

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

IN RE: CALL TO ORDER

Chairman Thomas W. Evelyn 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. Mr. Evelyn thanked everyone for coming out for the meeting.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Tiller gave the invocation and led the pledge of allegiance.

IN RE: CONSENT AGENDA

1. Approval of Minutes
 - a. July 23, 2018 Business Meeting Minutes
2. Miscellaneous
 - a. Approval of Write Off of Uncolletable Debts – Freon Disposal
 - b. Approval of Utility Fund Supplemental Appropriation for Erosion Repair on Utility Easement in Brickshire
 - c. Approval of Renewal of the Cooperative Procurement Agreement for Printing and Mailing Water and Sewer Bills for Public Utilities
 - d. Approval of Proclamation for Eagle Scout Recognition – Thomas Clayton Evelyn
 - e. Approval of Proclamation for Eagle Scout Recognition – Christopher McNeil Wade
 - f. Approval of Emergency Procurement – Electrical & Mechanical Resources, Inc. (EMR)
 - g. Approval of Sole Source Procurement – Harris Corporation
3. FY18 Supplemental Appropriations for MUNIS
 - a. Funds for Ambulance Services Provided for: Metropolitan Richmond Sports Backers - Uncorked Half Marathon 5/5/18, \$1,900.
 - b. Gifts and Donations to Fire/Rescue - Jewel J. Jefferson, (\$50) and to Parks & Rec - Colonial Kitchen & Market (\$5.12), \$55.12.
 - c. Funds for Security Detail: Lee-Hy Paving - Traffic Control Route 60 Work Zone 6/17-6/20/18, (\$888.24) & 6/28-6/29/18, (\$868.93), Alice F. Ruffin - Francisco Party 6/10/18 (\$135.17), & National Multiple Sclerosis Society - Colonial Crossroads Bike MS, (\$1,158.57), \$3,050.91.
 - d. Funds to Cover the Additional Cost of Jail Space at Henrico Jail East, \$135,950.

- e. Funds for Patient-Centered Outcomes Res Fees Not Included During the Budget Process, \$1,179.72.

\$142,135.75 - Total
(\$5,006.03) - Total In/Out - General Fund (1101)
(\$137,129.72) - Total In/Out - General Fund (1101)

- 4. FY19 Supplemental Appropriations for MUNIS
 - a. Program Income Received for FY19 - CDBG Plum Point Grant Participants, \$251.
 - b. Donations to the Animal Shelter, \$165.
 - c. Funds for FY19 Grand Illumination: Becky Ringley DBA State Farm, (\$100) and Sandesara Food Service L.L.C., (\$200), \$300.
 - d. Gifts and Donations to Fire/Rescue - Liz Moore & Associates, L.L.C., (\$281), RunSignUp Inc., (\$506.08) and Dr. Karen Thompson DBA Thompsons Border Collies, (\$100), \$887.08.
 - e. Funds Received from the Sale of Two Fire Trucks (Veh #913 & 914) to the City of Petersburg, \$50,000.
 - f. Funds for the Purchase of Mobile Data Terminals for the Sheriff & Fire Departments - Approved Request Omitted from Original CIP, \$25,500.
 - g. Additional Appropriations Received from the Virginia State Lottery, \$120,924.

\$198,027.08 - Total
(\$51,603.08) - Total In/Out - General Fund (1101)
(\$120,925.00) - Total In/Out - School Operating (2205)
(\$25,500.00) - From Fund Balance - General Fund (1101)

- 5. FY19 Supplemental Carryforward Appropriations
 - a. Unspent FY18 Funds for the Board of Supervisors Convention Travel Fund (1101), \$4,327.62.
 - b. Unspent FY18 Office Supplies Funds for the General District Court (Fund 1101) for Judge Merritt's Robe, \$450.95.
 - c. Unspent FY18 Parks & Recreation Scholarship Program (\$10,633.12), Sponsorship Facility Improvements, (\$2,267.27) & Childcare Qualitive Initiative Funds, (\$4,102.19), \$17,002.58.
 - d. Unspent FY18 Refuse Collection (General Services) Funds (Fund 1101) to Replace the Shelter Building at Refuse Sites 612, (\$10,000) and 634, (\$6,000), \$16,000.
 - e. Unspent FY18 Airport Funds (Fund 1210), \$13,170.10.

\$50,951.25 - Total
(\$37,781.15) - Total In/Out - General Fund (1101)
(\$13,170.10) - From Fund Balance - Social Services (1201)

- 6. FY18 Interdepartmental Budget Transfers
 - a. Planning Department - From Reserved for Contingency to Hospital/Medical Plans, \$1,525.
 - b. Planning Department - From Books and Subscriptions to Wages - Overtime Regular, \$13.92.
 - c. Planning Department - From Printing & Binding, (\$600), From Advertising, (\$5,000), From Telecommunications - Cellular, (\$598.20), From Vehicle Insurance, (\$428), From Street Signs - Repair & Replacement, (\$4,371),

- From Travel (Convention & Education), (\$1,406.01) and From Books and Subscriptions, (\$187.53), to Salaries & Wages - Regular, \$12,590.74.
- d. School Board Office - From Appropriation of funds from Prior years to Student Services, (\$20,000) to NKES Renovations, (\$25,000), to Middle School Improvements, (\$24,014) and to RISE program, (\$5,940), \$74,954.
 - e. Sheriff's Department - From Vehicle & Pwerd Equipment Fuel to LODA-Volunteers & Auxiliary, (\$733), to Contract Services, (\$749), to Professional Services, (\$408), to Repairs & Maintenance, (\$947), to Telecommunications-Land, (\$136), to Lease/Rent-Equipment, (\$1), to Bike Patrol Program, (\$226), to Other Operating Supplies, (\$1,871), to Marine Patrol, (\$454) and to Promotional Items, (\$80), \$5,605.
 - f. Sheriff's Department - From Wages-Part Time Regular to Salaries & Wages-Regular, (\$8,436), to Retirement-VRS, (\$186), to Hospital/Medical Plans, (\$299) and to Group Life Insurance, (\$29), \$8,950.
 - g. Sheriff's Department - From Wages-Part Time Regular to Wages-Overtime Regular, (\$4,117) and to Line of Duty Act (LODA), (\$888), \$5,005.
 - h. Sheriff's Department - From Salaries & Wages-Regular to Wages-Overtime Regular, (\$27,449), to Line of Duty Act (LODA), (\$2,029) and to HAS Contribution-Employer, (\$1,500), \$30,978.
 - i. Sheriff's Department - From Salaries & Wages-Regular to Wages - Overtime Regular, (\$15,306), to ST/LT Disability Premium, (\$695) and to Workers' Compensation, (\$1,006), \$17,007.
 - j. Sheriff's Department - From Salaries & Wages-Regular to Salaries & Wages-Regular, (\$1,532), to FICA/Medicare, (\$46) to Retirement - VRS, (\$134), to Hospital/Medical Plans, (\$88), to Group Life Insurance, (\$21) and to Workers' Compensation, (\$10), \$1,831.

7. Treasurer's Report: Cash as of June 2018, \$41,119,130.51

Mr. Davis questioned Consent Agenda Item 2.a. Approval of Write Off of Uncollectible Debts – Freon Disposal and asked how much the County was charged for the evacuation of Freon from appliances. He suggested Bridging Communities Regional Career and Technical Center HVAC program students could perform this service and save money while getting experience. Mr. Evelyn reported he had learned Bridging Communities would not be offering the HVAC program this year. He noted RCC would be offering the program but it would not be for high school students and he did not believe it would be offered in New Kent. County Administrator Rodney Hathaway confirmed Bridging Communities would not be offering HVAC and he was not sure where RCC would be offering the courses.

Ms. Paige drew attention to Consent Agenda Items 2.d. Approval of Proclamation for Eagle Scout Recognition – Thomas Clayton Evelyn and 2.e. Approval of Proclamation for Eagle Scout Recognition – Christopher McNeil Wade. She congratulated these young men as well as their parents, Mr. and Mrs. Thomas W. Evelyn and Mr. and Mrs. E. Reid Wade, on this achievement. Mr. Evelyn thanked her for the comments, reported a great deal of work had gone into earning this designation and noted these young men would be recognized in a ceremony on Sunday.

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

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

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

The motion carried.

IN RE: SMALL BUSINESS CLOSE UP – NEW KENT SUPER DOLLAR

Economic Development Director Matthew Smolnik indicated that as a Brickshire resident having the New Kent Super Dollar located across from the community had been very convenient especially when preparing for scout meetings and Vacation Bible School. He reported also hearing similar comments from others in the community. He introduced store manager, Carlisa Linkenhoker Yeast. Ms. Yeast indicated the store, which was located at 6215 Chesapeake Circle in New Kent Commons, had opened in June in the space previously occupied by the Heritage Public Library. The business was family owned and locally operated. She reported 95% of the items were priced at \$1.00 and some well-known brand items were available at a higher cost. They carried a wide variety of products including party items, balloons, school supplies, beauty supplies, personal hygiene items, first aid items, toys, craft supplies, cleaning supplies and food items. She reported they were working to expand the food selection and welcomed customer input and suggestions for inventory. She also reported backpacks and lunchboxes were available and they carried a wide variety of seasonal items. Ms. Yeast indicated New Kent Super Dollar was proud to represent the community and was looking forward to working with the schools, community programs and other businesses and was hoping to make a lot of friends along the way.

Ms. Paige asked Ms. Yeast for the New Kent Super Dollar hours of operation. Ms. Yeast reported the store was open from 8:00 a.m. to 8:00 p.m. daily. Mr. Stiers reported he had been in the store several times and noted it was not the "typical dollar store." Ms. Yeast agreed and encouraged everyone to stop by to see them. Mr. Evelyn thanked Ms. Yeast for the update on New Kent Super Dollar.

IN RE: CITIZENS COMMENT PERIOD

Mr. Evelyn opened the citizens comment period and provided brief instructions on procedures. He called Phyllis Crum of 5912 Linkshire Lane, Providence Forge to the podium. Ms. Crum indicated she routinely prayed for each of them and recognized the heavy responsibility they each carried. As a "grateful constituent", she thanked them for their service. She reported she had been a registered Republican for 26 years and was a retired U.S. Army officer who had served 20 years active duty. She had never voted for President Obama and voting for Secretary Clinton had not been an option. She suggested there "must be a reckoning for Benghazi" and for the "many other treasonist crimes" she suggested had been committed. She urged the Board to support the Commonwealth of Virginia's participation in the Convention of States resolution to propose constitutional amendments regarding federal term limits and fiscal restraints. She urged the Board to pass a "County-level show of support" by approving Resolution R-27-18 (R1). She further urged them to "unite for the good of the people" and allow the Article V remedy to be used. She suggested some politicians "have lost their way and have become intoxicated by power" and had "forgotten to represent the will of the people by honoring the will of the people." She also indicated she agreed with President Trump, "Drain the Swamp." She suggested the Commonwealth of Virginia should "return to her original purpose" which was defined as "the people joined together for God's sovereign purpose, the common good of the people."

Heritage Public Library Director Chandra McPherson, of 7791 Invicta Lane, New Kent indicated she was present to thank the Board for their support and to promote some of the library's new programs and services. She thanked the Board for the recent increase in funding and reported this additional funding would help the library achieve full funding from the state. She announced the library had recently become a Passport Acceptance Center and could now process applications for passports to the Department of State. Not only would this be a convenience to the community but it would also generate some income for the library. The library would also be launching additional job seeker services at the end of the month through a partnership with Workforce Alliance and the Virginia Employment Commission. On line services would include resume preparation, career guidance, skills assessment, job searching and reduced cost training opportunities. A new sensory story time for individuals on the autism spectrum would also be starting up in the fall. Ms. McPherson reported the library had received a grant to support this offering. Attendance at many of the New Kent programs had doubled and in an effort to continue providing a quality experience, they were considering opening a second regular story time. She also reported the library was very proud of the students they had been working with at the Bridging Communities Regional Career and Technical Center. The students had been providing assistance with technology and had also helped create a new library logo.

Mr. Davis asked if the story time attendance had doubled because of the library's new location. Ms. McPherson suggested the increase was due to several factors including the increase in County population as well as improved visibility at the new location. They were seeing much more traffic which she suggested was a result of the library's close proximity to the schools. Mr. Davis asked if he could now go to the library to get a passport. Ms. McPherson noted individuals could apply for a passport but the library could not make passports. The library had all the necessary paperwork and those interested in applying could call with any questions. Applicants would need to provide their own picture and it was noted the Department of State had very specific criteria in this regard. Ms. Paige reported she had applied for a passport the previous week, had the required photo taken at Rite Aid and it had been a very painless process. Mr. Stiers referenced the very strict photo requirements and reported females were not allowed to wear makeup or jewelry. Ms. McPherson also noted individuals were also not allowed to wear glasses or hats. Mr. Evelyn indicated this was a good service and thanked Ms. McPherson for the update.

Joseph Davis of 4220 Windy Knoll Road, Barhamsville was called to the podium. Mr. Evelyn asked Mr. Davis if he was speaking on behalf of a group or as an individual. Mr. Davis indicated he was speaking on behalf of a group. Mr. Evelyn noted the next individual on the list, Mr. John Lockwood of 20251 Triangle Road, Barhamsville, was also a member of the group and had signed up to speak on the same topic. He asked if Mr. Randy Schmidt of 3831 S. Orchard Road, Williamsburg had also signed up to speak on the same topic. Mr. Schmidt indicated he had not. Mr. Evelyn announced that based on the Board's bylaws, Mr. Davis and Mr. Lockwood would each be given three minutes to speak. Mr. Lockwood yielded to Mr. Davis and Mr. Davis was given seven minutes to speak.

Mr. Davis thanked the Board for the opportunity to speak. He suggested the "shadow of CUP-02-18 has not yet left us" and many feared the applicant would reapply. The community was still concerned about "increased noise, compromised safety, depressed property values and possible environmental impacts." He noted the group's signs were still in place and they still stood firm and would remain vigilant. He suggested there was one solution to "allay" their fears and it was a solution that only the Board of Supervisors could provide. Mr. Davis noted the New Kent County Code provided for permitted uses in various zoning districts in order to assure responsible and compatible growth in the community. He suggested New Kent and many other localities recognized some uses were not compatible

with the community at large. New Kent had identified ten uses which were considered prohibited. The code language prior to this list of prohibited uses stated, "Certain uses have been determined to be entirely inconsistent with the comprehensive plan and for which no acceptable conditions can be established that would reduce the inconsistency." Mr. Davis suggested County staff had determined the use proposed in CUP-02-18 was inconsistent with the Comprehensive Plan and suggested any similar facility in another location would also be inconsistent. Mr. Davis suggested there was a safety concern regarding the inability to control/contain a surface danger zone "as described in military range standards." He reported a surface danger zone was defined as, "the ground and air space designated within the training complex to include associated safety areas for vertical containment of projectiles, fragments, debris and components resulting from the firing, launching or detonation of weapons systems to include explosives and demolitions." He suggested the down range surface danger zone for CUP-02-18 should extend over 2.5 miles and based on his research, the proposed project would require a minimum of 2,000 acres. The parcel was 266 acres and the applicant had indicated they would disturb only 65 acres. He suggested there was no parcel in New Kent which could meet this 2,000 acre requirement. "There is no location in New Kent County where we can safely locate a business as was proposed or similar to CUP-02-18." Mr. Davis indicated the group was not asking for changes to the County Code regarding recreational firearms use or activities. He again noted there were ten prohibited uses in the County Code and the group was "respectfully requesting number eleven be added to the list." He asked the Board to add "Tactical, combat and/or military style shooting ranges and training facilities to the list." He suggested this addition would eliminate any application similar to CUP-02-18. He believed once this change was made, there would be an immediate impact for those buying or selling properties in the area. Mr. Davis stated, "As a group of concerned citizens, we are asking one of you to sponsor this proposal." He suggested they had been diligent in drafting proposals and developing definitions and offered any assistance to staff or the Board. He closed by asking the Board to take this requested ordinance change up for a vote as soon as their agenda schedule would allow and he thanked them for their time and consideration. Mr. Davis provided Deputy Clerk Wanda Watkins with copies of the proposed ordinance changes for the Board.

Randy Schmidt of 3831 S. Orchard Road, Williamsburg addressed the Board in support of the Convention of States resolution. Mr. Schmidt thanked the Board for their time and indicated he was a retired Lieutenant Colonel and the State Director for the Veterans Coalition for the Convention of States effort. He suggested he wanted to revive Article V and requested the Board's indulgence while he read the following from Article V:

"The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes..."

He suggested the remainder of Article V went on to explain the support of 34 states was needed to call a convention and 38 states to ratify any amendment proposed by Congress or the legislatures of the 34 states. He suggested support for a Convention of States had been somewhat successful in Virginia with the resolution making it past the House floor four times out of the last eight and it "continued to fight its battles through subcommittee." He encouraged the Board to support the resolution that would be before them tonight.

Mr. Evelyn thanked those who had spoken. There being no other citizens wishing to speak, the comment period was closed.

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

VDOT Resident Administrator Marshall Winn reported the third cycle of primary mowing would start this week. He had reported on several special projects at the previous meeting including the replacement of a pipe on North Waterside Drive and the installation of a pipe and paved ditch at Carriage Road near Gammon Well. Both pipes had been installed and a proposal was out for the paved ditch portion of the Carriage Road project. He also noted pavement marking of several roads reported at the previous meeting as pending completion had been completed. Additional paving over some of the concrete patching on Route 60 would start the following week. Mr. Winn reported County Administrator Rodney Hathaway had received an email from Brent Pollard with VDOT Location and Design regarding landscaping the Route 612 roundabout. He asked to be notified once a date was set so he could plan to attend. The written report provided on maintenance items completed over the past thirty days described a variety of work at various locations throughout the County including mowing, brush trimming, drainage work, pothole patching and trash removal.

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

Mr. Davis reported residents of Lynn Lake Drive (Route 634) had reported sight distance issues from the Barhamsville direction and had requested a “Hidden Entrance” sign. Mr. Winn asked for a specific address for the sign placement. Mr. Davis indicated the concern was turning off of Farmers Drive (Route 273) onto Lynn Lake Drive. Mr. Winn indicated he would have someone look into this and suggested a “Hidden Driveway” sign may be needed. Mr. Davis also reported rain had washed out a number of shoulder areas along Farmers Drive and a recurring pothole on Route 33 in Eltham was in need of additional attention.

Mr. Stiers stated, “I never give up! Six and a half years but the intersection of Carriage Road and Highway 60 has been reengineered.” He noted his appreciation to VDOT for this work and reported Mt. Pleasant Road had not been mowed all year.

Ms. Paige indicated she also was not giving up. She reported receiving calls regarding washing out at the end of Clarke Road and Shooter Run Road. She noted there was no ditch and suggested the culvert could be blocked. She indicated she had questions regarding South Garden Road and Mountcastle Road. She suggested South Garden Road had been known as Route 60 at one time. She noted South Garden Road crossed Mountcastle Road and there were several homes beyond this intersection. She asked if this portion of the road was still on the list of state maintained roads. She reported there was no street sign or stop sign and drivers were pulling out onto the road. Mr. Winn suggested if there was no sign, the road was probably private. Ms. Paige suggested there had been a street sign at the location a long time ago and asked Mr. Winn to look into this and let her know the status. She also reported she would be meeting with Mr. Tate (Jack Tate with VDOT) regarding concerns at Taylor Manning Road, Farmers Drive and Polish Town Road. She thanked VDOT for all they were doing especially in regard to the recent heavy rainfall.

Mr. Tiller reported he also had an area of ongoing concern and was also not giving up. He referenced sight distance issues at the intersection of Henpeck and Sassafras Roads. He indicated VDOT had permission from the property owner to cut back the hill several years ago but had decided cutting the grass would be sufficient. He asked that this be reviewed again. He also reported sight distance issues at Route 612 and Mako Road. Mr. Tiller indicated he often noticed white squares painted on newly paved roadways and asked why

these markings were present. Mr. Winn indicated the markings were a part of the compaction testing process and samples were removed from these areas for testing.

Mr. Evelyn suggested there was no need to clean ditches in his area after the heavy rains the previous evening. He reported frequent flooding on Old Church Road at the Hanover/New Kent County line and expressed concerns that road conditions could hamper the ability to provide/receive mutual aid. He asked if there had been any discussions regarding improving this area. Mr. Winn indicated he was aware of the area and noted this was a low area and the creek had filled with silt. He suggested installing a series of pipes and raising the level of the road would be the best way to address the flooding.

Mr. Davis reported there were several places on Farmers Drive where "High Water" signs had been positioned. He noted the signs were folded down and asked who was responsible for putting them up when high water was present. Mr. Winn indicated VDOT staff would put the signs up when they received a report of high water. Mr. Davis reported this was a well-traveled road and someone had recently hydroplaned off the road and into the porch of a home. He asked if there were any permanent signs that could be installed that would warn drivers of high water during heavy rainfall. Mr. Winn indicated they didn't have such a sign.

Mr. Winn also reported locations for the "two-tenths of a mile" signage on I-64 had been staked and similar work was also being done on I-85 in the Petersburg area. He reported the I-85 signs would be installed first because their request had been received first. He indicated plans were to install two-tenths of a mile signage on I-64 eastbound and westbound between Exit 205 and the James City County line. He also introduced Assistant Residency Administrator Marc Harlow and noted Mr. Harlow had filled the position vacated when he had been promoted to the Residency Administrator position.

IN RE: PRESENTATION ON REQUEST FOR RESOLUTION R-27-18 (R1) IN SUPPORT
 OF A CONVENTION OF STATES

Convention of States Action Regional Captain Russell Beyer presented information regarding his request for a resolution supporting a Convention of States. Mr. Beyer thanked the Board for considering this resolution to encourage the General Assembly to debate Virginia's application on the floor. He noted he had been an unpaid volunteer for the Convention of States Action for several years. He suggested a Convention of States was the "last peaceful way to put the country back on the right track" and stated "I don't ever want to look my grandkids in the eye and have to explain that we knew this tool was there but were afraid to use it." He reported this action was nonpartisan and was supported by people from "all walks of life". He reported when the Constitution was originally written, George Mason had suggested Congress would never address such things as term limits, power limits, spending and taxing and had offered the solution of allowing states to also propose amendments as a check on the federal government. This solution had been adopted without debate. He asked Supervisors if they agreed that politicians in Washington, DC should have term limits and, if they did agree, did they believe career politicians would impose term limits on themselves. He asked them to also consider similar questions regarding spending and taxation. He noted Supervisors were aware that what was happening in Washington would trickle down to the County level. He pointed out the Constitution contained a provision to allow states to "fix the federal government" through an Article V Convention of States. Virginia had passed the Convention of States application in the House in 2016 but the application had been stalled in Senate committee. He also reported 12 states of the 34 needed had passed applications. The powers and duties of each state's commissioner at the convention would be limited. They could only propose amendments that were relevant to the applications and would be subject to recall and penalties for failure to obey their

commissions. Areas included in the applications were term limits for federal officials, fiscal restraints on spending and taxation and a reduction of the federal overreach beyond its Constitutional powers. He again noted this effort was nonpartisan and reported there were over 3.5 million supporters in the U.S. and noted this number had nearly doubled in the past year. He reported there were over 31,000 supporters in Virginia and Senator Norment had over 1,300 supporters in Senate District 3. Delegate Peace had been a Co-Patron and had over 600 supporters in House District 97. He suggested there were just under 300 supporters in New Kent which he again reported was a number that had almost doubled in the past year. Mr. Beyer indicated he was asking the Board to "show support at the County level ... for the state to allow debate and a vote on the floor of the General Assembly."

Mr. Beyer shared a PowerPoint presentation entitled "*One Convention of States Project*" providing information on the project's mission, the two methods of proposing Constitutional amendments and the process. The information indicated the plan was to call a convention for a particular subject rather than for a particular amendment. Model application topics included term limits for federal officials, members of Congress and the Supreme Court, federal fiscal restraints on spending and taxation and limits on the jurisdiction and scope of federal government's power. Mr. Beyer suggested the Board could help by passing the requested local resolution of support. He also noted citizens could help by joining the project, educating their friends, contacting state delegates and senators, donating time, talents and money and volunteering. He reported support was growing and encouraged the Board to pass the proposed resolution. He indicated additional information was available on the website and he was available to answer any questions. He indicated he had been asked if any other localities had done this and he reported Prince William County had adopted something similar several years ago. The first of the 12 states passing an application had done so in 2014.

Mr. Davis asked, "When was the last convention?" Mr. Beyer reported the last convention had been a "compact" in 1922. He noted there had "never been a Convention of States for the purposes of proposing amendments." He suggested many people may be thinking of a Constitutional Convention but an Article V Convention of States was entirely different. Mr. Davis noted Mr. Beyer had reported 12 states had passed legislation supporting this and asked how many cities or counties in Virginia were needed to get our legislature to do something. Mr. Beyer suggested the legislature could have passed this years ago and the more support from localities the better. Mr. Davis suggested that since there had never been a convention, it was impossible to know how big it would be. Mr. Beyer noted that each state would be allowed to send as many people as they wanted but each state would have only one vote. Mr. Davis asked who would pay for the convention. Mr. Beyer noted this was a good question and suggested the cost would be a "state by state effort." Mr. Davis suggested some states may choose not to pay. He noted that 12 states had passed this and asked if any of these had been by referendum. Mr. Beyer indicated all had been passed by state legislatures. He noted passage by both the House and the Senate were required but the governor's signature was not required. He further noted the Virginia House had passed this in 2016 and Delegate Chris Peace had been a co-patron of the resolution every year. Mr. Stiers indicated he had been aware of this for several years and was very supportive. Mr. Evelyn asked for confirmation that Prince William had passed a similar resolution. Mr. Beyer indicated they had passed something similar. He suggested this resolution "has no teeth" and the real action would take place at the state legislature. Mr. Evelyn asked if this would ultimately be up to the House and Senate. Mr. Beyer confirmed. Mr. Davis noted the title on Resolution R-27-18 (R1) stated "restoring authority and resources to local government" and asked if this title should be modified to also include local and state governments. Mr. Beyer indicated this would be an appropriate modification. Mr. Evelyn asked Mr. Beyer if anyone had contacted VACo (Virginia Association of Counties) for

their position. Mr. Beyer reported Ms. Paige had asked this question and he had called but had not been able to speak with anyone. He pointed out the VACo website included the following statement: "VACo's lobbying efforts have helped stem the tide of unfunded mandates and have saved counties millions of dollars every year." County Attorney Bill Hefty reported VACo would be holding policy meetings in the fall and this may be one of the topics they would discuss. He suggested there may be some guidance or input from VACo through these meetings. He noted the General Assembly would not be meeting again until January and suggested that was when this resolution would be needed. Mr. Beyer indicated he would like to have the resolution sooner and reported resolutions were currently being filled with the state. He also noted the next General Assembly would be a short session. Mr. Davis asked if the House would need to pass this again since they had passed it in 2016. Mr. Beyer indicated the House would need to pass this again because the Senate had failed to pick this up the following year. Mr. Evelyn asked if the vote had been along party lines. Mr. Beyer indicated he had not been involved in 2016 and did not know. Mr. Tiller indicated he would like to wait to hear VACo's opinion. Mr. Davis indicated he didn't see any reason to defer and suggested a Convention of States would "be a long way down the road but the ball's got to start rolling somewhere." Mr. Stiers agreed and suggested the Board didn't always follow VACo's opinions. Mr. Evelyn agreed and noted he had thought VACo may have already issued an opinion on this.

Mr. Stiers moved to adopt Resolution R-27-18 (R1) requesting that Virginia be added to the roll of states adopting resolutions in support of an Article V Convention of States to consider constitutional amendments restoring authority and resources to local and state governments. The members were polled:

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

The motion carried.

IN RE: PINE FORK PARK CONSTRUCTION FINANCING PRESENTATION

Davenport & Company Associate Vice President Chazzo Habliston shared information on the dual-track financing approach for the Pine Fork Park project. Mr. Habliston indicated he would provide an overview of the handout which had been distributed prior to the meeting and encouraged Board members to ask questions. He noted the County was in the process of designing Pine Fork Park which would include utilities, bathroom and concession facilities, playgrounds, a cloverleaf baseball field, multi-use fields, roads and walking trails. A Construction Manager, Site Contractor and Specialty Sports Complex Design Builder had been engaged for this project. Plans were to utilize existing funds including cash reserves, CIP funding and a Farms of New Kent proffer with debt financing for the remainder of the project. The estimated cost of the project was \$4.38 million but actual costs would not be finalized until the project was put out for bid. The current project schedule suggested bids would be received in November 2018 and construction would begin in February 2019.

Mr. Habliston reported the dual-track approach included Davenport, on behalf of the County, soliciting funding proposals from local, regional and national lending institutions for a Direct Bank Loan through the RFP (Request for Proposals) process. The RFP had been distributed on July 25th and proposals were due August 16th. Once these proposals were in, the County would have a better understanding of the interest rate, terms and conditions of

a potential Direct Bank Loan. Davenport would also assist the County in applying to the Fall 2018 Virginia Resources Authority (VRA) pooled financing program. The VRA was a state-funded program helping local governments access public credit markets. Details for VRA funding would not be known until the end of October. Depending upon the results of the Direct Bank Loan proposals and pending credit approval from VRA, the County could decide to participate in the VRA Pool. He noted that sending out the RFP and submitting an application to VRA did not obligate the County in any way to move forward with either funding approach. He also noted all parties were "working at risk" which meant if the County decided to not move forward, there would be no cost to the County. Davenport and Company and Bond Counsel would only be compensated if financing was obtained.

Mr. Evelyn noted it had been reported the County had engaged a Construction Manager and Site Contractor and asked if these contractors had signed contracts. County Administrator Rodney Hathaway reported the project had not been put out to bid so there were no contracts with any vendors. The Construction Manager mentioned had been doing some consulting work but he was not sure of the relationship with the Site Contractor and Specialty Sports Complex Design Builder. Parks and Recreation Director Kim Turner reported the Site Contractor and Specialty Sports Complex Design Builder were also serving as consultants. These individuals had provided assistance with cost estimates. Mr. Evelyn asked if bid requests had been put out for any work. Ms. Turner indicated they had not.

Mr. Habliston continued on with the overview of the two funding options.

- Direct Bank Loan funding would require the involvement of the Economic Development Authority (EDA). He reported the RFP had requested various terms and conditions including 15 and 20 year terms to maximize the County's options. The process for a Direct Bank Loan could be completed within 45 to 60 days with an early October closing date. He noted some of the pros of a Direct Bank Loan were the County would know the interest rate and terms on the RFP due date and a Direct Bank Loan would allow for the ability to prepay the loan at any time potentially without penalty. Rates with a VRA loan would not be known until the end of October.
- VRA funding would not involve the EDA. Because a VRA loan would be financed as part of a larger pooled financing including other borrowers, the County would be able to benefit from VRA's strong credit ratings (AAA/AA). This would provide access to the lowest possible credit rates and loan costs would be distributed among participants in the pool. Mr. Habliston noted the VRA did allow up to a 30-year term but the plan was to stick with a 20-year term. The VRA interest rate would be floating and was subject to change until the bonds were sold on October 30th. Once the interest rates were established, the rate would be fixed and the County's repayment structure would be known. Mr. Habliston also noted it was unlikely the County could prepay or refinance the bonds that matured during the first ten years of a VRA loan. Bonds maturing after the first ten years would be eligible for prepayment beginning in year ten.

Mr. Habliston reviewed the proposed financing schedule. He reported information on proposed project funding options would be reviewed with the EDA on August 16th. The results of the Direct Bank Loan RFP would also be received on this date. Davenport and Company would review RFP responses with staff and present an analysis comparing the RFP results and expected VRA results as well as funding recommendations at the September 4th Board meeting. Once a preferred financing approach was determined, the Board would be asked to take the necessary actions to move forward. If a Direct Bank Loan was the preferred approach, the EDA would be asked to approve a bond resolution and lease revenue bond documents at their September 20th meeting. The Board would be asked to adopt final approving resolutions and Direct Bank Loan documents at their September 26th

meeting. Closing dates were scheduled for October 5th for a Direct Bank Loan and November 14th for VRA financing. Mr. Habliston entertained questions.

Mr. Stiers suggested Ted Cole (also with Davenport & Company) had previously said even though New Kent County did not have a credit rating, if they did, it would be AAA. He asked why the County would benefit from VRA's ratings. Mr. Habliston indicated the financing with VRA would be pooled financing involving a number of local governments and any financing costs would be dispersed among applicants in the pool. Mr. Hathaway asked if it would be a true statement that because VRA would be pool financing, they would be borrowing a much larger amount and therefore would be able to get better interest rates. Mr. Habliston indicated this was correct. Mr. Evelyn suggested it would be "a gambling game with the interest rate." Mr. Habliston agreed, noting the interest rate would float with the market and pointed out the movement may or may not be in the County's favor. Mr. Hathaway also noted that generally financing options were presented to the Board once project plans were in hand. He suggested the plans would be in place and ready to be put out to bid by the end of September and the projected ground-breaking would be the middle of February. He noted if the Board did not take advantage of this pool with VRA, the next pool would not be until late May 2019 and waiting this late would set the project back.

IN RE: FIRE CHIEF RICK OPETT ANNOUNCEMENT

Mr. Evelyn indicated Fire Chief Rick Opett had requested to make an announcement. Chief Opett apologized for the interruption and indicated he had an announcement which he felt everyone needed to hear. He reported New Kent Fire-Rescue had received a call at 6:18 p.m. for an 11-year old who had collapsed on the football field at the Historic School. He had been nearby and had pulled into the parking lot only to find he was unable to gain access due to a long line of vehicles. He reported he had determined a 56-foot orange box truck with the words "No Combat Range in New Kent" was impeding traffic. He further reported this had resulted in a delay in getting Fire-Rescue vehicles to the patient. He noted this concerned Fire-Rescue personnel and a number of parents on the football field had also been asking why this truck was there. Chief Opett noted he understood the people had a message to send and suggested they may want to rethink their methods. He apologized again for the interruption but noted he felt the announcement needed to be made. Mr. Stiers asked the child's condition. Chief Opett indicated the child was okay.

IN RE: PUBLIC HEARING – REZONING APPLICATION ZM-03-18, NEW KENT
ORDINARY – ORDINANCE O-23-18

Before the Board for consideration was Ordinance O-23-18 to rezone approximately 15.8 acres of land from R-2 to Courthouse Development District and to rezone approximately 2.17 acres of land from A-1 to Courthouse Development District.

Planning Manager Kelli Le Duc provided an overview of the rezoning application and noted Jon Kinney, the applicant, was present to answer questions. The applicant had requested the rezoning of approximately 15.8 acres from R-2 to Courthouse Development District and the rezoning of approximately 2.17 acres from A-1 to Courthouse Development District. The properties were located at 12000 and 12010 New Kent Highway and were known as the New Kent Ordinary. The proposal for the Ordinary involved converting the facilities to a mixed-use building possibly a craft brewery and/or a bed and breakfast. The properties were designated a "Village" on the Future Land Use Map. New Kent County Courthouse was currently home to several County businesses, the Maidstone development, Corinth Baptist Church, New Kent County administrative and school offices, the post office and several residences. Reviewing agencies had expressed no concerns. Ms. Le Duc reported the

proposed rezoning was in compliance with the Village designation and was consistent with surrounding land uses. The proposed business would add to the County's tax base with minimal impact to County services. The Planning Commission had considered this application at their July 16th meeting and had forwarded a favorable recommendation. Staff was also recommending approval. Ms. Le Duc invited Mr. Kinney to speak.

Mr. Kinney introduced himself and noted his address was 901 North Monroe Street, Arlington. Mr. Kinney indicated he had learned many years ago that if you had the support of the County and there was no opposition, it was best to say no more and reserve time for questions. He noted he would be happy to answer any questions the Board may have.

Mr. Davis indicated he had a question for Ms. Le Duc. He noted the "Transportation" section of the Staff Report stated the application had been reviewed by VDOT and the only comment from them had been "VDOT does not approve of any changes to the state highway system at this time." He asked for clarification regarding this statement. Ms. Le Duc indicated no changes to the state highway system had been proposed and she was not sure of the meaning. Mr. Davis asked if turn lanes would be required. Ms. Le Duc suggested the need for turn lanes would depend on the intensity of the use and suggested the intent was to use the existing access. Mr. Davis noted any business would have to have an ingress and egress noted on their plans and asked if plans had been submitted. Ms. Le Duc reported no site plans had been submitted and agreed the location for ingress and egress would be a component of the plans.

Mr. Evelyn opened the public hearing. There being no individuals wishing to speak, the public hearing was closed. He asked the Board if there were any additional comments. Mr. Davis noted this property had been a tavern 350 years ago and suggested the current plans for this property may be as close as we would be able to get to it being a tavern again.

Ms. Paige moved to approve Ordinance O-23-18. The members were polled:

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

The motion carried.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Davis indicated he had nothing to report.

Mr. Stiers reported he had been honored to be asked to speak recently before the VRC (Virginia Racing Commission) along with County Administrator Rodney Hathaway and Economic Development Director Matthew Smolnik. He noted the VRC coordinated horse racing between the Horsemen's Association and the race track. He reported that although House Bill 1609 had passed, the VRC wanted to place restrictions on the number of Historical Racing machines Colonial Downs could have. He indicated he and the others had spoken in favor of allowing Colonial Downs to open up and exist without so many restrictions. He also reported he and his wife had recently traveled to Montross, Virginia which was the home of the O'Gara training/combat facility. He indicated he had spoken with several residents and would have more to report on this later.

Ms. Paige thanked the Sheriff's Department, Parks and Recreation, New Kent Administration and all others who had volunteered to make the recent National Night Out such a success. She reported everyone appeared to be having a good time even with the hot weather. She also thanked attendees. She announced she was a very proud graduate of the New Kent County Sheriff's Citizen Academy and reported the information had been very enlightening. She reported on upcoming events including the following:

- The annual Unity March would be held on Saturday, August 25th at 9:00 a.m. Participants would march from the Rappahannock Community College building to the New Kent County Courthouse. There would be guest speakers and everyone was encouraged to attend.
- The New Kent Rotary Club Car and Aircraft Show would be held at the New Kent Airport from 11:00 a.m. to 4:00 p.m. on Saturday, September 8th. Motorcycles would also be included, admission would be free and vendors and a variety of activities would be available. Everyone was encouraged to attend.
- She closed by wishing everyone a happy Labor Day.

Mr. Tiller announced Sonabank of Quinton would be sponsoring a "Fill the Bus" event to collect school supplies to be distributed through New Kent Social Services. He encouraged anyone who may be in the area to donate. School supplies could also be dropped off at the office of the Commissioner of Revenue in the County Administration Building.

Mr. Evelyn reported he had also attended National Night Out and it had been a great event. He thanked Parks and Recreation and the Sheriff's Office for always doing such a good job with this annual event.

IN RE: APPOINTMENTS – DELEGATED BY DISTRICT

There were no appointments delegated by district.

IN RE: APPOINTMENTS – NOT DELEGATED BY DISTRICT

There were no appointments not delegated by district.

IN RE: STAFF REPORTS – SALE OF SURPLUS WELL LOT

County Administrator Rodney Hathaway reported the Board had approved the sale of three abandoned well lots in 2016. These lots had become surplus when the water systems in the respective communities (Quinton Estates, Greenwood Estates and Kenwood Farms) had been connected to the County's system. Two of the lots had been sold but the individual who was to purchase the Quinton Estates lot had never followed through. Mr. Hathaway reported he had received a request from another adjacent property owner who was interested in purchasing the well lot. A map depicting the well lot and the adjacent property had been provided. The well lot was .23 acres and the request to purchase was with the same terms and conditions as had been approved in 2016. Mr. Hathaway reported it would be necessary to conduct a public hearing before selling the lot and indicated he would like to schedule that hearing for September 4th. He indicated adjacent property owners would be notified and reminded everyone that when the County had notified adjacent owners of its desire to sell the lot in 2016, only one had expressed an interest.

Mr. Davis asked if this request was from a different lot owner but was the same proposal. Mr. Hathaway noted this was correct. The terms and conditions were the same as had been approved in 2016 but a different adjacent property owner was now making the offer to purchase. Mr. Davis pointed out the map appeared to show a number of buildings within or

partially within the lot. Mr. Hathaway indicated it was his understanding these buildings were not permanent and suggested the individual who had made the first proposal may have never followed through with closing because he was already using the property. He noted the County had no use for the lot and, as people were using it, the County was incurring a liability. He suggested it would be in the County's best interest to dispose of the lot. The purchaser would be responsible for all closing, recording and surveying costs.

IN RE: OTHER BUSINESS

There was no other business.

IN RE: CLOSED SESSION

Mr. Tiller moved to go into closed session pursuant to section 2.2-3711(A)1 of the Code of Virginia for discussion regarding the performance and salary of the New Kent County Fire Chief. The members were polled:

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

The motion carried.

Mr. Evelyn thanked all of the citizens who had come out to the meeting. He indicated the Board would take no further actions when they returned from closed session. Board members left to go into closed session and returned quickly indicating they wished to amend the closed session motion.

Mr. Stiers moved to amend the motion to go into closed session pursuant to section 2.2-3711(A)1 of the Code of Virginia for discussion regarding the performance and salary of the New Kent County Fire Chief and the Director of Economic Development. The members were polled.

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

The motion carried. The Board went into closed session.

Mr. Davis moved to come out of closed session. The members were polled:

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

The motion carried.

Mr. Davis moved to certify by roll call vote that to the best of each Board 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:

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

The motion carried.

IN RE: MOTION TO CONDUCT JOINT PUBLIC HEARING

Mr. Tiller moved to conduct a joint public hearing with the Planning Commission at 6:30 p.m. on August 20th. The members were polled:

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

The motion carried. The August 20th meeting would be for the purpose of conducting a public hearing on Application CUP-18-2018; Paramount Development Corp./Chester A. Alvis and David L. Horsely, Sr.

IN RE: ANNOUNCEMENT OF UPCOMING MEETINGS

Mr. Evelyn announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Tuesday, September 4, 2018, and the next work session at 9:00 a.m. on Wednesday, September 26, 2018. The Board would also be meeting for a joint public hearing with the New Kent County Planning Commission at 6:30 p.m. on Monday, August 20th. All meetings would be in the Boardroom of the County Administration Building. There would be no August work session.

IN RE: ADJOURNMENT/CONTINUATION

Mr. Tiller moved to continue the meeting until 6:30 p.m., Monday, August 20th in the Boardroom of the County Administration Building. The members were polled:

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

The motion carried. The meeting was dismissed at 8:18 p.m.