



NEW KENT COUNTY BOARD OF SUPERVISORS

November 27, 2019, 9:00 AM

Boardroom, County Administration Building, 12007 Courthouse Circle, New Kent, VA
23124 - WORK SESSION

AGENDA

CALL TO ORDER AND ROLL CALL

Times are approximate

- 9:00 a.m. ITEM 1 **Dominion Energy External Affairs Representative Introduction/Discussion**
Crystal B. Bright, Dominion Energy External Affairs Representative
- 9:15 a.m. ITEM 2 **Second Amendment Resolution - R-26-19**
Rodney Hathaway, County Administrator
- 9:35 a.m. ITEM 3 **Department of Homeland Security Assistance to Firefighters Grant - SCBA Replacement**
Fire Chief Rick Opett
- 9:45 a.m. ITEM 4 **New Kent County 2020 Legislative Agenda**
Rodney Hathaway, County Administrator
- 10:00 a.m. ITEM 5 **Resolution Recognizing PlanRVA for its 50th Anniversary - R-25-19**
Rodney Hathaway, County Administrator
- 10:10 a.m. ITEM 6 **Other Business**
- 10:20 a.m. ITEM 7 **Adjournment**

MEETING SCHEDULE: The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on December 9, 2019 in the Boardroom of the County Administration Building. There will be no December work session.

If a meeting cannot be held because of the closing of State and/or County offices, the meeting will be held on the next business day that the County offices are open.

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 11/27/2019

Agenda Item

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	N/A
Subject	Dominion Energy External Affairs Representative Introduction/Discussion
Issue	Crystal B. Bright is the Dominion Energy External Affairs Representative for New Kent County. (This position was previously held by Melanie Rapp Beale.) Ms. Bright has requested this time as a formal introduction and an opportunity to answer any questions or concerns Board members may have.
Recommendation	
Fiscal Implications	
Policy Implications	
Legislative History	
Discussion	

Time Needed:	9:00 a.m.	Person Appearing:	Crystal B. Bright, Dominion Energy External Affairs Representative
Request prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided to:			

REVIEWERS:

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	11/8/2019 - 9:54 AM
Administration	Hathaway, Rodney	Approved	11/13/2019 - 10:35 AM
Attorney	Hefty, Brendan	Approved	11/20/2019 - 12:43 PM

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 11/27/2019

Agenda Item

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	I move to adopt resolution R-26-19.
Subject	Second Amendment Resolution - R-26-19
Issue	Resolution expressing the Board of Supervisors position on the protection of the Second Amendment.
Recommendation	
Fiscal Implications	
Policy Implications	
Legislative History	
Discussion	

Time Needed:	9:15 a.m.	Person Appearing:	Rodney Hathaway, County Administrator
Request prepared by:	Rodney Hathaway, County Administrator	Telephone:	(804) 966-9683
Copy provided to:			

ATTACHMENTS:

Description	Type
Resolution R-26-19	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	11/25/2019 - 1:40 PM
Administration	Hathaway, Rodney	Approved	11/25/2019 - 1:41 PM
Attorney	Watkins, Wanda	Approved	11/25/2019 - 1:43 PM

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

R-26-19

At the regular work session of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 27th day of November, 2019:

Present:

Vote:

Thomas W. Evelyn
C. Thomas Tiller, Jr.
Patricia A. Paige
Ronald P. Stiers
W.R. Davis, Jr.

Motion was made by Mr. _____, which carried ____:____, to adopt the following resolution:

A RESOLUTION IN SUPPORT OF SECOND AMENDMENT RIGHTS

WHEREAS, the Second Amendment of the United States Constitution states in part that “the right of the people to keep and bear arms shall not be infringed”; and

WHEREAS, the same language is also contained in Article I, Section 13 of the Constitution of Virginia; and

WHEREAS, the New Kent Board of Supervisors feels that the right of citizens to bear arms, as stated in both the United States Constitution and the Virginia Constitution, is a fundamental right that should be protected to the greatest degree possible; and

WHEREAS, the Governor has proposed to the General Assembly of Virginia several measures regarding gun control, and it is expected that both the Governor and individual Delegates and Senators will introduce such legislation in the 2020 session of the General Assembly; and

WHEREAS, the New Kent Board of Supervisors wishes by adopting this Resolution to express its strong support for the rights of citizens under the Second Amendment of the United States Constitution and Article I, Section 13 of the Constitution of Virginia, and urges the Governor and members of the General Assembly to take no action which would violate the freedoms guaranteed in both Constitutions.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of New Kent County that the Board hereby expresses its strong support for the rights of citizens to bear arms pursuant to the Second Amendment of the United States Constitution and Article I, Section 13 of the Constitution of Virginia, and urges the members of the General Assembly and the Governor to take no action which would violate the freedoms guaranteed in both Constitutions.

Adopted this 27th day of November, 2019.

Rodney A. Hathaway
County Administrator

C. Thomas Tiller, Jr.
Chairman

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 11/27/2019

Agenda Item

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	Allow the Fire Chief to apply for the 2019 DHS Assistance to Firefighters Grant for SCBA replacement.
Subject	Department of Homeland Security Assistance to Firefighters Grant - SCBA Replacement
Issue	Need approval to submit a grant to DHS that has a match requirement.
Recommendation	
Fiscal Implications	There is a 10%-15% match if the application is successful. The match amount will be approximately \$42,000 - \$84,000 The total grant application if awarded would be approximately \$420,000
Policy Implications	
Legislative History	
Discussion	The goal of our AFG project is to replace our existing inventory of obsolete SCBAs that are two cycles out of NFPA compliance (NFPA 2002 edition) with SCBA equipment that meets the most recent NFPA standard. Specifically an AFG award will facilitate the purchase of 62 SCBAs, 62 Spare Cylinders and 74 Face Pieces.

Time Needed:	9:35 a.m.	Person Appearing:	Fire Chief Rick Opett
Request prepared by:	Rick Opett	Telephone:	9679
Copy provided to:			

REVIEWERS:

Department	Reviewer	Action	Date
Fire-Rescue	Opett, Rick	Approved	11/6/2019 - 9:58 AM
Administration	Hathaway, Rodney	Approved	11/13/2019 - 10:35 AM
Attorney	Hefty, Brendan	Approved	11/20/2019 - 12:47 PM

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 11/27/2019

Agenda Item

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	adopt the proposed New Kent County 2020 Legislative agenda.		
Subject	New Kent County 2020 Legislative Agenda		
Issue	The 2020 Legislative Agenda will serve as the Board's policy statement for proposed and potential legislative actions.		
Recommendation	Staff recommends adoption of the proposed motion.		
Fiscal Implications	NA		
Policy Implications	NA		
Legislative History	The Board has annually considered an adopted a legislative agenda.		
Discussion	The legislative agenda is a policy statement by the Board of Supervisors that will be used by the Board and County Staff to communicate to members of the General Assembly the position of the Board on various bills and proposals that may arise during the upcoming session.		
Time Needed:	9:45 a.m.	Person Appearing:	Rodney Hathaway, County Administrator
Request prepared by:	Rodney Hathaway, County Administrator	Telephone:	(804) 966-9683
Copy provided to:			

ATTACHMENTS:

Description
2020 Legislative Agenda

Type
Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Administration	Hathaway, Rodney	Approved	11/18/2019 - 12:47 PM
Administration	Hathaway, Rodney	Approved	11/18/2019 - 12:47 PM

Attorney

Hefty, Brendan

Approved

11/20/2019 - 12:43
PM



Board of Supervisors

Thomas W. Evelyn	District 1
C. Thomas Tiller, Jr.	District 2
Patricia A. Paige	District 3
Ron Stiers	District 4
W. R. "Ray" Davis, Jr.	District 5

Rodney A. Hathaway
County Administrator

www.co.new-kent.va.us

Draft 2020 Legislative Agenda





Legislative Agenda 2020

New Kent County Board of Supervisors

Part I. 2020 Legislative Agenda Action Items

1.1. Industrial Co-Products

Industrial co-products are waste products that can be used as soil amendments and consist of process residuals, including coal combustion products, paper mill sludge, wood ash, kiln dust, tobacco dust and foundry sand, that chemically contain plant nutrients and are currently regulated by the Virginia Department of Agricultural and Consumer Services. Currently this material is monitored through testing at the source location, but once it leaves the source there is no monitoring, oversight, or public noticing to the locality and surrounding residents where the material is being applied. We request that Industrial Co-Products be treated as Industrial Residuals, which would be permitted and monitored by the Virginia Department of Environmental Quality (DEQ). Without oversight of this material, residents have no guarantees that the materials will be applied in a safe manner, and will not have information on who to contact if there are any issues with the application.

1.2. Biosolids and Industrial Residuals

New Kent County request that authority be granted to localities to enact ordinances that regulate the land application of Biosolids and Industrial sludge. New Kent also request that localities be given the opportunity to have their proposed amendments incorporated into DEQ Biosolids and Industrial Residuals permits.

1.3. Broadband

Request the General Assembly to increase the Virginia Telecommunication Initiative (VATI) fund to assist localities with their efforts to deploy affordable access to high speed internet services (“Broadband”) for the benefit of businesses and education in underserved and rural areas.

1.4. Interstate 64 Widening

Request the General Assembly make the widening of I-64 from Interstate 295 to exit 232 (Lightfoot) a priority, and that the widening occurs with aesthetic sensitivity. I-

64 is the primary gateway to many commercial and tourist destinations, military installations, and all of eastern Virginia. New Kent asks the Richmond based legislative delegations to develop and pursue a long term, unified strategy to accomplish the widening of I-64.

1.5 Transient Occupancy Tax

New Kent County prides itself on the many tourism related businesses and opportunities that are found within County, such as pari-mutuel horse racing, wineries, golf courses, campgrounds, boating, bed and breakfasts, and wedding venues. In order to better promote these facilities, and attract new tourism opportunities, New Kent County request that section 58.1-3819.A (Transient Occupancy Tax) of the Code of Virginia be amended to include New Kent County in the list of localities that may levy a transient occupancy tax not to exceed five percent. The Virginia Code allows all localities to levy a two percent transient Occupancy tax, and for those localities that are permitted to go beyond the two percent cap, they must spend and designate all revenue beyond the 2 percent collection solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, including representative of lodging properties, and generate tourism revenues in the locality.

1.6 Funding for Alternatives to Groundwater

Request the creation of an Alternative Water Supply Fund would help businesses and communities meet the new groundwater withdrawal requirements, while reducing the depletion of groundwater supplies. Whether new water supplies come from existing surface water withdrawals, reclaimed water usage, or communities banding together to obtain new surface water withdrawals, the costs will be extremely expensive causing businesses and communities to suffer economically, not only in those regions effected, but to the Commonwealth as a whole.

Part II. Position/Legislation Supported by the County

- 2-1. New Kent supports full funding for all legislation mandated for localities by the General Assembly that has a cost associated with it. Also, in the event that funding is no longer provided by the Commonwealth at a future time the mandate would sunset and no longer be binding on the localities.
- 2-2. New Kent supports 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. New Kent supports legislation that would provide adequate funding for secondary road maintenance.
- 2-4. New Kent supports legislation that would provide counties with the same local taxing authority as Cities and Towns to enact local excise taxes such as the authority to levy and collect a tobacco tax.

- 2-5. New Kent supports the state's goal that agencies and their representatives at the local, regional, state, and federal levels be able to communicate using compatible systems to respond more effectively during day-to-day operations and major emergencies. Local governments require dedicated federal and state funding sources to achieve this goal.

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 11/27/2019

Agenda Item

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	adopt resolution R-25-19, recognizing PlanRVA for 50 years of service.		
Subject	Resolution Recognizing PlanRVA for its 50th Anniversary - R-25-19		
Issue	The purpose of this resolution is to recognize PlanRVA along with Virginia's other 20 planning district commissions on their 50th anniversary.		
Recommendation	Staff recommends adoption of the proposed motion.		
Fiscal Implications	NA		
Policy Implications	NA		
Legislative History	Following the passage of the Virginia Area Development Act (VADA) in 1968. PlanRVA formally known as the Richmond Regional Planning District Commission was established in 1969.		
Discussion	Please see attached resolution R-25-19.		

Time Needed:	10:00 a.m.	Person Appearing:	Rodney Hathaway, County Administrator
Request prepared by:	Rodney Hathaway, County Administrator	Telephone:	(804) 966-9683
Copy provided to:			

ATTACHMENTS:

Description
Resolution R-25-19

Type
Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Administration	Hathaway, Rodney	Approved	11/18/2019 - 1:39 PM
Administration	Hathaway, Rodney	Approved	11/18/2019 - 1:39 PM

Attorney

Hefty, Brendan

Approved

11/20/2019 - 12:46
PM

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

R-25-19

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 27th day of November, 2019:

Present:

Vote:

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

Motion was made by _____, which carried ____: ____, to adopt the following resolution:

**RESOLUTION RECOGNIZING PlanRVA
FOR ITS 50TH YEAR ANNIVERSARY**

WHEREAS, in 1966, the General Assembly created the Metropolitan Areas Study Commission (the Hahn Commission), which found that a holistic approach to solving local and regional problems needed to be taken and recommended a new concept, the creation of planning district commissions and service district commissions; and

WHEREAS, the Virginia Area Development Act (VADA) passed in 1968 created the planning district commission framework “to encourage and facilitate local government cooperation and state-local cooperation in addressing on a regional basis problems of greater than local significances; and

WHEREAS, following passage of the VADA, the Commonwealth undertook an aggressive effort to establish planning district commission boundaries, the last of which were announced in 1969, and within one year, planning district commissions were established in nineteen (19) of the original twenty-two (22) districts; and

WHEREAS, in 2019, Virginia’s planning district commissions, now twenty-one (21) in number, are celebrating fifty (50) years of promoting and supporting regional collaboration; and

WHEREAS, over the years, planning district commissions have conducted studies and identified solutions in the areas of transportation, economic development, infrastructure, the environment and community development, among others; and

WHEREAS, planning district commissions implement services and provide technical assistance to their member local governments; and

WHEREAS, planning district commissions often serve as liaisons between local and state governments, partnering with the Commonwealth to carry out state initiatives at the local and regional level; most recently, these partnerships have included working cooperatively with state agencies on the GO Virginia initiative and Phase 3 Watershed Implementation Plan development; and

WHEREAS, planning district commissions are committed to promoting opportunities for regional collaboration and expanding the types of services they provide to their member governments; and

WHEREAS, planning district commissions take great pride in their history and accomplishments, while recognizing the importance of looking ahead to the challenges of the future,

NOW, THEREFORE, BE IT RESOLVED that the New Kent County Board of Supervisors do hereby recognize and commend PlanRVA and all of Virginia's twenty-one planning district commissions for its fifty years of service.

Adopted this 27th day of November, 2019.

Rodney A. Hathaway
County Administrator

C. Thomas Tiller
Chairman

New Kent County Board of Supervisors
P O Box 150, 12007 Courthouse Circle
New Kent, VA 23124

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 11/27/2019

Agenda Item

Motion: "Mr.
Chairman, I move to
(not required for Consent
Agenda items)

Subject

Other Business

Issue

Recommendation

Fiscal Implications

Policy Implications

Legislative History

Discussion

Time Needed:

10:10 a.m.

Person Appearing:

Request
prepared by:

W. Watkins, Deputy
Clerk of the Board

Telephone:

804-966-9687

Copy provided
to:

REVIEWERS:

Department
Clerk

Reviewer
Watkins, Wanda

Action
Approved

Date
11/8/2019 - 9:47 AM

AGENDA ITEM REQUEST
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO
THE MEETING)

Meeting Date: 11/27/2019

Agenda Item

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	adjourn
Subject	Adjournment
Issue	
Recommendation	Approval
Fiscal Implications	
Policy Implications	
Legislative History	
Discussion	The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on Monday, December 9, 2019 in the Boardroom of the County Administration Building. There will be no December work session.

Time Needed:	10:20 a.m.	Person Appearing:	
Request prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided to:			

ATTACHMENTS:

Description	Type
Closed Session Motions	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	11/8/2019 - 9:48 AM

MOTIONS FOR CONVENING A CLOSED SESSION

- 1 I move to go into closed session pursuant to §2.2-3711A.1 of the Code of Virginia for *(discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or County employees)* involving _____.
- 3 I move to go into closed session pursuant to §2.2-3711A.3 of the Code of Virginia for *(discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County)* involving _____.
- 4 I move to go into closed session pursuant to §2.2-3711A.4 of the Code of Virginia for *(the protection of the privacy of individuals in personal matters not related to public business)* involving _____.
- 5 I move to go into closed session pursuant to §2.2-3711A.5 of the Code of Virginia for *(discussion concerning a prospective business or industry or the expansion of an existing 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 _____.
- 6 I move to go into closed session pursuant to §2.2-3711A.6 of the Code of Virginia for *(discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the County would be adversely affected)* involving _____.
- 7 I move to go into closed session pursuant to §2.2-3711A.7 of the Code of Virginia for *(consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel)* involving _____.
- 19 I move to go into closed session pursuant to §2.2-3711A.19 of the Code of Virginia for *(discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure)* involving _____.
- 28 I move to go into closed session pursuant to §2.2-3711A.28 of the Code of Virginia for *(discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected local jurisdiction, as those terms are defined in § 56-557, or any independent review panel appointed to review information and advise the responsible public entity concerning such records)* involving _____.

- 29 I move to go into closed session pursuant to §2.2-3711A.29 of the Code of Virginia for *(discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Board)* involving _____.
- 33 I move to go into closed session pursuant to §2.2-3711A.33 of the Code of Virginia for *(discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6.)* involving _____.

CERTIFICATION OF CLOSED SESSION

A. Motion

I move 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.

B. Vote taken on certification.

Present:

Vote:

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