THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 8th DAY OF AUGUST 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: 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: INVOCATION, PLEDGE OF ALLEGIANCE AND WELCOME

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

IN RE: CONSENT AGENDA

1. Approval of Minutes
   a. June 29, 2016 Work Session minutes
   b. July 11, 2016 Business Meeting minutes

2. Refunds
   a. Refund due to Revere Gas, Contractor Canceled Permit; BP# 20117-2015, $49.88.
   b. Refund due to Revere Gas, Contractor Canceled Permit; BP# 20723-2016, $45.75.
   c. Refund due to William M. & Tracy J. Boone, Erroneous Assessment, $2,647.26.

3. Miscellaneous
   a. Approval of Emergency Procurement – Servpro - $4,310.37
   b. Adoption of Resolution R-42-16 declaring the County's intention to reimburse itself from the proceeds of one or more tax-exempt financings for certain expenditures made and/or to be made in connection with Capital improvement projects for the County and School System.
   c. Approval of Renewal of Service Contracts for Water Meters & Generator Maintenance
      i. Equipment & Machinery Services
      ii. HD Supply Waterworks

4. FY16 Carry Forward Appropriations
   a. To Carry Forward FY15 Animal Shelter Repair Funds, $956.90.

5. FY16 Supplemental Appropriations
   a. Donations for the Animal Shelter, $40.00.
   b. Gifts & Donations to New Kent Fire Rescue –TRUIST, $42.50.

c. Public Safety Radio System – 800 MHZ Bond Interest, $27,318.33.
d. Reclass Appropriated Funds for Hazardous Materials Emergency Preparation Grant, $6,500.00.
e. Additional Funds to the Registrar Due to Additional Costs Related to Redistricting and the March 1, Dual Presidential Primaries, $22,603.18.
f. Unemployment Compensation and Patient-Centered Outcomes Res Fee Not Included During the Budget Process, $22,278.38.
g. Home Maintenance for the CDBG – Plum Point Rehab Projects, $8,390.33.
h. Additional Funds to Treasurer's Office Due to Charge Card Fees/Processing, $7,285.01.

$81,377.73	Total
$(6,271.58)	Total In/Out – General Fund (1)
$(27,318.33)	Total In/Out – Capital Improvement Fund (7)
$(54,287.82)	From Fund Balance – Gen Fund (1)
$6,500.00	From Fund Balance – Grant Fund (6)

6. FY17 Carry Forward Appropriations
   a. To Carry Forward FY16 Board of Supervisors Travel (Convention & Education), $3,842.76.
   b. To Carry Forward FY16 Litter Grant Funds (Committed), $1,200.00.
   c. To Carry Forward FY16 Litter Grant Funds (Uncommitted), $183.64.
   d. To Carry Forward FY16 Parks and Recreation Funds, $16,652.84.
   e. To Carry Forward FY16 Extension Program Sponsorship Revenue, $11,943.99.

$33,823.23	Total
$(11,943.99)	Total In/Out – General Fund (1)
$(16,652.84)	From Fund Balance – Gen Fund (1)
$(3,842.76)	From Fund Balance – Gen Fund (7)
$(1,383.64)	From Fund Balance – Gen Fund (15)

7. FY17 Supplemental Appropriations
   a. Program Income received for FY17 from CDBG Plum Point Grant Participants, $524.67.
   b. Donations for the Animal Shelter, $626.00.
   c. Gifts & Donations to New Kent Fire Rescue – M/M Jefferson E. Davis, III, $200.00.
   d. Byrne/JAG Grant Program: Increasing School Safety Funds. Grant #17-D2896AD13. SRO Grant Salary & Benefit Expenditures Were Approved in the FY17 Adopted Budget. $37,389.00 Reflects the County's Match to the Grant, $49,852.00.
   e. Grant Funds Received for Stretchers/Cot Retention, $31,083.12.
   f. VML Insurance – Refuse Collection Vehicle #510, $700.20.

$33,133.99	Total
$(45,596.99)	Total In/Out – General Fund (1)
$12,463.00	From Fund Balance – Gen Fund (1)

8. FY16 Interdepartmental Budget Transfers
   a. Parks and Recreation – From Salaries and Wages to Overtime, ($250.00); From PT Summer Camp Wages to PT Overtime Summer Camp, ($325.00)

and From FICA/MEDICARE to Hospitalization/Medical Insurance, ($650.00), $1,225.00.

b. School Board – From GWES Roof Repairs to NKHS Roof Repairs, $5,956.95.

c. Social Services – From Rent/Lease Office Space to HAS Contribution-Emp., ($4,000.00) and From Rent/Lease Office Space to ST/LT Disability, ($254.35), $4,254.35.

9. FY17 Interdepartmental Budget Transfers

a. Board of Supervisors – From Reserved for Contingency to Professional Services, $2,217.00 and From Reserved for Contingency to Street Signs – Repair and Replace, $4,000.00

b. School Board Office – Appropriation of Funds From Prior Years to Technology Renovation, ($15,000.00); Appropriation of Funds From Prior Years to SBO Renovation, ($15,000.00); Appropriation of Funds From Prior Years to School Buses, ($37,080.00) and Appropriation of Funds From Prior Years to Field Goals, ($5,000.00), $72,080.00

10. Treasurer's Report: Cash as of June 2016, $35,604,249.47

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

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

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

Ashland Resident Engineer Bruce McNabb introduced Bruce Puffenbarger, newly appointed Maintenance Operations Manager for New Kent, Charles City and Henrico Counties. He noted Mr. Puffenbarger had been with the Ashland Residency a number of years and would be presenting the Residency Administrator's report. He also reported Assistant Residency Administrator for Incident Management David Christoph would be conducting hurricane evacuation exercises along I-64 over the next two weeks. Exit gates, which were in place to facilitate reversing traffic flow in the event of an emergency evacuation from the Hampton Roads area, would be tested. Mr. Davis asked if there would be signage alerting travelers. Mr. McNabb noted the gates would be down briefly resulting in little impact on traffic.

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 primary focus for the past thirty days had been on mowing, ditch regrading, pothole repairs and tree and brush trimming. The focus for the next thirty days would be on surface treating on secondary routes, pothole repairs and tree and brush trimming.

Mr. Puffenbarger provided updates on the following concerns:

- In response to Mr. Evelyn's request regarding ditches needing clearing on Steel Trap Road (Route 607) near the Brown property, Mr. Puffenbarger reported maintenance crews had cleaned and regraded ditches in this area.
- In response to Mr. Davis' report that the concrete paved ditch along Route 1002 (Carter Road) was full of leaves and debris, Mr. Puffenbarger reported maintenance crews had cleared the ditch and a leaf vacuum was scheduled to come in and complete the job.
- In response to Mr. Davis' report of a dead tree on Route 623 (Cooks Mill Road), Mr. Puffenbarger reported the tree had been removed.
- In response to Mr. Davis' concerns regarding the condition of the surface of Route 634 (Polish Town Road) near Mount Nebo Road, Mr. Puffenbarger reported this area had been added to the list of those to be addressed during county-wide patching which was scheduled to begin within the next week.
- Mr. Puffenbarger reported that Mr. Tiller had ridden with Mr. Christoph to identify areas in need of repairs and patchwork. He noted these areas had also been added to the list for scheduled county-wide patching.
- In response to Ms. Stiers's concerns regarding cedar trees hanging over the roadway on Route 155, Mr. Puffenbarger reported these trees had been trimmed.
- Mr. Puffenbarger reported Sheriff Joe McLaughlin had been contacted by a citizen regarding the possibility of reducing the speed limit on Route 637 (Cumberland Road). The Traffic Engineering study had been completed and findings did not support a reduction in the current 40 mph speed. Recommendations included warning sign upgrades to provide better visibility and guidance in curves. Mr. Puffenbarger indicated he could provide copies of the study to all Supervisors if they wished.

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

Ms. Paige indicated she had no new concerns to report but would like a copy of the study on Cumberland Road.

Mr. Tiller indicated his appreciation to Mr. Christoph for having the previously identified areas added to the schedule for repairs. He noted he and a Transportation Safety Board representative had identified other areas needing repair which he would send in by email.

Mr. Evelyn reported the top of a tree on St. Peter's Road was broken and hanging. Maintenance Superintendent Jay Fread indicated this had been taken care of earlier in the day. Mr. Evelyn noted it had been reported at the previous meeting that some paving would soon be done on the Route 249/Route 612 roundabout project. He noted there wasn't much evidence of anything happening and asked if there was any progress to report. Mr. McNabb indicated there was nothing new to report.

Mr. Davis asked Mr. Puffenbarger if he had business cards for the Board. Mr. Puffenbarger indicated he had not received new cards but would provide them when available.

Mr. Stiers asked for an update on work to be done on Route 60. He noted Mr. Christoph had reported several months ago that crews would be shaving down the areas where the pavement had oozed up through the joints between the concrete slabs. Mr. Puffenbarger indicated he would have to check with Mr. Christoph and report back. Mr. Stiers also asked for an update on repaving Rockahock Road which had been scheduled for completion the previous September. Mr. Puffenbarger indicated there was no update. Mr. McNabb reported the funding for this project had been taken from the budget to cover snow removal expenses from the previous winter. He was hopeful there would be funding available next

spring but noted that would depend on snow removal expenses this coming year. Mr. Stiers indicated he appreciated what Mr. McNabb was saying but he didn't like it. Mr. Davis asked if plans for paving on Stage Road were still moving forward. Mr. McNabb indicated the funding for this project was still in place and plans were to move forward this fall.

IN RE: CITIZENS COMMENT PERIOD

There were no citizen comments.

IN RE: EXCEPTION REQUEST BY CHESTER A. ALVIS TO SECTION 91-128(1) – OF THE NEW KENT COUNTY SUBDIVISION ORDINANCE

Before the Board for consideration was Resolution R-19-16 to approve an exception to Section 91-128(1) of the New Kent County Code to allow commercial lots to front on a private road. The request had been submitted by Chester A. Alvis, owner of property along Business Park Road. The Board had previously heard information on this request at their July 11, 2016 meeting and had voted to defer action until the next regular meeting.

Community Development Director Matthew Smolnik indicated there was no new information to report from his department. He noted the waiver request was to allow Business Park Road to remain a gravel road and not be built to VDOT standards and ultimately accepted into the VDOT system for road maintenance. The Planning Commission had considered this request at their June 20th meeting and had recommended denial. The request was first presented to the Board of Supervisors on July 11th at which time action had been deferred until the August 8th meeting. Mr. Smolnik indicated he would be happy to answer any questions the Board may have but again stated he had no new information to report.

Mr. Evelyn reported he had asked County Administrator Rodney Hathaway to look into the possible existence of any agreement between the property owners in that area. He noted development of this property had been prior to his service as a Supervisor and he wanted to know if there was any agreement for a right of way from Route 106 to the Fisher property. Mr. Hathaway had not found anything that had ever been written down or signed.

Mr. Davis asked if it was correct that the Board could grant a waiver but if they did, VDOT would not take the road into the system for road maintenance. Mr. Hathaway indicated this was correct and noted if the Board granted the exception, Mr. Alvis would be allowed to keep the road as a gravel road. If the road was a gravel road, VDOT would not accept it into the maintenance system. Mr. Davis then suggested that granting an exception would not help to get the road paved. Mr. Hathaway again indicated this was correct and suggested that in all likelihood the road would not be paved if the Board granted the exception. Mr. Davis then suggested if the road wasn't paved and not a part of the VDOT system, the value of the lots would be less than if the road was paved.

In response to Mr. Davis' comments, Mr. Alvis suggested if anyone wanted to build a business on Business Park Road, they would be subject to the ordinance and required to build the road. Mr. Davis asked if he was saying that someone building on this road would have to pave the road. Mr. Alvis suggested that according to the County, that was correct. Mr. Hathaway noted this was not correct and pointed out if the Board granted the waiver, it would run with the land and any new business would not be required to pave the road.

Mr. Alvis asked Mr. Davis if he recalled when he had asked him if he would give the County a right of way over Business Park Road for access to the Fisher property and how he had not hesitated to indicate he would. Mr. Davis indicated he did remember the conversation.

Mr. Alvis, having suggested his willingness to help the County, indicated he now needed the County's help. Mr. Davis indicated he understood this and noted the Board was trying to find a way to help him that would not jeopardize the lots served by the road.

Mr. Stiers noted there were six lots meaning potentially six businesses. He asked if the road maintenance could be addressed through a POA (Property Owners Association). Mr. Alvis agreed that an arrangement such as this could work. Mr. Stiers noted if a POA was in place, the County would not be responsible for any maintenance. Mr. Davis indicated he was concerned about the ability of an ambulance or fire truck to access the property and he asked Mr. Alvis how much land was situated behind his property. Mr. Alvis indicated David Horsley owned several lots of various sizes. Mr. Smolnik reported that Mr. Horsley owned two lots behind the Alvis property totaling approximately fifty acres which were zoned Industrial. Mr. Davis asked how the property behind Mr. Alvis had been zoned Industrial while the Alvis property was zoned Economic Opportunity. Mr. Alvis indicated he had requested the Economic Opportunity designation when the County had done a county-wide rezoning. Mr. Evelyn asked Mr. Alvis if there was any agreement between him and Mr. Horsley for access to the Horsley property. Mr. Alvis indicated Mr. Horsley had a right of ingress/egress over his property.

Mr. Davis asked County Attorney Bill Hefty if there was any instrument for a POA which stated a road would have to be paved and maintained by the owners. Mr. Hefty indicated there could be but it would be by agreement of the property owners and if there was no agreement, there would be no requirement to pave the road. Mr. Alvis indicated it was his intent to have a road maintenance agreement in place. Mr. Davis asked Mr. Hefty if a road maintenance agreement would have to be for the entire road or just the portion of the road serving the Alvis property. Mr. Hefty indicated it could be for whatever they agreed to whether it was the entire road or just a part of the road. Mr. Hefty noted this would be a private matter between the individuals developing the property and opening the businesses. Mr. Evelyn asked if the owner of the Industrial property would be required to pave his portion of the road after a certain period of time. Mr. Hathaway indicated there were two actions that would trigger the requirement for paving the road to the Industrial property; the subdivision of the property and the road meeting a certain level of traffic flow. Mr. Hathaway also noted there was no surety on the road and none would be required until the property was subdivided or a site plan was received. Mr. Evelyn asked if someone wanted to develop the Industrial property, given that a fifty foot easement was in place, would that developer be required to include paving the access in the site plan. Mr. Hathaway indicated paving the road would be included in the site plan. He also noted if the proposed development on the Industrial property tripped VDOT's standards of 100 vehicle per day, paving would be required. Mr. Stiers asked if six businesses would generate 100 vehicles per day. Mr. Alvis indicated he did not think they would. Mr. Smolnik noted 100 vehicles per day was just one of several VDOT criteria that would require the road be built to VDOT standards and accepted into the VDOT maintenance system. Mr. Smolnik also cited a portion of County Code Section 91-127 which stated that "industrial or commercial subdivisions shall front on a public road". He noted if a developer of the Industrial property wished to subdivide the property and not build a road to be turned over to VDOT, they would have to request a waiver. Mr. Alvis asked Mr. Smolnik "What about 1028?" Mr. Smolnik indicated Mr. Alvis was referring to Section 98-1028 – Administrative Modification, which indicated "the zoning administrator may grant a modification from provisions contained in this chapter." Mr. Smolnik noted this was a Zoning Ordinance provision and not Subdivision Ordinance. The Subdivision Ordinance required the road to be paved and 98-1028 provided for administrative Zoning Ordinance modification.

Mr. Tiller asked if a variance was granted and a POA was in place, could Mr. Alvis have a private road. Mr. Smolnik indicated that under those conditions, the road would be private. Mr. Tiller asked if this would impact the property behind the Alvis property. Mr. Hathaway indicated this could impact the owner's ability to subdivide the property. He noted as Mr. Smolnik had stated, industrial subdivisions were required to front on a public road and without a public road, the property could not be subdivided. Mr. Smolnik pointed out a waiver for the Alvis property would create a void (Alvis property private road) between Route 106 and the Industrial property which would prevent subdivision of the property.

Mr. Alvis indicated some of the Supervisors had been present at a meeting years ago regarding the development of this subdivision and should remember that Mr. Horsley had said if he (Mr. Alvis) paid for the engineering, he would pay for the road. Mr. Alvis indicated he had paid $37,000 for engineering and the road had not been built. Mr. Evelyn noted this was a matter between private landowners. Mr. Alvis indicated he understood that.

Mr. Stiers asked if there was any way to appease Mr. Alvis and possibly get six more businesses in the County. He asked if what Mr. Tiller had suggested was possible with a private road for the six lots and a POA agreement with the maintenance of the road being the POA's responsibility. He suggested if the road were extended to develop the Industrial property, the entire road would have to be paved. Mr. Davis indicated he did not think that could be done. Mr. Stiers noted Mr. Alvis had suggested the six potential businesses would not generate the 100 vehicles per day. Mr. Davis pointed out traffic volume for the businesses could not be estimated without knowing what the businesses would be.

Mr. Alvis asked if he could share a scenario that wasn't specifically about this situation but did have a connection. He suggested the County could pursue funding for a road from the Airport to the Fisher property and the State would give the County $500,000 and match an additional $150,000. He suggested this was the best access to the Fisher property and the County could then develop the property for commercial uses. Mr. Alvis indicated he was trying to work with the County and did not want to build the County's road. Mr. Davis noted the County did not have a right of way across a portion of that road. Mr. Alvis suggested Mr. Horsley would give the County a right of way and indicated it was his understanding that no one had approached Mr. Horsley for a right of way. He also suggested Mr. Horsley had told Mr. Davis he would give the County a right of way. Mr. Davis agreed that Mr. Horsley had said this. Mr. Alvis suggested giving the County a right of way so that a road could be built would only increase the value of the Horsley property.

Mr. Davis asked Mr. Hathaway if what Mr. Alvis had suggested regarding access to the Fisher property from the Airport property was a viable alternative. Mr. Hathaway noted there had been an economic development prospect looking at the Fisher tract several years ago and the Timmons Group had done a cost analysis for building a road into the property. Several access points off Route 106 had been considered and Business Park Road had been the least expensive at $2.5 million. Mr. Hathaway pointed out that a significant wetlands crossing would be necessary at the end of Business Park Road. Mr. Davis asked if the Fisher property was close enough to the Airport to be considered for an air park. Mr. Hathaway indicated the Fisher property was adjacent to the eastern boundary of the Airport and there were currently a number of residential uses along Ashland Farm Road which should be considered in determining if the property would be viable as an air park. He also pointed out the Airport Access Road Program mentioned by Mr. Alvis did exist but was not currently funded by the State. Mr. Evelyn asked if the County had looked into some type of matched funding option for the possible construction of Business Park Road. Mr. Hathaway indicated there had been discussions with Mr. Alvis regarding Industrial Access Road Program funding. He asked Mr. Smolnik to share details of this program. Mr. Smolnik

indicated the first $500,000 would be paid by the State and an additional $150,000 could be paid by the State if there was a $150,000 match. Mr. Evelyn indicated he believed there was a requirement to generate a certain volume of business to keep these funds. Mr. Hathaway indicated this was correct and noted that for every dollar of grant funding, there needed to be five dollars of economic development investment. If this level was not reached within five years, the locality would be required to pay back the funds.

Mr. Tiller asked what would happen to the road if a POA was established and only one of the lots sold. Mr. Alvis indicated he would be the owner of the unsold lots and would be responsible for their shares of maintenance expenses. Mr. Davis asked Chairman Stiers if the Board could have the County Attorney look further into a POA. He indicated he would like to see cases where a POA was in place and was working for property zoned economic opportunity. There was some discussion as to whether such a situation existed in New Kent County and Mr. Hefty indicated he could check to see if a similar situation existed in other localities. Mr. Hathaway noted staff's main concern was that the Alvis property was adjacent to 1,700 acres of other properties zoned economic opportunity and industrial and granting this waiver could set a precedent for similar properties. Mr. Alvis asked if the adjacent properties had a road that the County anticipated using as an access to County property. Mr. Hathaway indicated the County had to follow the law and could not make zoning decisions based on what was in its best interest. He noted the County could not say "yes" to Mr. Alvis just because it would benefit the County. Mr. Alvis suggested there were "variances" throughout the County Code and asked why they had been included. Mr. Hathaway indicated there were some instances where true hardships existed such as environmental reasons, topography issues, access easement issues and other legal issues which would warrant a waiver. Mr. Alvis suggested that roads were included because the Code did not specifically remove them. Mr. Hathaway agreed that roads were included because there could be legal issues with roads.

Mr. Evelyn indicated he had spent a lot of time looking into this and talking with Mr. Alvis. He noted the Board had a responsibility to oversee planning in the County and he could not support Mr. Alvis' request for a waiver based on a hardship. He agreed Business Park Road would be the cheapest access for the County to the Fisher tract but noted he could not support the waiver based on this. He noted Mr. Alvis frequently mentioned the Roxbury Industrial Park, noting how good it was and suggesting New Kent needed something similar. He asked Mr. Alvis what he thought the Roxbury Industrial Park would be with a gravel access road. Mr. Alvis suggested the County could put the paved road in because the County would be eligible for funding. He also suggested Mr. Evelyn had been in "the meeting" and knew what had happened. Mr. Evelyn indicated he understood where Mr. Alvis was coming from but thought it would be difficult to sell businesses on the idea of coming to the area with a gravel access road.

Mr. Stiers suggested the Board had heard enough. He pointed out the issue had been discussed at several meetings and there had not been much if any change. Mr. Stiers indicated he wished there was something he could do and suggested he had done everything he could to help Mr. Alvis. He suggested he could agree with Mr. Alvis but then they both would be wrong. Mr. Stiers noted he appreciated Mr. Alvis' time and then asked if anyone wished to make a motion or recommend further deferment.

Mr. Tiller moved to deny the exception request by Chester A. Alvis to Section 91-128(1) of the New Kent County Subdivision Ordinance. The members were polled:

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
Ron Stiers	Nay

The motion carried.

IN RE: DAVENPORT & COMPANY LLC PRESENTATION ON RFP RESPONSES FOR FIRE STATION FUNDING

Davenport & Company First Vice President Mitch Brigulio and Sands Anderson Government Group Bond Counsel Jesse Bausch were present to provide the Board with information on the responses to the RFP (Request For Proposals) for the new fire station funding. Mr. Brigulio distributed two handouts – 2016A Lease Revenue Bond RFP Summary and 2016B Lease Revenue Refunding Bond RFP Summary. He indicated 2016A specifically addressed the new fire station funding and 2016B addressed potential secondary financing and potential refunding of an existing 2012 transaction. This information was being presented in two separate pieces because they were not contingent upon one another and the Board could choose to pursue either of the options or they could choose to pursue both.

Mr. Brigulio reported document 2016A provided a summary of responses received from an RFP which had been sent to over fifty institutions requesting fifteen, twenty and twenty-five year funding options. There had been only four responses – BB&T Governmental Finance, Capital One Public Funding, Citizens and Farmers Bank and Huntington Public Capital. Mr. Brigulio provided a summary of the bids received including interest rates, prepayment provisions, acceptance deadlines and bank/lending institution fees. BB&T had provided the lowest bid for the fifteen year amortization at a fixed rate of 2.13%. They did not provide bids for the twenty or twenty-five year options. Citizens and Farmers had provided the lowest bid for the twenty year amortization with a fixed rate of 2.45% for the first five years or 2.70% for the first ten years with the bank having the option to change the interest rate on the 5th or 10th anniversary of the loan. They had also provided a similar offer on the twenty-five year option with 2.55% for the first five years or 2.80% for the first ten years. Capital One had provided the lowest fixed rate bid for the duration of the twenty year option at 3.30%. The Citizens and Farmers rates were good through September 20th and all others were good through September 23rd.

Mr. Brigulio indicated Davenport had also looked at the VRA fall pool as a possible funding option and reported the VRA was not selling their bonds and would not be able to lock in their interest rate until on or about November 2nd. Debt service comparison information was provided on the lowest bids to the equivalent VRA transaction, keeping in mind the VRA figures were based on estimated interest rates. Mr. Brigulio indicated that after working with staff, Davenport was recommending the BB&T fifteen year option because it provided the lowest interest rate and the lowest total debt service. Mr. Evelyn asked if BB&T or any of the other banks wanted to see what the County was proposing to build before lending any money. He noted the Board had not seen the building proposal and asked if this was putting the cart before the horse. Mr. Brigulio indicated an estimated cost had been provided and the bank would lock in the interest rate with the available information if the County was ready to sign. Another possible option would be to let BB&T know they were the lowest proposal and the County was interested in working with them but was not ready to lock in a rate. The County could then wait until a firm design and firm bid was available and go back to BB&T ready to do business with the understanding the rate would be subject to change. Mr. Evelyn asked Fire Chief Rick Opett when RFPs for the construction of the fire station were expected to be received. Chief Opett indicated proposals were due by September 6th and plans were to take a recommendation to the Board of Supervisors at

their September 7th meeting. Mr. Brigulio indicated the Board would have until September 19th to lock in the BB&T interest rate.

Mr. Hathaway noted the bid proposals were being presented for information purposes and to provide staff an opportunity to receive feedback from the Board. He suggested the Board would need to conduct a public hearing before they could take action. Mr. Bausch indicated a public hearing would not be necessary but the Board would need to adopt a resolution. Mr. Brigulio indicated some guidance was needed from the Board to determine whether his firm should move forward with the paperwork to lock in the BB&T rate or if the Board wanted to wait and have Davenport continue monitoring rates. After some discussion between Mr. Bausch and County Attorney Bill Hefty, it was determined a public hearing would not be necessary.

Mr. Brigulio reported that document 2016B provided a summary of the responses received from an RFP for refunding the County's outstanding 2012 Lease Revenue Bonds on the Health and Human Services Building. The four potential lenders previously mentioned had also submitted proposals for this refunding with interest rates ranging from 1.84% to 2.60%. BB&T had submitted the lowest proposal and had indicated if the County chose to finance the fire station and refinance the Health and Human Services Building at the same time, they would be willing to take a security interest in the Health and Human Services Building and not take a lien on the new fire station. Given the existing loan interest rate of 3.10%, debt service savings with the 1.84% BB&T option would be approximately $75,000. Mr. Brigulio again noted the Board could opt to move forward with either of the financing proposals presented, or they could move forward with both.

Mr. Davis asked if there would be any savings if the Board opted to move forward with both financings with BB&T. Mr. Brigulio indicated there would be some cost saved by moving forward with both financings as there would be a reduced cost of issuance. He also reminded Board members that the existing loan interest rate of 3.10% was not locked in for the life of the loan and was scheduled to reset in 2024. Moving forward with both financings would result in a lower fixed interest rate for the life of the loan. Mr. Davis pointed out the VRA Fall Pool information suggested the possibility of an even lower interest rate of 1.48% which would save even more. Mr. Brigulio confirmed the VRA Fall Pool assumed interest rate was lower and could save the County another $25,000. This interest rate would not be locked in until November 2nd and was subject to change until that date.

The general consensus was that Board members needed time to digest the information presented. Mr. Brigulio indicated he would look to get guidance from staff in regard to how they wished to proceed. If the Board wished to move forward with any of the financing options presented, Davenport would plan to present information to the EDA Board on August 18th and then come back to the Board at their September 7th meeting with a resolution for adoption. Board members questioned why the EDA would be involved in the process. Mr. Brigulio indicated the transaction would be an EDA Lease Revenue Bond with the County entering into a lease with the EDA and the EDA issuing the bonds. This was similar to the structure of the 2012 transaction for the Health and Human Services Building. Mr. Bausch also pointed out the County could not issue general obligation bonds which made the involvement of the EDA necessary. The EDA would issue the bonds and the County would lease the property. Understanding the Board needed time to process the information, Mr. Brigulio asked if Board members could give staff guidance if they wished to pursue any of the options so that Davenport could begin the paperwork for the September 7th meeting. Board members agreed and Mr. Stiers thanked Mr. Brigulio and Mr. Bausch for the information.

Mr. Stiers called for a brief recess at 7:17 p.m. The meeting reconvened at 7:29 p.m. Mr. Stiers noted the Board of Supervisors would be conducting a joint public hearing with the Planning Commission and he welcomed Planning Commission members to the meeting. He also pointed out members of Boy Scout Troop 562 were present in the audience. He reported these young men, who he described as our future leaders, had interviewed Board members during the recess. He indicated the Board was pleased they could be present.

The New Kent County Planning Commission called their portion of the joint meeting with the Board of Supervisors to order at 7:30 p.m. Chairman Patricia Townsend requested a roll call.

Katherine C. Butler	Present
Jack Chalmers	Absent
Charna Moss-Gregory	Present
John P. Moyer	Present
Edward W. Pollard	Absent
Laura Rose	Present
Dr. Joanne K. Schmit	Present
C. Thomas Tiller, Jr.	Present
Joyce B. Williams	Present
Patricia E. Townsend	Present
Richard Kontny, Jr.	Present

IN RE: JOINT PUBLIC HEARING WITH PLANNING COMMISSION – RESOLUTION R-40-16 – ROUTE 106 ARTERIAL MANAGEMENT PLAN

Before the Board for consideration was Resolution R-40-16 to adopt the Route 106 Arterial Management Plan (AMP).

Community Development Director Matthew Smolnik was called to give a brief overview of the hearing before the two boards. Mr. Smolnik indicated Whitney Sokolowski and Carroll Collins with Kimley-Horn had been working with staff for approximately fifteen months to develop this management plan. The process had involved one-on-one stakeholder meetings and several public meetings. These meetings had been well attended and input received from the citizens had been used in the development of the proposed plan. Mr. Smolnik asked Kimley-Horn staff to share their presentation.

Ms. Sokolowski introduced herself and Project Manager Carroll Collins. She indicated she would be providing a brief overview of the project purpose, the study area and a project update and Mr. Collins would be sharing information on the short, mid and long-term recommendations as well as the final steps necessary to complete the project.

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. The study area was classified as a "minor arterial", included seven unsignalized intersections and one roundabout and was a designated bicycle route. Since meeting with the Board of Supervisors in June, short, mid and long-term recommendations had been revised, a draft AMP report had been submitted to the County and VDOT, County and VDOT comments had been addressed and a final report had been submitted to the County and VODT. Ms. Sokolowski turned the presentation over to Mr. Collins.

Mr. Collins provided an overview of revised short-term, mid-term and long-term recommendations. He indicated his portion of the presentation would include a number of graphics to aid in visualizing the recommended improvements. 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 the no parking policy along Route 106 and the I-64 off/on ramps. Mid-term recommendations (5 to 15 years) included widening the I-64 bridge overpass to three lanes, exclusive turn lanes for traffic accessing I-64 ramps and possible signalization of off/on ramp intersections. Mid-term recommendations also included improvements such as the addition of exclusive turn lanes and roadway realignments at various intersections. Long-term recommendations (15 to 25+ years) included widening of Route 106 to a four-lane divided typical section (with bike and pedestrian accommodations removed), the construction of a second I-64 bridge overpass, additional signalization, turn lane improvements and implementing access management strategies at various intersections within the study area. Mr. Collins noted bike and pedestrian accommodations had been removed as had been requested by Supervisors. Safety concerns had been expressed regarding mixing heavy vehicle traffic with bicycle and pedestrian traffic. Recommendations also included giving consideration to revising the Comprehensive Plan to remove the bicycle route designation on Route 106 from south of I-64 to Route 60. Other suggestions included the addition of Park & Ride facilities and the future incorporation of transit and ride share services as residential development increased.

Mr. Collins provided an overview of final steps including the adoption of the Route 106 AMP. Work was in progress on the submission of a VDOT SMART SCALE application for funding select improvements. Mr. Collins indicated a draft resolution suggesting support from the Richmond Regional Transportation Planning Organization (TPO), which was required in the SMART SCALE application process, was also in the works. Giving consideration to applying for other available alternative funding sources was also recommended.

Commissioner Butler opened the Planning Commission portion of the joint public hearing. Chairman Stiers opened the Board of Supervisors portion of the joint public hearing. There being no one wishing to speak, Commissioner Butler closed the Planning Commission portion of the joint public hearing. Chairman Stiers closed the Board of Supervisors portion of the joint public hearing.

Planning Commission members were given an opportunity to ask questions.

Mr. Kontny indicated he was not in favor of the suggested removal of the bicycle path from the County's Comprehensive Plan. He suggested that with the presence of the Visitors Center and plans for Route 106 improvements, New Kent would be eligible for Recreational Access Program funding. He wanted to be sure the long-term future was being considered and stressed the importance of keeping mechanisms in place that would allow the County to obtain possible grant funding. Ms. Sokolowski noted accommodations for pedestrians and bicycles were supported north of the I-64 interchange but not south of the interchange. Mr. Collins also noted removal of the bike designation would be an administrative decision outside of the AMP. The AMP was not recommending building a roadway which would encourage bicycle and pedestrian traffic. Mr. Kontny asked how the realignment of interchanges mentioned in the presentation would be accomplished and who would be paying for the work? Mr. Collins noted the realignments were recommended to encourage cross access and suggested the costs could be included as a part of the roadway project.

Mr. Moyer indicated there were six interchanges on I-64 between exits 200 and 214 where trucks were entering the roadway. He asked if the plan included extending any of the

acceleration lanes. Mr. Collins indicated the study/plan did not get into the Interstate System but suggested adjustments could be made to include these recommendations if the Boards wished to do so. Mr. Smolnik suggested the need for expanding acceleration and deceleration lanes was included as a part of the I-64 widening project. Mr. Moyer noted alternate routes had been developed for the Virginia Capital Trail (bike route) when crossing I-295 and suggested a similar option could be used in New Kent to divert bike traffic from Route 106. Mr. Moyers also asked if the signalization of interchanges could come into play sooner than the recommendations included in the report. Mr. Collins indicated the signalization could come into play whenever warrants were met.

Chairman Townsend entertained a motion. In order to address, protect and promote public convenience, necessity, general welfare and good planning practices in the County, Mr. Kontny moved to adopt Resolution PC-22-16 to recommend adoption of the Route 106 Arterial Management Plan to the New Kent Board of Supervisors and that the plan be incorporated into the New Kent County Comprehensive Plan upon its next amendment. The members were polled:

Katherine C. Butler	Aye
Charna Moss-Gregory	Aye
Jack Chalmers	Absent
John P. Moyer	Aye
Edward W. Pollard	Absent
Laura Rose	Aye
Dr. Joanne K. Schmit	Aye
C. Thomas Tiller, Jr.	Abstain
Joyce B. Williams	Aye
Patricia E. Townsend	Aye
Richard Kontny, Jr.	Aye

The motion carried.

Chairman Townsend noted the next Planning Commission meeting was scheduled for Monday, August 15, 2016 at 6:30 p.m. in the New Kent County Administration Boardroom. She entertained a motion to adjourn. Mr. Moyer moved to adjourn. Ms. Townsend adjourned the Planning Commission portion of the meeting and the Board of Supervisors continued with the remainder of their agenda.

Supervisors were given an opportunity to ask questions.

Mr. Evelyn indicated he was pleased with the changes made to the proposed AMP. He suggested Route 106 was a truck route and indicated he did not feel uses such as trucks and bicycles should be mixed. He also noted he was pleased the burden of adding bike and pedestrian accommodations had been removed from development in the area. He noted the area had been zoned for industrial uses and suggested the County needed it to be developed in a way that would benefit the citizens of the County. He indicated he didn't believe bike paths and pedestrian walkways in this area would benefit citizens. He thanked Kimley-Horn staff for having taken comments made at the June meeting into consideration.

Ms. Paige agreed with Mr. Evelyn's comments and suggested this was a much better plan then previously presented. She also indicated she liked the idea of an alternate bike route. She noted the County was expecting business to boom in the Route 106 corridor in the near future and this area was already experiencing heavy traffic issues. She suggested the

County would need to have the four-lane roadway in play much sooner than the suggested fifteen to twenty years.

Mr. Davis noted I-64 would continue to have a heavy volume of truck traffic whether the trucks were getting off at Route 106 or not. He suggested the Board needed to be sure Route 106 could handle "our traffic" as well as the truck traffic. Mr. Davis also noted a very good point had been made in the Planning Commission meeting regarding acceleration and deceleration lanes. He noted that off ramps in the area were up hill and would not need to be extended but agreed that consideration should be given to extending acceleration lanes.

Mr. Stiers indicated he appreciated Mr. Kontny's remarks but noted he had to agree with Mr. Evelyn that eighteen wheelers and bicycles did not mix. He cited an example of an accident where an eighteen wheeler had passed two cyclists and had unknowingly run over them. One cyclist had been killed and the other had lost several limbs and was now a paraplegic. He suggested common sense should be used and the bike route could be rerouted through a safer area. He was pleased the requirement of sidewalks had been removed and suggested funds business would have spent on sidewalks could now be used to improve their facilities.

Mr. Evelyn moved to approve Resolution R-40-16 adopting the Route 106 Arterial Management Plan. 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: ELECTED OFFICIALS' REPORTS

Ms. Paige reported she had recently attended National Night Out with the Sheriff's Office and Fire-Rescue and there had been many residents in attendance. She also reported visiting Jamestown 4-H Camp during the week when New Kent County campers were present. She noted the activities were very well organized and the campers were enjoying themselves. She also reported the New Kent Clean County Committee would be hosting a free recycling fair in conjunction with the New Kent County Fair on Saturday, August 13th from 11:00 a.m. to 3:00 p.m. at New Kent Elementary School.

Mr. Tiller reported he had also attended National Night Out. He noted there had been a good crowd and indicated it had been good to see everyone participating.

Mr. Evelyn had nothing to report at this time.

Mr. Davis reported he had recently attended a bimonthly Social Services Advisory Board meeting. He reported things were running smoothly in the Social Services Office and reminded everyone that one in five families in New Kent County were receiving some form of services. Mr. Davis also reported attending a recent Farms of New Kent Community Development Authority meeting and noted there was nothing new to report.

Mr. Stiers suggested most citizens had probably heard that the HCA (Hospital Corporation of America) trauma center which had been proposed to be built at Bottoms Bridge was now "a no go". He indicated the Board had instructed the EDA and County Administrator Rodney

Hathaway to look into other possibilities. Mr. Stiers also reported he would be meeting with Congressman Rob Wittman on Thursday to discuss grant possibilities in support of the extension of water and sewer services to the Providence Forge area.

IN RE: STAFF REPORTS

County Administrator Rodney Hathaway reminded everyone that the New Kent County Fair would be taking place at New Kent High School beginning at 5:00 p.m. on Friday, August 12th and would run through Sunday, August 14th. He encouraged all to attend and noted the County would also have an information booth.

IN RE: OTHER BUSINESS

There was no other business to be discussed.

IN RE: DISTRICT APPOINTMENTS

There were no district appointments.

IN RE: NON-DISTRICT APPOINTMENTS

There were no non-district appointments.

IN RE: CLOSED SESSION

Mr. Davis 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:

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

The motion carried. Mr. Stiers indicated he expected the Board would be making an announcement after the closed session. In the event that some attendees would leave prior to the Board returning to open session, Mr. Stiers announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Wednesday, September 7, 2016. He announced there would be no August work session and the next work session would be held at 9:00 a.m. on September 28, 2016. These meetings would be held in the Boardroom of the County Administration Building. The Board went into closed session.

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

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

The motion carried.

Mr. Davis moved that the Board certify by roll call vote that to the best of each member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Freedom of Information Act and identified in the motion to go into closed session were heard, discussed or considered in the closed session. The members were polled on the certification:

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: ADJOURNMENT

Mr. Davis moved to adjourn the meeting. 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. The meeting was adjourned at 8:54 p.m.