

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 13<sup>th</sup> DAY OF MAY IN THE YEAR TWO THOUSAND THIRTEEN 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

Chairman Davis called the meeting to order.

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IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Burrell 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.	Absent (arrived at 6:15 p.m.)
James H. Burrell	Present
Ron Stiers	Present
W. R. Davis, Jr.	Present

All members were present after Mr. Tiller's arrival.

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IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Approval of Minutes
  - a. March 27, 2013 work session minutes
  - b. April 8, 2013 business meeting minutes
  - c. April 16, 2013 special budget meeting minutes
  - d. April 24, 2013 work session minutes
2. Miscellaneous
  - a. First Addendum to the Special Project Service Agreement with Central Virginia Waste Management Authority for collecting, transporting and processing used electronic equipment
  - b. Contract with Jacosoft, LLC for Reverse 911 services
3. Refunds
  - a. \$4,594.32 to Tim Bishop for erroneous assessment
  - b. \$53.62 to Simmons Electrical Services for canceled permit
  - c. \$61.87 to Simmons Electrical Services for canceled permit
  - d. \$1,317.54 to Eric Baker for 2013 BPOL renewal error
4. FY13 Carry Forward Appropriations
  - a. Parks & Recreation FY12 end-of-year balance, \$7,016.83  

\$ 7,016.83	Total
\$(7,016.83)	From Gen Fund fund balance
5. FY13 Supplemental Appropriations
  - a. Program income received for FY13 from CDBG Plum Point grant, \$977.36
  - b. Funds received from insurance proceeds – fire, \$4,738.64
  - c. Miscellaneous recovered costs – Sheriff, \$82.71
  - d. Donations for the Animal Shelter, \$910.00

- e. Funds received by Extension from outside sources for sponsorship of programs, \$2,743.00
- f. Funds received for Parks & Recreation, \$5,968.00
- g. Funds reimbursed by the Commonwealth of Virginia for extradition, \$351.12
- h. Seller proceeds – property exchange funds, \$54,997.80
- i. School Textbook Fund fund balance, \$208,148.00

\$ 278,916.63	Total
\$( 70,768.63)	Total In/Out
\$(208,148.00)	From Fund 206 fund balance

- 6. Interdepartmental Budget Transfers
  - a. *School Board Office*: \$6,012 from Appropriation of funds from prior years to Furniture
  - b. *County Administration/Clerk of the Board*: \$700 to Parks & Recreation for printing of the newsletter as a part of the P&R Guide
  - c. *Building Development*: \$1,151 from Books & Subscriptions to Vehicle Acquisition
  - d. *School Board Office*: \$820 from Travel NKES – Reg Ed Elem to Mis Services NKES-Media Services
  - e. *General Services*: \$3,500 from Electric Service to Salaries & Wages
- 7. Cash as of March 2013: \$39,042,431.74

Mr. Burrell requested corrections to two sections of the minutes and also explained that his vote to approve the Consent Agenda would not extend to the minutes for that part of the April 24 meeting after he had departed.

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

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Absent
James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye

The motion carried.

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IN RE: RESIDENCY ADMINISTRATOR REPORT

Chairman Davis read aloud the monthly report from the Virginia Department of Transportation (VDOT) covering maintenance activities for the past month as well as those planned for the next month. Upon his arrival, Residency Administrator Mike Cade completed a review of the report, including recently issued permits.

He reported that the speed limit on Route 629 would be lowered to 35 mph as recommended by a recently completed traffic study, and that work was continuing on the road-lifting project on South Waterside at Fanny's Creek.

Mr. Stiers reported a drainage problem in Providence Forge that had developed since the construction of the Family Dollar store.

Mr. Evelyn thanked Mr. Cade for recent attention to the non-paved roads in his district. He also asked for some sign assistance for a local medical office.

Mr. Burrell reported a dead tree that was a safety hazard on Stage Road.

Mr. Davis spoke about areas of standing water along Farmers Drive, which he attributed to clogged pipes under the road, as well as stop signs around the County that were obscured by vegetation, and sweeping of the gutters in Eltham.

Mr. Tiller referenced some pipe cleaning work to be done on Henpeck Road.

Mr. Cade agreed to follow up on all of those issues.

There was a discussion regarding the use of herbicides to control vegetation. Mr. Cade explained that his crews were not allowed to apply those products, but that VDOT did have a Roadside crew that did that work, and they had started an aggressive campaign against Johnson grass around the County.

Mr. Cade was asked to remain for the public hearings later in the meeting.

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IN RE: CITIZENS COMMENT PERIOD

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

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IN RE: CLOSED SESSION

Mr. Evelyn moved to go into Closed Session pursuant to Section 2.2-3711A.7 of the Code of Virginia for consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body involving a neighboring locality, the settlement of a lawsuit, and the CDA, as well as legal advice involving conditional use permits. The members were polled:

C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye
W. R. Davis, Jr.	Aye

The motion carried. The Board went into closed session.

Mr. Tiller moved to return to open session. The members were polled:

James H. Burrell	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
W. R. Davis, Jr.	Aye

The motion carried.

Mr. Burrell made the following certification:

Whereas, the New Kent County Board of Supervisors has convened in a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed session was conducted in conformity with Virginia law;

Now there be it resolved that the Board hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open session requirements by Virginia law were discussed in closed session to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board.

The Chairman inquired whether there was any member who believed that there was a departure from the motion. Hearing none, the members were polled on the certification:

Ron Stiers	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye

The motion carried.

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IN RE:            PROPOSED FY14 BUDGET

County Administrator Rodney Hathaway reviewed the first item for public hearing, proposed changes to Appendix A (Fee Schedule) of the New Kent County Code. He recounted that the Board had amended the Fee Schedule in November 2012 to suspend collection of commercial development permit fees until June 30, 2013, and the proposed changes would set those fees at their original levels, except for the boundary survey fee which would be removed, and water and sewer usage fees which would increase by 8% in order to cover the cost of operations of the public utility system.

The next public hearing item he reviewed was proposed Ordinance O-03-13 setting tax levies for real estate and personal property for FY14. He noted that the real estate tax rate was proposed to increase by 4 cents to 85 cents, and no change was proposed for the personal property tax rate.

The third public hearing item was the proposed FY14 budget. He reviewed that a balanced budget had been prepared in the face of significant increases in the demand for services, Schools, Fire-Rescue, and Public Safety, together with another year of reductions in State and Federal funding and unfunded mandates. He noted that the demand for services was continuing to grow faster than County resources.

He reported a proposed FY14 budget of \$67,344,241 based on a real estate tax rate of \$0.85 – representing an increase in the General Fund budget of \$1,816,686, or an increase of 5.4%.

He reviewed projected revenue, remarking that expected increases in sales taxes, business taxes, meals taxes and permits and licenses reflected an improving economy. He reported an FY14 growth of \$17,297,531 in total real property values, and advised that if the current real estate tax rate remained at 81 cents, the County would have additional revenue of only

\$135,908, as opposed to \$1,020,381 at an 85-cent rate. He noted that one penny on the real estate tax rate equated to \$232,121 at an 85-cent tax rate and 97% collection rate. He reviewed the effect on tax bills for homes assessed at \$200,000, \$250,000 and \$300,000 for rate increases ranging from one to four cents.

He reported a projected increase of \$345,593 in revenues from personal property taxes, which he attributed to an improving economy and increasing population. He noted that one penny on the personal property tax rate equated to \$17,422, based on a 94% collection rate.

He next reviewed proposed expenditures, confirming that the proposed budget included a 2% salary increase for employees that would cost taxpayers \$202,572, and a 12.1% increase in health insurance premiums that would cost taxpayers \$111,228. He pointed out that an additional \$2,582 had been cut from department budgets on top of FY13 cuts of \$820,040. He confirmed that the budget provided for additional funding for the Schools of \$700,000, which was less than the \$1,347,401 requested. He reviewed that funding for both Social Services and CSA had been increased because of increasing demand for those services, and there had been a debt service savings of \$50,962 because of a recent refinancing. He indicated that there was an additional \$465,085 for debt service (to be funded by a proposed 2-cent increase in the real estate rate) for future principal and interest payments on a loan to renovate the Historic School for additional elementary school classrooms.

He reported that funding of \$301,897 was proposed for new positions and upgrades. He reviewed those positions and upgrades that were mandated or resulting from the Affordable Care Act.

He noted that of the \$1,816,686 in total new revenues, 38.5% would go to the Schools in the form of the additional \$700,000, and 25.6% for the elementary school renovations, for a total of 64.1%.

Mr. Hathaway reminded that after deducting \$300,000 from the Debt Service fund balance for FY14, there would be \$600,000 remaining. He advised that the \$5.28 million transfer for debt service proposed for FY14 was in compliance with County Financial policies, and that local funding for the proposed FY14 CIP totaled \$3,580,091.

He reviewed that although there was a proposed 8% increase in public utility user fees, there was no proposed increases for either connection or availability fees. He confirmed that the public utilities system continued to be compliant with all bond covenants and be self-supporting. He reported that the user fee increases would impact the bills of an average user by \$71.88 a year.

The Chairman opened the Public Hearing on Ordinance O-02-13 amending Appendix A of the New Kent County Code (Fee Schedule). There being no one signed up to speak, the Public Hearing was closed.

The Chairman opened the Public Hearing on Ordinance O-03-13 to impose tax levies on real and personal property for the 2013/2014 tax year.

Alease Christian spoke in support of the proposed four-cent increase, stating that she felt that "we can do that" and she did not feel that it would affect the elderly and disabled because of the availability of the tax relief program. She remarked that instead of bringing in new businesses, the County should support the ones it had. She remarked that new

businesses brought in more families with children, which required more schools, teachers, deputies and firefighters. She also indicated that she was not in favor of increasing the assessment of a home unless it had been renovated.

Mr. Davis thanked Ms. Christian for reminding him about the tax relief program and he encouraged those who might be qualified to contact the Commissioner of Revenue. He also clarified that the County was on a two-year assessment cycle and the next general reassessment would be in 2014.

Stephen R. Adkins, owner of property in New Kent County, complained about the increase in his property taxes between 2002 and 2012, which he referred to as "unconscionable". He described his property as being bounded by lands owned by the State and railroad tracks owned by CSX, and complained that his pleas for relief regarding his assessments "had fallen on deaf ears". He did compliment the Sheriff and Circuit Court Clerk for their prompt and professional service. He asked the Board to reconsider raising taxes in these "tough times" and reminded them that their "penchant for growth and approval of subdivisions came with a price" and urged them not to "put the burden for funding growth on the backs of the taxpayers".

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

The Chairman opened the Public Hearing on the proposed FY14 Budget.

Ron Durrer commended Mr. Hathaway on his budget presentation, which he described as an improvement over last year's. He indicated that he had a problem with the proposed tax hike, which would bring New Kent's rate higher than that of surrounding or similar counties and would affect the County's ability to attract new business. He spoke about how industrial development was needed in order to lessen the burden on the residential tax base, and he opposed the proposed cost of living raises for County employees in light of the economy. He did not object to the ERP needs analysis but did question the \$850,000 for new financial software. He was "okay" with a two cent increase in the real estate taxes for the Historic School renovation, but did not support the remaining two cent increase and asked for additional cuts.

Kathy Gray, who identified herself as a resident, business owner and parent of school system students, spoke in favor of additional funding for the Schools. She recognized that both the County and Schools were dealing with unfunded mandates and reduced funding in the face of increased demands and suggested that they work together to provide the needed resources. She indicated that the Schools had been working on a "bare bones budget" and the children deserved good teachers, technology, classrooms, updated textbooks and safe buses. She urged the Board to find a way to allocate the funds requested by the Schools.

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

Chairman Davis remarked that the speakers had covered the "gamut" of problems being faced with the budget.

Mr. Evelyn suggested that since the contract for the ERP Needs Assessment had just been approved and the study would not be completed for a while, the \$850,000 for the new financial software could be moved out another year in the CIP. He understood that would not affect the General Fund but it would affect the "bottom line".

Mr. Burrell remarked that he would like to increase funding for the Schools but didn't know where additional funding could be found. He pointed out that local funding for the Airport was around \$5,000.

Mr. Stiers suggested that the Board consider giving employees four personal days off with pay rather than a salary increase, which would be better for the taxpayers, and raises could be delayed until things were better. Other Board members commented that option would not work with job classifications considered essential, such as firefighters, water and sewer staff, and deputies.

Mr. Stiers spoke about how, at 85 cents, New Kent would have a higher tax rate than any of the surrounding localities. Mr. Burrell suggested that some of the other counties had more commercial tax revenue or higher median home values, and it was important to compare "apples to apples" when looking at other localities. He indicated that if New Kent had more commercial, then it could give more to the schools and hire more firemen with a lower tax rate.

Mr. Davis agreed, noting that New Kent had not collected permit fees on commercial development for the past three years, but it hadn't helped in attracting businesses. He stated that New Kent was "wide open but we can't make them come", and that "we have to make do with what we have".

Mr. Tiller remarked on what it cost his daughters for classroom supplies for his grandchildren and he wished the Schools could be fully funded so that parents and teachers didn't have to pay for school supplies out of their own pockets.

Mr. Evelyn agreed that the past few years had been "painful for all" and "tough on both sides". He reviewed the increased funding that the Board had given the Schools every year since he came on the Board, all with no tax increases, which he was proud of. He shared that he had two children in the County's school system and hoped that next year would "look better", remarking that this year had been the toughest.

Mr. Davis stated that all years were tough because there was never enough money to go around. He thanked Mr. Hathaway for his work on the budget and suggested that the Board schedule a special meeting to work on it some more.

It was agreed that the Board would hold a special session to work on the budget, and possibly vote on its adoption, at 7 p.m. on May 21, 2013, in the Boardroom. It was confirmed that there would be no public comment opportunity at that meeting.

The Board took a five minute break and then resumed its meeting for the final public hearing of the evening.

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IN RE: WILBOURNE LITIGATION

Before the Board for consideration was the request to approve the settlement of a litigation matter that had been reviewed in Closed Session.

Mr. Burrell moved to recommend that a proposed Consent Order be entered into by the Board of Supervisors authorizing the Chairman to sign the Consent Order with Kenny Wilbourne and to appropriate \$17,675.31 from the General Fund contingency fund to resolve this matter. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye

The motion carried.

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IN RE: WILCO HESS CONDITIONAL USE PERMIT APPLICATION FOR TRAVEL PLAZA

Before the Board for consideration was Resolution R-11-13 approving conditional use permit (CUP) application CUP-02-13 filed by Wilco Hess LLC to develop a Travel Plaza on Emmaus Church Road, south of Interstate 64 at Exit 211.

Planning Manager Kelli Le Duc reviewed that the project was proposed to consist of an 8,000-square foot convenience market and service center with 20 fueling stations (12 for passenger vehicles and 8 for trucks), development of a 3,000-square foot fast food restaurant with a drive-through, and the future development of a three-acre restaurant/retail outparcel. She indicated that 120 tractor trailer parking spaces were proposed for the site, as well as showers and laundry facilities. She advised that the Truck Plaza was proposed for a 16-acre portion of a larger parcel 462 acres in size.

She advised that the proposed uses classified the project as a "truck stop" under New Kent's zoning ordinance. She explained that a few years prior, the entire parcel had been rezoned *Economic Opportunity* at the request of the owner, SPF Investments, and that truck stops in that classification required a CUP.

She reported that access to the site was proposed to be provided by a new private road that would extend from its intersection with Emmaus Church Road to the last entrance into the site. She indicated that there would be three points of access along the road, including an entrance for passenger vehicles as well as an entrance and exit for trucks.

She confirmed that a Traffic Impact Analysis, Chapter 527 (TIA) had been prepared for the project and approved by VDOT.

She reviewed that the total capital improvements for the project was estimated at approximately \$7 million with complete build-out; that 30 – 40 jobs were expected to be available during construction; and that the intended uses within the project were expected to provide employment for 65 – 75 people.

She indicated that the project was projected to contribute to the County's tax base through real estate, business, meals and sales taxes without increasing the cost for school infrastructure and other residentially-related County services.

She reported that the application was reviewed by all County-reviewing agencies and she referred the Board to her Staff Memo for comments received. She indicated that staff had reviewed the application in the same manner as other zoning change applications and had found that the fifteen conditions included in Resolution R-11-13 would assist in addressing, protecting, and promoting the health, safety and general welfare of New Kent County citizens.

She noted that the Planning Commission had considered the application at a public hearing held on April 15, 2013, and had voted 6:4:1 to forward a favorable recommendation to the Board, after amending one of the conditions to give the permit a 30-year time period.

Present on behalf of the applicant were Derrick Johnson, PE, agent from Timmons; Scott Dunn, AICP, traffic engineer from Timmons; Marshall Toney, Associate Broker with Prudential; and Steve Williams, President of Wilco Hess.

Derrick Johnson advised that his client viewed the project as a "travel plaza" rather than a "truck stop" because there would be no truck repairs or tire repairs on the property. He spoke about how they had addressed the road improvements that had been identified as necessary in the TIA, that included development of a full right turn lane and a full left turn lane, which would create a full "through lane" on Route 106. He also explained that the three-lane access road would move traffic off of Route 106 to help ease congestion and that the fueling area would provide room for truck "stacking".

He emphasized that the project involved capital improvements of \$7 million that would generate tax revenue to the County, and would provide 60 jobs with full development.

Steve Williams explained how Wilco Hess had been started by his parents and this family business now operated 390 sites in various states, and spoke about how they took pride in their business and reputation, and had no tolerance for the bad behavior often associated with truck stops. He advised that they had been searching for a site along Interstate 64 and the proposed site met their key requirements: proper zoning; presence of public utilities; and affordable and available land that would provide a "left in, right out" to the site. He emphasized that they were willing to work closely with all County officials to establish a safe, well-lit and secure site, as they wanted to be responsible corporate citizens and good neighbors. He indicated that he felt the project would be a "great solution" to the County's budget problems as it would provide new tax revenue.

He maintained that the project would improve the existing traffic problems and he did not agree that the project would double the amount of truck traffic. He indicated that since they would have a better facility, easier access and more parking spaces, he hoped they would take some of the business from the Pilot.

Mr. Davis referred to a comment received from the County's Department of Public Utilities voicing concern about the increase of debris associated with these types of facilities making its way into the public sewer system, requiring the need for a mechanical bar screen at the Talleville pump station. Mr. Williams advised that a screening device would make sense for both the Travel Plaza and the County, and would not be a "big issue" for them. Mr. Johnson added that it would be better if the screen was installed on the Wilco Hess site so that materials could be caught before they reached the sewer system, and the applicant would be willing to take care of that "upstream".

Mr. Burrell asked how many of the applicant's sites in other places were near residential developments. Mr. Williams advised that there were homes and developments around all of their 353 convenience stores and 37 truck plazas, noting that they wouldn't be able to staff those sites if there weren't homes nearby. He indicated that they did not offer truck washing or truck service/repair, and that today's truck stops were different than what the perception of them was 20 – 30 years ago.

Mr. Evelyn spoke about the trucks whose companies had fueling contracts with Pilot. Mr. Williams explained that his company had contracts with the same trucking companies and

that truckers often used a "price option modem" in their trucks to determine what location had the best fuel price when they were deciding where to stop.

There was discussion regarding the access road. Mr. Johnson explained that the access road would consist of two lanes in and one lane out, which would help with the back-up of trucks on Route 106, noting that the Pilot station had a shorter queuing area.

Mr. Stiers asked Mr. Williams if he was aware that another company was looking at a different parcel at that interchange for a third truck stop. Mr. Williams admitted that he had only learned about that tonight, but it had not changed his mind about pursuing this project.

Mr. Davis asked about the ratio of trucks and passenger vehicles at Wilco Hess sites. Mr. Williams reported that company-wide, sale of diesel fuel made up about 70% of their total sales and gasoline sales about 30%; however, he pointed out that did not necessarily mean that 70% of their customers were truckers, since truckers bought more fuel at one time.

There was discussion regarding the Clean Air Act and how required additives had resulted in cleaner exhaust from idling trucks.

Mr. Stiers asked why their TIA did not address needed improvements to the interstate ramps at the interchange. Mr. Johnson explained that as a part of their analysis, they did not look at improvements to the ramps because of a currently open permit with the Farms of New Kent for roundabouts. VDOT's Mike Cade confirmed that there was a current permit for roundabouts connected with the Farms of New Kent that was active for another four and a half years. He indicated that should Farms of New Kent not build the roundabout before the permit expired, then it would forfeit its \$750,000 bond, which was enough to return the interchange back to its original design. He advised that the permit could not be renewed again. He added that there could be no modifications to the current plans without approval by the Federal Highway Administration.

Chairman Davis opened the Public Hearing.

Ron Durrer spoke in favor of the project. He admitted that truck stops had a bad reputation but said he felt that most truck drivers were "good, honest working folks" who had to meet strict standards in order to retain their commercial drivers' licenses. He projected that the Truck Plaza would bring in tourists, truckers, and revenue to the County. He commented that he felt the south side of the interstate interchange was an ideal area, noting that the Pilot had already set a precedent there. He stated that New Kent needed new commercial revenue and this project appeared to be a good option, and asked how the County could turn it down.

Greg Will, a resident of the nearby Four Seasons residential development, complained about the time of the year when the traffic study was performed and suggested that it should have been done in either July or August in order to reflect true traffic conditions. He spoke about how the traffic pattern in existence was already "destined to fail within eight years", and how he didn't think that the \$250,000 in projected revenue compared to the revenue that would be received by the millions of dollars in real estate, personal property and disposable income that the County was trying to attract into nearby residential developments. He asked the Board members to imagine how they would feel if this project was proposed for a site near their homes, and also suggested that many of the residents along Route 106 were not aware of what had been proposed. He indicated that he did not want Mr. Williams and his business to "leave New Kent" but just wanted him to "move up

the road" to another exit where his project wouldn't "jeopardize potential development", and asked the Board to "do the right thing".

Luke Brady, also a resident of Four Seasons, spoke about the current traffic backups at the interchange and how he felt the proposed project would result in more delays. He indicated that the "bottleneck" was the interstate overpass, which could not be widened, and he did not really see the Board supporting this request. He also questioned the applicant's comment at the Planning Commission meeting that a 10-year CUP would be a "deal breaker", which suggested to him that a deal had already been made.

Todd Shumaker, a resident of Iden Place, stated that he was in favor of the project and he was glad that New Kent was starting to take advantage of what interchanges should be used for. He commented that \$250,000 in new commercial revenue would be better than what was what was currently being collected. He questioned what people thought an interchange should be used for, pointing out that New Kent had four interchanges and needed to take advantage of its location being just two hours from the ports and from Northern Virginia. He remarked that he had lived in New Kent all of his life and many of those speaking against the project had not. He spoke about how with the Truck Plaza, the County would reap the benefits of vehicles getting off the interstate, spending money, and leaving. He said he'd like to attract other businesses as well and suggested that the County "get out of the airport business and spend that money on schools". He agreed that there was a problem with truck traffic backing up, but he felt that the proposed project would be a better solution than what was there.

Barbara Lore of Iden Crossing spoke about how the existing truck stop had developed without having been properly approved, and she asked the Board to deny the permit for this one. She reminded that the Board had approved the Farms of New Kent and suggested that it needed to protect what had been planned. She indicated that the interchange at Exit 220 was a much better location.

Scott Reichle, attorney for MHF Dining, explained that his client was in the process of developing a Burger King restaurant next to the Pilot and had several concerns about this application. He stated that they had concerns about the traffic, and had hired a professional Engineer who had identified several concerns and flaws in the applicant's TIA. He advised that his client was invested in this location and didn't want to lose customers because they couldn't get off the highway. He asked that the Board "do what was right" and not rush to make a decision.

Dexter Williams, Engineer, advised that he had been requested by Pilot and MHF Dining to look at the traffic study submitted by Wilco Hess. He reported that, without the Wilco Hess project, the eastbound roundabout had been projected to fail and with the addition of Wilco Hess, the westbound roundabout had been projected to fail as well. He also predicted that the Wilco Hess site would add another 500 feet to the back-up problem on the interstate ramp. He spoke about how the TIA did not include the "tourist effect" and he felt the study left a lot of questions and inconsistencies.

J. Naparlo, owner of the proposed Burger King, stated that his project represented a \$1 million investment. He emphasized that he was not trying to stop the Wilco Hess project but wanted to make sure the "traffic was right when we get there". He spoke about predicted problems with motorists being able to get off at the exit, and questioned whether this was the right place for another truck stop. He suggested that "now was the time" to fix the traffic problems and asked that the Board make sure that the roads "were right" so that the County could attract business and tax revenue.

Jack Wilson, attorney for the Pilot, advised that his client was not opposed to the project, but had concerns about the traffic impact on Route 106 with the introduction of more vehicles without any road improvements. He suggested that another truck stop would likely result in this interchange becoming a "destination for truck traffic" and that the introduction of a third would further enhance that situation. He indicated that it was not uncommon for a locality to require additional through lanes or additional lanes on interstate ramps and he felt the improvements proposed by Wilco Hess were "woefully inadequate" to address its impact on the interchange. He spoke about how the roundabouts were "already destined to fail" and suggested a comprehensive study of the interchange in which his client would participate. He reminded that the applicant had another 300 acres on the parcel and no one had any idea what would be developed there and what traffic impacts that would have. He encouraged the Board to defer action for up to a year in order to study the interchange.

John Schwartz, agent for the owner of the parcel, spoke in favor of the project, which would benefit the County and provide needed revenue. He spoke about how New Kent needed these kinds of commercial services in order to attract more business and help stimulate growth.

Alan Shaia, representing the owners of the property, stated that it was "easy to pick apart" the traffic study but he believed that it was sufficient and met all requirements. He reminded that his family had 1,600 acres at the interchange and they were not going to set themselves up with a traffic situation that would prevent them from developing the rest of their property. He indicated that the County could not expect to see any expansion of the interstate until it showed activity and had these kinds of developments.

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

Mr. Davis agreed with the concerns about the future of that interchange and road, noting that quadrant was industrial but the roads were failing now.

Mr. Williams pointed out that he had paid for a TIA and had appeared in person, and he found it interesting that the Burger King and Pilot had hired their attorneys to appear on their behalf, and suggested their concerns were more about the impact his truck plaza would have on their businesses. He commented that it was not the Board's job to "provide a protective environment" for those businesses. He disagreed that the truck traffic at that interchange would increase to the levels that had been suggested by others. Regarding the number of truck parking spaces, he explained that he would like to have a lower number of spaces but had included those 120 spaces as a community service, and he did not expect to have 120 trucks coming into the site all at one time.

Mr. Burrell remarked that he patronized truck stops in his travels and spoke about the importance of the trucking industry, and how he did not agree that they had a negative impact on the values of nearby homes. He indicated that he felt this was a good opportunity to bring in more commercial revenues, and suggested that everyone "live and let live", adding that part of living in New Kent was sharing in the growth in the community.

There was discussion regarding the TIA. Mr. Dunn explained that in performing the study, they looked at traffic coming off of Route 106 and could not consider the exit ramps because of the existing roundabout permits. He emphasized that they had done everything in their power to mitigate traffic in the corridor and explained how major improvements to the ramps and overpass should not fall to one single owner.

Mr. Evelyn commented that he traveled through that interchange several times a day and the major problem was trucks trying to get into the Pilot station as there was not enough room on Route 106. He agreed that it had nothing to do with what Wilco Hess was proposing, but he felt that there needed to be some kind of collaboration among the parties to address the safety issues. He asked how long it would take if the County ordered an independent traffic study. Mr. Hathaway advised that it depended on the amount of detail, and could take anywhere from one to six weeks.

Mr. Stiers remarked that he was a "capitalist" and had "nothing against truck stops" but he didn't like the traffic study. He added that New Kent was known for its wineries, horseracing, and rural nature and he didn't know if he wanted it to be a "truck destination" and no one benefited from traffic jams on the interstate.

There was discussion about an independent study. Mr. Davis commented that he understood "everything moved by truck" and that the application was working under a time frame, but felt the Board needed to take a long-term look at that interchange, but would move as quickly as it could.

Mr. Tiller moved to direct staff to look at a comprehensive study of the feasibility of improvements at 106, and meeting with all potential businesses and owners, and further moved to defer action on the proposed CUP.

There was discussion regarding whether a time frame should be added to the motion. Mr. Tiller accepted an amendment to his motion that the issue would be revisited at the Board's June 10 meeting.

The members were polled:

C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye
W. R. Davis, Jr.	Aye

The motion carried.

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IN RE: ELECTED OFFICIALS' REPORTS

There were none.

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IN RE: STAFF REPORTS

There were none.

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IN RE: APPOINTMENTS

There were none.

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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 June 10, 2013, and the next work session at 9:00 a.m. on May 29, 2013,

both in the Boardroom of the County Administration Building. He added that the Board would also hold a special meeting on May 21, 2013, at 7:00 p.m. in the Boardroom to work on the Proposed FY14 Budget.

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IN RE:           ADJOURNMENT

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

James H. Burrell	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
W. R. Davis, Jr.	Aye

The motion carried.

The meeting was adjourned at 9:32 p.m.