval of four proffers connected to a proposed mini storage facility. Mrs. Philbates no longer planned to build the mini storage and had submitted a request for these proffers to be repealed so that other uses would be allowed on the property. Ms. LeDuc noted the training to be conducted on the property would produce moderate levels of noise and would be conducted during daylight and evening hours but not past 10:00 p.m. Any vehicles used in training would be removed promptly at the conclusion of each session. The applications had been reviewed by all appropriate County agencies as well as VDOT and there had been no comments. Ms. LeDuc pointed out the staff memo contained eight proposed conditions aimed at addressing, protecting and promoting the health, safety and the general welfare of New Kent County citizens. Staff was recommending approval of both CUP application CUP-01-15 and proffer repeal application ZM-02-15 and the Planning Commission had also voted at its October meeting to forward a favorable recommendation for both. Ms. LeDuc noted Fire Chief Rick Opett had worked closely with staff on these recommendations and was in full support. She also noted Mrs. Philbates was present and wished to address the Board.

Mrs. Philbates congratulated Supervisors on the recent election results. She indicated her late husband had taken care of the previous rezoning of the subject property and she had not been aware of the proffers that were in place. She pointed out her husband had allowed New Kent Fire & Rescue to use the property for training for a number of years and she wanted to do what was necessary to allow this practice to continue. She also noted vehicles for these training sessions were supplied by her family's business and use of the property and vehicles was being provided at no charge as a service to the County. She pointed out this would save the County money as well as the tax payers. She indicated she hoped the Board would approve her requests so the training sessions could continue.

Mr. Tiller opened the Public Hearing on Ordinance O-14-15 to repeal all proffers on tax map and parcel 26-87F. There being no individuals wishing to address the Board, Mr. Tiller closed the public hearing.

Mr. Davis asked for confirmation that the existing proffers needed to be repealed prior to any vote on the Conditional Use Permit. Mr. Hathaway confirmed this was necessary. Mr. Davis pointed out these training sessions had been conducted on this property for a number of years until neighbors had recently expressed concerns which had prompted Mrs. Philbates' applications. He expressed his appreciation to Mrs. Philbates for her desire to carry on her husband's commitment to the County, especially Fire & Rescue. Mr. Evelyn also thanked Mrs. Philbates for her continued support of the County and Fire & Rescue and noted the County appreciated everything they had done.

Mr. Burrell moved to adopt Ordinance O-14-15 repealing proffers associated with Tax Parcel 26-87F. The members were polled:

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

The motion carried.

Mr. Tiller opened the Public Hearing on Resolution R-35-15 to approve Conditional Use Permit application CUP-01-15 regarding the use of tax map and parcel 26-87F. There being no individuals wishing to address the Board, Mr. Tiller closed the public hearing.

Mr. Davis noted his concerns regarding the thirty-year term of the CUP. He suggested tying the land up in a thirty-year CUP would be good for the County but could devalue the land for any future heirs.

Mr. Tiller asked if the previous motion had not repealed the previous CUP in place on the property. Mr. Davis noted the previous CUP had expired but the proffers had remained in place. The Board's previous action had officially removed the proffers. Community Development Director Matt Smolnik confirmed the CUP for the mini storage had expired and the Board's action had repealed the four proffers which ran with the land.

Mr. Davis suggested thirty years was a long time for a Conditional Use Permit on any piece of property. He indicated he hoped the County would have a training facility in place within the next thirty years and the family may not want to tie the property up for thirty years.

Mr. Stiers asked if Mrs. Philbates could come back to the Board at a later date with a request to change the term of the CUP. Mr. Burrell followed with the suggestion that the CUP term could be for a shorter period of time and could be renewed at a later date. Mr. Evelyn asked Mr. Smolnik to provide some insight from a planning perspective. Mr. Smolnik suggested that if a shorter term were approved, an additional requirement would be placed on the current property owners to come back and reapply to have the use continue. He also noted that he believed coming back and asking for a longer-termed CUP to be repealed would be an option and asked County Attorney Bill Hefty for input. Mr. Hefty concurred.

Board members continued to discuss various term lengths for the proposed CUP. Mr. Davis noted he was okay with keeping the term at thirty years and noted he wanted Fire & Rescue to be able to get back to running training sessions. Mr. Evelyn suggested that if Mrs. Philbates was okay with thirty years then the Board should approve it. Mr. Hathaway indicated the proposed CUP would add an additional use to the property and did not restrict the property from being used for any other existing uses in that zoning district.

Mr. Davis moved to approve Resolution R-35-15 approving CUP-01-15 associated with Tax Parcel 26-87F. The members were polled:

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

The motion carried.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Davis commented on the recent election and noted that whether your person had won or lost, we would all have to live with the results. He suggested that most candidates had behaved themselves in a reasonable manner. He also expressed his appreciation to the poll workers and Electoral Board for having done a fine job.

Mr. Burrell noted he was counting the days and hours until his very able replacement, Patricia A. Paige, would take the District 3 seat. He congratulated Ms. Paige on her election.

Mr. Evelyn again noted his appreciation to the workers at the polls. He reported that Mr. Davis, Mr. Tiller, Mr. Hathaway, Mr. Hefty and he had attended the annual VACo (Virginia Association of Counties) conference at the Homestead earlier in the week. He indicated there had been a huge turnout and a great opportunity for networking. He reported that he and others had spoken with representatives from several of the surrounding rural counties and had discussed the possibility of coordinating a meeting to discuss broadband. Mr. Davis suggested the counties may want to ask Rappahannock Community College (RCC) to facilitate such a meeting since the counties involved would be in the RCC service area. Mr. Evelyn also noted there had been several very good speakers at the conference.

Mr. Stiers thanked all who had come out to vote. He noted he had been humbled by his reelection and looked forward to serving the people in District 4 for another four years. He also congratulated Deputy Board Clerk Wanda Watkins on her recent one-year anniversary with the Board and suggested she had done an exceptional job. Mr. Stiers reported that Mr. Hathaway and he had met with Stan Guidros (Colonial Downs) the previous week to discuss the racing schedule they were planning to present to the Virginia Racing Commission on November 17th. Mr. Hathaway and he were planning to attend this meeting. Mr. Stiers also announced the annual Great Thanksgiving Feast would be held on Thanksgiving Day. He reported eight hundred meals had been served the previous year. He noted this was a wonderful event which brought everybody together. He asked those interested in volunteering or donating food to get in touch with him.

Mr. Tiller also commented on the VACo conference and noted one of the speakers had been from the Henrico Division of Police and had presented information on the use of body cameras in today's world. He noted these cameras were a benefit providing protection for the officer and the county that was using them. He also noted it had been a three-year process to get the body camera program in place in Henrico. He indicated it had been a good conference and he had the opportunity to speak with many other board members and county administrators from across the State.

IN RE: STAFF REPORTS

County Administrator Rodney Hathaway indicated he had two items he wished to share with the Board.

VIRGINIA NATURAL GAS EASEMENT TO HENRICO JAIL EAST

Mr. Hathaway distributed copies of maps depicting a proposed gas line easement on property near Henrico County Jail East. He noted New Kent had been in discussions with Henrico County and Virginia Natural Gas who were requesting use of an existing utility

easement from Route 33 to the jail facility. He indicated Henrico wished to install natural gas at the jail and Virginia Natural Gas had done some preliminary engineering work and had determined that using the existing easement would be the best route to supply gas to the jail. He reported that Public Utilities Director Larry Dame was comfortable with the plans and had raised no issues. Mr. Hathaway indicated he had not received an easement agreement but understood that Henrico and Virginia Natural Gas wished to "fast track" this project. He asked, that if the Board was comfortable with the route, they consider authorizing him to enter into and execute a utility easement agreement with Virginia Natural Gas in a form approved by the County Attorney.

Mr. Stiers asked who would be paying for the gas line extension. Mr. Hathaway indicated installation costs would be between Virginia Natural Gas and Henrico County and there would be no cost to New Kent County. Mr. Hathaway indicated he believed Virginia Natural Gas based installation charges on potential revenue to be generated and he believed the jail would be a big revenue generator. Mr. Stiers noted there were a number of constituents living in the Brickshire community who were interested in having natural gas and asked if there was any possibility of getting into a discussion on bringing gas into Brickshire. Mr. Hathaway noted the gas line to which service to the jail would be connected was a long distance from the Brickshire area. He did note, however, that Brickshire was on the Virginia Natural Gas radar for future service. Mr. Stiers suggested there would be more revenue to be made in Brickshire than from the jail. It was suggested that although Brickshire had a large number of residences, there would be no requirement for property owners to connect to the service. Mr. Hathaway indicated it had been some time since the last discussions regarding natural gas in Brickshire and suggested it could be worth approaching them to see if they were any closer to providing service to Brickshire.

Mr. Evelyn noted that New Kent County worked very closely with the Henrico Jail and suggested that New Kent was receiving a very good per diem rate for inmate housing. He suggested this easement agreement could possibly be used as a means to ensure this relationship continued. Mr. Hathaway also noted that Henrico County provided assistance to New Kent with the treatment of sludge and they had been very good partners.

Mr. Burrell moved to authorize the County Administrator to execute a utility easement agreement with Virginia Natural Gas in a form approved by the County Attorney. The members were polled:

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

The motion carried.

NEW KENT COUNTY SCHOOL MAINTENANCE FACILITY

County Administrator Rodney Hathaway reported that the Board Chairman had asked that he look into the possible relocation of the New Kent County school maintenance facility located on New Kent Highway at the Historic School Complex with the idea that the current maintenance facility location could be used to possibly build a library facility. He indicated he had met with Kevin Humphreys with the Patina Group and had spoken with several builders in the area in an effort to put together a rough estimate. He indicated the existing maintenance shop was approximately 4,500 square feet and the current library facility was

approximately 5,000 square feet. He suggested there was sufficient land at the current maintenance facility location to accommodate a 5,000 square foot library facility. Estimated construction cost would be \$1,238,600. Mr. Hathaway noted this figure did not include the removal of the existing maintenance facility and the construction of a new facility. He indicated estimated removal and construction costs was just under \$600,000. Mr. Hathaway also indicated the architect had suggested there would be enough space at the current maintenance facility location for twenty-four additional parking spaces which was less than current County Code requirements.

Mr. Burrell suggested this was something to look into. He noted the County would build a state of the art library facility instead of converting an existing facility into a library and the maintenance shop would also get a much better facility.

ROUTE 106 ARTERIAL MANAGEMENT PLAN MEETING

Community Development Director Matt Smolnik reported that VDOT would host the first public meeting for the Route 106 Arterial Management Plan meeting on Wednesday, November 18th from 6:00 p.m. to 8:00 p.m. in the New Kent County Administration Building. He noted this would be the first of three public meetings to consider future roadway needs from the Visitor's Center down to Parrish Road. Findings of the study would go to the Planning Commission and the Supervisors in 2016. Mr. Smolnik invited the public to come out and provide input.

IN RE: CLOSED SESSION – PART 1

Mr. Stiers moved to go into Closed Session pursuant to Section 2.2-3711A.3 of the Code of Virginia for discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County involving the Heritage Public Library. The members were polled:

James H. Burrell	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

Mr. Evelyn suggested that mention be made of the upcoming Grand Illumination prior to going into closed session. County Administrator Rodney Hathaway noted that the County would be hosting the second annual Grand Illumination event the Sunday after Thanksgiving (November 29th) from 3:00 p.m. to 6:00 p.m. He indicated festivities would be held on the historic courthouse grounds and there would be a number of vendors and activities. Mr. Hathaway noted there would be something for everybody and there was a surprise in store for attendees which he believed would make it "five times better" than last year. He indicated last year had been great but this year would be even better.

IN RE: CLOSED SESSION – PART 2

The Board went into closed session.

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

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

The motion carried.

Mr. Davis 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:

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

The motion carried.

IN RE: APPOINTMENTS – DELEGATED BY DISTRICT

There were none.

IN RE: APPOINTMENTS – NOT DELEGATED BY DISTRICT

There were none.

IN RE: MEETING SCHEDULE

Chairman Tiller announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, December 14, 2015, in the Boardroom of the County Administration Building. He also announced the November 18th work session had been canceled.

Mr. Hathaway also announced that Monday, December 14th would be the New Kent County Employee Holiday party beginning at 3:00 p.m.

IN RE: ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 8:15 p.m.