

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 13th DAY OF JUNE IN THE YEAR TWO THOUSAND SIXTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

Chairman Ron Stiers called the meeting to order.

IN RE: INVOCATION, PLEDGE OF ALLEGIANCE AND WELCOME

Mr. Tiller gave the invocation and led the Pledge of Allegiance. Mr. Stiers thanked all citizens, staff and representatives of the media for their presence.

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: CONSENT AGENDA

1. Approval of Minutes
 - a. May 9, 2016 Business Meeting minutes
 - b. May 25, 2016 Work Session minutes
2. Miscellaneous
 - a. Approval of Sole Source Procurement – Deccan International, \$45,200.00.
 - b. Approval of First One-year Extension to the Davenport & Company LLC Financial Services Agreement dated June 11, 2013.
 - c. Approval of Cooperative Procurement Agreement with BMS Direct/M&W Printers for Printing of Public Utilities Forms.
 - d. Approval of Resolution R-16-16 Electing to Participate in the Virginia Retirement System Health Insurance Credit Program.
 - e. Approval of Two-year Extension to MAXIMUS Consulting Services, Inc. Contract dated May 15, 2012.
3. Refunds
 - a. Refund due to James & Pamela Hopkins, Land Disturbance Permit not necessary: ES Permit: SF097-16; BP Permit: 20243-2016, \$630.00.
 - b. Refund due to Ryan Homes, Contractor Canceled Permit; BP# 20343-2015, \$333.38.
 - c. Refund due to Revere Gas, Customer Canceled Permit with Contractor; BP# 20117-2015, \$49.88.
4. FY16 Carry Forward Appropriations
 - a. To Carry Forward Parks & Recreation Sponsorship Facility Improvement Funds, \$2,823.81.
5. FY16 Supplemental Appropriations

- a. Program income received for FY16 from CDBG Plum Point Grant Participants, \$872.67.
- b. Donations for the Animal Shelter, \$457.00.
- c. VML Insurance – Sheriff’s Dept. (Veh #293) - Date of Loss 3/31/16, (\$383.60); General Services – Station 1 - Bay Door – Date of Loss 3/16/16, (\$1,904.98) and General Services Station 1 – HVAC Water Damage – Date of Loss 4/27/16, (\$3,485.60), \$5,774.18.
- d. Gifts & Donations to New Kent Sheriff’s Dept. – Cumberland Hospital, \$1,800.00.
- e. Gifts & Donations to New Kent Fire Rescue –TRUIST (\$42.50) and New Kent High School (\$1,637.76), \$1,680.26.
- f. Gifts & Donations to Parks and Recreation – New Kent Development Corporation, \$25.00.
- g. Security Detail: Palmetto Race Group, LLC – Colonial 200 Relay (\$99.25 and \$595.51), The Rotary Club of New Kent – Car Show (\$1,695.56), James and Barbara Gainer – HOA Meeting (\$99.25) and Patricia Grubbs – Security Detail (\$308.78) \$2,798.35.
- h. VML Insurance Programs for the 2015-2016 Risk Management Grant Program Awarded to Parks and Recreation, \$3,263.00.
- i. FY17 Grand Illumination – Gracefield Hall, LLC (\$100.00) and Francisco Robinson and Assoc. Inc. – Realtors (\$100.00), \$200.00.
- j. Wind Banner Scholarship Program for Parks and Rec Youth Sports – Mann Page Lodge No. 157, \$200.00.
- k. Funds from Franklin County for the Purchase of Surplus Property (Veh #26 – 2011 Harley Davidson) from New Kent Sheriff’s Department, \$12,000.00.
- l. Additional Funds Received Plus Local Match Requirement for Airport Security Improvements, \$328.56.
- m. Funds Awarded to the County from the Department of Criminal Justice Services for the Byrne Justice Assistance Grant in the Amount of \$1,256.00 Plus a Local Match of \$140.00, \$1,396.00.
- n. To Correct August 2015 Appropriation of Gifts & Donations – Private Sources: The \$42 appropriated to FY16 was actually a FY15 Accrual, \$42.00.
 - \$30,753.02 Total
 - \$(29,070.46) Total In/Out – General Fund (1)
 - \$(1,256.00) Total In/Out – Grant Fund (6)
 - \$(468.56) From Fund Balance – Gen Fund (1)

- 6. FY16 Interdepartmental Budget Transfers
 - a. Administration – From Public Safety Radio System to Federal Engineering, \$60,000.00.
 - b. Airport – From Replace REILS – Local, \$1,000.00 and Replace REILS – State, \$9,000 to Security Improvements – Local, \$626.44 and Security Improvements – State, \$9,373.56.
 - c. E911 (Dispatch) – From Grant – New E-911 Center/CPE Grant I D50 to Uniforms & Wearing Apparel, \$2,000.00.
 - d. Financial Services – From Contingency, \$100,000.00 to Textbooks-Software/On-line SEC, \$50,000.00 and to Textbooks-Software/On-line MS, \$50,000.00.
 - e. Registrar – From Travel, Convention & Education to Office Supplies, \$550.16.

- f. Treasurer – From Salaries/Wages to Salaries/Wages-ST Disability, \$3,158.35; From Dues, \$415.00 and From Travel, \$39.72 to Overtime, \$454.72.
- g. School Board – From Principals’ Office Travel/Conference to Reg. Ed. Materials & Supplies, \$375.00; From Software-Online Content – Tech – Ins to Misc Services – CTE – Sec, \$5,000; From Matls & Supp-Improv of Inst Reg Mid to Misc Services – CTE – Sec, \$950.00; From Matl & Supplies – Reg Ed Sec to Matl & Supplies – NKHS Guidance Sec, \$323.38; from Matl & Supplies – Reg Ed Sec to Matl & Supplies – NKHS Off of Prin Sec, \$169.44; From GWES Roof Repairs to NKES Roof, \$5,329.00 and From CIP Contingency/PY to Student Services Renovation, \$6,000.00.

7. Treasurer’s Report: Cash as of April 2016, \$37,882,911.28

Mr. Evelyn moved to approve the Consent Agenda, as presented, and that it be made a part of the record. The members were polled:

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

The motion carried.

IN RE: SMALL BUSINESS CLOSE UP

Community Development Director Matthew Smolnik introduced Linda Peaco with The Not New Shop. He noted Ms. Peaco had provided a supply of business cards which he gave to the Deputy Board Clerk for distribution to Supervisors.

Ms. Peaco thanked the Board for the opportunity to speak and noted she was the owner of The Not New Shop. She described her business as a “resale venue” which had opened in March 2015. She indicated she had found the process of obtaining a license and starting a business in New Kent County very easy. With retail sales in excess of \$90,000 by the end of December, her first year in business had exceeded her expectations. The business currently had 284 consigners and three employees in addition to Ms. Peaco and her grandsons. She noted she was frequently asked how she had come up with the name “The Not New Shop”. She indicated she had wanted the business to be upscale and had not wanted to limit it to being just an antiques shop, a thrift store or a flea market. Realizing all three types of businesses sold items that were not new, she decided the name “The Not New Shop” would fit well. She suggested the shop was “bursting at the seams” and inventory was constantly moving in and out. She attributed some of the success of the business to society’s focus on repurposing and recycling. She suggested prices in the shop were very good and consigners had confidence in her ability to set prices that would be fair to the buyer, the consigner and the shop owner. She noted this was how she wanted to run her business. She thanked the Board again for the opportunity to speak.

Mr. Stiers thanked Ms. Peaco for her presentation and wished her good luck in the future.

IN RE: SPECIAL RECOGNITIONS – NEW KENT COUNTY PUBLIC SCHOOLS’ TEACHERS OF THE YEAR

The New Kent County Public Schools' Teachers of the Year had been invited to the meeting for a special recognition. Mr. Stiers indicated New Kent was blessed to have such great teachers who frequently went above and beyond to assure the success of their students. Supervisors stepped down from the dais to make individual presentations to those being recognized. Representatives from each County school were introduced and biographical information was shared on each. Honorees included Megan Countiss representing George W. Watkins Elementary School, Amy Carr representing New Kent Elementary School, Jennifer Bushhouse representing New. Stiers announced Amy Carr had been selected as the School Division Teacher of the Year. Board members presented Certificates of Recognition to each honoree.

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

Ashland Resident Engineer Bruce McNabb had requested to speak for a few moments in advance of the monthly report. Mr. McNabb indicated Maintenance Operations Manager David Christoph had recently been appointed to the position of Assistant Residency Administrator for Incident Management. Mr. Christoph would be working with Sheriff's Offices, Fire Departments and EMS providers across the Ashland Residency in an effort to improve overall response to incidents on State highways. The goal would be to reduce the impact of incidents from a congestion standpoint as well as reduce the frequency of secondary or tertiary accidents. The focus would be on working with the police and local sheriff's departments to clear accidents as soon as possible while supporting incident investigation and providing the necessary medical attention to the injured. Mr. Christoph had requested he be allowed to continue making monthly reports to the Board until his position could be filled. Mr. McNabb suggested it would be difficult to find anyone with Mr. Christoph's customer service skills but noted VDOT was fortunate he would not be going far and would continue to have access to his knowledge.

Assistant Residency Administrator for Incident Management David Christoph presented the Residency Administrator's Report and noted Supervisors had been provided with a written report on maintenance items completed over the past thirty days as well as items scheduled for the next thirty days. The focus for the next thirty days would be on mowing secondary routes, ongoing patching and pothole repairs and ditch regrading.

Updates were provided on the following concerns:

- In response to Mr. Davis' concerns regarding grass growing in the roadway on Route 33 in Eltham, Mr. Christoph indicated the road had been swept about two months ago and would be swept again soon. He also indicated herbicide had been applied near guardrails in the area.
- In response to Mr. Tiller's concerns regarding site distance issues at the intersection of Sassafras and Henpeck Roads, Mr. Christoph indicated VDOT Maintenance Superintendent Jay Fread would monitor this area and keep the broom straw trimmed.
- In response to Mr. Stiers' concerns regarding patching and joints on Route 60, Mr. Christoph reported information was being gathered to develop a contract for major repairs to be made to Route 60. This work would be done in early 2017 and VDOT staff would continue to address the worst areas in the interim.

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

Ms. Paige reported she had received calls regarding high water at the intersection of Route 249 and Stage Road. She also reported receiving calls regarding flooding at the intersection of Olivet Church Road and Route 60. She suggested a culvert at this intersection which had been cleared the previous year may be in need of clearing again.

Mr. Tiller suggested a traffic study had been requested several months ago to determine if a traffic light was needed at the intersection of Route 249 and Dispatch Road. He asked if an update on this study was available. Mr. Christoph noted a study had been done on this intersection several years ago but he was not aware of any plans for a new study or traffic light. He indicated he could provide Mr. Tiller with a copy of the most recent study. He noted a recent traffic study on Route 60 in the Bottoms Bridge area had been completed and there was no recommended speed change.

Mr. Evelyn reported he had received calls from constituents expressing their appreciation for the clearing done in the Whitehouse Farms area and noted the work had made a big difference. He also noted the topic of inmate labor for trash pickup had been discussed at the previous month's meeting and asked Chief Deputy Lee Bailey if the County had been able to get any assistance in this area. Chief Deputy Bailey indicated he was scheduled to meet with someone the following day and he was hopeful some individuals would be cleared to be brought out to work. Mr. Evelyn asked for an update on the Route 249/Route 612 roundabout project. Mr. Christoph indicated he had attended a recent progress meeting where he had learned the project was approximately seventy-seven days behind schedule. Mr. Evelyn noted he had thought work crews would be working extended hours to get the work done and asked if there was any penalty for not meeting the scheduled completion date. Mr. Christoph indicated the contractor would be penalized financially but he was not sure of the per diem figure. Mr. Evelyn reported he continued to receive phone calls regarding this project and requested a timetable be provided so that information could be passed along. He congratulated Mr. Christoph on his promotion, indicated it had been a pleasure to work with him and that he would be missed.

Mr. Davis reported the ditches along the road into Plum Point needed to be pulled to reestablish the drainage. He indicated there had been significant flooding issues in this area during the recent rains. He also reported a dead tree on Cooks Mill Road approximately 150 yards east of Saudé Creek Winery which he believed could fall at any time. He also thanked Mr. Christoph for the work he had done for New Kent County.

Mr. Stiers noted the written report had indicated a culvert had been replaced at Estate Drive and Rockahock Road. He noted previous reports had suggested several culverts were to be replaced in preparation for paving by the end of June. Mr. Christoph reported it had been determined that other culverts on Rockahock were not deteriorated or blocked and plans were to level some of the dips in preparation for paving after July 1. He also noted the culvert to be replaced on Waterside Drive would be replaced around the same time. Mr. Stiers requested an update on work at the intersection of Route 60 and Route 155. Mr. Christoph reported the concrete box had been inserted and once VDOT received and installed a metal grate, the grading work could be completed. Mr. Stiers indicated his appreciation for Mr. Christoph's service. He noted he had enjoyed working with him and he appreciated the fact that Mr. Christoph had been "one of those guys who would actually answer the phone" when he called. He also noted he could count on Mr. Christoph to follow through on reported concerns.

IN RE: CITIZENS COMMENT PERIOD

There were no citizen comments.

IN RE: UPDATE ON ROUTE 106 ARTERIAL MANAGEMENT PLAN

Kimley Horn and Associates representatives Whitney Sokolowski and Project Manager Carroll Collins were present to update the Board on the Route 106 Arterial Management Plan

(AMP). Ms. Sokolowski provided a brief overview of the project purpose, the study area and information on the work done since the last update in February. The purpose was to develop an AMP which would guide development and transportation decisions along Route 106 with a focus on ensuring safety and preserving capacity. The study area encompassed approximately 1.5 miles of Route 106 beginning at the first roundabout north of I-64 Exit 211 and extending south to Parrish Road. A second citizen information meeting had been held on March 10th with approximately fifteen in attendance. Ms. Sokolowski noted valuable feedback received at this meeting had been taken into consideration. It had been determined that the preferred typical section should be a four-lane option which would include four travel lanes, a raised landscaped median, curbs and gutters, access control for driveways, improved lanes at the interstate ramps, a new bridge over I-64 and a sidewalk along one side of the roadway. Because the County had designated Route 106 as a bicycle route, bicycle accommodations in the roadway were included in the plan. Future conditions including known developments such as Love's and Farms of New Kent as well as potential development had been considered and five build-out zones with potential uses such as a hospital, medical offices, office, retail, restaurants, hotels, light industrial, warehouse and distribution had been identified. Ms. Sokolowski turned the presentation over to Mr. Collins.

Mr. Collins noted the land use information shared by Ms. Sokolowski was a very important part of the process because one of the purposes of the AMP was to guide future development and develop a vision for capacity of the corridor, placement of sites and types of access. Mr. Collins provided an overview of short-term, mid-term and long-term recommendations. Short-term recommendations (0-5 years) included the adoption of the Route 106 AMP, the installation of a traffic signal at the Pilot Travel Center and Loves, improvement of turn lanes and enhanced enforcement of no parking along Route 106 and the I-64 off/on ramps. Mid-term recommendations (5 to 15 years) included widening the bridge overpass to three lanes, exclusive left-turn lanes for traffic accessing I-64 ramps and possible signalization of off/on ramp intersections. Long-term recommendations (15 to 25+ years) included widening of Route 106 to a four-lane typical section, the construction of a second bridge overpass, additional signalization, turn lane improvements and implementing access management strategies. The next steps included finalizing AMP recommendations, submitting a draft report for review, submitting a final report followed by AMP adoption. Mr. Collins noted the project was approximately one month behind but was still on track for a final document to be completed in late July followed by adoption in August.

Mr. Evelyn asked if the proposed highway upgrades would hinder businesses who may want to come to the corridor. He suggested Route 106 was an industrial truck route and the AMP would require the installation of sidewalks and bike paths. Mr. Collins indicated bike accommodations had been discussed at the second public meeting and a compromise had been reached in which bike accommodations would be in a shared travel lane with other vehicles. Mr. Collins noted these accommodations were included because Route 106 was designated as a bike route and suggested if the County were to decide to remove that designation, the recommendations would change. He suggested that with staff input, the removal of this designation could be included as a recommendation in this plan. Mr. Evelyn asked when the plan would trigger suggested improvements. Mr. Collins noted the plan would not trigger the improvements but rather set the vision for anticipated land uses and development expected along the corridor. The improvements would be triggered by traffic volumes and actual development. He also noted the importance of a collaborative relationship between staff, the Richmond Regional Transportation Planning Organization, developers and VDOT. He suggested traditional and alternate funding sources should be explored and improvement projects could eventually feed into the County's six-year road plan. Mr. Evelyn indicated he didn't want to burden developers with building a sidewalk along what he considered to be an industrial zone. He suggested it didn't make sense to have a sidewalk in an industrial zone and this should be looked at more closely. Mr. Stiers

agreed and suggested the study should include consideration of removing the bike designation. He suggested Route 106 was no place for bicycles and trucks to be together.

Mr. Davis asked when the plan would need to be approved. Mr. Collins indicated August was the projected date. He also indicated the input received would be taken into consideration as they continued to prepare draft documents. Removal of the bike designation could be included in the recommendations but would require an administrative process outside of the AMP and Kimley Horne would have no control over that process.

Mr. Stiers thanked Ms. Sokolowski and Mr. Collins for the presentation. He then called for a brief recess at 7:02 p.m. The meeting reconvened at 7:09 p.m.

IN RE: PUBLIC HEARING – ORDINANCE O-10-16 – CHICKAHOMINY RIVERFRONT
INVESTMENTS REZONING ZM-01-16

Before the Board for consideration was Ordinance O-10-16 to rezone approximately one acre of land (Tax Parcel 45-77) from A-1 to Business. The subject property was held in the name of Chickahominy Riverfront Investments, a limited liability company owned by Dwight and Delores Sheffield.

Planning Manager Kelli LeDuc provided a brief overview of the rezoning application. Mr. and Mrs. Sheffield and their agent, John Jones, had requested the rezoning of approximately one acre of land located at 15730 Pocahontas Trail in Lanexa from A-1 to Business. The Sheffields wished to convert the existing residence into a small antique shop. The application had been reviewed by VDOT, the Sheriff's Office, Fire-Rescue and the County Environmental Division and any issues identified by these departments would be addressed during the site plan process. The Sheffields had met with Building Official Clarence Jackson and had been made aware of the need to construct a handicapped accessible restroom on the property. The meeting package also included a preliminary site plan depicting some of the improvements necessary to address ADA (Americans with Disabilities Act) requirements as well as a proffer statement prohibiting certain uses on the property. The proposed rezoning would add to the County's tax base and have minimal impact on County services. The application had been considered by the Planning Commission at their May 16th meeting where they had voted to forward a favorable recommendation to the Board of Supervisors.

The Sheffields' agent, John Jones, introduced Mrs. Sheffield and noted she had recently retired from New Kent County Public Schools and was looking to this antique shop to be her future employment. If approved, proposed business hours would be Thursday through Saturday from 10:00 a.m. to 5:00 p.m. and noon until 5:00 p.m. on Sundays. The proposed proffers were offered as an indication of the Sheffields' desire to not be in competition with other businesses in the area. Site plans included construction of a building where ADA compliant restroom facilities would be housed. Mrs. Sheffield would be operating the business which would be named Patriot House Antiques and Collectibles.

Ms. Paige asked if there would be a designated parking area for this business. Mr. Jones noted the entrance to the property would be shared with Liberty Baptist Church but the antique shop would have sufficient parking area of its own to the rear of the building. Mr. Jones suggested some arrangements would need to be made for viewing items on the second floor to be fully compliant with ADA requirements and noted a video viewing option may be considered. Mr. Davis asked if there was any stipulation requiring the entire facility to be ADA accessible. County Attorney Brendan Hefty suggested Building Official Clarence Jackson should be consulted but believed Code required that reasonable accommodations be made unless to do so would be overly burdensome on the property owner.

Mr. Stiers opened the public hearing. There being no one wishing to address the Board, he closed the public hearing.

Mr. Davis moved to approve Ordinance O-10-16 to rezone approximately one acre of land (Tax Parcel 45-77) from A-1 to Business. The members were polled:

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

The motion carried.

IN RE: PUBLIC HEARING – RESOLUTION R-13-16 – DEPARTMENT OF PUBLIC
UTILITIES COMMUNICATIONS TOWER – CUP-01-16

Before the Board for consideration was Resolution R-13-16 to approve Conditional Use Permit Application CUP-01-16, County of New Kent and Department of Public Utilities to authorize the construction of a wireless communications tower located on Tax Map 23-28C.

Community Development Planner Koty Gray provided a brief overview of Conditional Use Permit Application CUP-01-16 and Public Utilities Assistant Director Mike Lang was also present to assist with answering any questions the Board may have. Mr. Gray reported the application proposed the construction of a freestanding 100' aluminum wireless radio communications tower on property located at the Department of Public Utilities Office on Poindexter Road. The proposed tower was expected to upgrade the communications systems of the office by providing faster, more reliable data and communications accessibility. Mr. Gray provided an overview of the materials submitted with the application and noted the upgraded communications tower would allow for better service between the main data server located at the Administration Building and the Department of Public Utilities and would address a critical need. This application had been considered by the Planning Commission at their May 16th meeting where they had voted to forward a favorable recommendation to the Board of Supervisors.

Public Utilities Assistant Director Mike Lang noted the slide presentation shared with the Planning Commission on May 16th was available and that he would be happy to share the information if Board members were interested. Members indicated sufficient information had been supplied in the packet. Mr. Lang entertained questions from the Board.

Mr. Davis asked if the tower would be a single pole. Mr. Lang indicated the tower would be a three-sided lattice design similar to the tower previously located at the County Administration Building. He suggested this tower was a critical need and noted the existing data service was very poor and prone to frequent outages. There had been occasions when the office had gone for two or more days without phone, internet, email or access to files stored on County servers. He indicated what was being proposed for Public Utilities was the same arrangement the Board had recently approved for King William County and he had been advised that King William was now getting excellent service. Mr. Lang indicated he had a high degree of confidence this tower would solve the service problems and take care of the needs in Public Utilities.

Ms. Paige asked if space on the proposed tower could be shared with others. Mr. Lang indicated Public Utilities would be willing to share but the tower would be approximately twenty feet over the tree line which would limit its use for other applications.

Mr. Evelyn noted Mr. Lang had said the tower “should take care of the needs” and questioned why the individual installing the tower was not guaranteeing the issues would be resolved. Mr. Lang noted the tower was all-weather, was rated for up to 120 miles per hour and a balloon test had been conducted. He indicated he felt this was the best shot at improving service. Mr. Evelyn asked who would be constructing the tower. Mr. Lang noted the tower would be hinged so that it could be raised and lowered and Public Utilities staff would do the construction. The tower and expenses were estimated to cost \$49,000.

Mr. Davis asked Mr. Hathaway how important was it for Public Utilities to have computer access to the County Administration building. Mr. Hathaway noted the hub of computer operations in the County was located in the Administration Building and it was very important for Public Utilities to have access to these servers. He pointed out this tower would allow them to expand their bandwidth and, as a result, should improve service.

Ms. Paige asked if this tower could possibly be used to facilitate broadband service in the County and asked if equipment for County-wide broadband could also be placed on this tower. Mr. Hathaway noted determining where towers would be needed to provide the best service for the County was a part of the study funded by the broadband planning grant. The Public Utilities tower could possibly be a good location but that remained to be determined by the study.

Mr. Stiers opened the public hearing. There being no one wishing to address the Board, he closed the public hearing.

Mr. Davis moved to approve Resolution R-13-16 to approve Conditional Use Permit Application CUP-01-16, County of New Kent and Department of Public Utilities to authorize the construction of a wireless communications tower located on Tax Map 23-28C. The members were polled:

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

The motion carried.

IN RE: PUBLIC HEARING – RESOLUTION R-14-16 – CORRECTIONAL SOLAR, LLC
(VIRGINIA SOLAR) – CUP-02-16

Before the Board for consideration was Resolution R-14-16 to approve Application CUP-02-16, allowing for the operation of a solar site in eastern New Kent County.

Mr. Evelyn noted for the record that the owner of one of the two properties subject to this resolution was his uncle. He had consulted with the County Attorney who had advised that because there were no joint financial obligations or jointly held property between the two, there would be no conflict of interest in regard to this transaction.

Planning Manager Kelli LeDuc provided a brief overview of the Conditional Use Permit Application and noted Matthew Meares with Correctional Solar was present and would also be presenting information. Correctional Solar, LLC (Virginia Solar) had applied for a Conditional Use Permit to construct and operate a solar farm site consisting of a 20 MW solar electricity generating facility. This proposed facility would be constructed on two

parcels of land in eastern New Kent County (Barhamsville) and would utilize approximately 250 acres of the 484 available acres. The properties were zoned A-1 and §98-213 of the County Zoning Ordinance required a Conditional Use Permit in the A-1 zoning district for public or private electrical generation facilities. The subject properties were designated as "Rural Lands" in the County Comprehensive Plan and the solar site would meet several of the goals of that plan as well as promote sustainable alternative energy sources and production. The properties were enrolled in the County's AFD (Agricultural, Forestal District) program and would need to go through the withdrawal process prior to moving forward with site plan approval. The applicant had estimated the total economic impact to New Kent County to be approximately forty-three million dollars over the thirty-five year life of the project. Required conditions written into the permit would address noise and visual concerns as well as restrict hours of construction. The applicant would also be required to decommission the site at the end of the project's life. Eighteen proposed conditions to address, protect and promote the health, safety and general welfare of New Kent County citizens were included in the proposed resolution. This application had been considered by the Planning Commission at their May 16th meeting where they had voted to forward a favorable recommendation to the Board of Supervisors.

Ms. LeDuc introduced Correctional Solar (Virginia Solar) Managing Partner Matthew Meares. Mr. Meares provided a brief overview of the slide presentation previously presented at the April 27th work session. He also noted he would be sharing feedback received from the community as well as address questions raised since the work session.

Mr. Meares noted Virginia Solar was focused on developing solar projects within eighty miles of Richmond, Virginia. Virginia Solar had developed a 17 MW solar project in Powhatan County which had been sold to Dominion Virginia Power in 2015. In addition to the Powhatan project, several other projects were currently in the works with Conditional Use Permits having been successfully completed in Buckingham and King William Counties. Mr. Meares indicated solar energy was becoming economically competitive with other forms of electricity generation and Dominion Virginia Power had an obligation to build 400 MW of solar in Virginia before 2020. New Kent was being considered as a possible solar location due to the good electrical infrastructure located near the jail and a solar site would be consistent with zoning ordinances and the County Comprehensive Plan.

Mr. Meares indicated he was frequently asked the question "How does solar work?" He noted the simplest way to answer would be that Virginia Solar would generate solar power which would flow onto the local grid. The power itself would be used locally and, commercially, the power would be sold elsewhere in Virginia (most likely Northern Virginia). He drew attention to the proposed site plan depicting four access points and noted much of the area was wetlands and steep slopes which would dictate the placement of solar panels. He also drew attention to several pictures depicting the visual impact of a solar project. The project would be constructed of non-reflective panels which would oscillate through the day to follow the sun. A glare analysis had been conducted and it had been determined there would be no glare along New Kent Highway. Testing along Mt. Nebo Road had suggested there would be approximately five minutes a year when glare could be an issue. Mr. Meares indicated plantings along the perimeter of the project should mitigate the possible glare.

In response to questions regarding noise, Mr. Meares noted there would be no discernable noise associated with the operation of the facility. There would however be some noise during construction but construction hours would be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday. Questions regarding what would happen to the solar operation at the end of its life had also been raised. Mr. Meares indicated the site would be "decommissioned", the solar components removed and the land returned to an agricultural use. Funds would be reserved by the project to ensure funding for decommissioning.

In response to questions regarding impact on wells on surrounding properties, Mr. Meares noted the project would involve minimal water usage and have no impact on neighboring wells. Some water may be used during the construction phase to control dust but the system itself would use no water and was not expected to need washing. The ground below the solar panels would be covered with vegetation and rain water would still permeate through the ground. Solar panels would be mounted to allow for air flow around the panels and there would be no negative impact on animals in the area.

Economic benefits of the project included:

- During Construction – 240 workers on site with commensurate spending, 13 direct jobs, 1 indirect job and 1 induced job with \$1.3 million economic impact
- During Operation – 1 direct job and 1 induced job with an economic impact of \$1.2 million per year for the next thirty-five years (based on a calculation similar to GDP (Gross Domestic Product) for energy sector positions)
- A total of \$43 million in economic impact
- Real Estate rollback taxes of \$41,000 and \$5,000 per year in increased real estate taxes
- No burdens on the County (schools, police, EMT, etc.)
- Provision of training to the local fire department on responding to emergencies on this type of site

A community meeting had been held at the Farmer's Daughter in Eltham on Thursday, May 10th. Approximately fifteen people had attended and Supervisor Davis had also been present. There had been some interest in the time frame for peak construction which would likely occur between June and September 2017 and the projected on-line date would be December 1, 2017. Mr. Meares suggested there may be questions regarding why actual construction would be so far off but noted the State permitting process would take approximately 150 days if everything went smoothly. The Board's approval was needed before work could begin on the permitting process. Some concerns had been expressed regarding construction traffic. Mr. Meares pointed out Virginia Solar would be responsible for any damage to the roadways and would also be working closely with VDOT and the County if there were any traffic issues. Questions regarding impact on adjacent property values had also been raised and, in response, a detailed appraisal had been provided to the Planning Commission indicating that to date there had been no change in adjacent property values as a result of solar projects. A 150 foot setback requirement from the nearest existing residence as of the date of application approval had been included within the proposed conditions. Security fencing would be installed around the portion of the properties where solar panels would be located. Citizens had also expressed concerns regarding traffic on Barham Road. Mr. Meares noted it was not Virginia Solar's desire to use this road and they would actively pursue a waiver from VDOT to establish "Access Point 3" noted on the site plan. Access Point 3 would be used during the construction and traffic on Barham Road would be limited to vehicles conducting inspections once or twice a quarter.

In closing, Mr. Meares indicated Virginia Solar would not be generating a huge amount of revenue for the County but noted the County would also not be burdened with additional responsibilities or costs. The project would be blocked from easily being seen and it would not be heard, smelt or affect public safety in any way. Mr. Meares suggested the project would be good for the image of the County and would be of some economic benefit as well. Virginia Solar was totally in support of the conditions as proposed by staff and were very happy with how the process had worked in New Kent County.

Mr. Tiller asked if other Board members had understood Mr. Meares' explanation of the calculation (similar to GDP for energy sector positions) of the \$1.2 million annual economic

impact of the facility. Other members indicated they had not understood the explanation. Mr. Davis pointed out the main impact would be increased real estate taxes.

Mr. Stiers indicated he had several concerns/questions regarding Mr. Meares' presentation. He noted Mr. Meares had said New Kent County would not benefit from the energy generated in the County and that it would most likely be going to Northern Virginia. He suggested Virginia Solar didn't have a buyer for the project. Mr. Meares indicated he did have a letter of intent for the purchase of the project but was not at liberty to give any details. Mr. Stiers asked if the buyer was Dominion Power. Mr. Meares indicated they were not. Mr. Stiers suggested a number of statements made in the presentation as well as recent news stories regarding the financial benefit of the project were very deceiving to County residents. He pointed out the County would not be getting \$43 million from the project. Mr. Meares noted the \$43 million in economic impact (cash flow through the County) was different from actual dollars and cents received by the County and he believed both pieces of information were correct. He went on to note he had never said the County would get any more than the estimated \$41,000 in roll back taxes and \$5,000 annual increase in real estate taxes. Mr. Stiers suggested the information was still deceiving and asked Mr. Meares for the status of the Powhatan project. Mr. Meares indicated the Powhatan project was under construction with work on the entrance road and site clearing underway. Mr. Stiers asked if there was a buyer for this project. Mr. Meares indicated Dominion Power had purchased this project. Mr. Stiers asked how much funding Virginia Solar would be getting from the government for this project. Mr. Meares indicated no funding would be received from the government. He pointed out this would be a \$40 million dollar project and would be eligible for a thirty percent investment tax credit (\$12 million dollars). Mr. Stiers drew attention to Page 265 in the meeting package; specifically the paragraph labeled "Price of Energy". He noted the first sentence stated, "Solar projects do not raise the price of energy in a community." He asked Mr. Meares if he had any type of graph that would compare the cost of solar energy with other energy sources. Mr. Meares indicated he didn't have a graph depicting this information with him. Mr. Stiers indicated he had seen a graph comparing the various forms of energy and suggested natural gas had been the lowest and solar energy had been the highest. Mr. Meares agreed that natural gas was the lowest cost energy source in Virginia and suggested solar was the second lowest cost. He pointed out the Integrated Resource Plan released by Dominion Power in May announced the company's plans to build a mixture of natural gas and solar facilities over the next ten years. He noted the solar power generated in New Kent would be sold in Northern Virginia and would not affect local power pricing.

Mr. Stiers opened the public hearing. There being no one wishing to address the Board, he closed the public hearing.

Mr. Davis indicated he had studied solar energy in general and based on what he had read, noted it was not economically feasible but rather politically feasible. He suggested the tax credits were what was driving the interest in solar energy. He noted the tax credits had been extended for three years and suggested if projects such as this were not approved within the next three years, they probably would not be happening.

Mr. Evelyn asked if an employee would be at the site once it became operational. Mr. Meares noted the site would not be a manned station but would be remotely monitored around the clock and an employee would physically visit the site once or twice a month. Mr. Evelyn asked if the remote monitoring would detect a problem with the fence. Mr. Meares indicated issues with the fencing would be found during regular site visits and noted the remote monitoring would focus on the performance of the individual solar panels. Mr. Evelyn asked about maintenance of the grass. Mr. Meares indicated the State was recommending the grass be mowed no more than two to three times per year.

Mr. Evelyn noted current County Code allowed the owners of the properties where the solar station was being proposed to develop the properties as cluster subdivisions without having to come to the Board of Supervisors for any approvals. He asked Ms. LeDuc how many homes could be built on the properties if the cluster subdivision development were pursued. Ms. LeDuc noted the properties contained a good deal of wetlands which would be subject to RPA (Resource Protection Area) requirements and some acreage would also be taken up by roads. Mr. Evelyn indicated he had done the calculations and suggested 250 to 275 homes could be built on the properties without the need for rezoning. He noted he was throwing this information out to put what could be done with the properties into perspective.

Mr. Tiller noted there were eighteen items contained in the conditions presented and asked why the last condition required a building permit be obtained within three years. Ms. LeDuc indicated this time period had been worked out with the applicant and was being suggested to prevent the applicant from sitting on the permit for an extended period of time. The length of time was negotiable and could be modified if the Board wished to do so. Mr. Tiller suggested this seemed like a long time if Dominion Power was being required to have 400 MW by 2020. Mr. Davis suggested it was important to set a reasonable time and noted the County currently had some approved CUPs with no expiration. Ms. LeDuc concurred with Mr. Davis regarding the importance of setting a time limit and indicated that in recent years reasonable limits had been included in CUP applications. Mr. Davis suggested it would take this much time to get all permits in place for the project. Ms. LeDuc also noted the properties would have to go through the AFD withdrawal process which would take several months, the State permitting process and site plan submission to the County.

Mr. Davis asked Mr. Meares if this would be the first station built by his company that was not sold to Dominion Power. Mr. Meares indicated the only station sold to Dominion Power was in Powhatan and other investors had been sought for stations to be built in King William and Buckingham Counties. In regard to the proposed New Kent station, he indicated an investor was lined up and a letter of intent had been signed for the sale of the power. Mr. Davis asked if the property owners had signed options. Mr. Meares indicated options and leases had been signed and noted the owners of one of the two parcels were present.

Mr. Evelyn clarified his earlier statement in which he had indicated his uncle was the owner of one of the properties. He noted he was not related to the Walkers who were in the audience but was related to the Gillmans who were not present.

Mr. Davis moved that in order to address, protect and promote public convenience, necessity, general welfare and good zoning practices in the County, that the Board of Supervisors approve Resolution R-14-16 to approve Application CUP-02-16, as it complies with the requirements of the Zoning Ordinance and is substantially in accord with the Comprehensive Plan. The members were polled:

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

The motion carried.

IN RE: PUBLIC HEARING – RESOLUTION R-15-16 – SURPLUS PROPERTY SALE OF
FORMER WELL LOTS

Before the Board for consideration was Resolution R-15-16 to authorize the disposal of surplus property formerly used as well lots in the Greenwood Estates, Kenwood Farms and Quinton Estates subdivisions.

County Administrator Rodney Hathaway reported the water systems in Greenwood Estates, Kenwood Farms and Quinton Estates had been connected into the County's public water system as a part of a Public Utilities project completed in 2015. As a result, the wells in these subdivisions had been taken off line and the well lots were no longer needed. The County was responsible for maintaining the lots including the mowing of grass and removal of any trash from the properties. Staff was recommending the lots be sold as surplus. Adjacent property owners had been notified by letter of the County's intentions to sell the lots and interested parties were asked to submit proposals. Five proposals had been received and Mr. Hathaway recommended the lots be sold to the individual with the highest proposal for each property. Highest proposals included:

- Quinton Estates, .23 acres, Mr. Scott Snyder with a proposal of \$690.
- Greenwood Estates, .385 acres, Ms. Ruth Adams with a proposal of \$1,501.
- Kenwood Farms, .41 acres, Mr. Wayne Bisgrove with a proposal of \$1,200.

Proposed Resolution R-15-16 included three recommended conditions including that the property owner be required to consolidate the well lot into their existing parcel, the property owner be responsible for all surveys, title and closing costs and no further subdivision of the property be allowed after consolidation into the parent parcel.

Mr. Evelyn indicated he was glad to see these conditions had been included. He noted for the record he felt the prices were too cheap and suggested Public Utilities staff could find time to mow the grass a few times a month. Public Utilities Assistant Director Mike Lang indicated there was more to the maintenance than mowing the grass and noted difficulties with keeping people from trespassing on the properties. He indicated leaves were being dumped and evidence of kids hanging out smoking and drinking had been found on some of the lots. He suggested the properties were a liability to the County. Mr. Davis asked if the County should consider saving one or more of the lots for future tower sites. Mr. Hathaway indicated the lots would be too small to meet zoning requirements for tower sites. Mr. Evelyn noted Public Utilities had been doing a good job with the interconnectivity projects which had resulted in less maintenance costs. Mr. Lang noted a savings was already being reflected in operator time and other costs. Mr. Hathaway also noted the savings was reflected in the FY17 Public Utilities budget which was lower than the current year.

Mr. Stiers opened the public hearing. There being no one wishing to address the Board, he closed the public hearing.

Mr. Tiller moved to approve Resolution R-15-16 as presented to dispose of surplus property formerly used as well lots in the Greenwood Estates, Kenwood Farms and Quinton Estates Subdivisions. The members were polled:

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

The motion carried.

IN RE: ELECTED OFFICIALS' REPORTS

Ms. Paige reported she had attended the grand opening of the New Kent Historical Society Museum on June 4th. She reminded citizens that the Safe New Kent event would be held at Quinton Park from 9:00 a.m. to 2:00 p.m. on June 18th. This event would be free and although its focus would be on children from four to seven years old, all were invited. This event was being sponsored by the Virginia Cooperative Extension Office, New Kent Fire-Rescue, the New Kent Sheriff's Office and the New Kent Clean County Committee. Ms. Paige also reported there would be a TRIAD meeting at 2:00 p.m. on June 21st at the Sheriff's Office. She noted the TRIAD program was for senior citizens and helped to keep them informed of fraudulent activities and other topics of interest. She also reported Senior Connections would be holding a public hearing on its Four-Year Plan at 10:00 a.m. on June 23rd at the Friendship Café at New Generations Church.

Mr. Tiller had nothing to report at this time.

Mr. Evelyn congratulated the 2016 New Kent graduates and noted the County was fortunate to have many great teachers. He suggested New Kent was one of the best school systems in the area with students doing very well in college and technical fields.

Mr. Davis reminded citizens to be safe as they were enjoying the summer.

Mr. Stiers reported he had attended several Broadband Advisory Committee meetings and the committee was on schedule and making progress. He also reported the Library Committee had met several times and there had been some minor hiccups but the committee was working through them.

IN RE: STAFF REPORTS – BRIDGING COMMUNITIES EXPANSION

County Administrator Rodney Hathaway reported he had received a request from the Bridging Communities Regional Career and Technical Center (BCRCTC) to utilize additional space at the Historic School. BCRCTC was interested in starting a new program for small engine technology with plans to enroll up to twenty students. A request asking that consideration be given to allowing the Center to have use of the former girl's locker room had been received. Approximately \$70,000 in renovations would be needed and Bridging Communities partners would pay for this renovation. This was approximately 1,200 square feet of additional space and a lease amendment would be necessary to include this space.

Mr. Davis asked if the Parks and Recreation Department was using this space. Mr. Hathaway indicated the space was currently being used as shared storage by BCRCTC, Parks and Recreation and New Kent County Schools. Mr. Davis asked if the room would require an outside entrance. Mr. Hathaway indicated two outside entrances were already present. Mr. Davis asked what would be New Kent's portion of the renovation cost. Mr. Hathaway indicated he had not asked that question.

Mr. Hathaway indicated it would be his recommendation that no additional rent be charged for the additional space. He pointed out the current lease was structured with rental fees charged to recoup some of the County's investment in the renovation and because there would be no cost to the County for these proposed renovations, no additional rental fees were recommended. Mr. Hathaway indicated this item would be on the June 29th work session agenda for further discussion and possible action.

IN RE: STAFF REPORTS – BROADBAND ADVISORY COMMITTEE SURVEY

County Administrator Rodney Hathaway asked citizens to be on the lookout for a survey from the Broadband Advisory Committee. He noted the importance of citizens providing

input to help the committee gauge the need for improved broadband service in the County. Input received through the survey would help the committee build a marketing plan and business model for how best to lay out a County-wide broadband system. Surveys were expected to go out around June 24th and citizens were encouraged to participate.

IN RE: OTHER BUSINESS – ADDITIONAL FIREFIGHTER POSITIONS

Mr. Tiller indicated he had spoken to other Supervisors about the possible funding of two additional firefighter positions and suggested funding for these positions totaling \$114,964 be taken from the school construction set aside fund. He noted a personal goal of his had been to fund five new firefighter positions in FY17 and the Fire Chief had indicated he could fund a sixth position with part-time funds. He indicated he wished to make sure that everyone was onboard with this proposal.

Mr. Davis indicated he had been told about the proposal but had not seen any figures and suggested more information was needed. He noted the budget had just been approved and suggested this should have been brought up when the Board had been working on the budget. He noted he had wanted to reduce funding to the school operating fund in support of firefighter positions but the Board had not supported that idea.

Mr. Hathaway noted the current FY17 funding to the school construction set aside fund was \$495,694 and if two additional firefighters were approved with funds from this line item, the balance would be \$380,730. Mr. Evelyn asked how much funding was currently in the school construction set aside fund. Financial Services Director Mary Altemus indicated she was not sure but noted the fund had been borrowed from several times to fund other projects such as the radio project and tennis courts. Mr. Stiers asked if this proposal was approved, would it go into effect July 1. Mr. Hathaway noted the new budget would go into effect July 1 but amendments could be made at any time during the year.

Ms. Paige asked where the Board would find the money when it came time to build a school if they continued to take away from the school construction set aside fund for other projects. Mr. Hathaway pointed out based on a conservative price of \$25 million to build a new school, the County would incur an additional \$1.5 million in debt service and additional operating expenses of approximately one million. This did not include funding for needed renovations to an existing elementary school and future expansion to the middle school. Ms. Paige pointed out there were many unknowns and the Board of Equalization was still hearing assessment appeals and asked if this was something the Board needed to decide now. She noted she did not like taking money from the school set aside for another purpose and suggested this proposal should be considered at a later date.

After some discussion, the general consensus was to schedule this item for further discussion and possible action at the June 29th work session.

IN RE: DISTRICT APPOINTMENTS

Mr. Stiers moved to appoint James Wallace as a District Four representative to the Purchase of Development Rights Committee to serve a three-year term ending June 30, 2019.

Mr. Stiers moved to appoint Cecile Crane as a District Four representative to the Social Services Advisory Board to serve a four-year term ending June 30, 2020.

The members were polled:

C. Thomas Tiller, Jr. Aye

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

The motion carried.

IN RE: NON-DISTRICT APPOINTMENTS

Mr. Evelyn moved to appoint Ellen Davis as New Kent's representative to the Arts Alive Board of Directors to serve a three-year term ending July 1, 2019.

Mr. Evelyn moved to appoint William Wallace, III as an at large representative to the Purchase of Development Rights Committee to serve a three-year term ending June 30, 2019.

The members were polled:

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

The motion carried.

IN RE: ADJOURNMENT

Chairman Stiers announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, July 11, 2016, and the next work session would be at 9:00 a.m. on Wednesday, June 29, 2016. Both meetings would be held in the Boardroom of the County Administration Building.

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

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

The motion carried. The meeting was adjourned at 8:42 p.m.