

A REGULAR MEETING WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 12TH DAY OF JANUARY IN THE YEAR TWO THOUSAND TWENTY ONE IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

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IN RE: CALL TO ORDER

2020 Chairwoman Patricia A. Paige called the meeting to order.

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IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

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IN RE: ROLL CALL

Thomas W. Evelyn	Present
C. Thomas Tiller, Jr.	Present
Patricia A. Paige	Present
Ron Stiers	Present
John N. Lockwood	Present

All members were present.

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IN RE: ANNUAL REORGANIZATION – ELECTION OF OFFICERS FOR 2021

The Board's first meeting of the year is designated as the annual reorganization meeting. County Administrator Rodney Hathaway opened the floor for nominations for the office of 2021 Chairman. Mr. Stiers nominated Mr. Evelyn for Chairman of the Board of Supervisors for a term of one year. There were no other nominations.

Mr. Tiller moved to close nominations for Chairman of the Board of Supervisors. There being no discussion, the members were polled:

Thomas W. Evelyn	Abstain
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
Patricia A. Paige	Aye

The motion carried.

Ms. Paige moved to elect Mr. Evelyn as Chairman of the Board of Supervisors for a term of one year. There being no discussion, the members were polled:

C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Abstain
Patricia A. Paige	Aye

The motion carried.

Mr. Evelyn assumed the chair position and presented Ms. Paige with a plaque in appreciation of her service as 2020 Board Chairwoman. He noted she had been the first woman Board Chair and expressed appreciation for her leadership during the pandemic. Ms. Paige stated it had been an honor to serve the County she loved so much and thanked her fellow Board members for their support. She thanked County Administrator Rodney Hathaway, Assistant County Administrator Justin Stauder, Executive Administrative Assistant Krista Eutsey, Deputy Board Clerk Wanda Watkins and County Attorney Brendan Hefty for their guidance and support. She congratulated Mr. Evelyn on being elected Chair.

Mr. Evelyn opened the floor for nominations for the office of Vice Chairman. Mr. Lockwood nominated Mr. Tiller for Vice Chairman of the Board of Supervisors for a term of one year. There were no other nominations.

Ms. Paige moved to close nominations for Vice Chairman of the Board of Supervisors. There being no discussion, the members were polled:

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye

Mr. Lockwood moved to elect Mr. Tiller as Vice Chairman of the Board of Supervisors for a term of one year. There being no discussion, the members were polled:

Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Abstain
Thomas W. Evelyn	Aye

The motion carried.

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IN RE: ANNUAL REORGANIZATION – APPOINTMENT OF CLERK AND DEPUTY CLERK FOR 2021

Ms. Paige moved to appoint Rodney A. Hathaway as Clerk and Wanda F. Watkins as Deputy Clerk for 2021. There being no discussion, the members were polled:

Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Thomas W. Evelyn	Aye

The motion carried.

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IN RE: ANNUAL REORGANIZATION – 2021 MEETING SCHEDULE – RESOLUTION R-01-21

Before the Board for consideration was Resolution R-01-21 setting the Board's 2021 Meeting Schedule. The list of proposed meeting dates was reviewed. Ms. Paige noted a conflict with

the proposed September 13<sup>th</sup> date and asked that consideration be given to selecting another date. After some discussion, Board members agreed to move the September 13, 2021 meeting to September 8, 2021. No other changes were recommended.

Ms. Paige moved to adopt Resolution R-01-21 setting the 2021 Meeting Schedule with the following change: The proposed Monday, September 13, 2021 meeting was changed to Wednesday, September 8, 2021. The members were polled:

John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye

The motion carried.

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IN RE: ANNUAL REORGANIZATION – BYLAWS

Before the Board for consideration were its Bylaws. Because there were no recommended amendments, the Board could move forward with the readoption of Bylaws.

Mr. Tiller moved to adopt the Bylaws as presented. The members were polled:

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye

The motion carried.

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IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Minutes
  - a. November 6, 2020 Retreat Minutes
  - b. November 12, 2020 Regular Session Minutes
  - c. November 17, 2020 Broadband Town Hall Meeting Minutes
2. Miscellaneous
  - a. Approval Resolution R-02-21 – Street Acceptance – Jimmy Burrell Lane
  - b. County Administrator Salary Increase
3. Refunds
  - a. REFUND – Veteran Exemption
  - b. REFUND – Surviving Spouse Exemption
4. FY21 Supplemental Appropriations
  - a. Close Completed COVID-19 Projects for Reallocation and request funds for projects over budget, \$48,303.05.
  - b. Animal Shelter Donations, \$700.

- c. Gifts & Donations to Fire/EMS, Patsy Oliver (\$150), St. Luke Baptist Church (\$100), St. Peters Parish Church (\$200), Martha Dandridge Women's Club (\$350) and Dennis Mountcastle (\$100), \$900.
- d. Funds Received from VRSA Insurance, Sheriff - Claim # 02-20-34766-1-AP DOL 11/21/20 (\$1,073.60), Sheriff Animal - Claim # 02-20-32667-1-AP DOL 7/27/20 (\$295.85)/Claim # 02-20-33301-1-AP DOL 9/1/20 (\$348.45), \$1,717.90.
- e. Veterinarian Expense Restitution Received, \$150.
- f. Sheriff Extra Duty - Colonial Downs 11/6-11/13, \$1,326.72
- g. Extension Special Programs, Wreath Making Class (\$270) and Special Projects (\$207), \$477.
- h. CRF Utility Customers with Delinquent Accounts, \$10,896.75.
- i. Additional DSS Funds - Foster Care, \$7,866.

\$24,268.68 - Total  
(\$16,168.37) - Total In/Out - General Fund (1101)  
(\$7,866.00) - Total In/Out - Social Services (1201)  
\$48,303.05 - From Fund Balance - General Fund (1101)

- 5. FY21 Interdepartmental Budget Transfers
  - a. Administration - From Reserved for Contingency to Post Office Building Construction, \$3,975.
  - b. Administration - From Reserved for Contingency to Lease/Rent-Buildings, \$15,300.
  - c. Administration - From Reserved for Contingency to Economic Development Authority, \$35,000.
- 6. Treasurer's Report: Cash as of November 30, 2020, \$55,224,850.19 including escrow funds.

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

Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried.

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IN RE: SPECIAL PRESENTATIONS – RECOGNITION OF NELLIE CATHERINE BOYD CRUMP FOR HER SERVICE TO NEW KENT COUNTY AND OUR COMMUNITY

The Board had taken action on December 12, 2020 to adopt Resolution R-49-20 honoring Ms. Nellie Catherine Boyd Crump for her service to New Kent County and the community. Although Mrs. Crump could not attend, the Board recognized her in absentia and called attention to her service. Mr. Evelyn turned the floor over to the resolution sponsor Ms. Paige. She reported Ms. Crump had expressed appreciation for the recognition and was limiting trips out due to the pandemic. She shared highlights from the resolution including:

- She had been born in Patrick County, Virginia but had spent most of her life in New Kent County.

- She was the wife of the late Grosjean G. (Dusty) Crump, Jr., the mother of three children, grandmother to six and great grandmother to six.
- She had served as an Officer of Elections for 39 years and on the Electoral Board from 1998 until 2006.
- She had served on the New Kent Historic Commission for 16 years and had become a member of the New Kent Historical Society in 1988.
- She had also been a member of Parent-Teacher Organizations, the Home Demonstration Club and the Nelly Custis Junior Woman's Club.
- She had been instrumental in preserving some of New Kent's older homes including Aspen Grove (the Crump's home), Slatersville, Richardson House, Liberty Hill and the Bradenham House also known as Cedar Hill.
- She had served as Sunday School Treasurer, Historian, Bible School Teacher and as a member of the Fellowship Committee and the Church Choir at Corinth Baptist Church.
- She had been a member of the Chapel Memorial Association since 1952 and had been involved in restoring the building.
- Ms. Crump also had a keen interest in restoring the American Chestnut tree which had been devastated by a blight in the 1920s and 1930s. Several were planted on her farm in hopes of it becoming a thriving species again.

Ms. Paige congratulated Mrs. Crump and thanked her for her dedication, commitment and love of New Kent. She indicated she would personally deliver the resolution to Mrs. Crump.

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IN RE: CITIZENS COMMENT PERIOD

There were no citizen comments.

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

VDOT staff were not present. Residency Administrator Marshall Winn's written report had been provided. A variety of work including pothole repair, shoulder repair, erosion repair, grading roads, pipe/ditch cleaning, tree removal/pruning/cleanup, mowing, sign repair/replacement, debris removal and trash/litter pickup had been completed. 53 work requests had been received with 62 completed. Seven afterhours callouts involving high water or ice were reported. The project development report indicated a Route 155 shoulder widening project was currently in utility relocation and was expected to go out for advertisement this year. Pending studies included a speed study on Route 30 (Old Stage Road) and a corridor study on Route 60 in the Bottoms Bridge area. A speed study had been completed on Rt. 1010 (Colony Trail) with recommendations for a speed reduction to 25 mph south of the River Bend Trail intersection and maintaining the current 35 mph speed north of this intersection. Board members were encouraged to report concerns directly to VDOT.

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IN RE: APPROVAL OF RESOLUTION R-04-21 – PLANRVA/RICHMOND REGIONAL  
PLANNING DISTRICT COMMISSION CONCURRING RESOLUTION FOR MEMBER  
JURISDICTIONS TO RATIFY AMENDMENTS TO THE CHARTER AGREEMENT

Before the Board for consideration was Resolution R-04-21, the PlanRVA/Richmond Regional Planning District Commission concurring resolution for member jurisdictions to ratify amendments to the charter agreement. County Administrator Rodney Hathaway reported the proposed amendments required approval by all nine PlanRVA service area jurisdictions. He drew attention to a mark-up of the proposed charter and noted many of the revisions were minor wording changes. Four of the most significant proposed revisions included:

- Article I, Section 2 currently stated, “The office of the COMMISSION shall be in the City of Richmond, Virginia.” The proposal was to change this section to read, “The office of the COMMISSION shall be centrally located within Planning District 15.”
- Article II, Section 2 – Proposed changes in this section included expanding the voting structure with the number of voting seats being based on population. The revised scale included populations up to 550,000. The number of Governing Body voting seats would increase with population while the number of Planning Commission and Citizen voting seats would remain unchanged. Based on the proposed structure, Henrico and Chesterfield Counties would each receive one additional Governing Body vote. New Kent would have one Governing Body vote and one Planning Commission vote.
- Article II, Section 2 – A second proposed change in this section would allow appointed Governing Body members to represent more than one Governing Body voting seat if authorized by the member jurisdiction. If authorized, one Governing Body member could cast all Governing Body votes for their jurisdiction. Governing Body members would be the only members eligible to represent more than one voting seat.
- Article III, Section 1 – Each jurisdiction’s governing body would set the terms for their respective commission members. Terms were currently set at three years.

Mr. Hathaway noted the proposed amendments had been reviewed and approved by the PlanRVA body and they were now seeking formal approval from the Governing Bodies of all jurisdictions. He entertained questions.

Mr. Tiller stated he believed the larger jurisdictions would get what they wanted regardless of the smaller jurisdictions. Mr. Hathaway reported he had considered a number of possible scenarios and did not believe the new voting structure would change the outcome of any PlanRVA decisions. Mr. Tiller noted he believed someone from the (Capital Region) Airport Commission also sat on the PlanRVA Board. Mr. Hathaway confirmed and noted there were some participating members outside of the nine jurisdictions and cited VDOT as an example. Mr. Tiller suggested the additional votes would make a difference to the “little guys.”

Ms. Paige reported she had served on the PlanRVA Board a number of years and noted a great deal of campaigning was involved to get support from other jurisdictions. She stated the “little guys” had been a significant factor in getting the Central Virginia Transportation Authority bill passed. She recommended New Kent vote to adopt Resolution R-04-21.

Mr. Lockwood concurred with Ms. Paige and reported there had been considerable conversations regarding the strength of the larger jurisdictions over their smaller counterparts. He reported the larger jurisdictions had indicated they were very aware of how the smaller jurisdictions felt and it was by no means their desire to roll over them.

Mr. Tiller moved to approve Resolution R-04-21 – PlanRVA/Richmond Regional Planning District Commission concurring resolution for member jurisdictions to ratify amendments to the charter agreement. The members were polled:

Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Thomas W. Evelyn	Aye

The motion carried.

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IN RE:           LOGGER TAX RELIEF

Mr. Evelyn reported Virginia Loggers Association (VLA) Executive Director Ron Jenkins would be presenting the next agenda item. The presentation would include a request for the consideration of granting personal property and machinery and tools tax relief on forest harvesting equipment. He noted he sat on the VLA Board and would be recusing himself from this presentation. He felt there could be a conflict even though none of his forest harvesting equipment was located in New Kent. His business, now in its third generation, had started as a sawmill many years ago in Charles City County. He turned the floor over to Vice Chairman Tiller for the duration of the presentation and left the room.

Mr. Jenkins thanked the Board for the opportunity to speak on behalf of the VLA and noted his presentation was a follow up to a written request made to County Administrator Rodney Hathaway and Past Board Chairwoman Patricia Paige. The request had been for New Kent to consider exempting the personal property and machinery and tools tax on forest harvesting equipment. The VLA was working to bring this relief to the forest harvesting sector which Mr. Jenkins reported was the third largest industry in Virginia. He stated he would keep his comments short to allow time for three business owners representing the forest harvesting industry to speak. He reported the Virginia General Assembly had unanimously approved HB 1021 into law effective July 1, 2020. HB 1021 amended the Code of Virginia to give the governing body authority to exempt equipment and machinery used for forest harvesting and silvicultural activities from taxation. He noted loggers had always compared themselves to agriculture, many of them were farmers and both were producing food or essential products such as fiber. He noted everyone was well aware of the essential nature of fiber given the shortages of paper products at the onset of the pandemic. He also noted forest harvesting equipment was designed for one specific use and if markets were off and the equipment could not be used, the owner was still making payments on very expensive equipment. Both farmers and forest harvesters were subject to weather conditions and to market variations. Mr. Jenkins also reported Virginia Farm Bureau and Virginia producer farmers agreed with the VLA that forest harvesting equipment should be exempt from taxation. Farmers had successfully obtained this exemption a number of years ago and forest harvesting equipment was addressed in the same tax code section as farming equipment. He also reported the Virginia Association of Counties, the Virginia Forestry Association, the Virginia Forest Products Association and the Virginia Agri Business Counsel were all supporters of the VLA's request. Ten Virginia counties had already amended their ordinances to provide exemptions for forest harvesting equipment. On behalf of the VLA, he asked that the Board consider putting this issue on a future agenda for a public hearing and to ultimately approve the exemption request. He thanked the Board for the opportunity to speak and turned the floor over to Daniel Hockenberger, Ray Sickal and Drew Cochran to speak on behalf of forest harvesting business owners.

Daniel Hockenburger with Virginia Forest Resources LLC thanked the Board for the opportunity to speak. He had started his business in 2012 and had moved it from West Point to Parham Landing Court in New Kent County in 2016. He currently owned a number of pieces of equipment and his employees included four working in the woods, four truck drivers and he and his wife. He was also contracting with a logging crew from Charles City County. He was currently in the process of replacing a piece of equipment (John Deere Feller Buncher) purchased for \$250,000 in 2016. This equipment had over 6,300 hours of use and had required about \$25,000 in repairs in 2020. He reported one crew required, on average, three pieces of equipment to get the job done. He noted logging equipment was used every day and the useful life was only a few years. He noted the cost of equipment

and maintenance was a great burden and stated any help the County could give through a break on taxes would definitely help. He turned the floor over to Ray Sickal.

Ray Sickal with Sickal's Logging, Inc. reported he had lived in New Kent for over 25 years and had three sons also working in the industry and living in New Kent. He expressed appreciation to the Board for the opportunity to speak. He reported the logging industry had changed significantly in recent years noting specifically insurance rates doubling and a declining market. He stated they often felt like they were being hit from every direction but kept on trying to do the work. He indicated tax relief would be a great help and urged the Board to consider providing this in New Kent. He reported his business was not only harvesting but also planting trees just like a farmer planting and harvesting corn. He again thanked the Board for the opportunity to speak and turned the floor over to Drew Cochran.

Drew Cochran with Eastern Virginia Tree Harvesters (EVTH) in Barhamsville reported they were a small company with 18 employees, most of whom were New Kent residents. He echoed previous comments of Mr. Hockenberger and Mr. Sickal and reported EVTH was paying between \$10,000 and \$15,000 annually in personal property tax. He stated if this tax did not exist and the company could consider this money as revenue, it would go back into the business to cover other costs. He suggested this additional revenue could also help with the creation of another job or other business improvements. He referenced Mr. Jenkins' comments regarding ten counties changing their ordinances to provide tax relief to loggers. He suggested what was needed in eastern Virginia was for one county to step up and take the lead and then others would follow. He noted forest products and the logging industry impacted a big sector of New Kent and this request for tax relief would allow them to innovate and create more jobs. He suggested New Kent taking the lead would be a big help to the industry and he again thanked the Board for the opportunity to speak.

Mr. Tiller asked if there were any questions or comments. Ms. Paige indicated she would like information on the impact this tax exemption would have on New Kent County revenue. Mr. Tiller agreed and suggested if other counties were moving to do this, New Kent should look into this further especially since farmers were receiving similar assistance. County Administrator Rodney Hathaway indicated this was a good time to review this since the County was currently in the budget development process for the next year and he could work with the Commissioner of Revenue to determine the impact on revenue. Mr. Tiller thanked those who had participated in the presentation.

Mr. Evelyn returned to the dais and thanked Mr. Tiller for presiding over the previous item. He noted the next item on the agenda was a public hearing and since it was not 7:00 p.m. yet, the Board would move on to appointments.

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IN RE: APPOINTMENTS – DELEGATED BY DISTRICT

Mr. Evelyn moved to appoint Patricia Townsend as a District One representative to the Planning Commission to serve a four-year term beginning January 1, 2021 and ending December 31, 2024.

Mr. Evelyn moved to appoint George Tate as District One representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2021 and ending December 31, 2021.



Mr. Evelyn moved to appoint John Bragg as District One representative to the Wetlands Board, Chesapeake Bay Preservation Board and the Dunes & Beaches Board to serve a five-year term beginning January 1, 2021 and ending December 31, 2025.

Mr. Evelyn moved to nominate David Frank for Circuit Court appointment as District One representative to the Board of Zoning Appeals to complete a five-year term ending December 31, 2024.

Mr. Tiller moved to appoint Charles Edwards as District Two representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2021 and ending December 31, 2021.

The members were polled:

John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye

The motions carried.

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IN RE: APPOINTMENTS – NOT DELEGATED BY DISTRICT

Ms. Paige moved to appoint David Hurst as an at large member of the Board of Building Code Appeals/Board of Fire Prevention Code Appeals to serve a four-year term beginning January 1, 2021 and ending December 31, 2024. (This appointment was to have been made by the District 5 Supervisor. This vacancy will be sent back to the Board for consideration at a future meeting.)

Mr. Evelyn moved to appoint Michelle Gowdy as an at large representative to the Farms of New Kent Community Development Authority to serve a four-year term beginning January 1, 2021 and ending December 30, 2024.

Mr. Evelyn noted he had appointed Thomas Garthwright to serve as an at large representative to the Agricultural and Forestal District Advisory Committee several years ago and Mr. Garthwright's term had expired in 2020. The three loggers who had spoken earlier were District 5 residents and Mr. Evelyn suggested if they had any interest in serving, they should see him or Mr. Lockwood.

Ms. Paige moved to appoint April Miller as the parent representative to the Community Policy and Management Team (CPMT) to complete a two-year term ending June 30, 2022. (The listing of this appointment recommendation had been in error. Ms. Miller would be serving as the parent representative to the Family Assessment and Planning Team (FAPT) and no Board appointment was necessary.)

Mr. Paige moved to appoint Robert Gray as an at large representative to the Purchase of Development Rights Committee to serve a three-year term beginning July 1, 2020 and ending June 30, 2023.

Mr. Evelyn moved to nominate Tony Wood for Circuit Court appointment as an alternate representative to the Board of Zoning Appeals to serve a five-year term beginning January 1, 2021 and ending December 31, 2025.

The members were polled:

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye

The motions carried.

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IN RE: APPOINTMENTS – REGIONAL BOARDS AND COMMISSIONS

Ms. Paige moved to appoint Joe Swartout as New Kent's representative to the Thrive Virginia Board to serve a four-year term beginning January 1, 2021 and ending December 31, 2024.

The members were polled:

Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried.

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IN RE: APPOINTMENTS - BOARD MEMBERS AND STAFF

Ms. Paige moved to appoint Ron Stiers as the Board representative to the Agricultural and Forestal District Advisory Committee to serve a one-year beginning January 1, 2021 and ending December 31, 2021.

Ms. Paige moved to appoint Ron Stiers as the Board representative to the Airport Advisory Commission to serve a one-year term beginning January 1, 2021 and ending December 31, 2021.

Ms. Paige moved to appoint John N. Lockwood as the Board representative to the Clean County Committee to serve a one-year term beginning January 1, 2021 and ending December 31, 2021.

Ms. Paige moved to appoint John N. Lockwood as the Board representative to the Historic Commission to serve a one-year term beginning January 1, 2021 and ending December 31, 2021.

Ms. Paige moved to appoint Thomas W. Evelyn as the Board representative to the Parks and Recreation Advisory Commission to serve a one-year term beginning January 1, 2021 and ending December 31, 2021.

Ms. Paige moved to appoint C. Thomas Tiller, Jr. as the Board representative to the Planning Commission to serve a one-year term beginning January 1, 2021 and ending December 31, 2021.

Ms. Paige moved to appoint C. Thomas Tiller, Jr. as the Board representative to the Social Services Advisory Board to serve a one-year term beginning January 1, 2021 and ending December 31, 2021.

Ms. Paige moved to appoint Ron Stiers as the Board representative to the Transportation Safety Commission to serve a one-year term beginning January 1, 2021 and ending December 31, 2021.

The members were polled:

Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Thomas W. Evelyn	Aye

The motions carried.

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IN RE: EMERGENCY MANAGEMENT APPOINTMENTS

Ms. Paige moved to appoint Thomas W. Evelyn as Director of Emergency Management pursuant to Code of Virginia Section 44-146.19 and as Director of Emergency Services pursuant to County Code Chapter 30-161. The members were polled:

John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye

The motion carried.

Mr. Evelyn moved to appoint Fire Chief Richard A. Opett as Coordinator of Emergency Management pursuant to Code of Virginia Section 44-146.19 and as Coordinator of Emergency Services pursuant to County Code Chapter 30-162. The members were polled:

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye

The motion carried.

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IN RE: ELECTED OFFICIALS REPORTS

Mr. Lockwood reported Board members had received an email from a gentleman who had spoken at a previous meeting in regard to advertising signage in the VDOT right of way as

well as other trash along the roadways. He also reported he had been receiving calls regarding the litter and he had hoped VDOT representatives would be present to discuss this. He noted some volunteers were picking up litter but there were many areas where it was not safe to be along the roadways. This had been discussed the previous year but he felt this was a problem the Board needed to address now. He stated New Kent County was too beautiful to be left in the condition it was in and he would like the Board to have another conversation with VDOT as well as consider what the County could do to address this issue. Mr. Evelyn stated he couldn't agree more and suggested the County would have to step up to address this and it needed to be done sooner rather than later.

Mr. Stiers noted he had previously proposed the County hire several full time employees to address this problem and he hoped this would be discussed at the upcoming budget retreat. He noted how quickly the litter seemed to return to roadways that had been cleared and he felt citizens would be interested in spending taxpayers' money wisely to keep our County clean. He also reported concerns about flooding on Route 60 east near the New Kent Forestry Center. He had been contacted by CSX Superintendent Ryan Taylor requesting an email be sent to the home office in Jacksonville, Florida informing them of the flooding concerns. CSX had installed a sump pump to address the immediate need and plans were to install a 36" pipe under the tracks as a long-term solution. He reminded the Board that Delegate Chris Peace had invited County representatives to a meeting of the General Assembly Appropriations Committee to request funding for repaving Route 60 three years ago. Funding for a three-year project had been appropriated and work scheduled for the first two years had been completed. The New Kent Transportation Safety Commission had been informed that funding for the third year had been diverted to emergency jobs in other areas. He reported he had asked Delegate Scott Wyatt if he could arrange another meeting before the Appropriations Committee to seek more funding to complete this project.

Mr. Tiller reiterated Mr. Stiers' comments regarding Route 60. He noted the unfinished portion was in the Bottoms Bridge area. He reported he had spoken with General Services Director Rick Stewart several weeks ago about the possibility of increasing the frequency of recycling bin pulls at the Airport Road Refuse Site. He reported the recycling bins had been closed numerous times over the past month and it was frustrating to not be able to leave recyclables once they were brought to the site. He reported Mr. Stewart was aware of this and had indicated he was looking into a solution. Mr. Tiller also expressed appreciation to Executive Administrative Assistant Krista Eutsey for assistance with coordinating a raffle to benefit a family in the County. He stated the money collected had done a lot of good.

Ms. Paige reported on several items.

- She shared information from the New Kent Department of Social Services regarding a free dental care opportunity for children up to 18 years old. This was being hosted by Pediatric Dentist Dr. Richard Byrd and Associates as a part of "Give a Kid a Smile Month." Dr. Byrd's office was located in Richmond and appointments could be made during the month of February by calling 804-330-0508. There were no financial eligibility requirements and there would be no cost to the patient or parent.
- The Central Virginia Waste Management Authority (CVWMA) had recently published statistics and many numbers had tripled. It was believed this was largely due to so many people staying at home and using this as an opportunity to purge unwanted items. CVWMA was working on cost effective solutions to address this issue.
- She congratulated Rosie's Gaming Emporium on the recent opening of a new facility in Dumfries, Virginia. She also applauded them as they continued to work to protect their clientele and employees.

- She encouraged everyone to hang in there in 2021 and stated, "trouble don't last always." She encouraged everyone to be kind, respectful, to love one another and to agree to disagree if necessary. New Kent was a great county and she asked that we be a shining light and a living example that our nation could follow. She stated that as a proud veteran, she believed this could be done. She asked for the citizens' continued support of the Board and specifically the Chairman and Vice Chairman as they moved through 2021 with the best interest of County residents in heart.

Mr. Evelyn asked for the status of the County's request for authorization to enforce signage in the VDOT right of way. Mr. Hathaway reported a request for an agreement had been forwarded to VDOT. The request was in the Attorney General's Office and VDOT was waiting to hear from them. The Attorney General's Office would be responsible for drafting the agreement between the Commonwealth of Virginia and New Kent County authorizing the County to remove signs from the VDOT right of way. Once the agreement was in hand, a resolution could be drafted for the Board's consideration. Mr. Evelyn asked if someone should call our General Assembly representative to move the process along. County Attorney Brendan Hefty indicated he would contact the Attorney General's Office. Mr. Evelyn asked if it would be possible to have an update from RiverStreet at the Board's next work session or regular meeting. (RiverStreet Management Services, LLC had been contracted to design a County-wide fiber optic network.) Mr. Hathaway confirmed and reported there had been numerous conversations with RiverStreet and the County had been providing a wealth of information including GIS data. RiverStreet had indicated they were on schedule to complete the design by the April 26<sup>th</sup> deadline.

Mr. Tiller reported he had spoken with the County's Cox Communications liaison and had learned they were waiting to hear from the state how VATI (Virginia Telecommunications Initiative) grant funding would be distributed. The liaison reported CARES (Coronavirus, Aid, Relief and Economic Security) Act funding had allowed them to move forward with some service extensions and would impact projects to be addressed by VATI funding. Mr. Hathaway confirmed and reported something was going on with the VATI grant and the original timeline had been for grant decisions to be made in late November. The possibility of additional federal funding through the RDOF (Rural Digital Opportunity Fund) had changed the VATI process. Jurisdictions who had submitted VATI applications had been contacted before the holidays with requests for additional GIS information. He believed this information would be used to determine areas that would be eligible for funding through the RDOF process. He stated he was not sure how this would impact the VATI process and schedule but noted New Kent was still in the running for VATI grant consideration. Mr. Lockwood asked if there was an overlap between these two funding opportunities. Mr. Hathaway confirmed and stated there was definitely an overlap in New Kent County but noted he did not know how this would impact the County's funding. The RDOF funding process had included an auction of frequencies and RiverStreet's parent company had obtained some of the frequencies which he added was promising for New Kent.

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IN RE: PUBLIC HEARING – CUP-03-20 – NATHAN KELLEY CANINE TRAINING AND BOARDING – RESOLUTION R-03-21

Before the Board for consideration was Resolution R-03-21 to approve Conditional Use Permit (CUP) application CUP-03-20, Nathan Kelley Dog Training and Boarding as a home occupation on Tax Map & Parcel 30-1-1 and 30-2-A. Planning Director Kelli Le Duc reported Mr. Kelley had requested a home occupation CUP to train and board canines that did not belong to him on his property located at 4100 Liberty Hall Place in Quinton. The property was zoned A-1 Agricultural and consisted of 6.71 acres. Section 98-16(c) of the Zoning

Ordinance allowed the Board of Supervisors to authorize by CUP the enlargement, expansion, intensification or operation of home occupations beyond the limits otherwise specified in the Ordinance and a use of this type was allowed in the A-1 zoning district with a CUP. The applicant had no intention of working with more than three dogs at any given time and this stipulation was included as a proposed condition of the permit. Staff had received no comments from reviewing agencies or the public. Six conditions to assist with addressing, protecting and promoting health, safety and the general welfare of New Kent County citizens had been included in the resolution. Staff recommended approval of Resolution R-03-21. The Planning Commission had considered this application and had voted to forward a recommendation for approval. She turned the floor over to Mr. Kelley.

Mr. Kelley stated he was requesting a CUP to train canines not belonging to him on his property. He was new to New Kent but was familiar with this requirement having gone through the same process in Henrico County. He had served as a Henrico County Police Officer for 20 years where he headed up the K-9 Unit. He was the lead trainer training dogs not only for Henrico County but also the City of Richmond, Hanover, Chesterfield, Louisa, Goochland and Powhatan Counties. He also trained canines belonging to private citizens in his personal time at his residence. Dogs would not be housed outside, there would be no kennel runs and usually only one dog would be trained at a time. He stated noise, traffic and smell would not be an issue. His Henrico County residence had been located on a .25 acre lot and neighbors had not been aware he was training dogs. He entertained questions.

Mr. Tiller asked for confirmation that there would be no kennels and no boarding. Mr. Kelley confirmed there would be no kennels and all boarding would be in crates inside the home.

There being no other comments, Mr. Evelyn opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Mr. Evelyn drew attention to condition #4 in the resolution which stated, "Applicant shall work with the Health Department to acquire any necessary permits in order to address waste and water and to keep the property neat and clean, free of dirt, fecal accumulation, odors and parasite infection." He stated he felt this condition would be a burden on the applicant and suggested it be struck from the resolution. Mr. Lockwood concurred.

Ms. Paige moved to adopt Resolution R-03-21, after striking condition #4, approving CUP-03-20 Nathan Kelley Dog Training and Boarding as a Home Occupation on Tax Map & Parcel 30-1-1 and 30-2-A condition #4 being struck. The members were polled:

Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried.

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IN RE: PUBLIC HEARING – CONSIDERATION OF ONE-TIME FY20-21 EMPLOYEE BONUS FOR EMPLOYEES OF THE SHERIFF’S OFFICE AND EMPLOYEES OF THE GENERAL SERVICES DEPARTMENT WHO WORK AT THE COUNTY’S REFUSE SITE FACILITIES – ORDINANCE O-01-21

Before the Board for consideration was Ordinance O-01-21 to authorize and appropriate an employee bonus for Fiscal Year 20-21 for certain employees of the Sherriff's Office and General Services Department employees working at the County's refuse site facilities. County Administrator Rodney Hathaway reported the Virginia Compensation Board had mandated bonuses which had to be paid by December 31, 2021 for certain employees of the Sheriff's Office. There had not been sufficient time to conduct a public hearing and to notice the public as required by State Code. A public hearing had been scheduled and advertised for this meeting to allow the public an opportunity to comment. These one-time bonuses had been paid on December 15<sup>th</sup> and included \$500 for full-time and \$300 for part-time members of the Sheriff's Office, \$300 for part-time workers at County refuse sites and \$500 to one full-time refuse site manager. He entertained questions.

Mr. Evelyn opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Mr. Lockwood moved to adopt Ordinance O-01-21 to authorize and appropriate funding for an employee bonus. The members were polled:

Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Thomas W. Evelyn	Aye

The motion carried.

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IN RE: PUBLIC HEARING – AFD-03-20 WITHDRAWAL FROM BIG SWAMP AFD – ANN  
WARD HOCKADAY IRREVOCABLE TRUST – ORDINANCE O-02-21

Before the Board for consideration was Ordinance O-02-21 approving application AFD-03-20 to withdraw Tax Map Parcel 42-12 from the Big Swamp Agricultural and Forestal District (AFD). AFD Program Administrator Sheri Adams reported Sue Ann Martin and George Dennis Hockaday, Co-Trustees of the Ann Ward Hockaday Irrevocable Trust had submitted an application to withdraw Tax Map Parcel 42-12 from the Big Swamp AFD. This parcel was approximately 92 acres located at 10921 Carriage Road in Providence Forge. The trustees had also submitted a large lot subdivision application with their intention being to sell portions of the parcel to the general public. This was not allowed under County Code Sections 62-44 and 91-10 therefore it was necessary for the parcel to be withdrawn before the Planning Department could approve the subdivision application. The AFD Advisory Committee, the Planning Commission and staff had all recommended approval. She asked the Board to consider adoption of Ordinance O-02-21 and entertained questions.

There being none, Mr. Evelyn opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Mr. Tiller moved to adopt Ordinance O-02-21 application AFD-03-20 to withdraw Tax Map Parcel 42-12 consisting of 92.228 acres from the Big Swamp Agricultural and Forestal District. The members were polled:

John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye

Ron Stiers	Aye
Thomas W. Evelyn	Aye

The motion carried.

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IN RE: PUBLIC HEARING – AFD-04-20 A REQUEST TO DEFER THE RE-CREATION OF THE DIASCUND CREEK AFD WITH EXCEPTION OF TAX MAP PARCEL 45-19, GPIN E-25-3490-2440 – ORDINANCE O-03-21

Before the Board for consideration was Ordinance O-03-21, application AFD-04-20 to defer the recreation of the Diascund Creek Agricultural and Forestal District (AFD) by extending the expiration date to August 31, 2021. AFD Program Administrator Sheri Adams reported the Diascund Creek AFD had been set to expire on August 31, 2020. The district currently consisted of 124 parcels totaling approximately 4,051.78 acres. All members had been contacted and all had indicated their desire to continue membership with the exception of Tax Map Parcel 45-19 owned by Edgar R. Walls, II. The staff memo stated that “on April 13, 2020, the moratorium on creating and expanding AFD districts by way of Resolution R-23-20 was implemented and staff entered into several discussions, in the months that followed, about how the district would be affected by the moratorium, how the moratorium was to be interpreted and how to proceed in allowing parcels to expire as requested prior to the moratorium. As a result, it was determined a public hearing should be held on the matter to extend the expiration date of the district and address the one parcel wishing to expire.” AFD-04-20 had been presented to the AFD Advisory Committee requesting deferral of the renewal for one year. She reported the Commissioner of Revenue had reported 2.37 acres belonging to the Crump family had been transferred without the County’s knowledge and action would be taken to remove this property from the AFD program. She also reported Tom Vosnick, owner of Tax Map 34-34, had initially requested this parcel be allowed to expire but had since submitted a letter asking to remain in the program through the proposed extension. The AFD Advisory Committee and Planning Commission both recommended approving the extension as well as allowing the Walls’ parcel to expire. She asked the Board to consider adoption of Ordinance O-03-21 and entertained questions.

There being none, Mr. Evelyn opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Mr. Tiller moved to adopt Ordinance O-03-21 application AFD-04-20 to defer the recreation of the Diascund Creek Agricultural and Forestal District by extending the expiration date to August 31, 2021. The members were polled:

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye

The motion carried.

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IN RE: PUBLIC HEARING – AFD-05-20 A REQUEST TO DEFER THE RE-CREATION OF THE YORK RIVER AFD – ORDINANCE O-04-21

Before the Board for consideration was Ordinance O-04-21, application AFD-05-20 to defer the recreation of the York River Agricultural and Forestal District (AFD) by extending the



expiration date to August 31, 2021. AFD Program Administrator Sheri Adams reported the York River AFD had been set to expire on August 31, 2020. The district currently consisted of 53 parcels totaling approximately 2,897.98 acres. All members of the district had been contacted and all had indicated their desire to continue membership. Tom Vosnick, owner of Tax Map 39-13, had initially requested this parcel be allowed to expire but had since submitted a letter asking to remain in the program through the proposed extension. AFD-05-20 had been presented to the AFD Advisory Committee requesting deferral of the renewal for one year. The impacts of Resolution R-23-20 discussed in the previous agenda item were also relevant to AFD-05-20. The AFD Advisory Committee and Planning Commission both recommended approving the extension. She asked the Board to consider adoption of Ordinance O-04-21 and entertained questions.

There being none, Mr. Evelyn opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Mr. Lockwood moved to adopt Ordinance O-04-21 application AFD-05-20 to defer the recreation of the York River Agricultural and Forestal District by extending the expiration date to August 31, 2021. The members were polled:

Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried.

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IN RE: STAFF REPORTS – ADMINISTRATION BUILDING HVAC REPLACEMENT  
PROJECT

County Administrator Rodney Hathaway distributed information on plans for replacing the HVAC system in the New Kent County Administration Building. New Kent had contracted with CHA Consulting Inc. to develop a design, project specifications and a bid package. CHA had projected the cost would be \$1,071,125. An Invitation for Bids had been posted in November and bids received on December 17<sup>th</sup> had been considerably lower than projected. Mr. Hathaway reviewed the bid list and reported the low bidder had been Harris Heating and Plumbing Co., Inc. with a price of \$604,371. He drew attention to a letter from CHA indicating the Harris bid had been reviewed and everything had been found to be in order. Reference checks had resulted in no negative feedback and CHA was, without exception, recommending awarding the contract to Harris. Mr. Hathaway noted motions to authorize the County Administrator to execute the contract and to appropriate funding had been included in the handout if the Board wished to proceed with the project. The requested appropriation of \$744,808 included a 10% contingency (\$60,437) and relocation costs totaling \$80,000. It would be necessary to relocate offices during construction and some of this funding would be used to prepare the former Apex Physical Therapy building for the temporary relocation of the Treasurer and Commissioner of Revenue offices and eventually the permanent relocation of the Registrar's Office. Preparations would include Information Technology connections, additional electrical outlets, furniture purchases/rentals and Americans with Disabilities Act improvements. He entertained questions.

Mr. Lockwood asked for the timeline for this project. Mr. Hathaway reported the contract would give 120 days from the date of signature to complete the project. He reported the

County Attorney would perform a final review of the document and he expected it would be ready to return to the contractor by the end of the following week. Mr. Evelyn noted the bids appeared to be good. Mr. Hathaway agreed.

Ms. Paige moved to accept the bid from Harris Heating and Plumbing Co., Inc. dated December 16, 2020 for the replacement of the Administration Building's HVAC system and to authorize the County Administrator to execute a contract for the bid amount of \$604,371 and to appropriate \$744,808 from the Capital Fund Balance for the Administration Building HVAC Replacement Project to also include funds for project contingencies and office relocations. The members were polled:

Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Thomas W. Evelyn	Aye

The motion carried.

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IN RE: STAFF REPORTS – PARKS & RECREATION VIRTUAL LEARNING SUPPORT AND RECREATION PROGRAM

County Administrator Rodney Hathaway reported CARES (Coronavirus, Aid, Relief and Economic Security) Act funding had covered the cost of Parks and Recreation Virtual Learning Support and Recreation Program attendance for elementary age children of both New Kent County and New Kent Schools employees. The deadline for spending CARES funds had passed and he asked the Board to consider continuing this service through the end of the school year or until elementary schools reopened. Although students were not in school, teachers were coming into classrooms to provide virtual instruction and this program had enabled employees and teachers with elementary school age children to come to work. The cost to continue this program through the end of the school year would be \$28,600 and the funds were available in the budget to support the operation of a two elementary school program serving 30 to 40 students. He stated if there were no objections, he would proceed with continuing the program. He entertained questions.

Mr. Lockwood asked if schools had received more CARES funding with a longer time period for use and could it be used to offset the program costs for teachers' children. He also noted there was some expectation that there would be additional federal funding and suggested New Kent should ask our representatives to make sure the language in any funding bill would provide for retroactive reimbursement of expenses such as these. He added that he would like to know if the schools were able to contribute to help offset some of the costs. Mr. Hathaway indicated he could discuss this with the schools since the program was a benefit to them as well. He reported the CARES Act money the County had appropriated to schools had been spent but he did not know the status of the other CARES Act appropriations they had received. Mr. Evelyn noted agreement with Mr. Lockwood and pointed out bus runs had been significantly reduced and suggested there should be some budgetary savings in other areas and he felt they should be able to contribute something. Mr. Hathaway agreed but noted the schools had been a partner in offering this program by opening their facilities for this purpose and their aids and staff had been providing support. He stated he would approach the schools to see if any funding was available. The general consensus was to move forward with plans to continue offering this program.

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IN RE: OTHER BUSINESS

There was no other business.

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IN RE: CLOSED SESSION

Ms. Paige moved to go into closed session pursuant to section 2.2-3711A.5 of the Code of Virginia for a discussion involving Project Solstice, a prospective business where no previous announcement has been made of the business' interest in locating its facilities in the County.

The members were polled:

John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye

The motion carried.

Mr. Evelyn noted the Board would not be taking any further actions once returning to open session.

Ms. Paige moved to come out of closed session. The members were polled:

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye

The motion carried.

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

Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried.

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IN RE: ANNOUNCEMENT OF UPCOMING MEETINGS/ADJOURNMENT

Mr. Evelyn announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, February 8, 2021 and the next work session would

be held at 9:00 a.m. on Wednesday, January 27, 2021 in the Boardroom of the County Administration Building.

Mr. Tiller moved to adjourn. The members were polled:

Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Thomas W. Evelyn	Aye

The motion carried.

The meeting was adjourned at 8:05 p.m.