

A REGULAR WORK SESSION WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 26TH DAY OF OCTOBER IN THE YEAR TWO THOUSAND SIXTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING, NEW KENT, VIRGINIA, AT 9:00 A.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: APPOINTMENT OF LEGISLATIVE LIAISONS FOR THE 2017 GENERAL ASSEMBLY – RESOLUTION R-51-16

Before the Board for consideration was Resolution R-51-16 recommending the appointment of County Attorneys William H. (Bill) Hefty and Jeffrey S. Gore and County Administrator Rodney A. Hathaway as Legislative Liaisons to represent New Kent County during the 2017 Session of the Virginia General Assembly. Mr. Hathaway noted Legislative Liaisons were appointed annually and these three recommendations were the same as the previous year.

Mr. Davis asked if the legislative liaisons were required to register as lobbyists. County Attorney Bill Hefty noted that county administrators were not required to register but county attorneys were. He indicated both Mr. Gore and he would be registered as lobbyists.

Mr. Evelyn moved to adopt Resolution R-51-16 appointing County Attorneys William H. Hefty and Jeffrey S. Gore and County Administrator Rodney A. Hathaway as the County's Legislative Liaisons for the 2017 Session of the Virginia General Assembly. 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: PRESENTATION OF THE GO VIRGINIA INITIATIVE

Richmond Regional Planning District Commission (RRPDC) Executive Director Martha Shickle updated the Board on the GO Virginia initiative. GO (Growth and Opportunity) Virginia was focused on restoring Virginia's position of economic leadership by growing and diversifying the State's economy. Ms. Shickle noted the number of jobs in the State had recovered somewhat since the recession but unfortunately the income had not. State financial

incentives, technical support and other assistance were being created in an effort to encourage collaboration on private-sector growth and job creation by business, education and government.

A number of bills supporting this initiative had come out of the 2016 legislative session including:

- The Growth and Opportunity Act – This act encompassed legislation to create the Virginia Growth and Opportunity Board as well as to provide funding. Ms. Shickle indicated funds would be used for regional grants known as “GO Grants” and would encourage cooperation between multiple jurisdictions for economic development. \$36 million dollars had been designated for the biennium.
- Collaborative Jobs Act – This act was designed to create revenue-sharing opportunities for localities when jointly pursuing economic development projects that would result in job development. Provisions included the return of half of the increase in income tax generated by the new positions to the collaborating localities.
- Virginia Research Investment Fund - A new State fund was created to promote university-based research that would be collaborative among higher education institutions and/or private companies and would likely lead to commercially viable products, processes and companies. These funds could provide support for research and development in many areas including biotechnology and education.
- Infrastructure Investments – This bill provided for \$2.1 billion dollars in bond-financed investments for infrastructure capital projects with regional economic impact.

Ms. Shickle noted there would be two major entities with oversight of the GO Virginia initiative, the Working Group and the Growth and Opportunity Board. The Working Group had been focused on delineating regions to be considered for establishment across the State and to develop program guidelines. She indicated a map depicting the recommendations would be available for public comment through November 18th. She pointed out the recommendations included keeping New Kent with the RRPDC Region. The Working Group was scheduled to meet again on December 2, 2016 to review the public comments and program guidelines. The Growth and Opportunity Board would have the final decision-making authority for oversight of the initiative.

Components of Funding included:

- Capacity Building - \$500,000 per regional council in the FY17 budget to be used for such things as a regional skills gap analysis and to prioritize the regional list of projects.
- Regional Population-Based Allocations – Each region would also receive a per capita allocation in the FY18 budget not to exceed the reserved funding set in the Virginia Growth and Opportunity Funding (VGOF) guidelines. Ms. Shickle noted current recommendations included placing New Kent in the third largest of the proposed regions.
- Competitive Regional Allocations – Regional allocations would be awarded to no more than four regional councils per year and would be based on competitive scoring pursuant to eligibility criteria set out in the VGOF guidelines. Each regional council would be responsible for designating an entity to manage the funds.

Ms. Shickle indicated funding could be used for any project tied to the development of high paying jobs. This could be for the development of a new initiative or for the expansion of an existing initiative. The project would have to be the result of a collaboration between at least two jurisdictions and the two jurisdictions did not have to be contiguous. It would also

be necessary for the project being developed to be included on the priority list for all jurisdictions involved in the collaboration.

Once regional boundaries were established, each region would then form a regional council and the membership of that council would be sent to the State for approval. Ms. Shickle suggested the membership of the regional council would include fifteen to twenty-five individuals from a variety of backgrounds including but not limited to large and small businesses, secondary and higher education, civic and community leaders, local government and nonprofits. She also suggested most members would be from the private sector business community.

County Administrator Rodney Hathaway reported he had been receiving inquiries from the Peninsula regarding New Kent's interest in joining with that region. Ms. Shickle indicated that final regions had not been set and proposed region maps were currently open for comment. She also noted that in addition to the jurisdictions involved in a collaborative project not having to be contiguous, they also did not have to be within the same region.

Mr. Davis asked if the proposed regions were based on any political lines. Ms. Shickle indicated they were not. Mr. Tiller asked if the proposed regions were similar to the established Regional Planning District Commission regions. Ms. Shickle indicated they were very similar with only a few exceptions. Mr. Davis asked if he was correct that half of the funding for this initiative was to come from private sources. Ms. Shickle indicated he was correct. Mr. Hathaway noted concerns regarding administrative costs. Ms. Shickle indicated there had been some discussions suggesting that a percentage fee be charged but there had been no information on how the regions would be staffed. Questions were raised about the possibility of funding being used for transportation, specifically I-64. Ms. Shickle suggested that unless the improvements were included with development that would increase jobs, it would most likely be excluded from possible funding. She noted she received frequent updates on GO Virginia and would continue to forward information as it became available. She encouraged the Board to comment on the proposed regional map by November 18th especially if they were interested in partnering with a different geography. She suggested deciding which jurisdiction a locality felt most comfortable in going through the priority list process with would be key. She further suggested a locality's region was not too important because there was no requirement for a locality to partner with a jurisdiction within its own region. Partnerships could be with any jurisdiction in the State. She noted she was sorry she didn't have more information to present and indicated there continued to be much ongoing discussion.

Mr. Hathaway reported he had recently attended a Peninsula Mayors and Chairs meeting and had almost received a standing ovation when he had announced that New Kent had submitted a SMART SCALE application for I-64 widening. He noted the Peninsula localities were very interested in the project. Ms. Shickle suggested the architects of the GO Virginia legislation had generally felt SMART SCALE would take care of transportation needs and GO Virginia funding would not be used for transportation projects. There was some discussion regarding whether New Kent should join with the Peninsula or with Richmond. Ms. Shickle again reminded the Board that regardless of the region New Kent joined, the County could partner with any jurisdiction they chose.

Mr. Stiers thanked Ms. Shickle for her presentation.

IN RE: PROPOSED CHANGES TO SECTIONS 91-27 AND 91-127 OF NEW KENT
COUNTY CODE

Community Development Director Matthew Smolnik noted that red lined code sections with recommended changes to Section 91-27 and 91-127 involving the Cluster provision and subdivision definitions contained in the Subdivision Ordinance had been included in the meeting package. He suggested the question of how the County defined major and minor subdivisions needed to be addressed. He pointed out that current County Code defined a minor subdivision as twenty or fewer lots and a major subdivision as twenty-one or more lots. The recommendation would be to reduce a minor subdivision to seven or fewer lots and a major subdivision to eight or more lots. A recommendation was also being made to increase the minimum gross area for an open space or cluster subdivision from thirty to seventy-five acres. Mr. Smolnik reported that a total of seven cluster subdivisions had been approved in the County over the past five years and the majority of them were either under construction or already contained occupied dwellings. These seven cluster subdivisions accounted for 268 new residential units which were projected to produce an estimated sixty-four new school-aged children. Mr. Smolnik was asking the Board for authorization to send the proposed ordinance amendments to the Planning Commission for a public hearing.

Mr. Davis indicated he felt this would be a good idea. Mr. Evelyn noted he would be the first to agree that "clusters" were not in keeping with the rural character as they had originally been intended and that something needed to be done. Mr. Smolnik indicated if the Board approved this request, this item could go to the Planning Commission in November and be back to the Board of Supervisors in December.

Mr. Tiller moved to send the proposed ordinance amendments to Sections 91-27 and 91-127 of the New Kent County Code to the Planning Commission for a public hearing. 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: NEW KENT COUNTY 2017 LEGISLATIVE AGENDA

County Administrator Rodney Hathaway noted it was normal practice for the Board to adopt an annual legislative agenda to be forwarded to the County's representatives. A draft legislative agenda had been prepared for review and input.

Part I of the agenda included a number of actions items including:

- 1-1 Broadband – Mr. Hathaway noted he believed it would be difficult to find broadband implementation funding with the expected budget cuts. The request was for the General Assembly to assist private providers in their efforts to deploy affordable access to high speed internet services for the benefit of businesses and education in underserved and rural areas.
- 1-2 Interstate 64 Widening – Mr. Hathaway reported New Kent had submitted a SMART SCALE application for widening I-64 from I-295 to the Lightfoot Exit (Exit 232). The request was to make this widening project a priority and he noted this item had been on the County's list for some time.

- 1-3 Funding for Alternatives to Groundwater – Mr. Hathaway noted this request had also been on the legislative agenda for several years. He reported the County’s study for withdrawal from the Pamunkey River was ongoing and everything appeared to be on track for the County to receive a permit. He noted the request was for an alternative water supply fund which would help businesses and communities meet the new groundwater withdrawal requirements. Mr. Davis expressed concerns regarding salinity changes in area rivers. He indicated fresh water was moving eastward which had resulted in a significant increase in the growth of vegetation. He suggested that no one was addressing this issue. Mr. Hathaway reported that representatives from Newport News had brought this topic up at a recent Mayors and Chairs meeting and sea level rise had been noted as a concern.
- 1-4 Local Fiscal Impacts – Mr. Hathaway reported this item was a request for the General Assembly to amend the Code of Virginia to require that all bills having local fiscal impact be filed on the first day of the General Assembly session. This provision would allow localities time to conduct a fiscal impact analysis.
- 1-5 Meals Tax - Mr. Hathaway reported York County would be including a similar request in their legislative agenda. He noted this request was to enable counties, on the initiative and action of their governing bodies, to establish a meals tax at a rate determined appropriate by the governing body, but not to exceed eight percent. The maximum was currently set at four percent. Mr. Stiers and Mr. Evelyn both expressed concerns. Mr. Hathaway indicated that cities currently did not have to hold a referendum to set meals tax rates and this request would give counties the same taxing authority as cities. Mr. Stiers noted he was against this request and suggested another tax would hurt the restaurant business. He further suggested he could only support this if a tax zone were established where only areas just off the interstate would be impacted. Mr. Davis and Mr. Evelyn both agreed indicating they felt an increase in meals tax would hurt restaurants. Mr. Davis also suggested it would have a negative impact on those working in restaurants. The general consensus was to remove this item from the legislative agenda.

Part II of the agenda included the County’s Position Statements. These statements included:

- 2-1 Support for full funding for all legislation mandated for localities by the General Assembly that would have any associated cost.
- 2-2 Support for legislation that incentivizes regional cooperation and service delivery to promote efficiency, mitigate inequities, and overcome barriers that result from Virginia’s unique local government structure.
- 2-3 Support for legislation that would provide adequate funding for secondary road maintenance.
- 2-4 Support for any legislation that would allow Colonial Downs to maximize its potential to benefit the Commonwealth and New Kent County.
- 2-5 Support for the Virginia Association of Counties 2017 Legislative program.

Mr. Hathaway suggested that 2-3 be moved to the 2-1 position on the list. He asked that Supervisors please let him know if there were any other agenda items they would like to have included or removed.

Mr. Davis asked Deputy Fire Chief Brian Bennett how many calls New Kent Fire-Rescue had responded to on I-64 over the past weekend. Mr. Bennett indicated there had been thirty calls for the entire County and estimated that fifteen of those had been for incidents on I-64. Mr. Davis suggested the volume of calls for interstate incidents was significantly impacting the County’s financial resources. He further suggested that Representative Rob

Wittman and Delegate Chris Peace should do something to assist New Kent and other rural counties with the expenses associated with responding to calls on interstate highways within their jurisdictions. Mr. Davis asked Mr. Bennett and Battalion Chief Lisa Baber who was setting the prices for ambulance series. Ms. Baber indicated rates were set based on Medicare allowable rates. She reported a basic transport rate was \$467.00 and an ALS (Advanced Life Support) transport rate was \$660.00. A per mile charge of \$9.00 was then added to each of these base rates. She noted that \$450.00 was usually paid by Medicare for an ALS transport. She also indicated that other health insurance companies would sometimes pay more than Medicare and auto insurance companies would frequently pay the entire charge. She reminded the Board that many individuals receiving services did not have insurance and "Compassionate Billing" would come into play in those instances. If those receiving services had not paid after being billed three times, the charge was written off. Mr. Davis suggested the County was going "NUA" (No Units Available) for hours at a time because of the need to respond to interstate incidents. He noted that based on the previous weekend's figures, half of the County's resources for Fire-Rescue were used for calls to the interstate. Ms. Paige noted this was a point she had brought up at a recent TPO (Transportation Planning Organization) meeting. She had stressed the burden interstate highways were placing on the localities. Mr. Davis suggested this concern should be included in the legislative agenda. Board members concurred.

This item would be brought back for consideration at the November work session. Mr. Hathaway asked that Board members review what was being proposed and encouraged them to provide feedback.

IN RE: OTHER BUSINESS – COMMISSIONER OF REVENUE BUDGET TRANSFER
REQUEST

County Administrator Rodney Hathaway reported he had received a budget transfer request from the Commissioner of Revenue for furniture for the recently approved part-time staff position. He noted that at the time the Board had approved the position, they had also approved the allocation of funding for a new computer and desk. The Commissioner had reported that the funding for the desk had not been sufficient and was requesting an additional allocation of \$1,505.00. Copies of the Budget Transfer Form and supporting documentation were distributed.

Ms. Paige noted the supporting documentation also contained an email from the Commissioner suggesting additional funds would be needed to replace carpet, to repaint walls and to repair lighting to create a work area for the department's assessors. Ms. Paige suggested the Board wait until cost information for these additional needs was provided and then consider taking action.

Mr. Stiers asked when the part-time person would begin working. Mr. Hathaway indicated the position had been filled and the individual had already started working. Mr. Stiers asked how the new position was impacting DMV hours. Mr. Hathaway indicated he had expressed to the Commissioner that the Board would like the part-time position to be used to keep the DMV open continuously throughout the day. He reported the Commissioner had indicated they would make every attempt for the part-time position to cover DMV. Ms. Paige reported that she continued to frequently see notices posted on the County Administration Building doors indicating the DMV would be closed for some portion of the day, often during lunch. Mr. Davis suggested it was not helping New Kent citizens if the office was closed during lunch. He added that lunch was the only time many people could come to the office.

The general consensus was to wait for all cost information to be received and then consider the request for additional funds.

IN RE: OTHER BUSINESS – FEDERAL ENGINEERING, INC. FUND TRANSFER

County Administrator Rodney Hathaway reported he had a time-sensitive item regarding additional funding for Federal Engineering, Inc. to continue providing consulting services on the radio project. He indicated it would be important to keep Federal Engineering on the project through the next service cut over and final acceptance as well as have them on call for the thirty-day observation period prior to final acceptance. He reported \$44,124.34 would be needed to cover the work that had been completed up to this point and an additional \$24,800.00 would be needed to cover the above referenced services. A total of \$68,924.34 would be needed to complete the project. He also pointed out that the entire contract amount for this project had not yet been appropriated.

Mr. Evelyn moved to transfer funds not to exceed \$70,000 from Public Safety Radio System loan funds for payment to Federal Engineering, Inc. for consulting services for the radio project. 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: CLOSED SESSION

Mr. Davis moved to go into Closed Session pursuant to Section 2.2-3711A.5 of the Code of Virginia for discussion concerning a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community involving a healthcare facility. 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. Davis moved to go into Closed Session pursuant to Section 2.2-3711A.5 of the Code of Virginia for discussion concerning the expansion of an existing business where no previous announcement has been made of the business' interest in expanding its facilities in the community. The members were polled:

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

