

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 11th DAY OF AUGUST IN THE YEAR TWO THOUSAND EIGHT OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

Chairman Burrell called the meeting to order.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Burrell gave the invocation and led the Pledge of Allegiance.

IN RE: ROLL CALL

Thomas W. Evelyn	Present
David M. Sparks	Present
James H. Burrell	Present
Stran L. Trout	Present
W. R. Davis, Jr.	Present

IN RE: CONSENT AGENDA

County Administrator John Budesky presented the Consent Agenda as follows:

1. Approval of Minutes
 - a. July 17, 2008 regular session
2. Miscellaneous
 - a. Resolution R-18-08 declaring October 2008 as Community Planning Month in New Kent County
 - b. Resolution R-19-08 Affirming Authorization to Pick Up New Kent County Employees' Contributions to VRS under Section 414(h) of the Internal Revenue Service Code
3. FY08 Appropriations
 - a. Funds for program income for the CDBG Plum Point Grant, \$3,209.91
 - b. Funds received from Ralph W. Johnson for electric service in excess of \$1,200 at the Extension building, \$941.00
 - c. Funds for refunding of interest on bonds from US Bank for the 1997C Courthouse project, \$498.43
 - d. Funds for Fire-Rescue coverage at Colonial Downs on Jun 30 2008, \$1,013.00
 - e. Funds received from the Commonwealth of Virginia for postage in the Juvenile & Domestic Relations Courts office, \$648.00
 - f. Funds received and expected for restitution for Feb 10 2008 fire incident, \$798.00
 - g. Funds received for motor vehicle licenses to cover Treasurer's expenditures associated with purchase of decals, \$1,247.00
 - h. DMV stop fees collected by Treasurer's Office, \$140.00

Total Supplemental Appropriation:
\$ (8,495.34) Total

\$ 8,495.34 Money-in/Money-out

4. FY09 Supplemental Appropriations
 - a. Funds donated to the New Kent Animal Shelter, \$491.00
 - b. Funds for Fire-Rescue coverage at Colonial Downs Jul 1 – 20 2008, \$19,950.00
 - c. Funds for extra security detail performed by the Sheriff's Office for Jul 18 – 26 events, \$1,119.00
 - d. Funds donated to Fire-Rescue for public education, \$90.00
 - e. Funds reimbursed to Fire-Rescue for emergency preparedness items, \$606.00
 - f. Funds donated to Parks & Recreation from the New Kent Junior Women's Club for summer camp, \$100.00
 - g. Funds received from the Commonwealth of Virginia for postage in the Juvenile & Domestic Relations Courts office, \$103.00
 - h. Funds for the Whitehouse well replacement project for public utilities, \$200,000.00
 - i. Adjust FY09 debt service budget to actual debt service figures, \$42,412.00
 - j. Funds received from the Library of Virginia for records preservation in the Circuit Court Clerk's Office, \$1,479.00
 - k. Funds received from various builders for reimbursement of 2006 Code books purchased by Building Development Office, \$2,075.00
 - l. Adjust Social Services FY09 adopted budget to actual figures approved by the State, \$16,410.00

Total Supplemental Appropriation:

\$ (252,015.00)	Total
\$ 52,015.00	Money-in/Money-out
\$ 200,000.00	From Fund 98 – Utility Fund Balance

5. FY09 Carry Forward Appropriations
 - a. Funds for the local portion of the Chesapeake Bay 2007 grant not used in FY08, \$1,095.00
 - b. Technology Trust Funds to complete three projects in the Circuit Court Clerk's Office, \$12,453.00
 - c. Funds for the Clean County/Litter fund not used in FY08, \$166.54
 - d. Capital funds for various projects not completed in FY08, \$3,153,488.42
 - e. Public Utility funds for the SCADA project not completed in FY08, \$150,000.00
 - f. Public Utility funds for the Parham Landing generator project not completed in FY08, \$181,402.50

Total Supplemental Appropriation:

\$ (3,498,605.46)	Total
\$ 160,000.00	Money-in/Money-out
\$ 13,548.00	From Fund 1 – General Fund Balance
\$ 2,993,488.42	From Fund 7 – Capital Fund Balance
\$ 166.44	From Fund 15 – Litter Control Fund Balance
\$ 331,402.50	From Fund 98 – Public Utilities Fund Balance

6. FY07/08 Inter-Departmental Budget Transfers

- a. Treasurer: \$1,488 from Part-Time Salaries & Wages and Advertising to Professional Services, Repairs & Maintenance, Maintenance Service Contracts, Mileage, Dues & Memberships, and Office Supplies
 - b. Sheriff's Office: \$6,090 from Part-Time Wages to Full-Time Overtime
 - c. Fire Rescue: \$1,000 from Tower Repair & Maintenance to Repairs by Outside Contractor
 - d. Sheriff's Office: \$1,987 from Gas to Grant Fund
 - e. Economic Development: \$10,116 from Salaries & Wages to Overtime and Contractual Services
7. FY08/09 Inter-Departmental Budget Transfers
- a. Schools: \$1,600 from Classroom Instruction Miscellaneous to Tech-Classroom Instr. Misc. Tech-Instructional Non-Capitalized and Executive Admin Cap Outlay Replace
 - b. Social Services: \$18,814 from Safe & Stable Families to Salaries & Wages
 - c. Circuit Court Clerk: \$30 from Overtime to Dues
 - d. Social Agencies: \$509 from Contingency to State and Local Hospitalization
8. Treasurer's Report: Cash in Bank as of June 2008: \$27,719,007.64

Mr. Burrell requested an amendment on page 11 of the minutes to the effect that "of all the sports around the world, basketball was one of the fastest growing sports".

Mr. Trout moved to approve the Consent Agenda, with the requested correction to the minutes, and that it be made a part of the record. The members were polled:

Thomas W. Evelyn	Aye
D. M. Sparks	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
James H. Burrell	Aye

The motion carried.

IN RE: RESIDENCY ADMINISTRATOR'S REPORT

Torrence Robinson, Residency Administrator with the Sandston Residency of the Virginia Department of Transportation, reported on road matters in New Kent County.

He indicated that maintenance during the past month included removal of dead animals, sight distance work, providing assistance with traffic control for the Virginia Derby, grading and dust control for non-paved roads, brush cutting, tree trimming, grass mowing, pavement repairs, installing driveway pipe, and washout repairs.

Regarding the Rural Rustic Road projects, he reported that the projects on Route 647/Old Telegraph Road and Route 602/Townsend Road were complete; the project on Route 620/Homestead Road was expected to be complete the week of August 11, 2008; and the project on Route 628/Mt. Pleasant Road was anticipated to be complete the week of September 5, 2008.

He advised that the roads in Plum Point were still under review.

Mr. Robinson reported that crews would continue to clean the inlets on Route 60 through the month of August.

He advised that the Residency planned to start mowing operations soon along Route 60, from the James City County line to the Henrico County line, after which time mowing will be done on the remainder of the primary routes.

He reported that they had received environmental clearance for the drainage work requested along Tabernacle Road which he anticipated would start by early September.

He indicated that they had completed surface treatment on Quinton Lane.

Mr. Davis expressed his approval of the Rural Rustic Road projects on Homestead Road and Townsend Road, as well as his appreciation for the work to be done along Tabernacle Road.

Mr. Trout also commended the Rural Rustic Road projects completed in District Four, which included Townsend Road and Old Telegraph Road. He reminded that a solution and funding were needed for South Waterside Drive. Mr. Robinson assured that they were continuing their search for a solution to the problems in that area.

Mr. Sparks advised that he would appreciate Mr. Robinson's continued attention to the ditches along Route 60, adding that the cleaning of the pipes had helped to relieve some of the flooding problems.

Mr. Evelyn asked if the resident from the Woods Edge subdivision had been contacted to follow up on a recent complaint. Mr. Robinson indicated that he would look into that.

Mr. Evelyn asked about the status of the flooding problems along St. Peters Church Road. Mr. Robinson stated he would follow up on that and report back.

Mr. Burrell expressed his appreciation for Mr. Robinson's quick attention to issues highlighted by the Board members.

IN RE: CITIZENS COMMENT PERIOD

Chairman Burrell opened the Citizens Comment Period.

George R. Oden, Jr. spoke about the savings that could be realized from a four-day school week and asked if New Kent was investigating that option.

Board members reminded Mr. Oden that the decision would rest with the School Board and encouraged him to speak to the School Board at one of its meetings. Mr. Burrell announced that County Administration was in the process of looking into whether there would be any operational savings for County government by changing to a four-day work week.

There being no one else signed up to speak, the Citizens Comment Period was closed.

IN RE: INTRODUCTION OF NEW STAFF

Treasurer Herbert Jones, Jr. introduced his newest employee, Angela Russo, Deputy Treasurer-Accounting and Administrator.

Ms. Russo was welcomed by the Board members.

IN RE: RICHARD E. WILLIAMS, SR., DECEASED

Mr. Evelyn presented to the family of the late Richard E. Williams, Sr., a former member of the Board of Supervisors, a copy of Resolution R-14-08 which had been previously adopted by the Board in honor of Mr. Williams' life and service to community. Mr. Evelyn read aloud the resolution and recounted some of his interactions with Mr. Williams.

Other Board members shared comments about Mr. Williams and expressed condolences to the family.

IN RE: GREEN INFRASTRUCTURE PILOT PROJECT

Karen Firehock, Executive Director of the Green Infrastructure Center (CIG), spoke to the Board about the pilot project in New Kent.

She explained that the Green Infrastructure Center was a non-partisan, non-profit organization headquartered in Charlottesville, Virginia. She indicated that New Kent had applied for and had been accepted for a pilot project, a 12-month process to assist the County in identifying, evaluating and mapping significant environmental resources, such as forests, rural landscapes, water resources, heritage and recreational assets. She added that this was one of five demonstration field tests underway in Virginia to develop a green infrastructure planning methods guidebook to assist localities. She explained that the results, which would include good base maps, would help New Kent with the update of its Comprehensive Plan and complement the "Cool Counties" initiative, as well as be used to help meet recreational needs and protect historic resources.

Ms. Firehock advised that the project in New Kent was being funded by the Virginia Environmental Endowment and the Robins Corporation and at no cost to the County. She described the steps in the project, which included the creation of a Focus Group to be comprised of citizens with a variety of interests and skills from the community and government (including a representative from the Board), to help with the process of determining what should be included on the maps. She projected that the Focus Group would meet four times during the year, and its members needed to be familiar with the issues and challenges of the County.

There was discussion regarding the Focus Group. Ms. Firehock indicated that she expected there to be around 20 members and that the CIG only suggested categories which the members should represent, and then asked the Board to appoint its own representative to the group.

She indicated that the GIC would notice and facilitate the meetings, all of which would be held in New Kent, be open to the public, and provide opportunity for public comment, and that the GIC would make regular presentations to the Planning Commission and the Board of Supervisors. She reported that they hoped to have the project finished by June 30, 2009, with the deadline being July 31, 2009.

There was discussion regarding the projects in other localities.

Ms. Firehock indicated that this was also an opportunity to coordinate with the Richmond Regional Planning District Commission on a regional green infrastructure planning project, as well as with other localities with whom New Kent might share resources.

Mr. Davis commented that he felt a committee of 20 might be too large. Ms. Firehock suggested that not all who were asked would commit, but she felt confident in her abilities as a trained facilitator and mediator to manage a large group, which she predicted would likely be split into smaller subgroups to work on different issues. She indicated that Ms. Le Duc had a list of potential members which was available for the Board's review.

Mr. Evelyn asked if New Kent could obtain a copy of the results from the project recently completed in Madison County. Ms. Firehock advised that she expected that report to be completed by October and would be happy to provide a copy, but reminded that it would contain what Madison County wanted to see on its maps. Board members commented that New Kent and Madison were similar in size and nature.

Mr. Sparks expressed his concern about the amount of staff time this would take. Community Development Director George Homewood advised that Planner Kelli Le Duc and Environmental Planning Manager Amy Walker were the lead staff on the project and it was estimated that the project would require between 20 and 25 staff hours per month, and those staff resources were offered as the County's match to the grant when it was applied for. He emphasized that the data to be compiled would be very valuable in the Comprehensive Plan update process. Mr. Sparks asked what additional data would be available that was not available when the Comprehensive Plan was adopted in 2003. Mr. Homewood advised that those included additional resources, better aerial photography, and improved mapping ability. He also said that although the County had adopted a Purchase of Development Rights program, a Transfer of Development Rights program was also under consideration and the County needed to be able to determine the value of property proposed to be preserved, and that if the County would be using public money to help preserve land and create density in other parts of the County, it needed to make sure it was preserving land that was as valuable as possible.

Mr. Burrell asked how the maps would fit in with the "Cool Counties" initiative or the upcoming commemoration of the 150th Anniversary of the American Civil War. Ms. Firehock spoke about carbon tracking abilities, storm water values, as well as reviewing County ordinances and making recommendations on how they can be modified. In terms of the 150th anniversary, she indicated that they would be asking people to designate important things they would like to see on a map, including battlefield sites, historic routes or rides, and other things that could be done to enhance the historic landscape.

Mr. Evelyn inquired if they had worked with the Department of Forestry in the project in Madison County. Ms. Firehock confirmed that they had and that the Department of Forestry had helped fund the project. She spoke about the importance of having strategic plans for wildlife protection and water quality protection, and the need to determine which were at greatest risk and of greatest value to the community.

Mr. Trout suggested that Mr. Burrell be the Board's representative on the Focus Group and advised that he would be willing to serve as alternate if there was that possibility.

There was continued discussion about the Focus Group. It was pointed out that the Group's members did not require Board appointment and that the key objective was to have a diversity of opinions to give initial input before a recommendation was brought to the Board.

Mr. Trout moved to appoint James Burrell as the Board of Supervisor representative to the Focus Group for the Green Infrastructure Project. The members were polled:

David M. Sparks	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye

The motion carried.

Mr. Burrell moved to appoint Stran Trout as the Board of Supervisors alternate representative to the Focus Group for the Green Infrastructure Project. The members were polled:

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
David M. Sparks	Aye
James H. Burrell	Aye

The motion carried.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Evelyn reported that he had received a number of inquiries from his constituents about the non-availability of high speed internet in some areas. Board members agreed that there was a shortage of coverage across the County, which was a problem shared by other rural localities.

Mr. Burrell reminded of an upcoming event at Tabernacle United Methodist Church in recognition of Jenna Grace King, a local teen killed in a recent motor vehicle accident, to benefit the Barhamsville Food Bank and New Kent Animal Shelter. Mr. Sparks and Mr. Davis added their comments and encouraged the public to attend.

Mr. Trout announced details of the upcoming Festival of Flight at the New Kent Airport.

Mr. Trout referred to a letter the County had received regarding the upcoming Sesquicentennial (150th) Anniversary of the American Civil War which requested that local jurisdictions establish committees to plan for the expected increase in tourism. He noted that between 50 and 60 localities had already formed committees. He suggested that rather than establishing a formal committee, New Kent could establish a Study Committee to look into how the County might plan for the anniversary, noting that there was significant activity in and through New Kent during the Civil War. He indicated that the Board could appoint a larger, more representative group at a later date, but the suggested action would add New Kent to the list of localities that had a committee.

Mr. Trout moved to establish a committee to study New Kent's participation in the 150th anniversary of the American Civil War, to include a representative from the County Administrator's Office, a representative from the Board of Supervisors, the Director of Tourism, a representative from the Economic Development Department or Economic Development Authority, and a representative from the Historic Commission, and to allow each group to select their respective appointees. The members were polled:

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

David M. Sparks	Aye
Stran L. Trout	Aye
James H. Burrell	Aye

The motion carried.

Mr. Trout advised that he had attended the funeral of local fire-rescue volunteer Elmo Whitehurst and had been impressed with the amount of support and participation of firefighters from surrounding localities.

Mr. Davis referred to a proposed letter to the Virginia Secretary of Natural Resources that had been circulated to the Board members regarding the State's Agricultural Cost-Share Program, and asked for a consensus that the letter be sent from the Board. There was consensus that the letter be sent as proposed, to be signed by the Chairman.

Mr. Burrell spoke about recycling, noting that although New Kent recycled at higher rates than some of the other localities, there was still room to improve in the recycling of corrugated and cardboard, which he called "lucrative commodities", and he urged everyone to continue in their efforts. He noted that although the County did not receive significant revenue from the recycling of plastic bottles, it would represent a savings in crude oil and was the "right thing to do" for the environment. He confirmed that the County was continuing to look for ways to reduce costs and energy consumption.

IN RE: STAFF REPORTS

County Administrator John Budesky announced that New Kent had been selected as a recipient of the Virginia Association of Counties' communications award for its New Kent University program. He noted that the second season of NKU would soon be starting and he attributed its success to staff and the participating residents.

He announced that New Kent had for the fourth year in a row been awarded with the Excellence in Financial Reporting Award by the Government Finance Officers' Association, and he congratulated Financial Services staff for all of their hard work.

He reminded about upcoming events, including the semi-annual meeting with Senior Staff and the Annual Employee Picnic.

Regarding broadband services, Mr. Budesky noted that staff had worked with Cox Communications during the franchise renewal process to try to get services expanded into more of the community. He noted that it was a challenge and costly to provide these services in rural areas, and that to his knowledge, there had been no interest expressed to the County by any of the other service providers. Mr. Evelyn pointed out that there were some fairly dense communities (specifically Whitehouse Farms) that did not have service and were not too distant from New Kent Highway.

Mr. Budesky noted that the Board's meeting agendas were becoming quite full and that it continued to be a challenge to handle all of the business in two monthly meetings. He proposed that a special work session be scheduled in September to deal with some water and sewer issues and several dates and times were proposed. The Deputy Clerk was asked to coordinate the scheduling of the special work session.

Regarding the possibility of a four-day week, he advised that the School Board was aware of its options and there were recommendations that the County also consider whether there

would be any cost savings. He indicated that if it was the Board's direction, staff was ready to conduct an analysis of the advantages and disadvantages and determine whether there would be any true operational savings. Mr. Burrell asked how long it would take. Mr. Budesky indicated that a rough analysis could be done in a couple of days. Mr. Sparks reminded that the object was to reduce the cost of County government borne by the taxpayers, and he didn't want to trade one savings for another cost to the residents.

Mr. Burrell indicated that he did not believe that County employees would be opposed to a four extended day work week, noting that it would save transportation costs for them. He also pointed out that it would provide more access to those residents who work and had difficulty getting to County offices before the 4:30 p.m. closing time.

There was a consensus for staff to study the recommendation and report back to the Board.

IN RE: DISTRICT APPOINTMENTS

There were none.

IN RE: NON-DISTRICT APPOINTMENTS

Mr. Burrell moved to appoint Sheriff F. W. Howard, Jr. as a New Kent representative to the Colonial Community Criminal Justice Board to complete a three year term ending December 31, 2008.

Mr. Trout moved to appoint Jan Haviland as New Kent's representative to the Capital Area Health Advisory Council to complete a three year term ending September 30, 2010. The members were polled:

Thomas W. Evelyn	Aye
D. M. Sparks	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
James H. Burrell	Aye

The motion carried.

IN RE: REDUCED PERSONAL PROPERTY TAX RATE FOR QUALIFYING PUBLIC SAFETY VOLUNTEERS

Before the Board for consideration was Ordinance O-12-08 establishing a separate class of personal property as a reduced tax rate to benefit volunteer Fire, Rescue and Sheriff's auxiliary personnel.

Mr. Budesky advised that Commissioner of the Revenue Laura Ecimovic was unable to attend and had asked him to speak in her place. He noted that the adopted budget included a reduced personal property tax rate for qualifying public safety volunteers, and that the proposed ordinance would allow for that. He reported that the special rate previously adopted by the Board was one-half of the standard tax and would apply to one vehicle per qualifying public safety volunteer. He acknowledged New Kent had many valuable volunteers but that State Code permitted this reduction only for public safety volunteers. He reported that the loss of revenue to the County had been estimated to be in the neighborhood of \$20,000 and the Sheriff and Fire Chief would be responsible for determining annual eligibility.

The Chairman opened the Public Hearing.

Floyd Philbates suggested that it would be less complicated and more fair to just pay each volunteer the same amount, rather than have some volunteers get a larger tax break than others depending on the value of their vehicle.

There being no one else signed up to speak, the Public Hearing was closed.

Mr. Trout noted that this had already been budgeted and a special tax rate established, and that it was his understanding that this was the third part of the process to implement the program. He indicated that this benefit was offered by many of the surrounding jurisdictions and that the incentive would be worth more to the County than it was costing in revenue if one considered how much money the volunteers saved the County. He also pointed out that public safety volunteers were obligated to respond with little notice and it was important that they have a dependable vehicle. He surmised that was the reason the State allowed this benefit for public safety volunteers only. He predicted that the benefit would be appreciated by the volunteers and would help recruitment and retention.

Mr. Davis stated that he appreciated Mr. Philbates' comments and inquired if the County hadn't done this before. He was reminded that there was a provision for a free decal but this was the first time that a tax break had been implemented. Mr. Davis noted that it would average out to about \$193 per volunteer, and he felt that was a good start.

Mr. Sparks agreed, stating that he hoped that someday there could be a greater reduction or a complete waiver of the tax for the volunteers, and spoke about the significant amount of training and time required on their part.

County Attorney Jeff Summers reminded that the proposed benefit was the only one permitted by the General Assembly. He noted that if the County found a way to pay volunteers, then it would be considered income and would be taxable; however, the forgiving of a tax would not be taxed as income.

Mr. Sparks moved to adopt Ordinance O-12-08 as presented.

Mr. Trout advised that as a member of the Rescue Squad, he would be eligible for the benefit and although he would likely not take advantage of it, he would abstain from voting.

The members were polled:

David M. Sparks	Aye
Stran L. Trout	Abstain
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye

The motion carried.

IN RE: WATTS ADDITION TO THE PAMUNKEY FARMS AGRICULTURAL AND FORESTAL DISTRICT

Before the Board for consideration was Resolution R-20-08 regarding application of Mr. and Mrs. James M. Watts to add approximately 50 acres to the Pamunkey Farms Agricultural and Forestal District (AFD)

Planning Manager Rodney Hathaway advised that the Pamunkey Farms AFD currently consisted of twelve parcels totaling 2,622 acres. He reported that the subject property, two 25-acre parcels, were made up of 29 acres devoted to timber, 9 in tilled cropland, and 2 in marsh/wetlands. He indicated that the applicant had worked with Colonial Soil and Water to develop a plan and was working with the Department of Forestry to develop a forestry stewardship plan. He advised that staff had found that the application met County and State requirements, and that both the AFD Advisory Commission and the Planning Commission had held public hearings and forwarded the application to the Board with favorable recommendations.

The Chairman opened the Public Hearing.

There being no one signed up to speak, the Public Hearing was closed.

Mr. Davis advised that he was familiar with the property and with the applicant and that his only concern was that it was in a large lot subdivision. He warned that if this application was approved, then every other lot in the subdivision would be eligible. He indicated that similar applications had been turned down in the past for that reason. He noted that many of the applications being considered by the Board tonight were for land on which there was no agricultural or forestry production, and some of them didn't yet have forestry plans. He stated that the AFD program was supposed to be for farm land and forestry land that was in production, and not merely plans. He also commented that although many applicants were required to develop plans within a certain time period, he had yet to see any kind of follow-up by either the Department of Forestry or the Extension Service.

Mr. Hathaway confirmed that a follow-up was not usually done until the District came up for renewal.

Mr. Burrell commented that this could provide a tax break without having a plan in place.

Mr. Hathaway indicated that the application required only that an applicant contact the Department of Forestry and that there was no requirement that a plan be in place at approval, although the approval was conditioned upon their developing a forestry plan within six months.

Mr. Davis advised that he wished the Commissioner of Revenue was available to report on the values of some of the subject parcels. He expressed his concern that there were no size restrictions for AFD properties.

Mr. Hathaway stated that he had spoken with the applicant and explained some of the concerns about the possibility of subdividing the property, and the applicant appeared to be amenable to a condition that only one home could be constructed on the 50 acres; however, there was nothing in writing.

Mr. Trout suggested that perhaps a vote on the application could be deferred so that concerns could be further addressed.

The Board was reminded that the Commissioner of the Revenue would need a decision by the first of September in order that the tax bills could be sent out.

Mr. Davis asked if the County was going to allow every parcel that might qualify into an AFD. He went on to say that New Kent was one of the few counties that used AFDs instead of a land use program.

Mr. Hathaway reported that although there was no minimum requirement, staff did discourage applications to add parcels smaller than 25 acres.

Mr. Davis maintained that the Board had turned down applications in the past because the land was in a subdivision, and although he was not saying that was right, the Board needed to be consistent. He went on to say that he knew the applicant and what he was doing with his property, but thought that the Board might be "opening a can of worms" if it approved the application. He admitted that the Board "had put itself in this corner".

Mr. Sparks remarked that the application met the requirements and asked what remedy was available to change the process.

Mr. Summers stated that the Board could change the ordinance at a future date as long as it did not exceed the guidelines of the State; however, the current applications would "stand or fall" under the current Code.

Mr. Davis advised that the AFD Advisory Committee found that the application met the criteria and that the Planning Commission had the opportunity but had not considered the fact that approval would set a precedent. He again said that he was sorry that the Commissioner of Revenue was not available to report on how much the land would be valued under AFD, but thought it was \$1,100 per acre for agricultural and \$900 per acre for forested, and the property was bought not long ago for about \$9,000 per acre.

Mr. Hathaway reminded the Board that their packet materials set forth the factors that the Board should consider when making its decision, which were taken directly from the State and County Codes.

Mr. Summers advised that he understood the Board's concern about setting a precedent, but indicated that if the Board subsequently amended its Code to tighten up the requirements, then any precedent would be overruled by ordinance. He indicated that the Board could vote one way tonight and then amend the ordinance for the future. He added that when the AFDs came up for renewal, then they would be under the new ordinance.

Mr. Trout asked about the property's designation in the Comprehensive Plan. Mr. Hathaway reported that it was designed as Rural Lands.

Mr. Davis advised that he "felt for Mr. Watts" but that the County was making "Swiss cheese" out of the AFD program. He commented that he had no idea why the Board's predecessors had chosen AFD instead of Land Use, which required an applicant to re-apply every two years.

Mr. Burrell pointed out that there was a lot of property in the AFD program and, even though it had not been developed, some of it was not being used for agricultural or forestry production.

Mr. Sparks agreed that there was a need to work on the ordinance but that he felt further discussion was more appropriate for a future work session, and moved to adopt Resolution R-20-08 as presented.

Mr. Trout asked if the subject property could be subdivided. Mr. Hathaway reported that through a family subdivision, the property could be subdivided into 15 lots if there were that many qualified family members.

Mr. Trout commented that if this were property that could not be subdivided, then it would not be under any threat of being developed; furthermore, the potential of having an agreement with the property owner to restrict the property to one house would be advantageous to the County.

Mr. Watts, the applicant, advised the Board that, as reflected in the staff notes, he had agreed to restrict the property to one home, but he had never been offered the opportunity to put that agreement in writing. He indicated that he would be willing to sign an agreement to that effect.

Mr. Sparks then amended his motion to reflect that approval of the application was subject to an agreement in writing that the entire 50 acres would be limited to one home.

The members were polled on the amended motion:

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Abstain
David M. Sparks	Aye
James H. Burrell	Aye

The motion carried.

Mr. Davis asked if Pelham Swamp AFD wasn't closer to the subject property. Mr. Hathaway reported that the property was within a mile of either AFD and that the applicant had selected the Pamunkey Farms AFD because of its renewal date.

IN RE: WENTLING ADDITION TO THE PAMUNKEY RIVER VALLEY II AFD

Before the Board for consideration was Resolution R-21-08 regarding application of Mr. and Mrs. Davis Wentling to add approximately 87 acres to the Pamunkey River Valley II AFD.

Mr. Hathaway reported that the Pamunkey River Valley II AFD consisted of five parcels totaling 775 acres, and that the subject property contained 62 acres in timber, 10 acres in pasture, and 5 acres in wetlands/marsh. He noted that the property was designated as Rural Lands in the Comprehensive Plan, and was located within Lee's Reach subdivision. He advised that staff had found that the application complied with the requirements of program, and that both the AFD Advisory Committee and Planning Commission had held public hearings and forwarded favorable recommendations.

He noted that some of the Resolutions being considered required Colonial Soil and Water Bay plans and/or forestry plans, and some did not, noting that some of the applicants had already received plans. He indicated that Mr. Wentling had a Bay plan and was working with the Department of Forestry on a forestry stewardship plan that was not yet completed.

Mr. Davis asked if the other members of the AFD had any "say so" as to what property was added. Mr. Hathaway indicated that the Code did not require current members to sign off on applications.

It was noted that the applicant was in Ocean City, Maryland, where he operated a charter company, and could not be present.

Mr. Davis commented that the applicant had a certified tree farm and "has everything in there right" but like the previous application, he found exception because the parcel was in a subdivision with many other parcels that were 25 acres or larger. He said that if he disregarded the fact that the property was in a subdivision, he would say that it was the most eligible of any of the proposed additions, and he felt the applicant had "done a good job". He indicated that the Board had turned down a similar application from Mr. Wentling about three year ago and it would look like the County had changed its policy.

Mr. Sparks asked what had changed since the Board last considered it. Mr. Hathaway indicated that the applicant now had a certified tree farm, had developed a Bay plan and was working with the Department of Forestry and the Department of Game and Inland Fisheries.

There was discussion regarding the County's liability and potential legal action. Mr. Summers urged the Board to be consistent in its actions and "to adopt a rule and stick to it".

There was concern expressed by Board members about the substantial decrease in real estate tax revenues that would result from the pending additions, and there was a consensus that the County take steps to review and modify the AFD Program.

The Chairman opened the Public Hearing.

There being no one signed up to speak, the Public Hearing was closed.

Mr. Trout moved to adopt Resolution R-21-08 as presented. The members were polled:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
David M. Sparks	Aye
Stran L. Trout	Aye
James H. Burrell	Aye

The motion carried.

IN RE: COKE ADDITION TO THE OLD DISPATCH AFD

Before the Board for consideration was Resolution R-22-08 regarding application of Mr. Hartwell Coke, Jr. to add approximately 139 acres to the Old Dispatch AFD.

Mr. Hathaway reported that the Old Dispatch AFD consisted of 22 parcels totaling 1,425 acres, and was scheduled for renewal in 2012. He noted that the subject property was located in the western portion of the County at the intersection of Dispatch Road and Quaker Road, and had 83 acres in timber, 29 in pasture, and 25 in marsh/wetland. He indicated that the Comprehensive Plan designated the parcel as Suburban Housing, which called for higher density dwellings, but he pointed out that the Comprehensive Plan was a 20-year plan, which didn't mean that development had to occur immediately. He reported that staff was of the opinion that it would be to the benefit of the County if the parcel were placed into an AFD as that would provide time for the County to develop the infrastructure and services needed to support additional residential growth. He indicated that both the AFD Advisory Board and the Planning Commission had conducted public hearings on the application and had forwarded favorable recommendations to the Board.

The applicant was not present.

The Chairman opened the Public Hearing.

There being no one signed up to speak, the Public Hearing was closed.

Mr. Davis commented that it appeared that the property had been well managed and met all of the criteria.

Mr. Davis moved to adopt Resolution R-22-08 as presented. The members were polled:

Thomas W. Evelyn	Aye
D. M. Sparks	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
James H. Burrell	Aye

The motion carried.

IN RE: SIMONS ADDITION TO THE HAMPSTEAD-NORTHBERRY-SHIMOKINS AFD

Before the Board for consideration was Resolution R-23-08 regarding application of Mr. John Simons to add approximately 51 acres to the Hampstead-Northberry-Shimokins AFD.

Mr. Hathaway reported that the Hampstead-Northberry-Shimokins AFD consisted of 20 parcels totaling 2,276 acres and was due for review and renewal in 2012. He noted that the subject parcel was all in timber and was designated as Rural Lands in the Comprehensive Plan. He indicated that both the AFD Advisory Commission and the Planning Commission had held public hearings and submitted favorable recommendations and that staff was also recommending approval.

Mr. Davis expressed his concern that no follow-up was being done to confirm that landowners were doing what they were supposed to and he asked if the County's ordinance could be amended to add that requirement. Mr. Hathaway stated that staff had discussed the issue of follow-up with the Department of Forestry, Colonial Soil and Water and the Extension Office, all of whom had issues with manpower and work load. He indicated that there were over 2,000 properties totaling 23,000 acres in the program but he thought that there should be some way to address that issue.

Mr. Burrell suggested that a fee could be established to cover the cost of the follow-up. Mr. Summers advised that he felt the ordinance could be changed to require a follow-up but he was not in a position to advise about an associated fee.

The Chairman opened the Public Hearing.

There being no one signed up to speak, the Public Hearing was closed.

Mr. Evelyn moved to adopt Resolution R-23-08 as presented. The members were polled:

David M. Sparks	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye

The motion carried.

IN RE: JENKINS ADDITION TO THE OLD DISPATCH AFD

Before the Board for consideration was Resolution R-24-08 regarding application of Mr. Robert Jenkins to add approximately 30 acres to the Old Dispatch AFD.

Mr. Hathaway reported that the Old Dispatch AFD consisted of 22 parcels totaling 1,425 acres. He noted that the subject property was located on Skivers Lane, approximately one-half mile from Cosby Mill Road in the northwest portion of the County, and was designated as Rural Lands in the Comprehensive Plan. He advised that 15 acres of the property was in timber and the remaining was marsh and wetlands. He advised that staff was of the opinion that the application met the program requirements and that both the AFD Advisory Board and Planning Commission had held public hearings and forwarded favorable recommendations. He added that the Department of Forestry had recently submitted a favorable recommendation as well.

It was reported that the applicant, a deputy sheriff with the County, was away at training and was unable to be present.

Mr. Davis noted that the property on three sides of the subject parcel were already in the AFD.

There was discussion regarding how difficult it would be to timber the property because creeks and wetlands. It was reported that the property was timbered 22 years prior and had been replanted in pine.

The Chairman opened the Public Hearing.

There being no one signed up to speak, the Public Hearing was closed.

Mr. Sparks moved to adopt Resolution R-24-08 as presented. The members were polled:

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
David M. Sparks	Aye

James H. Burrell

Aye

The motion carried.

IN RE: PARSLEY ADDITION TO THE OLD DISPATCH AFD

Before the Board for consideration was Resolution R-25-08 regarding application of Mr. and Mrs. Robert Parsley to add approximately 50 acres to the Old Dispatch AFD.

Mr. Hathaway reported that the Old Dispatch AFD consisted of 22 parcels totaling 1,425 acres. He noted that the subject property was located in the northwest portion of the County, consisted of 40 acres of timber and 10 acres of marsh/wetlands, and was designated as Rural Lands in the Comprehensive Plan. He advised that staff felt that the application met the program requirements and both the AFD Advisory Board and Planning Commission had held public hearings and forwarded favorable recommendations.

Mr. Burrell noted that he felt it would be hard to develop the property because of the topography and wetlands.

Mr. Hathaway advised that the applicants were the parents of Mr. Jenkins, the prior applicant, and could not be present. He also confirmed that the applicant had made a timely request to the Department of Forestry, who had been late in responding to the request.

The Chairman opened the Public Hearing.

There being no one signed up to speak, the Public Hearing was closed.

Mr. Davis moved to adopt Resolution R-25-08 as presented. The members were polled:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
David M. Sparks	Aye
Stran L. Trout	Aye
James H. Burrell	Aye

The motion carried.

IN RE: ISGETT ADDITION TO THE OLD DISPATCH AFD

Before the Board for consideration was Resolution R-26-08 regarding application of Mr. and Mrs. Winfred Isgett to add approximately 107 acres to the Old Dispatch AFD.

Mr. Hathaway reported that the Old Dispatch AFD consisted of 22 parcels totaling 1,425 acres. He noted that the subject property was located off Continental Road, was all devoted to timber, and was designated as Rural Lands in the Comprehensive Plan. He advised that staff had determined that the application met the program requirements and both the AFD Advisory Board and Planning Commission had held public hearings and forwarded favorable recommendations.

It was confirmed that the subject property consisted of three parcels. Mr. Burrell noted that much of the land was not usable.

Mr. Hathaway advised that the forestry plan was in the name of a prior owner, was enacted in 1994 and ran through 2014, and was currently being followed by the applicant and current owner.

The Applicant was not present.

The Chairman opened the Public Hearing.

There being no one signed up to speak, the Public Hearing was closed.

Mr. Sparks moved to adopt Resolution R-26-08 as presented. The members were polled:

Thomas W. Evelyn	Aye
D. M. Sparks	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
James H. Burrell	Aye

The motion carried.

IN RE: WHITE WITHDRAWAL FROM THE ELTHAM AFD

Before the Board for consideration was Resolution R-27-08 regarding application of Mrs. Ada Isabel Davis White to withdraw approximately 119 acres from the Eltham AFD.

Mr. Hathaway reported that the Eltham AFD consisted of five parcels totaling 494 acres, and if the withdrawal application was approved, the AFD would continue to be a legal, functioning district. He noted that the subject property was located on the east side of Route 33, one-half mile from the New Kent/King William border. He indicated that 48 acres of the property was in timber, 15 in marsh/wetlands, and 55 in tilled cropland. He advised that the purpose of the withdrawal was to develop the property into a master planned residential neighborhood with 24 single family homes surrounding a 27-acre lake. He stated that the Eltham AFD came up for renewal in 2009 and the AFD Board had determined that allowing the withdrawal of the property one year early and collecting 5 years' worth of back taxes was more advantageous than delaying the withdrawal for one year. He reported that the Planning Commission had also forwarded a favorable recommendation.

Mr. Hathaway advised that it was his information that the applicant would request that the Board defer action until next month when it considered her rezoning request.

Mr. Davis announced that he would remove himself from discussion and vote because he had financial dealings with the applicant.

Applicant Isabel White requested that the Board defer a vote until its next meeting. She added that she felt that it would be much better for the County if this property were developed because it would increase the real estate tax revenue for the County. She confirmed that she did want the public hearing to be held as advertised.

There was confusion as to what the votes were by the Planning Commission and Mr. Hathaway agreed that he would obtain clarified information for the Board.

The Chairman opened the Public Hearing.

Lamont Myers of Mid-Atlantic Properties advised that his company would like the opportunity to purchase this property and joined in the applicant's request that a vote be deferred until the next meeting when the rezoning application was considered. He added that it was his information that there were no negative votes by the Planning Commission on the withdrawal application.

There being no one else signed up to speak, the Public Hearing was closed.

There was consensus to grant the applicant's request to defer the vote until the September 8 meeting.

IN RE: CAPITAL REGIONAL WORKFORCE PARTNERSHIP

Before the Board for consideration was Ordinance O-11-08 authorizing execution of the Chief Elected Officials Agreement for the creation of the Capital Regional Workforce Partnership.

Mr. Budesky explained that there had been a year-long effort to develop a workforce investment board (WIB) that included all of the surrounding jurisdictions including the City of Richmond, who was not currently a part of the Capital Area Workforce Investment Board. He advised that it was expected that creation of the proposed new WIB would significantly increase grant opportunities and expand services. He indicated that the legislative bodies of each of the proposed participating jurisdictions were required to approve the agreement in order for it to become effective.

Mr. Summers advised that the proposed Agreement had been heavily vetted by the attorneys from each of the jurisdictions and he cautioned the Board not to consider any amendments because it would again have to be reviewed by everyone.

It was confirmed that there would be no additional financial commitment from New Kent.

Mr. Budesky indicated that it was his information that this was an agreement that all of the localities could support, including the City of Richmond.

The Chairman opened the Public Hearing.

There being no one signed up to speak, the Public Hearing was closed.

Mr. Evelyn moved to adopt Ordinance O-11-08 as presented. The members were polled:

David M. Sparks	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye

The motion carried.

IN RE: MEETING SCHEDULE

The Chairman announced that the next meeting of the Board of Supervisors would be held at 6:00 p.m. on September 8, 2008, and the next work session at 8:30 a.m. on August 26, 2008, both in the Boardroom of the County Administration Building, New Kent, Virginia.

The Chairman further announced that the Board would be holding its semi-annual meeting with Senior Staff on August 15, 2008, at 12 noon at Fire Station 1 in Providence Forge.

IN RE: ADJOURNMENT

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

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
David M. Sparks	Aye
James H. Burrell	Aye

The motion carried.

The meeting was adjourned at 8:25 p.m.