

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 14th DAY OF MAY IN THE YEAR TWO THOUSAND FOURTEEN 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 Evelyn called the meeting to order.

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IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Tiller 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
James H. Burrell	Present
Ron Stiers	Present
W. R. Davis, Jr.	Present

All members were present.

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IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Approval of Minutes
  - a. April 10, 2014 Business Meeting
  - b. April 23, 2014 Special Budget Work Session
2. Miscellaneous
  - a. Resolution R-14-14 recognizing May 25 – 31, 2014 as Hurricane and Flooding Preparedness Week in New Kent County
  - b. Contract for legal services for Department of Social Services
  - c. Resolution R-16-14 recognizing May 2014 as Older Americans Month in New Kent County
  - d. Contract Amendment with Done Right Heating and AC for HVAC quarterly maintenance inspections
  - e. Financial Policy Guidelines amendment
  - f. Sole Source purchase request for recording system for the Sheriff's Office
3. Refunds
  - a. \$1,731.85 to Jacquelin Pomeroy for erroneous assessment
4. Supplemental Appropriations
  - a. Program income received for FY14 from CDBG Plum Point grant, \$32,641.33
  - b. Gifts & donations to Parks & Recreation, \$700.00
  - c. Public education donations to Parks & Recreation, \$200.00
  - d. Donations for the Animal Shelter, \$744.00
  - e. Insurance recovery funds for Fire & Emergency Management, \$3,486.50
  - f. Insurance recovery funds for the Sheriff's Department, \$26,696.90
  - g. Funds received for DVD copies, \$3.00
  - h. Extension program sponsorship revenue for Farm Tour (\$300), Food Preservation Workshop (\$200), and Plant Sale (\$243), \$743.00
  - i. Prisoner extradition funds, \$382.26
  - j. Byrne Justice Assistance Grant, 14-P1160L013 – Sheriff, \$1,851.00

- k. CDBG Plum Point funds for home maintenance, \$7,949.00
- l. Circuit Court Clerk Compensation Board vacancy savings, \$2,434.41

\$ 77,831.40	Total
\$ (69,697.40)	Total In/Out
\$ (8,134.00)	From General Fund fund balance

- 5. Interdepartmental Budget Transfers
  - a. *County Attorney*: \$50,000 from Reserved for Contingency for Legal Professional Services
  - b. *General Services*: \$33,373.56 from Reserved for Contingency for Professional Services
  - c. *Financial Services*: \$3,300 from Forms Printer Supplies to Forms Printer Supplies
  - d. *Fire Rescue*: \$13,283.57 from Life Insurance, Printing & Binding, Repair Portable Equipment, Street Signs, and Haz-Mat Response to Vehicle Maintenance
  - e. *Fire Rescue*: \$1,974.10 from LODA, Life Insurance, Printing & Binding, and Haz-Mat cleanup to Uniforms
  - f. *Fire Rescue*: \$232.50 from LODA to Maintenance Service Contracts – Ladder
  - g. *Fire Rescue*: \$731.25 from Life insurance and Workers Compensation to Vehicle Insurance
  - h. *Fire Rescue*: \$5,522.76 from FICA, Maintenance Service Contracts-Dry Hydrants and Dry Hydrant to Heating
  - i. *Fire Rescue*: \$107,044.47 from Salaries, VRS, Medical, Colonial Downs, Repairs & Maintenance, Bldg Upgrades, Repair & Maintenance-Dry Hydrant, Advertisements, Furniture and ADP Equipment to Part-Time Salaries
  - j. *Fire Rescue*: \$1,500.00 from Heating and Mileage to Overtime
  - k. *Fire Rescue*: \$76,149.79 from Medical and Salaries to Overtime
  - l. *Fire Rescue*: \$4,707.69 from Leased WAN Lines, VRS and Lease Dry Hydrant to FICA
  - m. *Fire Rescue*: \$2,120.54 from Leased WAN Lines to Part Time Overtime
  - n. *Fire Rescue*: \$2,900.00 from Sm. Engine, Lease Equipment, and Printing & Bindings to Electrical Service
- 6. Treasurer's Report: Cash as of March, 2014: \$36,086,691.22

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

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

The motion carried.

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IN RE: RESIDENCY ADMINISTRATOR REPORT

Marshall Winn, Interim Residency Administrator with the Virginia Department of Transportation (VDOT), reported on maintenance activities and construction projects on New Kent roads from the past month as well as those planned for the next thirty days.

He advised that work from the past month included pavement repairs, inmate litter pickup, specialty mowing, cleaning ditches, pipe repairs, dead animal removal, dead tree removal, removing advertising signs from rights-of-way, and responding to weather events. He indicated that they would continue to work on pavement repair, low shoulder and slope

repairs, pipe replacement, maintenance of non-hard surface roads, and sign removal as needed. He reported that the concrete patching on Route 60 was scheduled to be completed by the Memorial Day weekend.

He reported on a temporary closure of a part of Route 155 for pipe replacement, as well as the planned paving work on Interstate 64 and surface treatment project for Route 60.

He advised that the safety improvements for Kentland Trail at the intersection with North Courthouse Road (Route 155) should be installed in the coming week, weather permitting. He projected that the speed study for that area of Route 155 should also be completed in the near future. He indicated that as a result of a recent review of crash data on Route 33 near the 7-Eleven store in Eltham, warning signs would soon be installed to help address the problem with rear-end crashes in the area. He stated that work continued on the speed study on Route 30 in Barhamsville as well as a speed study for Cosby Mill Road (Route 638). He reported that a review of a request for a marked pedestrian crossing of Kentland Drive at Pine Warbler Driver had found that a marked crossing not to be appropriate for that location.

Mr. Winn introduced Rob Alexander, Operations Director for the Central Region, to provide information on the Enhanced Travel Information Plan that would affect New Kent County with the re-routing of traffic from Interstate 64 onto Route 60. Mr. Alexander explained that a "Reach the Beach" program had begun in 2012 that provided motorists with traffic delay information. VDOT was contacted by several agencies in the Williamsburg area in 2013 about expanding the program, and in 2014 a new effort will result in message boards being installed along the interstate to provide travel time information for both eastbound and westbound traffic between Williamsburg and Richmond. He clarified that VDOT will only provide Route 60 as an alternate for interstate travelers through the summertime on weekends.

There was discussion regarding where motorists who chose to travel on Route 60 would get back on interstate. Mr. Alexander advised that there were several places; however, one of the challenges was that they did not yet have the additional signage for Route 60. He indicated that the interstate signs would be at exit 234 westbound and at Bottoms Bridge and Airport Drive for eastbound traffic. He indicated that the message boards could also be used at other times when there were accidents or other delays.

He emphasized that this was only a temporary measure and that the new Commissioner of Transportation was committed to have permanent signage up later in the summer. He added that the temporary measure was a test to see if it would be effective and the permanent project could change course later in the year. He advised that he would follow up with the Board on the project and was willing to come back to a future work session if needed.

Board members thanked him for the information.

Mr. Winn returned to the podium.

Mr. Davis asked about specialty mowing. Mr. Winn explained that it was the same as a yard cut, which they tried to do every three to four weeks at intersections and in front of high impact businesses.

Mr. Davis asked about the paving work on Route 60. Mr. Winn confirmed that the paving would take place during the day and not at night or on weekends.

Mr. Davis reported some street signs that were down in his district, at which time he was reminded that those were now a County responsibility and no longer VDOT's.

Mr. Stiers expressed his appreciation for Mr. Winn's efforts towards the safety improvements on Kentland Trail. Mr. Winn advised that he hoped they would make a difference.

Mr. Burrell asked about the mowing schedule, noting that he had seen mowing on the interstate taking place after 7 p.m. Mr. Winn explained that a contractor did that mowing but pointed out that mowing of interstates was done at night in the western part of the State.

Mr. Tiller commented that he hoped the new stop signs on Kentland Trail were inexpensive as he felt they might be knocked down a lot. He advised that he still would like to meet with Mr. Winn to look at some issues in his district.

Mr. Evelyn asked Mr. Winn to look at the drainage along Route 60 at Carter Road as a resident there was reporting problems with water and erosion of the shoulders. He also asked for trash pickup along Route 249 between the Courthouse and Route 106.

Mr. Evelyn also asked about Cosby Mill Road. Mr. Winn explained that the pipe replacement project had again been advertised for bids. He reported that an earlier advertisement had resulted in bids that were too high, and when a contract was finally awarded, the contractor had backed out of the project. Mr. Evelyn asked about the four-ton limit on the bridge, commenting about how it was an inconvenience for some of the residents who had heavy equipment. He also wondered if school buses should be driving across the bridge. Mr. Winn advised that he did see that as a problem and he would not recommend it. He reported that bridge limits were determined by their Bridge Office.

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IN RE: CITIZENS COMMENT PERIOD

Chairman Evelyn opened the Citizens Comment Period.

Chris Madison complained about loud music at a recent event at Colonial Downs. He indicated that he did not hear the motorcycle race and was not bothered by the fireworks, but the noise from this event had vibrated his house and he hadn't been able to hear his television even at full volume. He reported that the Sheriff's Office had advised that it had received hundreds of similar complaints. He complained that the County "bent over backwards to let Colonial Downs do what they want" and asked the Board to "think twice" before allowing any more events there. He spoke about how living in the country should be enjoyable and residents shouldn't have to put up with that.

Patricia Townsend commended the Board for recent actions taken regarding the renovation of the Historic School and for the outstanding job that the Board members did.

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

It was explained that the event referred to by Mr. Madison was a Color Run at Colonial Downs and staff confirmed that there had been a lot of noise issues.

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IN RE: VIRGINIA COOPERATIVE EXTENSION

Cynthia Rowles, Unit Director of the New Kent/Charles City Virginia Cooperative Extension Office, reported on the 100-year celebration of the Cooperative Extension Service. She explained that on May 8, 1914, President Woodrow Wilson had signed the Smith-Lever Act of 1914, establishing the cooperative extension service nationwide. She explained that the mission of the Virginia Cooperative Extension Service was to bring knowledge from the two land grant universities, Virginia Tech and Virginia State, to the localities. She spoke about the rich history that Extension had in New Kent and named some of the past Extension staff, as well as identifying the current staff, and invited the public to their office to see their Centennial display.

She thanked the Board for adopting a resolution recognizing the Centennial as well as its continuing support of Extension and its programs.

Mr. Evelyn read aloud the resolution adopted by the Board at its last meeting and presented Mrs. Rowles with a copy.

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IN RE: ELECTED OFFICIALS' REPORTS

Mr. Stiers welcomed a recent Supreme Court decision allowing prayer at public meetings. He also advised that he had attended a meeting with the Sheriff and the Fire Chief as well as a radio tower expert regarding New Kent's radio needs and that an updated estimate was expected back from the vendor. He played a tape of a recent radio call which demonstrated the problems with the radio system and asked that this item be on a future agenda for consideration.

Mr. Burrell advised that he had attended a recent tourism event that emphasized the impact that tourism had on the region, noting that the impact to New Kent was reported at \$29 million.

Mr. Tiller advised that he had also attended the tourism event and had learned a lot.

Mr. Evelyn thanked those who had attended a recent District One constituents meeting, where information was available on economic development and the Liberty Landing project. He also congratulated the New Kent Chamber of Commerce on its successful wine festival and thanked those who had worked hard to organize it.

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IN RE: STAFF REPORTS

County Administrator Rodney Hathaway advised that New Kent had received a request for support from the Virginia Peninsula Mayors and Chairs of a request for a study to add additional passenger trains from Richmond to the Peninsula. He indicated that he would obtain additional information for the Board to review at its work session.

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IN RE: DISTRICT APPOINTMENTS

There were none.

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IN RE: NON-DISTRICT APPOINTMENTS

Mr. Burrell moved to appoint Lisa Guthrie as New Kent's representative to the MPO Citizen Transportation Advisory Committee to serve a four year term beginning January 1, 2014 and ending December 31, 2017.

Mr. Tiller moved to appoint John Moyer as New Kent's alternate representative to the MPO Citizen Transportation Advisory Committee to serve a four-year term beginning January 1, 2014 and ending December 31, 2017.

The members were polled:

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

The motions carried.

The Board took a recess and resumed its meeting at 7:00 p.m. for public hearings.

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IN RE: SECONDARY SYSTEM SIX YEAR PLAN 2015 - 2020

Before the Board for consideration was Resolution R-15-14, approving the Secondary System Six Year Plan for FY2015 – 2020 and the Secondary System Construction Budget for FY2015. Chairman Evelyn explained that the Board would hold the public hearing this evening but not vote until the work session.

Mr. Hathaway reported that the Secondary System included those public roads with a 600 route number or higher. He indicated that there was \$73,015 in the Plan for FY15, of which \$55,682 was proposed for road improvements on Dispatch Road/Route 613 and \$17,333 for paving a section of Stage Road under the Rural Rustic program. He noted that a section of Henpeck Road was also on the Plan for road and drainage improvements, but had no money appropriated. Maps were provided to the Board members that showed the location of the projects.

Mr. Davis clarified for the public that this was money that was allocated to the County by the State for these roads. Mr. Hathaway confirmed that it was State and Federal money that was designated for secondary roads and a locality's allocation was determined by a formula.

He reported that there was finally enough money allocated to the Dispatch Road project to complete all engineering and do about 500 feet of the road work.

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

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IN RE: LIBERTY LANDING

Before the Board for consideration was Ordinance O-06-14 approving application ZM-01-14 filed by David Rudiger and Kenneth Merner of Bridgewater Crossing, Inc. to rezone

approximately 88 acres from *Business* to *R-3, Multi Family Residential* and 4.6 acres from *A-1 Agricultural* to *Business*, for a mixed use development known as Liberty Landing.

Planning Manager Kelli Le Duc explained that Mr. Rudiger and Mr. Merner had requested the rezoning to create a mixed use development with approximately 200,000 square feet of Business/Commercial uses in the front portion of the property, 190 townhomes, and 260 apartment units, that would also have designated open space areas, recreation areas, proposed clubhouses with amenities, walking trails, and a private boat ramp. She noted that the properties were located to the south of Route 60 across from the Five Lakes subdivision. She reported that the Comprehensive Plan designated the area as *Village*, a designation intended to involve a mixture of land uses on a smaller, pedestrian scale. She explained that the creation of viable villages required the availability of public water and sewer to allow for the compact nature of the development necessary to ensure that the entire village could be easily traversed by foot. Allowable land uses would include single-family detached and attached dwellings on smaller lots; apartments and condominiums, both free-standing and in upper floor space above street level commercial uses; retail stores of a modest scale; services, professional and general offices; and institutional uses such as churches, schools and libraries. She noted that the proposed Liberty Landing project was in keeping with the County's vision for this area, as it was proposed to be comprised of a mixture of structures and uses; commercial uses were planned along Route 60 and would be supported by a mixture of nearby residential uses; and the close proximity of the residents to both the commercial uses and nearby developments would encourage residents to walk rather than drive.

She pointed out that one goal in the Comprehensive Plan was to increase and enhance the County's recreational opportunities, and that the applicant's plan included approximately eleven acres of recreational area, an extensive walking trail, clubhouse areas with amenities, and a large amount of open space.

Another goal of the Comprehensive Plan was to provide safe and sanitary housing opportunities for all citizens of the County, encouraging higher density and alternative housing types that would serve the unmet needs of the County and region.

She indicated that it was important to note the environmental sensitivity of the land, pointing out that approximately 40% of the property was Resource Protection Area (RPA), marsh and/or wetland, and commented that the applicant's plan of development was an example of environmentally-sensitive land use planning.

Another goal of the Comprehensive Plan was to "conserve, protect and preserve the quality of the County's air, water, soil, wildlife habitat, and scenic views through responsible stewardship of the land" and she confirmed that the plan of the development included open space.

Regarding transportation, she reported that the applicant had submitted a Traffic Impact Analysis (TIA) that had been reviewed by VDOT. She advised that VDOT's comments indicated that the TIA conformed to the requirements of Chapter 527 in regard to the accuracy of the methodologies, assumptions, and conclusions presented in the analysis.

Regarding public utilities, she indicated that the project would connect and use the County's water supply and sewage treatment facilities and it had been confirmed that adequate capacity existed to accommodate the project. She reported that there was a proffer that provided that the project would be allocated no more than 98,600 gallons per day (GPD)

unless otherwise agreed by the County in writing, and that water saving policies and procedures would be implemented.

She advised that a Fiscal Impact Analysis had been submitted with the application, which concluded that over the 20-year analysis period, the project was expected to generate more than \$30 million in revenues to the County, above what was currently being generated by the mostly vacant property.

She reported that it was estimated that the project would bring approximately 120 new students to the New Kent County public school system - 0.27 children per residence. She noted that the applicant had proffered the sum of \$4,000 for each residential unit prior to or simultaneously with the issuance of a certificate of occupancy, in recognition of the impact the project would have on the County school system.

She advised that the applicant had also proffered a two-acre parcel of land for a fire station and sheriff's office, as well as a proffer to construct a metal fire station building similar to the one in Lanexa.

She reported that the proposed project was consistent with its land use designation; that the applicant had submitted a plan for an attractive, well-planned community, sensitive to the environmental and historical constraints on the property, the need for additional economic development opportunities, the additional users to the Public Utility system, and to the needs for workforce housing in New Kent County; that the proffers would assist in mitigating the impacts of the development to the school system and the County's public services; and that staff recommended approval of the application and its associated proffers.

She indicated that the Planning Commission had considered the application at its March 17, 2014 meeting and voted 8:1:1 to forward an unfavorable recommendation to the Board.

One of the applicants, David Rudiger then addressed the Board. He advised that they had been working on this application for eight years, had met with a lot of people, received a lot of feedback, and tried to develop a plan and proposal that was consistent with the Comprehensive Plan and sensitive to the input received from many of the residents. He reviewed that the project was proposed for property located on Route 60 between the highway and the Chickahominy River, across from the Five Lakes subdivision and down the street from Patriot's Landing.

He reviewed a map of the parcel, showing the various zoning designations. On a conceptual layout, he noted that a spine road would connect with Route 60 at existing median breaks at the eastern and western ends of the project, creating an internal connector road so that access within property could be served without accessing Route 60. He advised that one of the feedback comments received was a request for "something that looks like New Town in Williamsburg" which they had done, with shopping and small shops mixed in with multifamily units, and townhomes wrapping around an existing lake on the property. He displayed a streetscape artist rendering, which he felt reflected that these would not be the typical suburban apartments but would look like a series of individual buildings that were connected, all in keeping with a village look and feel. He reviewed that there would be townhomes with and without garages, with rear-loading garages in the units around the lake. He advised that there would be one- and two-bedroom apartments, and none with three bedrooms, which would naturally limit the number of children that would impact the school system. He noted that the interior courtyards of the multi-family units would provide more privacy and would be the location of the pools, fire pits and other amenities. He

spoke about their goal to provide places where the residents could gather within the development, which would cut down on traffic and make for a more cohesive community. He pointed out that 50 of the 100 acres would remain in open space, with twelve acres in active and passive recreation space.

He reviewed the proffers, noting that they had set a limit of 450 on the number of residential units, as compared to the 563 allowed in the Comprehensive Plan. Also included were cash proffers of \$4,500 per unit for schools (calculated to equal \$15,000 per student); a donation of land and a building for a fire station; architectural standards; a commitment to develop the commercial space along with the residences, and constructing the first commercial building of 7,000 square feet before the first 200 residential units were done, and then the second commercial building of 14,000 square feet. He spoke about how businesses wanted to come to New Kent but had formulas that relied on rooftops, and they were trying to put New Kent in a position to reach those numbers so that Bottoms Bridge could draw the kinds of businesses that residents wanted. He advised that the project would include sidewalks and paths to provide ways to move around within the development without driving.

He addressed the concerns of the Planning Commission about the project's impact on County services. He indicated that Liberty Landing would generate \$1.5 million a year over and above the cost of the services it would require. He added that the project would generate positive cash flow to the County even if it was not fully developed, or \$800,000 per year at only a 50% build-out. He noted that the project would generate \$5.6 million in one-time sewer and water connection fees, would help to pay for the water and sewer system, and would help hold down costs and assist with the bond payments. He commented that a new fire station in Bottoms Bridge would improve response times and help to reduce insurance rates.

He advised that Liberty Landing would attract new businesses to Bottoms Bridge, and by concentrating residential units would attract more restaurants, stores and other business, resulting in more tax dollars for the County.

He noted that there would be less impact on traffic by this re-zoning when compared to the impact if the area was fully developed for commercial use, and pointed out that there would also be the opportunity for some interconnectivity to adjacent property.

He indicated that over 90% of the residences in New Kent were single family homes with 0.42 students per household. He said that townhomes and apartments generated fewer students than single family homes, and they would have a low impact on the schools at 0.27 students per household. He reminded that New Kent school facilities were nearing capacity and the County was struggling on how to deal with it and that capital expenditures for new schools would be necessary anyway with the existing growth rate, and he felt Liberty Landing would be able to help with that.

He summarized that they had followed the Comprehensive Plan, had located the project in an area targeted for growth, the project was an example of smart growth as it was concentrated in an area where the County had the ability to service its residents, was a mixed use village with internal roads thereby having less impact on County roadways, its residents would attract and support businesses; the development would have a positive fiscal impact resulting in lower taxes; and would have high quality and attractive buildings. He explained that they had looked at the County's vision and tried to adopt it as their vision and they felt New Kent was a "great place to grow" and they wanted to help.

Chairman Evelyn opened the Public Hearing.

Chester Alvis thanked the Board for its hard work and spoke about how its members were responsible to make decisions that they might not like, and that this was one of those times when decisions needed "to be made for the greater good of all". He indicated that New Kent needed more "rooftops" to support business. He suggested that the lack of attendance at the public hearing was because the majority of the residents felt "comfortable allowing you to make the decision" and suggested that did not mean that the Board could "ignore their best interests". He admitted that the intersection in Bottoms Bridge was failing but he did not think that was a responsibility for this development to fix. He reminded that this area was designated for this kind of project in the Comprehensive Plan and asked that the Board remember that it was "responsible for the greater good of all".

Kimberlee Moyer stated that it was the "wrong time, wrong place" for the project. She suggested that there was no need for "workforce housing, affordable housing, low income housing, whatever you want to call it", but that the County needed emergency facilities, outpatient services, nursing homes -- all services that the citizens currently had to leave the County to obtain. She questioned the formula used to project the number of school children that would result from the project. She suggested that the developer should have checked the zoning before they purchased the property.

Mark Tutrani expressed reservations about the project, suggested that the "affordable housing" might overwhelm the local Social Services department. He discounted the contention that fewer bedrooms would limit the number of school-age children. He indicated that he'd like to see commercial projects first and asked the Board to give the matter more thought.

Russell Beyer stated that he agreed with the last two speakers. He indicated that if he were making the decision, he'd want to know if there would be a limit to the number of occupants for the units and he also wanted to know if the water issue had been resolved. He spoke about whether the projections for the Brickshire community had been reached. He also asked how many jobs would be generated by the commercial activity in the project. He wondered if this was "affordable housing", would the residents there even be working. He also asked if the concerns that had led to the Planning Commission's recommendation had been addressed.

Kristin Parsley, manager of New Kent Animal Hospital, said of all of the businesses on Route 60, she believed hers would be impacted the most. She advised that she welcomed the project as it would bring more customers to her business, which was planning an expansion to include a doggie day care facility.

Lynn Barbini, operator of a horseback riding/training facility and an employee of New Kent Animal Hospital, also spoke in support of the project because it would bring in more customers for the County's businesses. She asked that the Board consider it.

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

Mr. Evelyn asked for clarification on the proffers for Fire-Rescue. Mr. Rudiger explained that the cost of the building to be constructed would be credited against the cash proffers of \$500 per unit, and confirmed that they would construct the building as soon as they could get the necessary approvals and permits.

Mr. Burrell spoke about the proposal to increase the *ad valorem* tax in Bottoms Bridge and projected the probability that it would have to be further increased if there was not some new development in the area. Mr. Hathaway confirmed that the Utility System *pro forma* projected that when the Patriot's Landing subdivision was built out in 2019, revenues would not be sufficient thereafter to meet debt service and the County would have to look at another increase in the *ad valorem* tax.

Mr. Tiller advised that he was concerned about the impact on the fire department and the need to hire six additional staff to man a new fire station in Bottoms Bridge, at a total cost of about \$330,000 in annual salaries, as well as equipment costing \$600,000 - \$700,000, all of which could result in a five-cent increase on the real estate tax rate. He indicated that he didn't think that the project had enough commercial space, and spoke about how the commercial space in the Kentland Planned Unit Development (PUD) had not developed. He also questioned the need for rental apartments for firefighters and teachers.

Mr. Stiers reported that according to the latest market statistics, there was a current inventory of 228 homes on the market in New Kent and he felt that there was no need for extra housing. He spoke about the lack of positive comments on the application from the departments and agencies and pointed out how the County's Economic Development Consultant was "concerned with a cost analysis methodology which eliminated certain government functions, primarily social services and Title 1 education services that would not serve the Liberty Landing population" and about the strain that the project would put on Sheriff's Office and other public services in the County. He agreed that the proposed development would have a "huge" financial impact and a "grave" impact on public service and public schools. He also questioned the number of school-aged children projected by the applicant.

Mr. Evelyn asked about one of the applicant's developments in Chesterfield. Mr. Rudiger reported that development was 100% completed, but they had two- and three-bedroom apartments there and had more children per unit. He indicated that most localities had ordinances that set limits on occupancy but confirmed that as the landlord, they did enforce their limitations of two persons per bedroom and issued violations notices and terminated leases where necessary. He admitted that a homeowners association (HOA) may not have as much power of enforcement.

Mr. Rudiger also emphasized that what they proposed was not "affordable housing" or subsidized housing, but nice, quality, well-maintained rental housing that would "draw the right kind of person, the kind of person who you'd be proud to have as your neighbor". He suggested similarity to Richmond's West End and indicated that they were not "talking about bringing in the dregs of society" but wanted to attract upstanding, contributing members of the community who would pay their rent or HOA dues and take care of their yards.

He pointed out that the water issue had been addressed, that there was adequate allocation, and limits on how much they could use.

Mr. Davis described the applicants as gentlemen and "two of the nicest people to deal with" and advised that he had looked at one of their other projects, which he described as "well built".

Mr. Burrell indicated that he respected everyone's position and spoke about how there was always opposition to new development. He agreed that the Board needed to look at everything and pointed out that the residents in the Bottoms Bridge Service District would

be paying 15 cents in *ad valorem* tax on top of their real estate tax rate, and the County might have to raise it in the future if there was no new development. He reminded that the project was not Section 8 housing and remarked about how few of New Kent's teachers actually lived in the County. He spoke about how Bottoms Bridge waited for years to get public sewer and pointed out that this was the area designated for development in the Comprehensive Plan. He said that he understood that residents often "wanted to keep it like it was" but suggested that it was important "to live and let live". He remarked that there had been an average of 0.4 children per house for quite a while in New Kent and he did not think that one-bedroom apartments would have much of an impact on the school system. He spoke about the current trend towards walkable projects with multifamily units and that these were the kinds of communities that Americans were currently look for.

Mr. Burrell moved to adopt Ordinance O-06-14, as presented. The members were polled:

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

The motion failed.

Mr. Tiller moved to deny Ordinance O-06-14, as presented. The members were polled:

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

The motion carried.

The Board took a short break and then resumed its meeting.

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IN RE: COUNTY FEES

Before the Board for consideration was Ordinance O-07-14 changing certain fees charged for County services and updating the content of Appendix A (Fee Schedule) in the New Kent County Code.

Mr. Hathaway explained that every year County departments looked at fees for services to make sure they were reasonable and capturing the cost of doing business, while at the same time remaining consistent with the region so as not to deter business.

Board members asked about some fees and language that had been marked out under Parks and Recreation fees. Mr. Hathaway explained that department no longer managed rental of the school facilities and those fees and language were being eliminated from the Fee Schedule.

Board members also asked about the substantial increase proposed in the fireworks permit fee. Mr. Hathaway advised that those permits required inspections and often Fire Department staff and equipment were needed on site during fireworks displays and that increase was to cover those costs. It was pointed out that fireworks stands were also

required to pay the same fee but did not require the presence of staff and equipment. Following further discussion, Mr. Hathaway advised that staff would look at separating the permit fees for retail stands and a fireworks displays in order to make it more reasonable.

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

Mr. Evelyn reminded that voting on all of the budget-related items would take place at the work session on May 28.

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IN RE: TAX LEVIES

Before the Board for consideration was Ordinance O-08-14 imposing tax levies on real and personal property for the 2014/2015 tax year.

Mr. Hathaway advised that there were two taxes proposed for change – a new real estate tax rate of 84 cents, which was based on the equalized rate and was a one-cent reduction from the existing rate, and an increase in the *ad valorem* tax for the Bottoms Bridge Service District from 10 cents to 15 cents per \$100 of assessed value. All other tax rates would remain unchanged.

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

Mr. Burrell commented on the low tax rate for airplanes. He also spoke about how much the Airport had cost the taxpayers over the years and he felt it was something that the Board needed to look at. He called it a “hobby airport” and said that even if it broke even, it was “not doing anything for New Kent”.

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IN RE: FY15 BUDGET

Before the Board for consideration was the proposed FY15 Budget.

Mr. Hathaway reviewed that his previous recommendation had been for a FY15 budget of \$65,241,278 based on a real estate tax rate of 84 cents, a one-cent reduction from the existing tax rate, and a \$4.9 million increase from the FY14 budget. He advised that based on discussions at previous meetings, the budget had been advertised at \$64,982,108, which included additional tax revenue of \$147,881 of tax revenue which represented revenue set aside during equalization process for adjustments, as well as the loss of Off Track Betting (OTB) revenue from Colonial Downs. He confirmed that \$48,000 had also been eliminated from the CIP due to a grant being received by the Sheriff’s Office for the purchase of a marine patrol craft.

He reported that the advertised budget had also eliminated the Community Development Director position; had reduced original new local funding for the Schools from \$570,000 to \$423,000, a \$146,000 reduction; reflected updated insurance cost figures, and an increase in the Debt Service set aside.

He reminded that the Board could decrease the budget but could not increase it without additional advertising.

He reviewed additional proposed adjustments that would bring the budget to \$64,807,108, which included elimination of the underground tank at George Watkins Elementary School.

He reported that after further consultation, the School Board felt that the replacement was no longer needed for this year.

Other proposed adjustments were: to further reduce new local school funding by \$53,127 to give the School System new revenue of \$370,000 over what they received this year, rather than the \$570,000 initially proposed; to eliminate the new IT position; to eliminate an upgrade for the Human Resources Director; to change the adjustment of the Fire Chief's salary and benefits, from \$5,601 to \$10,000; to restore the Community Development Director position; to increase the salary for the Chief Technology Director with reorganization; and increase the Debt Service transfer set aside by \$7,998.

He reviewed that the Public Utility fund continued to remain a self-supporting fund, and there was proposed a 6% increase in water and sewer rates and a five-cent increase in the Bottoms Bridge Service District *ad valorem* tax, but no increase in connection or availability fees.

He reviewed the budget calendar and advised that the Board could adopt the budget at its May 28 work session.

Mr. Evelyn remarked that the Board's goal was not to have a tax increase.

Mr. Davis commented that goal had been met, but he felt that the Board could do better, and asked about the proposal to restore the Community Development Director position. Mr. Hathaway explained that the position had remained vacant for some time but that activity was now picking up and the Community Development Department was very busy and was taking up more and more of the Assistant County Administrator's time who was also trying to address needs in the reorganized IT department. He added that he would also like to reorganize some of the other departments, to include putting Economic Development under Community Development.

Mr. Evelyn agreed that it was taking more time to have plans reviewed.

Mr. Tiller spoke about how there had not been any increase in utility connection or sewer availability fees in several years. Mr. Hathaway explained that it was important to be able to compete for new development and he felt that New Kent's fees were in line with the market and to increase them might cause the County to lose its ability to compete with neighboring jurisdictions.

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

Mr. Evelyn reminded that the Board still had a few weeks to look at the budget and could make some changes with how it allocated funding. He asked that the Board members communicate their questions or concerns to staff.

Board members commended staff for their hard work on the budget and for bringing it in without a tax increase.

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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 9, 2014, and the next work session at 9:00 a.m. on May 28, 2014,

both in the Boardroom of the County Administration Building. He reminded that the Board would more than likely vote on adoption of the budget at its work session on May 28.

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IN RE:           ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 8:46 p.m.