

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 14th DAY OF OCTOBER IN THE YEAR TWO THOUSAND FOURTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

Chairman Evelyn called the meeting to order.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Tiller gave the invocation and Boy Scouts Joshua Couch and Kevin Kurek led the Pledge of Allegiance.

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.

IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Approval of Minutes
 - a. September 8, 2014 business meeting
 - b. September 10, 2014 special meeting
 - c. September 24, 2014 work session

2. Miscellaneous
 - a. Change order request for renovation of Boardroom dais
 - b. Renewal of contract with World View Solutions
 - c. Agreement to utilize the cooperative procurement contract between Emerge Systems, Inc. and Spotsylvania County for electrical and SCADA services
 - d. Proxy Statement for the 2014 VACo conference annual business meeting
 - e. Change order to contract for Sludge Holding Tank Modifications project
 - f. Resolution R-39-14 approving participation in The Interlocal Purchasing System (TIPS)
 - g. Resolution R-40-14 appointing New Kent County's 2015 legislative liaison
 - h. Memorandum of Understanding with the Virginia Cooperative Extension
 - i. Purchase of new network storage unit from EMC Corporation through a College of William & Mary cooperative contract

3. FY15 Carry Forward Appropriations
 - a. Airport Fund projects not completed in FY14, \$165,269.21
 - b. Sheriff's Federal Asset Forfeiture transfer funds, \$125,842.23
 - c. Commonwealth's Attorney Federal Asset forfeiture transfer funds, \$5,413.43
 - d. School CIP appropriations, \$533,693.69
 - e. Federal Bulletproof Vest Partnership grant funds, \$2,709.31
 - f. FY14 School end-of-year balance, \$138,297.93
 - g. VML Insurance proceeds for Fire-Rescue air compressor @ Bravo Station #1 - repairs not started as of September 30, 2014, \$4,920.00

\$ 976,145.80	Total
\$ (152,194.11)	Total In/Out
\$ (4,920.00)	From General Fund (1) fund balance
\$ (671,991.62)	From Co. Capital Fund (7) fund balance
\$ (15,784.41)	From Airport Fund (97) fund balance
\$ (125,842.23)	From Sheriff's Asset Forfeiture (210) fund balance
\$ (5,413.43)	From Comm. Atty. Asset Forfeiture (220) fund balance

4. FY15 Supplemental Appropriations
 - a. Program income received for FY15 from CDBG Plum Point grant participants (September 2014), \$688.00
 - b. Donations for the Animal Shelter, \$715.00
 - c. Recovered miscellaneous revenue – Sheriff's Office reimbursement from Emmaus Baptist Church (\$96.50), New Kent Winery (\$1,388.77), Patricia Grubbs (\$210.0), Colonial Downs motorcycle race (\$2,119.02), Sarah Waligura for security detail during William Hodges funeral/visitation (\$405.28) and RWEC Traffic Signal (\$264.67), \$4,484.24
 - d. Gifts and donations for Fire-Rescue, \$37.83
 - e. Sponsorship revenue to Parks & Recreation – New Kent Blast, \$300.00
 - f. Virginia Department of Fire Program funds, \$49,813.00
 - g. Virginia Department of Fire Program burn building grant, \$480,000.00

\$ 536,038.07	Total
\$ (536,038.07)	Total In/Out

5. Interdepartmental Budget Transfers
 - a. *General Services/Sheriff's Office*: \$25,000 from Animal Shelter Study/Construction to Animal Shelter repairs
 - b. *School Board Office*: \$297,000 between various CIP items
 - c. *School Board Office*: \$31,861.09 transfer of CIP year-end carry over to 2015 for one-time use
6. Treasurer's Report: Cash as of August 2014: \$26,271,063.81

Mr. Tiller 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.

IN RE: RESIDENCY ADMINISTRATOR REPORT

Chad Baker, Maintenance Superintendent 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 explained that a speed study had been completed on Route 631 and, as a result, the speed limit would be reduced from 55 mph to 45 mph.

He advised that the boring under Cosby Mill Road/Route 638 had been completed, and that construction would start on November 3, 2014, at which time the road would be closed for six to eight weeks depending on the weather.

Mr. Davis complained about confusing bicycle signage in Providence Forge that said cyclists "may use full lane" -- language which he felt suggested bikers could ride side-by-side in the travel lane. Mr. Baker explained that State law allowed bicyclists to ride on the road but could not impede traffic. Chief Deputy Joe McLaughlin advised that the Sheriff's Office had received a number of calls about the same issue and he suspected that those were approved VDOT signs to clarify that cyclists could use the travel lanes and were not restricted to the bike path; however, they should not be riding two abreast and should stay as close to the shoulder as possible. Mr. Baker advised that he would check back with VDOT traffic engineering about use of the signs in that area.

Mr. Davis complimented Mr. Baker and his staff for recent work on the non-paved roads in the County.

Mr. Stiers reported that the Transportation Safety Commission met recently and had been able to eliminate ten issues from its list of concerns; however, they would be traveling around the County in the coming weeks to update the list.

He reported complaints of a large pothole at the Lanexa refuse site. It was explained that was the responsibility of the County and not VDOT and County Administrator Rodney Hathaway advised that the problem would be addressed.

Mr. Burrell expressed his appreciation for some drainage work that had been done off Polish Town Road.

Mr. Evelyn asked about the roundabout project at the intersection of Routes 249 and 612. Mr. Baker reported that the project had been put out for bid but to his knowledge had not yet been awarded. Mr. Evelyn indicated that there was some conflicting information about the project in the community and asked that Mr. Baker keep the Board updated so that the correct information could be communicated to the citizens.

Mr. Evelyn asked about the bicycle route signage in the County. Mr. Hathaway explained that the routes and signs were a local program funded with VDOT dollars through the Metropolitan Planning Organization (MPO); however, maintenance and replacement of the signs were the responsibility of the County. Mr. Evelyn suggested that, in light of recent accidents involving bicyclists, the Board might want to reconsider some of those routes.

IN RE: CITIZENS COMMENT PERIOD

Chairman Evelyn opened the Citizens Comment Period.

Reverend Milton Hathaway reported on a new initiative, "My Brother's Keeper", resulting from a challenge issued by President Obama to localities across the country to become "MBK Communities". He explained that the goals of the program included:

- Ensuring all children entered school cognitively, physically, socially and emotionally ready
- Ensuring all children read at grade level by 3rd grade
- Ensuring all youth graduated from high school
- Ensuring all youth completed post-secondary education or training

- Ensuring all youth out of school were employed
- Ensuring all youth remained safe from violent crime

He advised that the local clergy association was excited about the project and planned to aim their efforts to at-risk children, where the Federal program was aimed at at-risk boys. He spoke about building a model program and he emphasized that there was no requirement for funding from the locality, just a commitment to accept the challenge. He indicated that the plan was to build a coalition between the churches, schools and others, forming a council to look at how to identify at-risk children and then develop a program that would meet their needs, as well as the needs of parents without the necessary skill sets. He reported that over \$2 million had been raised to date across the nation.

Board members asked staff to put together a supporting resolution at a future meeting.

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

IN RE: CLOSED SESSION

Mr. Tiller moved to go into Closed Session pursuant to Section 2.2-3711A.1 of the Code of Virginia for discussion about prospective candidates for employment involving the Department of Social Services. 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 motion carried.

The Board went into closed session.

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

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

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

The motion carried.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Stiers reported that the main refuse site on Route 618 was again accepting television and computer monitors, after having to temporarily suspend collection while negotiating a contract with a new vendor.

Mr. Burrell reported that the MPO had voted at a recent meeting to change voting membership allocations and that New Kent should know next month whether it would have two or three voting members.

Mr. Tiller reported that he was a part of a Planning Commission subcommittee that met the previous week to consider an overlay district in Bottoms Bridge. He also asked the community to keep Deputy Hamlet in their prayers while he recovered from a work-related injury.

Mr. Evelyn spoke about an upcoming meeting at the Virginia Racing Commission that would likely impact the future of thoroughbred racing at Colonial Downs. He explained that it was possible that Colonial Downs would close down if an agreement was not reached and wanted the citizens to understand that New Kent was not involved in the negotiations but had provided a letter of support for horseracing in Virginia and in the County.

It was confirmed that all of the off track betting parlors would close as well.

Chief Deputy McLaughlin, on behalf of Sheriff Howard, expressed appreciation for all of the support and concern from the Board and community for Deputy Hamlet, who continued to recover from his injuries.

Treasurer Norma Holmes advised that tax bills had been mailed out and payments were coming in.

IN RE: STAFF REPORTS

There were none

IN RE: APPOINTMENTS

There were none.

IN RE: REFUND OF ERRONEOUS ASSESSMENTS

Before the Board for consideration was Ordinance O-12-14 amending County Code Section 66-5 to increase the refund amount that the Treasurer was authorized to issue, without Board approval, for erroneous assessments.

Treasurer Norma Holmes explained that she was requesting that the Code be amended so that the amount her office was authorized to refund was increased from \$1,000 to \$2,500.

County Attorney Michelle Gowdy advised that the Code of Virginia had changed to allow treasurers to refund up to \$2,500.

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

Mr. Burrell moved to adopt Ordinance O-12-14 as presented. 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.

IN RE: PILOT TRAVEL CENTER

Before the Board for consideration was Resolution R-35-14 approving a Conditional Use Permit application filed by Pilot Travel Centers LLC to continue operations as a travel center at 6721 Emmaus Church Road.

Planning Manager Kelli Le Duc gave a quick overview of the application. She explained that with the exception of a parking lot reconfiguration, the applicant was not proposing any changes to its existing operations. She noted that the existing CUP would expire in December 2014 and advised that the *Economic Opportunity* zoning classification required a CUP in order to operate a truck stop. She indicated that the standards for review of these applications were set forth in County Code Sections 98-744 and were listed in the Staff Memo. She confirmed that the application had been reviewed by all reviewing agencies and those comments could also be found in the staff memo. She pointed out that many of the concerns about the application had been incorporated into the draft conditions. She reported that the Planning Commission had considered the application at its meeting on September 15, 2014 and voted 8:0:1 to forward it to the Board with a favorable recommendation.

Jack Wilson, attorney for the applicant, explained that his client was seeking renewal of its CUP so it could continue to operate. He spoke about how, over the past six years, Pilot had been a "good corporate citizen", continued to generate tax revenue, and had responded to addressed issues whenever they had arisen. He confirmed that there were no proposed changes to the site and reminded that the Planning Commission did review the application and voted to recommend approval. He acknowledged that there continued to be frequent but not constant problems with trucks backing up on Route 106 during peak times, and that Pilot had been working with one of the Board members and County staff since the Planning Commission meeting and had added some additional conditions to deal with that issue. He

indicated that one of the changes involved increasing the number of permitted onsite parking spaces as well as the elimination of the prohibition of offsite parking for trucks. He represented that his client felt that those two restrictions contributed to the backups on Route 106. He confirmed that his client had agreed to more conditions that included conducting a parking study to look at adding additional parking to increase that number to 47 spaces, a number which had been determined by a parking study done by the previous owner. He indicated that should the increase in parking not solve the problem on Route 106, then his client would look at reconfiguring traffic flow on the site. Those new conditions had been added to the proposed resolution. He added that based on feedback and concerns from adjoining property owners, if there continued to be queuing problems at the Pilot site after the proposed new truck stops opened, Pilot agreed to conduct a traffic analysis to see what could be done to improve flow. He emphasized that his client felt that it could solve this problem by eliminating the conditions that were causing it.

Ms. Gowdy pointed out that the added conditions were on the latest document that had been distributed to the Board members prior to the meeting.

Board members asked what Pilot's commitment would be after conducting a traffic study. Mr. Wilson advised that if the parking space changes and flow reconfiguration did not correct the problem at Pilot, then his client would conduct a traffic impact analysis and thereafter implement the recommendations that came out of that study.

Mr. Wilson again reviewed the new conditions, which he referred to as a "series of events". He stated that Pilot believed that a lot of the queuing problems on Route 106 would be solved by additional onsite parking space and some offsite parking on adjacent parcels. His client also felt that reconfiguring the truck flow on the site would help to reduce the queuing problems. If those measures did not solve the problem, then Pilot would do a traffic study to see what if anything needed to be done. He explained that because there were no proposed changes in the use at the site, there was no requirement from VDOT for a traffic impact analysis at this time. He indicated that even though the proposed conditions gave his client six months to complete the parking study, his client had indicated that it would move forward on items 4d (parking study) and 4e (traffic flow study) quickly and most likely simultaneously, and any proposed changes would be submitted to the County with a site plan.

Board members asked about enforcement of any measures deemed necessary after a traffic study. Mr. Wilson pointed out that the conditions required a parking study. He talked about how a parking study conducted by the former owner had shown that the site would accommodate 47 total spaces. He indicated that those 17 additional onsite parking spaces should eliminate the six to ten trucks that were queuing up on Route 106. If not, then Pilot would also look at reconfiguring the site to prevent those backups.

Board members asked if Pilot was willing to share in the cost of a traffic light if a traffic study indicated that it was needed. Mr. Wilson advised that was something his client would have to look at as there was nothing at its site that generated that need; however, Pilot would likely share in the cost if the traffic study showed that it was warranted.

Some of the Board members complained that they had not had an opportunity to review the newly-added conditions and asked if the adjacent property owners or public had been given notice.

Board members asked what would happen if nothing could be done to improve the traffic conditions on Route 106. Mr. Wilson indicated that if the additional 17 parking spaces

didn't help, then his client was looking at acquiring some adjacent land for some off-site parking.

Mr. Evelyn called Pilot a "great asset to the County" and reassured that no one wanted them to shut down. However, he explained that safety was the Board's main concern and it was important to figure out a way to address the truck backups. Mr. Wilson advised that his client clearly wanted to work with the County to resolve the problems and felt that adding additional onsite and offsite parking, as well as reconfiguring the site flow, would solve the problem.

Chairman Evelyn opened the Public Hearing.

Andy Condlin, attorney for SPF, the owner of 1,600 acres adjacent to the Pilot site, voiced his dismay that they had not had a chance to review the recent changes in the proposed conditions and indicated that because of that, he would not change his planned remarks. He indicated that his client currently had two contracts for new truck stops – one which had been approved and one that was pending. The first issue of concern with the Pilot application was that it did not meet CUP requirements for standards of review, and how the Zoning Administrator had been able to waive those requirements. He spoke about how the current Pilot operation only met three of the eight performance standards for truck stops. The next issue his clients had was that the current CUP was approved in 2008 as a temporary use until Pilot could find another site, which it had not done. He pointed out that Pilot had never done a traffic impact analysis, or many of the other things that had been required of other truck stop applicants, which he described as a corporate disadvantage. He asked that if the Board was going to approve the application, it needed to add a requirement that a traffic impact analysis be conducted immediately so that there was a level playing field, notwithstanding any action by the Zoning Administrator.

Alan Shaia, a principal in SPF, referred to some concerns he had earlier emailed to the Board members. He asked that the Board defer action on the application so that everyone had an opportunity to review the recent changes. He spoke about how it took five years and ten months for Pilot to decide that it needed a parking study, and also about how Pilot had not been held to the same standards as the Wilco Hess application. He asked about compliance with requirements dealing with road frontage, impervious surfaces, circulation, and buffers. He suggested that these issues needed to be settled before any CUP was approved and he was disappointed that this "basic stuff" hadn't been resolved. He spoke about the discrepancy in the number of showers, and asked that all of these matters be addressed in advance and not ten years in the future when the CUP expired.

Fred Shaia, another principal in SPF, spoke about how Wilco Hess had been required to follow all of the guidelines in the truck stop regulations and he asked how the County would respond to the Love's truck stop application if Love's did not have the required 15 acres. He pointed out that Pilot had had six years to resolve their issues and hadn't done so. He referenced comments by the Sheriff's Office that it did not have the staff to monitor conditions at the Pilot. He suggested that Pilot was asking the County to trust it to do certain things, and he could not understand how the Board could approve something that didn't have plans or any way to enforce the conditions.

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

In addressing the issue of "unfair economic advantage", Mr. Wilson responded that it was important to remember that in the existing CUP, his client had been required to extend the public water line up to the site, to the benefit of the other proposed truck stops. He

explained that Pilot had been in this situation for six years because of the conditions that had been imposed. He reminded that the previous owner had applied for a CUP and had requested additional parking, but had been denied. He indicated that the only way to increase parking was to apply for a new CUP, and with other truck stops coming in, it made more sense to apply now rather than earlier. He emphasized that Pilot had a history of "doing what it says it's going to do" and had consistently addressed issues as they arose.

There was discussion regarding the exact date the current CUP would expire. The County Attorney advised that it would be either December 8 or 9, depending on what day the paperwork had been signed.

Mr. Davis commented that the speakers had brought up some interesting issues and spoke about how Wilco Hess had "all kinds of conditions" they had to follow. However, he reminded that in the case of the Pilot, the County had "inherited a truck stop that was already there and operating". He asked Mr. Wilson how long it would take to do the parking study and what would happen if the study resulted in adding only 2 more parking spaces rather than the anticipated 17.

Mr. Wilson repeated that Pilot intended to do the parking study and the site configuration study at the same time. Although the conditions allowed six months to do the parking study, since Pilot did those "in house", it should be able to complete both within 60 to 90 days after approval. He advised that he did not think that the percentage of impervious surface would increase.

Mr. Davis asked why neither of these studies had been done in the past six years. Mr. Wilson reminded that there had been some discussion as to whether Pilot would stay in the area; however, the alternative sites did not have public utilities or viability. He advised that once the County approved the Wilco Hess truck stop application for 30 years, it sent a signal that this area was an acceptable one for truck stops. He found it interesting that six years earlier, the adjacent land owner alleged that a truck stop would "kill economic development in the area" but were now looking to bring in two new truck stops. He went on to say that in order to be competitive, Pilot now had to fix the problems that had been created with the restrictions in the existing CUP, which had impeded its ability to make the site functional. He reminded that Pilot operated truck stops in hundreds of localities around the country and there were things it wanted to implement on this site that worked on even smaller sites around the country, but the restrictions had prevented it from doing that. He advised that all of these issues would be reviewed during the site planning process.

There was a discussion regarding the number of showers. Mr. Wilson admitted that he didn't really know if there were three or four, but Pilot was not planning to expand the number, whatever it was.

Mr. Evelyn indicated that it was his understanding if the application was not approved, then all Pilot had to do was remove the showers and then it would not need a CUP. Mr. Wilson explained that the underlying zoning was for a convenience store and when the showers were added, Pilot was told that it had to have a CUP because having showers made it a truck stop. He confirmed that the underlying zoning would allow for the existing operation without the showers, but in 2006 Pilot felt the best thing to do was to apply for the CUP, which required it to put in the water line and safety lane.

It was confirmed that the Pilot had 6.8 acres at its site.

Mr. Evelyn suggested that the Board members review the new conditions and consider the resolution at its next work session. Mr. Burrell agreed.

Mr. Davis indicated that he would just as soon give them a CUP for one year and let them comply with conditions 4d and 4e, adding that the Board had been "promised a lot on this site over the years". Mr. Wilson explained that a one-year CUP would not give his client the comfort level to make such a significant investment. He reminded that if the conditions were not met, then the CUP could be revoked, and that was the County's guarantee.

Following further discussion, Mr. Davis moved to defer a vote on Resolution R-35-14 to the October 29, 2014 work session.

Mr. Stiers commented that Pilot had "done everything the County asked" and said that it "couldn't stretch the land out to 15 acres". He called Pilot a great corporate partner that paid its taxes and he couldn't understand "why everyone is picking on them". He suggested that the new conditions addressed all of the concerns and he felt the County needed to "be nice to its business partners" or the taxpayers would pay for it. He noted that the issues with the Fire Marshall and Sheriff's Office had been addressed and there were no issues with VDOT.

Mr. Evelyn remarked that no one was picking on Pilot and he didn't think Pilot was "going anywhere". His concern was that the Board and public had not had a chance to review the new conditions.

Mr. Davis called the new conditions a "good next step". He asked if Pilot had considered acquiring a five-acre adjacent parcel. Mr. Wilson advised that if the existing restrictions were lifted, then his client would look at properties both east and west of its site and see what could be done to acquire some or all of it in order to increase parking. He recognized that perhaps the community had not seen the newest conditions but pointed out that there was only one adjacent property owner who had showed up to speak and he felt the conditions made it better for them. He noted that no other citizens seemed concerned about the application and he could not see any benefit to continuing a vote to the work session. When asked, he admitted that a two-week delay would not hurt Pilot, but he would have to let his client know and none of the studies would begin until the application was approved.

Mr. Evelyn assured Mr. Wilson that he had not heard anyone say they didn't want Pilot to continue operations. Mr. Davis asked him to relay to his client that the new conditions had been well-received.

The members were polled:

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

The motion carried.

IN RE: HOCKADAY ADDITION TO THE BIG SWAMP AGRICULTURAL AND FORESTAL DISTRICT

Before the Board for consideration was Resolution R-18-14 approving Agricultural and Forestal District (AFD) application AFD 001-14 filed by Christopher Hockaday to add 16 acres to the Big Swamp AFD.

Environmental Planning Manager Matthew Venable reported that the subject property, tax map parcel 42-12N, contained 9 acres of tilled cropland and 7 acres devoted to timber.

He advised that the request appeared to comply with the requirements of State and County codes regulating AFDs, and also promoted land use patterns that were consistent with the Comprehensive Plan. He indicated that staff found that adding the subject property into the AFD program would conserve and protect commercially-viable agricultural and forestal lands and therefore offered a favorable recommendation.

He reported that the AFD Committee considered this request at its June 11, 2014 meeting and voted unanimously with a favorable recommendation to the Planning Commission and Board of Supervisors. He indicated that the Planning Commission considered the request at its August 18, 2014 meeting and voted to forward a favorable recommendation to the Board of Supervisors.

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

Mr. Burrell moved to approve Resolution R-18-14 AFD 001-14 filed by Christopher Hockaday to add 16 acres to the Big Swamp AFD. The members were polled:

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

The motion carried.

Mr. Davis commented that this was a family splitting up property that was already in the AFD Program.

IN RE: FORT LEE BAPTIST CHURCH ADDITION TO THE DIASCUND CREEK AGRICULTURAL AND FORESTAL DISTRICT

Before the Board for consideration was Resolution R-19-14 approving Agricultural and Forestal District (AFD) application AFD 002-14 filed by Fort Lee Baptist Church to add 115 acres to the Diascund Creek AFD.

Mr. Venable explained that the subject property, tax map parcel 34-34, had 8 acres of marsh and wetlands and 107 acres devoted to timber.

He advised that the request appeared to comply with the requirements of State and County codes regulating AFDs, and also promoted land use patterns that were consistent with the Comprehensive Plan. He indicated that staff found that adding the subject property into

the AFD program would conserve and protect commercially-viable agricultural and forestal lands and therefore offered a favorable recommendation.

He reported that the AFD Committee considered this request at its June 11, 2014 meeting and voted unanimously with a favorable recommendation to the Planning Commission and Board of Supervisors. He indicated that the Planning Commission considered the request at its August 18, 2014 meeting and voted to forward a favorable recommendation to the Board of Supervisors.

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

Mr. Venable confirmed that the property owner had the necessary timber and forestry plan.

Mr. Davis moved to approve Resolution R-19-14 AFD 002-14 filed by Fort Lee Baptist Church to add 115 acres to the Diascund Creek AFD. The members were polled:

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

The motion carried.

IN RE: CRISS CROSS PROPERTIES ADDITION TO THE HOLTS CREEK AGRICULTURAL
 AND FORESTAL DISTRICT

Before the Board for consideration was Resolution R-20-14 approving Agricultural and Forestal District (AFD) application AFD 003-14 filed by Criss Cross Properties to add 111 acres to the Holts Creek AFD.

Mr. Venable reported that the subject property, tax map parcel 24-35A, had 8 acres in marsh and wetlands, 10 acres in tilled cropland, and 60 acres devoted to timber.

He explained that this application had some issues and the AFD Committee at its meeting on June 11, 2014, voted unanimously with an unfavorable recommendation and suggested the applicant amend its application to properly state the forestal and agricultural significance of the acres requested. The applicant amended its application which staff then favorably recommended to the Planning Commission.

He indicated that the Planning Commission considered the amended application at its August 18, 2014 meeting and voted to forward a favorable recommendation to the Board of Supervisors.

He advised that the amended request appeared to comply with the requirements of State and County codes regulating AFDs, and also promoted land use patterns that were consistent with the Comprehensive Plan. He indicated that staff found that adding the subject property into the AFD program would conserve and protect commercially-viable agricultural and forestal lands and therefore offered a favorable recommendation.

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

Mr. Davis referenced a discrepancy as to the total number of acres. Mr. Venable explained that some adjacent land had been acquired which had "changed the numbers". He indicated that he had spoken with staff in the office of the Commissioner of Revenue and that some of the uses would be changing back and forth from agriculture to timber which the Commissioner's Office would have to confirm each year. He explained that he had to use the information that was on the application but that the Commissioner's office would annually verify the information.

Mr. Davis recused himself from voting on the application since he farmed part of the property, and he left the dais.

Mr. Tiller moved to approve Resolution R-20-14 AFD 003-14 filed by Criss Cross Properties to add 111 acres to the Holts Creek AFD. The members were polled:

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

The motion carried.

Mr. Davis returned to the dais.

IN RE: CRISS CROSS PROPERTIES ADDITION TO THE PELHAM SWAMP
 AGRICULTURAL AND FORESTAL DISTRICT

Before the Board for consideration was Resolution R-21-14 approving Agricultural and Forestal District (AFD) application AFD 004-14 filed by Criss Cross Properties to add 639 acres to the Pelham Swamp AFD.

Mr. Venable reported that these four parcels, tax map parcels 22-66A, 22-66, 23-41 and 23-36, had 162 acres in marsh and wetlands, 200 acres in tilled cropland and 277 acres in timber. Like the previous application, this was resubmitted after the AFD Committee voted for an unfavorable recommendation at its meeting on June 11, 2014. The applicant amended its application which staff then favorably recommended to the Planning Commission.

He indicated that the Planning Commission considered the amended application at its August 18, 2014 meeting and voted to forward a favorable recommendation to the Board of Supervisors.

He advised that the amended request appeared to comply with the requirements of State and County codes regulating AFDs, and also promoted land use patterns that were consistent with the Comprehensive Plan. He indicated that staff found that adding the subject property into the AFD program would conserve and protect commercially-viable agricultural and forestal lands and therefore offered a favorable recommendation.

Mr. Davis noted that one of these parcels was one that the County traded with the applicant.

Mr. Tiller moved to approve Resolution R-21-14 AFD 004-14 filed by Criss Cross Properties to add 639 acres to the Pelham Swamp AFD. 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 motion carried.

IN RE: SHUTTLEWOOD FARMS ADDITION TO THE PAMUNKEY RIVER AGRICULTURAL AND FORESTAL DISTRICT (1 OF 2)

Before the Board for consideration was Resolution R-22-14 approving Agricultural and Forestal District (AFD) application AFD 005-14 filed by Shuttlewood Farms to add 711 acres to the Pamunkey River AFD.

Mr. Venable reported that the subject property, tax map parcels 12-27 and 23-7, consisted of 8 acres in pasture, 100 acres devoted to marsh and wetlands, and 605 acres devoted to timber. He noted that the acreage on the application was different than the Commissioner's records, but that was something that would be verified by the Commissioner's Office. He explained that this property was adjacent to two different AFDS and initially the application was for the property to be added to the Pelham Swamp AFD. However, upon review the AFD Committee determined that it should be added to the Pamunkey River AFD instead.

He advised that the request appeared to comply with the requirements of State and County codes regulating AFDs, and also promoted land use patterns that were consistent with the Comprehensive Plan. He indicated that staff found that adding the subject property into the AFD program would conserve and protect commercially-viable agricultural and forestal lands and therefore offered a favorable recommendation.

He reported that the AFD Committee considered this request at its June 11, 2014 meeting and voted unanimously with a favorable recommendation to the Planning Commission and Board of Supervisors. He indicated that the Planning Commission considered the application at its August 18, 2014 meeting and voted to forward a favorable recommendation to the Board of Supervisors.

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

Board members commented that they were surprised that this property hadn't been put in the AFD program before now.

Mr. Tiller moved to approve Resolution R-22-14 AFD 005-14 filed by Shuttlewood Farms to add 711 acres to the Pamunkey River AFD. The members were polled:

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

The motion carried.

IN RE: E. T. & KRISTINE MOORE ADDITION TO THE PUTNEY CREEK AGRICULTURAL
AND FORESTAL DISTRICT

Before the Board for consideration was Resolution R-23-14 approving Agricultural and Forestal District (AFD) application AFD 006-14 filed by E. T. & Kristine Moore to add 21 acres to the Putney Creek AFD.

Mr. Venable reported that the application for tax map parcels 3-23B and 3-23, reported 16 acres in timber, which did not meet the 20-acre timber minimum needed to qualify for the AFD program. He indicated that the AFD Committee voted to send an unfavorable recommendation because the parcel did not meet the acreage minimum. The Planning Commission considered the application and voted unanimously to forward an unfavorable recommendation because of lack of sufficient acreage and because the parcel was not connected to AFD parcels under the same ownership name. He pointed out that even though the "acreage was there", the applicant listed only 16 acres in timber and that was the information that he had to use.

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

It was confirmed that if the parcel was adjacent to AFD property under the same ownership, it would have qualified.

Mr. Tiller moved to deny approval of Resolution R-23-14 AFD 006-14 filed by E. T. and Christine Moore to add 21 acres to the Putney Creek AFD. The members were polled:

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

The motion carried.

IN RE: E. T. & KRISTINE MOORE ADDITION TO THE PAMUNKEY RIVER
AGRICULTURAL AND FORESTAL DISTRICT

Before the Board for consideration was Resolution R-24-14 approving Agricultural and Forestal District (AFD) application AFD 007-14 filed by E. T. & Kristine Moore to add 53 acres to the Pamunkey River AFD.

Mr. Venable explained that the three parcels, tax map parcels 10-33, 11-9 and 11-6, had 5 acres in marsh and wetlands and 46 acres devoted to timber. He reported that the AFD Committee had found that the request did not appear to comply on parcels 11-6 and 10-33 because of insufficient acreage and not connecting with other AFD parcels under the same ownership name, but that parcel 11-9 did comply. Therefore, staff had offered a favorable recommendation for parcel 11-9 and excluded the others. However, the Planning Commission changed that recommendation after determining that one of the parcels did adjoin with an existing AFD parcel under the same ownership name, and forwarded a favorable recommendation to include parcels 11-9 and 10-33 and excluding parcel 11-6.

He advised that the request appeared to comply with the requirements of State and County codes regulating AFDs, and also promoted land use patterns that were consistent with the Comprehensive Plan. He indicated that staff found that adding the subject property into the AFD program would conserve and protect commercially-viable agricultural and forestal lands and therefore offered a favorable recommendation.

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

Mr. Burrell moved to approve Resolution R-24-14 AFD 007-14 filed by E. T. and Kristine Moore to add 42 acres from tax map parcels 10-33 and 11-9 and excluding parcel 11-6, to the Pamunkey River AFD. 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.

IN RE: SHUTTLEWOOD FARMS ADDITION TO THE PAMUNKEY RIVER AGRICULTURAL AND FORESTAL DISTRICT (2 OF 2)

Before the Board for consideration was Resolution R-25-14 approving Agricultural and Forestal District (AFD) application AFD 008-14 filed by Shuttlewood Farms to add 123 acres to the Pamunkey River AFD.

Mr. Venable reported that the two parcels, tax map parcels 12-13 and 12-14, had 13 acres devoted to marsh and wetlands and 110 devoted to timber, and that all forestry paperwork had been received.

He advised that the request appeared to comply with the requirements of State and County codes regulating AFDs, and also promoted land use patterns that were consistent with the Comprehensive Plan. He indicated that staff found that adding the subject property into the AFD program would conserve and protect commercially-viable agricultural and forestal lands and therefore offered a favorable recommendation.

He reported that the AFD Committee considered this request at its June 11, 2014 meeting and voted unanimously with a favorable recommendation to the Planning Commission and Board of Supervisors. He indicated that the Planning Commission considered the request at its August 18, 2014 meeting and voted to forward a favorable recommendation to the Board of Supervisors.

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

It was noted that this property was off of Old River Road. There were questions as to why this parcel had not been included with AFD 005-14. Mr. Venable explained that they were submitted on separate applications and had been processed accordingly, and that also AFD 005-14 was originally requested to be added to the Pelham Swamp AFD.

Mr. Davis moved to approve Resolution R-25-14 AFD 008-14 filed by Shuttlewood Farms to add 123 acres to the Pamunkey River AFD. 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 motion carried.

IN RE: RANDOLPH ADDITION TO THE PAMUNKEY RIVER AGRICULTURAL AND FORESTAL DISTRICT

Before the Board for consideration was Resolution R-26-14 approving Agricultural and Forestal District (AFD) application AFD 009-14 filed by Sharon K. Randolph to add 86 acres to the Pamunkey River AFD.

Mr. Venable explained that this parcel, tax map parcel 10-32E, had 4 acres in pasture, 3 in marsh and wetlands, 59 acres in tilled cropland, and 20 devoted to timber. He advised that the request appeared to comply with the requirements of State and County codes regulating AFDs, and also promoted land use patterns that were consistent with the Comprehensive Plan. He indicated that staff found that adding the subject property into the AFD program would conserve and protect commercially-viable agricultural and forestal lands and therefore offered a favorable recommendation.

He reported that the AFD Committee considered this request at its June 11, 2014 meeting and voted unanimously with a favorable recommendation to the Planning Commission and Board of Supervisors. He indicated that the Planning Commission considered the request at its August 18, 2014 meeting and voted to forward a favorable recommendation to the Board of Supervisors.

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

Mr. Burrell moved to approve Resolution R-26-14 AFD 009-14 filed by Sharon K. Randolph to add 86 acres to the Pamunkey River AFD. The members were polled:

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

The motion carried.

Mr. Evelyn recused himself from discussion and vote on the next two items because of personal and/or family interests. Vice Chairman Tiller assumed the chair.

IN RE: THOMAS AND EMILY EVELYN ADDITION TO THE PAMUNKEY RIVER
AGRICULTURAL AND FORESTAL DISTRICT

Before the Board for consideration was Resolution R-27-14 approving Agricultural and Forestal District (AFD) application AFD 010-14 filed by Thomas and Emily Evelyn to add 46 acres to the Pamunkey River AFD.

Mr. Venable reported that this application for tax map parcels 11-11E and 12-3F, reflected 6 acres in tilled cropland and 30 in timber, although the Commissioner's records showed 46 acres and he did not know the reason for the discrepancy. He explained that although he had to use what was listed on the application, the information would be reviewed by the Commissioner of Revenue.

He advised that the request appeared to comply with the requirements of State and County codes regulating AFDs, and also promoted land use patterns that were consistent with the Comprehensive Plan. He indicated that staff found that adding the subject property into the AFD program would conserve and protect commercially-viable agricultural and forestal lands and therefore offered a favorable recommendation.

He reported that the AFD Committee considered this request at its June 11, 2014 meeting and voted unanimously with a favorable recommendation to the Planning Commission and Board of Supervisors. He indicated that the Planning Commission considered the request at its August 18, 2014 meeting and voted to forward a favorable recommendation to the Board of Supervisors.

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

Mr. Burrell moved to approve Resolution R-27-14 AFD 010-14 filed by Thomas and Emily Evelyn to add 46 acres to the Pamunkey River AFD. The members were polled:

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

The motion carried.

IN RE: THOMAS W. EVELYN ADDITION TO THE PAMUNKEY RIVER AGRICULTURAL
AND FORESTAL DISTRICT

Before the Board for consideration was Resolution R-28-14 approving Agricultural and Forestal District (AFD) application AFD 011-14 filed by Thomas W. Evelyn to add 30 acres to the Pamunkey River AFD.

Mr. Venable reported that this parcel, tax map parcel 11-12B, had 8 acres in pasture and 21 in timber.

He advised that the request appeared to comply with the requirements of State and County codes regulating AFDs, and also promoted land use patterns that were consistent with the Comprehensive Plan. He indicated that staff found that adding the subject property into

the AFD program would conserve and protect commercially-viable agricultural and forestal lands and therefore offered a favorable recommendation.

He reported that the AFD Committee considered this request at its June 11, 2014 meeting and voted unanimously with a favorable recommendation to the Planning Commission and Board of Supervisors. He indicated that the Planning Commission considered the request at its August 18, 2014 meeting and voted to forward a favorable recommendation to the Board of Supervisors.

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

Mr. Stiers moved to approve Resolution R-28-14 AFD 011-14 filed by Thomas Evelyn to add 30 acres to the Pamunkey River AFD. The members were polled:

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

The motion carried.

Mr. Evelyn returned to the dais and re-assumed the chair.

IN RE: KRISTINE K. MOORE ADDITION TO THE PAMUNKEY RIVER AGRICULTURAL
AND FORESTAL DISTRICT

Before the Board for consideration was Resolution R-29-14 approving Agricultural and Forestal District (AFD) application AFD 012-14 filed by Kristine K. Moore to add 187 acres to the Pamunkey River AFD.

Mr. Venable reported that this property, tax map parcel 10-27, had 60 acres in marsh and wetlands and 126 devoted to timber.

He advised that the request appeared to comply with the requirements of State and County codes regulating AFDs, and also promoted land use patterns that were consistent with the Comprehensive Plan. He indicated that staff found that adding the subject property into the AFD program would conserve and protect commercially-viable agricultural and forestal lands and therefore offered a favorable recommendation.

He reported that the AFD Committee considered this request at its June 11, 2014 meeting and voted unanimously with a favorable recommendation to the Planning Commission and Board of Supervisors. He indicated that the Planning Commission considered the request at its August 18, 2014 meeting and voted to forward a favorable recommendation to the Board of Supervisors.

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

Mr. Davis moved to approve Resolution R-29-14 AFD 012-14 filed by Kristine K. Moore to add 187 acres to the Pamunkey River AFD. 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 motion carried.

IN RE: E. T. MOORE, JR. AND E. T. MOORE CO. ADDITION TO THE PAMUNKEY RIVER
AGRICULTURAL AND FORESTAL DISTRICT

Before the Board for consideration was Resolution R-30-14 approving Agricultural and Forestal District (AFD) application AFD 013-14 filed by E. T. Moore, Jr. and E. T. Moore Co. to add 113 acres to the Pamunkey River AFD.

Mr. Venable reported that these four parcels, tax map parcels 10-29D, 3-28A, 10-35 and 10-32, had 16 acres devoted to marsh and wetlands and 96 devoted to timber, but had a "few quirks" in that parcels 10-35 and 10-32 did not comply with AFD requirements but parcels 10-29D and 3-28A did.

He reported that the AFD Committee considered this request at its June 11, 2014 meeting and voted unanimously with a favorable recommendation to the Planning Commission and Board of Supervisors excluding parcel 10-35 (1 acre in timber) because it did not meet the minimum acreage requirements. He indicated that the Planning Commission considered the request at its August 18, 2014 meeting and voted to forward a favorable recommendation to the Board of Supervisors for tax map parcels 10-29D and 3-28A only and excluding tax map parcels 10-35 for lack of acreage and 10-32 for being under a different owner name.

He advised that the request, as recommended, appeared to comply with the requirements of State and County codes regulating AFDs, and also promoted land use patterns that were consistent with the Comprehensive Plan. He indicated that staff found that adding tax map parcels 10-29D and 3-28A into the AFD program would conserve and protect commercially-viable agricultural and forestal lands and therefore offered a favorable recommendation.

There was discussion regarding connection to other AFD property. Ms. Gowdy confirmed that parcel 10-32 did not have the same ownership as the adjacent property and at 17.9 acres did not meet the minimum acreage requirement.

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

Mr. Tiller moved to approve Resolution R-30-14 AFD 013-14 filed by E. T. Moore Jr. and E. T. Moore Co. to add 93 acres from tax map parcels 10-29D and 3-28A to the Pamunkey River AFD and excluding parcels 10-35 and 10-32. The members were polled:

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

The motion carried.

IN RE: LISI SARAH MOORE ADDITION TO THE PUTNEY CREK AGRICULTURAL AND FORESTAL DISTRICT

Before the Board for consideration was Resolution R-31-14 approving Agricultural and Forestal District (AFD) application AFD 014-14 filed by Lisa Sarah Moore to add 15 acres to the Pamunkey River AFD.

Mr. Venable reported that the subject property, tax map parcel 3-23A, had 14 acres devoted to timber and 1 acre for a dwelling. He explained that the applicant had submitted this request because she thought there was common ownership with adjacent AFD property; however, after reviewing deeds, it was found that the adjacent property was in the name of the applicant and her father. Therefore, the request did not appear to comply with the AFD requirements and staff had offered an unfavorable recommendation.

He advised that the AFD Committee considered the application and had an unfavorable recommendation because the 20-acre minimum requirement could not be met. The Planning Commission voted to forward an unfavorable recommendation due to lack of acreage and the parcel not connecting with other parcels in the AFD district under the same ownership name.

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

Mr. Burrell moved to deny the approval of Resolution R-31-14 AFD 014-14 filed by Lisi Sarah Moore to add 15 acres to the Putney Creek AFD. The members were polled:

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

The motion carried.

Mr. Evelyn recused himself from discussion and vote on the next item because of personal and family interest. Vice Chairman Tiller assumed the chair.

IN RE: PAMUNKEY RIVER AGRICULTURAL AND FORESTAL DISTRICT

Before the Board for consideration was Resolution R-32-14 approving Agricultural and Forestal District (AFD) application AFD 015-14 to re-create the Pamunkey River AFD for ten (10) years.

Mr. Venable explained that this District was located between Old Church and Old River Roads, and there had been 44 parcels in the program for the last 10 years. He indicated that there were four parcels that need some amendment or some discussion with the Board. He confirmed that all parcels had submitted the required agricultural or forestal reports or plans, depending on the use.

Parcels were identified as tax map parcels 11-12A, 10-36, 10-37, 11-8, 11-11, 11-11C, 11-11G, 11-11N, 11-13, 11-11KM 11-11F, 11-11H, 11-11L, 11-11M, 11-11B, 11-11D, 11-12, 11-26, 11-27, 11-28, 12-3A, 12-3B, 4-1, 11-7, 4-2, 10-61, 11-2, 12-2, 11-1, 11-3, 4-3, 4-

8, 10-44, 3-9, 10-60, 12-11, 12-3C, 10-38, 11-10, 11-10B, 11-10A, 11-14, 11-1E, and 11-11A.

He advised that the District appeared to comply with the requirements of State and County codes regulating AFDs excluding parcels (or portions thereof) 10-38, 11-11A, 11-11K and 12-3B. He advised that the request promoted land use patterns that were consistent with the Comprehensive Plan in that the district would promote low density development as intended for the Rural Lands further land use designation. He advised that staff found that renewing the Pamunkey River AFD would conserve and protect commercially-viable agricultural and forestal lands, and therefore offered a favorable recommendation on the application, excluding parcels or portions of 10-38, 11-11A, 11-11K, and 12-3B.

He reported that the AFD Committee considered the application at its June 11, 2014 meeting and voted unanimously with a favorable recommendation to the Planning Commission and Board of Supervisors. He indicated that the Planning Commission considered the request at its August 18, 2014 meeting and voted to forward a favorable recommendation to the Board of Supervisors.

He pointed out that parcel 12-12 consisting of 501 acres owned by Lilly Point Inc. and parcel 12-4 consisting of 744 acres owned by Luck Stone Corporation were not included because the owners did not submit complete application information. He explained that staff had tried repeatedly to work with the owners of parcel 12-12, but there were 16 of them all spread out and no one could get them together. Luck Stone never submitted proper paperwork so both were excluded.

Regarding the four parcels needing discussion, he advised that parcel 10-38 owned by Taylor was previously in the AFD but was only 19 acres and did not meet the 20-acre minimum.

The application for parcel 11-11A owned by Luce listed 5 acres in crops and 19.82 acres in timber; however, the 5 acres devoted to crops had grown up in small trees and therefore no longer qualified as agricultural use, and the 19.82 in timber did not meet the 20-acre minimum.

There were two parcels that only partially qualified for inclusion. Parcel 11-11K had 14 acres in crop production but only 6 in timber because adjoining property did not have common ownership and needed a minimum of 20 acres in order to qualify on its own. Parcel 12-3B had 9 acres in crop production but only 14.7 acres in timber and did not adjoin property under common ownership.

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

After discussion, it was agreed that it was best to leave determination up to the Commissioner of Revenue on the parcels that appeared to only partially qualify.

It was confirmed that the owners of the properties in question were aware of the action by the reviewing boards and had received a copy of the Notice of Public Hearing.

Mr. Davis moved to approve Resolution R-32-14(R1) AFD 015-14 to re-create the Pamunkey River Agricultural and Forestal District for ten (10) years, with the exclusion of parcels 10-38 and 11-11A. The members were polled:

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

The motion carried.

Mr. Evelyn re-assumed the chair.

IN RE: BIG SWAMP AGRICULTURAL AND FORESTAL DISTRICT

Before the Board for consideration was Resolution R-33-14 approving Agricultural and Forestal District (AFD) application AFD 016-14 to re-create the Big Swamp AFD for ten (10) years.

Mr. Venable reported that this District was comprised of 15 parcels totaling 996 acres, and there did not appear to be any discrepancies or issues with any of them. The parcels were identified as tax map parcels 41A2-2-1, 33B11-5, 33B12-2, 42-24, 42-12, 42-10, 33B11-2, 33B7-1, 42-15B, 42-15, 43-4-G, 43-4-F, 42-10A, 42-11, and 42-8.

He advised that the proposed District appeared to comply with the requirements of State and County codes regulating AFDs and that the request promoted land use patterns that were consistent with the Comprehensive Plan in that the district would promote low density development as intended for the Rural Lands further land use designation. He advised that staff found that re-creating the Big Swamp AFD would conserve and protect commercially-viable agricultural and forestal lands, and therefore offered a favorable recommendation on the application.

He reported that the AFD Committee considered the application at its June 11, 2014 meeting and voted unanimously with a favorable recommendation to the Planning Commission and Board of Supervisors. He indicated that the Planning Commission considered the request at its August 18, 2014 meeting and voted to forward a favorable recommendation to the Board of Supervisors.

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

Mr. Tiller moved to approve Resolution R-33-14 AFD 016-14 to re-create the Big Swamp Agricultural and Forestal District for ten (10) years. 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 motion carried.

IN RE: MEETING SCHEDULE

The Chairman announced that the next meeting of the Board of Supervisors would be held at 6:00 p.m. on Wednesday, November 12, 2014, and the next work session at 9:00 a.m.

on Wednesday, October 29, 2014, both in the Boardroom of the County Administration Building.

IN RE: ADJOURNMENT

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

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

The motion carried. The meeting was adjourned at 9:03 p.m.