

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 8th DAY OF JUNE IN THE YEAR TWO THOUSAND FIFTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

Chairman Tiller called the meeting to order.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Tiller gave the invocation and 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

1. Approval of Minutes
 - a. May 11, 2015 Business Meeting minutes
 - b. May 18, 2015 Joint Meeting with Planning Commission minutes
 - c. May 20, 2015 Work Session Meeting minutes
2. Miscellaneous
 - a. Authorize Change Order for New Kent Public Utilities PO#32994 to Worldview Solutions, Inc. for GIS mapping of water and sewer lines, increased by \$18,039.50 for a total of \$32,903.50
 - b. Authorize Change Order for New Kent Social Services PO#33185 to Xerox Corp for print charges and lease for April – June, increased by \$603.18 for a total of \$1,205.48
3. Supplemental Appropriations
 - a. Program income received for FY15 from CDBG Plum Point Grant Participants (May 2015), \$639.00
 - b. Extension Program Sponsorship Revenue for Carole's Garden (\$21) and Envirothon plant sale (\$28), \$49.00
 - c. Gifts & Donations to New Kent Fire Rescue, TRUIST, \$42.00
 - d. Gifts & Donations to Parks & Recreation CIP Funds from the NK Quilting Bee Raffle, \$139.00
 - e. Funds related to the Sheriff's Office Security Detail from Palmetto Race Group LLC for the Colonial Relay on 5/2/15, (\$595.51), from Color Vibe LLC for Color Vibe Richmond Traffic Control, (\$573.14) and from Prom Security, (\$435.98), \$1,604.63
 - f. Funds received by the Sheriff's Office from the Clerk of the Circuit Court for Restitution for Destroying County Property, \$21.37
 - g. Vending Machine Sales to Employee Functions, (\$264.59) and to Sheriff's Office, (\$73.22), \$337.81

- h. Four For Life Funds for Fire-Rescue, \$20,701.20
- i. Lease Purchase proceeds from the Public Radio System Construction Loan, \$5,650,000.00

\$5,673,534.01 Total
\$(23,534.01) Total In/Out – General Fund (1)
\$(4,850,000.00) Total In/Out – Capital Fund (7)
\$(800,000.00) From Capital Fund – Fund Bal (7)

- 4. Interdepartmental Budget Transfers
 - a. Fire-Rescue: From Haz Material Response Equipment to Repairs & Maintenance, (\$200), From Telecommunications Equipment to Repairs & Maintenance, (\$500)
 - b. Human Resources: From Travel (Convention & Education) to ST/LT Disability Premium, (\$600)
 - c. County Sewer & Reclaim System (Public Utilities): From Maintenance Contract – SCADA to Overtime, (\$800), From Maintenance Contract – SCADA to On-Call Pay, (\$1,525)
 - d. Recreation Programs (Parks & Recreation): From Part-Time Salaries & Wages to P/T Overtime – Summer Camp, (\$100)
 - e. Clerk of Board: From Dues & Association Memberships to Overtime, (\$300)
 - f. Economic Development: From Promotional Materials to Part-Time Salaries & Wages, (\$4,000)
 - g. Community Development Administration: From Books & Subscriptions to ST/LT Disability Premium, (\$200)
 - h. Environmental (Community Development): From Gasoline to ST/LT Disability Premium, (\$300)
 - i. Board of Zoning Appeals (Community Development): From Dues & Association Memberships to Advertising, (\$100)
 - j. Parham Landing Sewer (Public Utilities): From Janitorial Supplies to ST/LT Disability Premium, (\$200)
 - k. Utility Fund (Public Utilities): From Machinery & Equipment to Overtime, (\$300)
 - l. CSA Administration: From Postage to ST/LT Disability, (\$40)
 - m. Social Services: From Professional Services to ST/LT Disability, (\$1,000)
 - n. Refuse Collection (General Services): From Travel (Convention & Education) to Overtime, (\$1,000), From Fuel to Overtime, (\$1,000)
 - o. E-911 System: From Maintenance Service Contracts to Overtime – Salaried, (\$8,000)
 - p. Sheriff: From Gasoline to Salaries & Wages – Overtime, (\$2,600), From Gasoline to Salaries – Supplemental Activiti, (\$3,500), From Gasoline to Extra Security Detail – Schools, (\$3,200), From Gasoline to Medical Examinations, (\$100)
 - q. Information Technology: From Travel (Convention & Education) to Overtime, (\$50)
 - r. Contingency: From Contingency to Document Shredding Services, \$124.88
 - s. School Board Office: From GWES Grounds and Playground Land to NKES Grounds and Playground Land, \$6,795.53
 - t. School Board Office: From NKMS Lighting to Elementary School Improvements (Wireless), \$25,200.00

- u. School Board Office: From GWES Grounds and Playground Land FY14, (\$7,097.36), From Middle School Improvements, (\$30,150.02), From High School Improvements, (\$5,395.68), From Replacement of Security Cameras, (236.90) to NKES Renovations, \$42,879.96

5. Treasurer's Report: Cash as of April 2015, \$35,306,177.11

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

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

The motion carried.

IN RE: SMALL BUSINESS CLOSE UP

There was no Small Business Close Up for the month of June.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION –
RESIDENCY ADMINISTRATOR'S 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 thirty days as well as those planned for the next thirty days.

Mr. Baker reported primary route mowing and a second round of specialty mowing had been completed and mowing of secondary routes was just beginning. Litter pick up and pothole repairs on a number of routes had also been a focus. Mr. Baker noted parts of the County had received as much as seven inches of rain in recent weeks which had resulted in a large number of limbs and leaves in ditches, an increase in the number of potholes and a number of washouts on dirt roads. Crews had worked through the weekend making repairs. A recent traffic study on Route 607 (Steel Trap Road) had resulted in the speed limit being lowered to 35 MPH. Mr. Baker also reported beavers continued to be an issue and nine beaver dams posing a danger to roadways had recently been removed. Weather permitting, pothole repairs would continue and secondary mowing would be completed over the next thirty days.

Mr. Davis reported that Mr. Baker had met with a number of constituents with concerns regarding roadways in his district and had explained what VDOT could and could not do to address their concerns. Mr. Davis also noted it had rained heavily on Thursday and VDOT crews had been out in the weather doing what they could to keep ditches open and water flowing. He expressed thanks to Mr. Baker and VDOT crews for all they had done. Mr. Davis asked when the striping work would be done on Route 273 (Farmers Drive). Mr. Baker indicated, weather permitting, it should be completed by the end of the week.

Mr. Burrell asked if VDOT was using only the cold patch method for pothole repairs. Mr. Baker indicated VDOT was using both cold and hot patch for repairs. He pointed out hot patch repairs often required more time and cold patch was sometimes used with the plan to come back later with a permanent patch. Mr. Burrell also reported the ditch located across

the street from the former VDOT headquarters at Stage Road and Route 33 was filled with soil and causing water to run onto the roadway.

Mr. Evelyn asked Mr. Baker if he had received his email regarding the speed limit on Cosby Mill Road and if the speed limit had always been 35 MPH. Mr. Baker indicated Cosby Mill should have been a 35 MPH zone before the construction project. Mr. Evelyn asked for an update on the Route 249/Route 612 roundabout project and noted there appeared to be little if any work at the location. Mr. Baker indicated he was not aware of all the details but understood there were some problems with the contract and VDOT was working on proactive adjustments. Mr. Evelyn asked if there was no work in progress, did the work zone speed limit needed to stay at 35 MPH. Mr. Baker indicated he did not want to raise the speed limit and then have to drop it back down when the work restarted. County Administrator Rodney Hathaway reported he had attended a meeting scheduled with VDOT and the contractor the previous Friday and the contractor had not attended. Mr. Evelyn asked for an update on this project prior to the next meeting. Mr. Baker indicated he would pass this request on to Residency Administrator Bruce McNabb. Mr. Burrell asked if the project was still on track for completion in November. Mr. Baker indicated he was not able to answer. Mr. Evelyn reported there were a number of large holes on Old River Road that needed to be repaired. Mr. Baker indicated they had been repaired earlier in the day.

In response to Mr. Baker's report indicating the second round of specialty mowing had been completed, Mr. Stiers reported that Kentland Trail had been overlooked in the second round. Mr. Stiers indicated Mr. Baker had reported in a meeting the previous week that VDOT was conducting an updated traffic study on Mt. Pleasant Road and he asked if this study had been completed. Mr. Baker indicated the study had not been completed. Mr. Stiers asked for an update on the "Park & Ride" facility to be built on Poindexter Road. Mr. Baker indicated he did not have any information to report. Mr. Hathaway reported he had been meeting with a VDOT representative from the Richmond office and the scheduled construction date for this project was the middle of June. He noted engineering plans were complete and approved but he had not seen any advertisements for procurement. He indicated he would get additional information and provide an update.

Mr. Tiller reported the many potholes and patches on the ramp from east bound Route 249 to west bound I64 continued to be a concern. He indicated he had been approached by individuals requesting the 45 MPH zone in place on Route 60 from Brook Boulevard to Longview Drive be extended to the Star Motel. Mr. Baker indicated a request for a traffic study could be submitted. Mr. Stiers noted this area had been studied two years ago and it had been determined that traffic volume did not warrant a reduced speed limit at that time.

Mr. Evelyn revisited his previous comments regarding the Route 249/Route 612 roundabout project and suggested the speed limit be increased to at least 45 MPH. He noted a number of speeding tickets had been issued in this area and suggested the speed limit should not be left at 35 MPH while there was no work in progress.

IN RE: CITIZENS COMMENT PERIOD

Chairman Tiller opened the Citizens Comment Period.

Tidewater Review Reporter Adrienne Mayfield introduced Intern Sydney MaHan. Ms. Mayfield indicated Ms. Mahan would be working with her in New Kent and she asked Supervisors to make her feel as welcome as they had her.

Bernard T. Smith, Jr., a New Kent Resident, addressed the Board regarding concerns pertaining to Route 608 (Old River Road). He noted the "progressive deterioration" from the Luck Stone facility to Route 249 and suggested the road had not been designed to handle its current volume of heavy truck traffic. He suggested the surface should be repaved with asphalt and not resurfaced with tar and gravel as had been done on Farmers Drive. He reported he was aware of a number of individuals with cracked windshields as a result of flying rocks on Farmers Drive. Mr. Smith also noted concerns with clogged and broken culverts and filled ditches along Route 614 (White House Road). He indicated he had submitted a work order on April 17th but had received no response. He did note a motor grader had done some work on the road earlier that day.

Mr. Davis asked if there had been some proffers with Luck Stone for this road. County Administrator Rodney Hathaway indicated there had been proffers which required that Luck Stone upgrade a section of the road but there was no requirement for any maintenance.

Mr. Tiller thanked Ms. Mayfield and Mr. Smith for their comments. There being no other individuals wishing to address the Board, the Citizens Comment Period was closed.

IN RE: VIRGINIA LAW ENFORCEMENT PROFESSIONAL STANDARDS COMMISSION
NEW KENT SHERIFF'S OFFICE THIRD REACCREDITATION

Mr. Tiller called New Kent Sheriff F.W. "Wakie" Howard, Jr. and Department of Criminal Justice Services representative Derrick Mays to the podium. Sheriff Howard thanked the Board for the opportunity to come before them for the presentation of the third reaccreditation certificate from the Virginia Law Enforcement Professional Standards Commission (VLEPSC). Sheriff Howard recognized individuals representing various law enforcement agencies across the State of Virginia including Lieutenant Mullen with the Hanover County Sheriff's Office, Director of the Virginia Sheriff's Association John Jones, Captain Mike Palkovics and Sergeant Station with the Henrico Police Department and Chief Bobby Mawyer with the Town of West Point Police Department. Sheriff Howard introduced several members of the VLEPSC assessment team including Sheriff Gabe Morgan from Newport News, Captain Steve Pike with the Capital Police and Sheriff Charlie Jett from Stafford County.

Mr. Mays indicated it was his honor to reintroduce Sheriff Morgan, Sheriff Jett and Captain Pike and called these men forward to give words of acclamation to the New Kent County Sheriff's Office.

Sheriff Jett pointed out that he, Sheriff Morgan and Captain Pike as well as many others in the room held Sheriff Howard and his department in very high esteem. He noted Sheriff Howard would be retiring at the end of the year and he wanted to speak briefly about how much he had meant to law enforcement in the Commonwealth of Virginia and how much he would be missed. He suggested many would agree that Sheriff Howard was the most respected Sheriff in the Commonwealth of Virginia. He noted there had been very few advances in law enforcement in recent decades which Sheriff Howard had not directly influenced. He suggested the Citizens of New Kent were blessed to have someone of Sheriff Howard's caliber serving for so many years.

Sheriff Jett indicated he was very proud of the law enforcement professional standards in the State of Virginia. He pointed out Sheriff Howard had been one of only a handful of chiefs and sheriffs who had pioneered the way and he had been instrumental in providing leadership to get Virginia's professional standards to where they are today. He reported

there were nearly four hundred law enforcement agencies throughout the Commonwealth and one hundred of those were currently accredited.

Sheriff Jett also noted Chief Deputy J.J. McLaughlin had been instrumental in the reaccreditation process. Chief Deputy McLaughlin was also a pioneer in establishing the accreditation process and had served on the assessment team for the very first agency to be accredited. He added there had been many accreditation milestones reached as a result of the leadership of the New Kent Sheriff's Office. He noted New Kent's reaccreditation had been flawless with all 187 standards being met. He closed his comments by noting again that Sheriff Howard would be missed and that it had been a high honor for him to speak.

Sheriff Morgan indicated Sheriff Howard had meant a lot to the VLEPSC. He pointed out Sheriff Jett had shared many of the firsts as well as some of the history of the development of the accreditation process. He noted it was no secret that issues concerning relationships between law enforcement agencies and the communities in which they served were playing out across the United States. He pointed out the citizens of New Kent were blessed to have a sheriff with a lot of authority and power, who remained humble and was a servant. He noted he and the other VLEPSC representatives could not say enough about Sheriff Howard and the men and women of New Kent law enforcement. He suggested the County had good cause to be proud of this reaccreditation and indicated the VLEPSC saluted Sheriff Howard and his staff on a job well done.

Chief Pike indicated it was very humbling for him to be present to address the Board regarding Sheriff Howard and his staff. He suggested that when he thought of professionalism he thought of the New Kent Sheriff's Office. Pointing out the citizens of New Kent had a sheriff who had been in office for thirty-five years, Chief Pike suggested Sheriff Howard was a marvelous example of commitment and professionalism. He indicated the New Kent Sheriff's Office had started the accreditation process in 2003 and suggested Sheriff Howard had taken that challenge on because of his commitment to ensuring his department represented the citizens of New Kent with the most professional, dedicated and committed law enforcement agency in this part of Virginia. Chief Pike indicated he had the opportunity to work with both Sheriff Howard and Chief Deputy McLaughlin and had relied heavily on them for guidance during the accreditation process for the Capital Police. He saluted Sheriff Howard and noted he hoped one day to be able to keep his department at the level Sheriff Howard had maintained in New Kent for the past thirty-five years.

As Sheriff Jett, Sheriff Morgan, Chief Pike and Mr. Mays prepared to make the award presentation, Sheriff Howard called Chief Deputy McLaughlin and Accreditation Manager Maria Davenport to come forward. Upon presentation of the award, Sheriff Howard and his staff received a standing ovation. Sheriff Howard pointed out that going through the accreditation process was not easy. He indicated this was not a process they worked on every four years but rather it was a process that required day by day attention. He pointed out Chief Deputy McLaughlin and Ms. Davenport were the individuals who handled the details and the credit for this achievement belonged to them and the department. Sheriff Howard pointed out the accreditation process was voluntary and suggested some may wonder why anyone would go through this task. He noted the answer was simple; the goal of the Commission had always been to make each agency better and if an agency chose to go through the process, they would ultimately end up with a better agency each and every time. He closed his remarks by thanking everyone for their attendance and noted he had neglected to introduce former State Police Officer Wayne Garrett who had also been very active in the process.

Mr. Tiller noted it had been brought to his attention that Sheriff Howard's father, Dr. Howard, had also been present in the audience and had not been introduced. He pointed out the public hearing scheduled for 7:00 p.m. was the next item on the agenda. The time being 6:42p.m., Mr. Tiller announced the Board would move on with other agenda items and return to the public hearing at 7:00 p.m. or as soon thereafter as possible.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Davis reported he had recently attended a meeting with VDOT Williamsburg Residency representatives, James City County officials and Delegate Brenda Pogge to discuss Route 600 (Holly Fork Road), a portion of which had been closed for four years as a result of a 2011 storm. He indicated he believed some progress had been made toward getting this road reopened. VDOT had conducted a title search to determine ownership of the dam in question and was in the process of getting cost estimates for the necessary repairs. Mr. Davis also noted the eastern end of New Kent had received a great deal of rain over the past week and he had been pleased to see VDOT's efforts to keep water off the roads. There had also been much cleanup and road repair work done after the storms passed through.

Mr. Burrell reported he had recently attended a Richmond Regional Transportation Planning Organization meeting and it did not look favorable for the addition of a third lane to I64 in the near future. He noted safety was one of the many criteria used in determining projects such as this and he had pointed out the recent Interstate fatalities in New Kent. Mr. Burrell also noted New Kent County Public Schools had recently provided CPR training for students. He reminded the Board that a presentation at a previous Board meeting had included information about an individual whose life had been saved as a result of having received CPR and he suggested New Kent County should consider offering employees an opportunity to be trained. Mr. Hathaway noted participation in a CPR course offered a year or so ago had been very good and he believed staff would be interested. He reported the County frequently hosted "Lunch and Learn" sessions where employees could learn about a variety of topics and he suggested CPR training could be arranged through several of these sessions.

Mr. Evelyn noted New Kent High School's graduation would be Friday and he wished the graduates good luck and much success in their future endeavors. He also congratulated six teachers and staff members with over two hundred years of combined experience who were retiring from New Kent County Public Schools. He indicated four of those individuals had been his teachers and it was great to have teachers remain in their positions in the County for so many years. He also reported that Jay Hubbard, a long-time New Kent resident and former Planning Commission member, had passed away suddenly Friday afternoon. He indicated Mr. Hubbard had also been very involved in the community and his churches.

Mr. Stiers reported he had met with Chad Baker with VDOT and a Homeowners' Association member from Brickshire regarding the possible closing of a rear entrance to the community. He noted his strong opposition to closing this access and indicated VDOT had suggested this entrance had been approved as an emergency entrance/exit only. VDOT had also noted the volume of traffic on Mt. Pleasant Road was causing damage to the road and increased maintenance costs. He indicated the results of a traffic study would be considered before moving forward and he remained hopeful the access would not be closed.

Mr. Tiller noted he had shared information last month about a fundraiser for a family in Brickshire. He indicated the fundraiser, which had been held on Saturday, June 6th, had been a very successful event and he had been impressed with how the community had

come together to show support. He noted Mr. Stiers had taken pictures and he was not sure how much money had been raised but attendance had been very good. Mr. Davis reported he had heard there were approximately four hundred present. Mr. Tiller noted hats were off to Ms. Debbie Richards who had organized the event in a very short time.

Mr. Burrell reminded everyone of the upcoming wine festival at Saudé Creek Winery which was expected to bring a good number of tourists into the County. The festival was scheduled for Saturday, June 13th beginning at 11:00 a.m.

IN RE: STAFF REPORTS

There were none.

IN RE: OTHER BUSINESS

There was none.

IN RE: APPOINTMENTS

Mr. Davis moved to appoint Connie C. Nalls as District Five's representative to the Heritage Library Board of Trustees to serve a term beginning July 1, 2015 and ending December 31, 2019.

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

The motion carried.

IN RE: MEETING SCHEDULE

Chairman Tiller announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, July 6, 2015, and the next work session would be at 9:00 a.m. on Wednesday, June 24, 2015. Both meetings would be held in the Boardroom of the County Administration Building. Mr. Davis asked for clarification as to why the July meeting had been moved to the 6th. Mr. Tiller indicated this date had been set because he would be unavailable on July 13th.

IN RE: CLOSED SESSION

Mr. Evelyn moved to go into Closed Session pursuant to Section 2.2-3711A.1 of the Code of Virginia for discussion concerning potential County employees involving the fire department and Section 2.2-3711A.3 of the Code of Virginia for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County involving the lease of the Historic School. The members were polled:

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

C. Thomas Tiller, Jr. Aye

The motion carried.

Mr. Tiller indicated he was not sure how long the closed session would last but the Board would hold the public hearing, which was the last agenda item, when they returned to open session. The Board went into closed session.

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

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

The motion carried.

Mr. Burrell made the following certification:

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

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

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

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

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

The motion carried.

IN RE: PUBLIC HEARING – ORDINANCE O-07-15 – Bottoms Bridge Corridor Overlay

Before the Board for consideration was Ordinance O-07-15 proposing that the New Kent County Code be amended to include Article XXVIII containing regulations regarding specific site design, building architecture and signage standards for the Bottoms Bridge Corridor Overlay District.

Community Development Director Matthew Smolnik presented information on the proposed Bottoms Bridge Corridor Overlay regulations. He began by providing a brief history starting

with the Planning Commission's first discussions on creating an overlay district for nonresidential development in the Bottoms Bridge area in August 2014 and ending with the Planning Commission's recommendation for approval on May 18, 2015 followed by a public informational meeting on June 4, 2015. He reported he had worked with the GIS department to determine the ownership of properties within the proposed district and approximately 130 letters inviting owners to attend the informational meeting had been sent. The area recommended for inclusion in the overlay district would be comprised of all lands within five hundred feet of each side of Route 249 (New Kent Highway) from Route 613 (Dispatch Road) to Route 60 (Pocahontas Trail) and Route 60 from Route 1232 (Magnolia Woods Lane) to the Henrico County boundary line. Aerial maps depicting the area to be impacted were also reviewed. Mr. Smolnik pointed out some parcels would be split by the proposed corridor boundary lines and the regulations would require that these lines be surveyed and noted on site plans. Portions of property in Rock Creek Villas and Patriots Landing would be included in the overlay district but because these properties were in PUDs (Planned Unit Developments) with stricter zoning ordinances in place, the proposed regulations would not affect what could be built and existing architectural standards would still apply.

Mr. Smolnik reported the Planning Commission had voted 8:0:1 on May 18, 2015 to send a favorable recommendation to the Board of Supervisors. Feedback received during that meeting as well as the informational meeting on June 4th had been taken into consideration and the proposed regulations had been modified accordingly. He pointed out modifications included additional information on exterior surface materials on main building facades and provisions to allow for the approval of nationally recognized or trademarked colors, logos or other features. Mr. Smolnik noted these regulations would apply to all development requiring a site plan within the corridor and the Zoning Administrator would have the authority to determine if the regulations would apply in instances involving the expansion of an existing structure or use on a property. He also noted provisions were included to allow individuals the opportunity to request an exception to the County Code requirements. Such requests would be received by the Zoning Administrator and then forwarded to the Planning Commission and ultimately to the Board of Supervisors for consideration. He stressed this process would promote government transparency and provide an opportunity for public input. Mr. Smolnik provided a brief overview of the specific architectural, development and signage standards recommended for inclusion in the regulations followed by a series of pictures depicting building facades and signage allowed under the current ordinance compared to building facades and signage allowed under the proposed ordinance.

Mr. Smolnik noted businesses interested in locating in New Kent were coming prepared to build to the existing County Code. He reported an incentive program through the New Kent County Economic Development Authority (EDA) had recently awarded Advance Auto Parts a taxpayer-funded grant of \$20,000 to enhance their building facade. Mr. Smolnik suggested these proposed guidelines would eliminate or greatly reduce the number of grant request applications such as this coming to the EDA.

Mr. Smolnik noted a point of discussion at the June 4th meeting had been the possibility these regulations would create two classes of buildings in the Bottoms Bridge area. He shared pictures of three businesses currently located in the area (Bojangles[®], Wendy's[®] and McDonald's[®]) and noted, although none of the three had applied for the EDA incentive program, all three had built to the standards in the proposed regulations. He further noted Bojangles' was in the Patriots Landing PUD and had been required to build to a higher standard and, although not required, other national chains were choosing to build to the higher standards. He went on to note a third class of buildings constructed of metal was also coming into the County. He suggested three classes of buildings already existed and

the Bottoms Bridge Corridor Overlay District guidelines would merely level the playing field and enhance the entire district. In summarizing his presentation, he left the Board with a question, "What type of planning needs to be done today in order to protect the future character of New Kent County?" He noted the EDA would continue to find it necessary to fund building enhancements at the taxpayers' expense without some guidelines in place. He pointed out the last two projects had cost taxpayers \$60,000 and a large portion of the Bottoms Bridge Corridor remained undeveloped.

Mr. Smolnik noted another point of discussion at the June 4th meeting had focused on the use of vinyl siding. He reviewed a letter from Fire Chief Rick Opett in which he shared his professional opinion regarding preferred building materials and the flammable nature of vinyl siding. Mr. Smolnik also referenced an email received by Supervisors from EDA member William O'Keefe in which he voiced his support for the proposed regulations.

Mr. Davis asked if businesses were required to install sprinkler systems. Mr. Smolnik noted this was a Building Code question and would be based on the occupancy and the classification of use. He suggested Building Official Clarence Jackson would be the best individual to provide an answer. Mr. Davis also pointed out Mr. Smolnik had noted in his presentation that the regulations would require that parking lots be concrete or asphalt and, for stormwater management purposes, the impervious nature of these surfaces was considered to be the same as a gravel surface. Mr. Davis questioned the possible use of stone pavers which were frequently used in beach communities. Mr. Smolnik noted he had not had the use of these pavers come up since he had been in New Kent but noted in his previous experience, each of the materials used was rated with a certain percentage of imperviousness based on manufacturer's specifications which was taken into consideration. Mr. Davis asked Mr. Cunningham (later identified as Billy Cunningham) in the audience if he had used these pavers at Rock Creek Villas. Mr. Cunningham indicated the use of these pavers had been required at Rock Creek Villas. Mr. Smolnik indicated pavers were an option to meet stormwater management requirements and pervious concrete was also available but both of these options required additional maintenance.

Mr. Tiller opened the public hearing.

Mr. Billy Cunningham, representing Rock Creek Villas as a developer, addressed the Board. He noted if he had been aware that pavers had the same watershed as asphalt and concrete, he would have never installed them at Rock Creek. He reported he was currently paying for additional insurance because of the added risk of a fall with pavers. He suggested if all three surfaces had the same watershed, for the safety of the people coming to the establishments, pavers should not be used. He went on to note his real purpose for coming to address the Board was to express his complete support for the proposed overlay district. He noted when he had been developing Rock Creek Villas ten years ago there had been discussions about putting something like this in place from the Star Motel to the Chickahominy River. He indicated it was important to him to see that his investment and the investments of others were protected. He also noted he was opposed to vinyl siding for commercial use. He suggested the speed limit should be set at the same level throughout the overlay district and VDOT should maintain all roads in the district to the same standard. He closed his comments by noting the overlay district should be something that would look nice for everyone and he would appreciate anything the Supervisors could do to protect the future building in the area.

Mr. Bart Leader, a New Kent County resident and member of the New Kent Chamber of Commerce, addressed the Board to voice his and the Chamber's support for the proposed Bottoms Bridge Corridor Overlay regulations. He reported that on June 4th the Chamber of

Commerce had voted unanimously in support of the overlay project. He noted that personally he would not only like to see these regulations enacted but also expanded to include all Interstate interchanges. He noted that Mr. Burrell had mentioned the upcoming wine festival at Saudé Creek Winery and he suggested tourism was New Kent's number one industry and how things looked when tourist visited would be a big factor in whether or not they decided to come back. He noted his appreciation to the Board for anything they could do to support passing these regulations.

There being no other individuals wishing to address the Board on this topic, the Public Hearing was closed. Mr. Tiller thanked Mr. Cunningham and Mr. Leader for their comments.

Mr. Tiller noted that about half of those who had spoken at the June 4th meeting had been in support of the overlay district and half had been opposed. He reported that several members of the EDA had also called him to voice their support. He indicated it had been recommended the Board consider continuing the meeting process by gathering feedback not only from business owners but also from residents in the proposed overlay district. He suggested he would like to do this if the Board was in agreement but noted he would entertain a motion if the Board was ready to take action.

Mr. Davis noted an overlay district had been established in the Eltham area of the County a number of years ago. He indicated he thought it would be a good idea to have another meeting with the Bottoms Bridge residents before taking action and suggested the vote on this ordinance should be postponed until such a meeting could be held. Mr. Burrell suggested if an overlay had been in place when Eltham had been developed, there would be sidewalks in place now and residents would have an easier time walking to area businesses.

Mr. Tiller noted there had been several points made at the June 4th meeting which suggested some adjustments should be made to the signage standards. He also noted there were existing businesses in the Bottoms Bridge area which relied heavily on roof signs for advertisement. He asked if the Board decided to move forward with regulations that were less stringent, would it be necessary for the changes to be sent back to the Planning Commission. Mr. Smolnik reminded the Board the proposed regulations would not impact existing businesses unless they were to undergo a major renovation or there was some new construction. County Attorney Brendan Hefty noted if changes were made that were less restrictive, it would not be necessary to send them back to the Planning Commission or to conduct another public hearing. He further noted more restrictive language would not necessarily need to go back to the Planning Commission but an additional public hearing before the Board of Supervisors would be necessary.

Mr. Stiers noted 7.7 acres of land on the east side of the intersection at Route 249 near the Exxon station had recently been put on the market for sale. He suggested this property would be an ideal location for a Cracker Barrel or Holiday Inn Express and noted both businesses often erected large signs which were easily visible from the Interstate. He asked if signage such as this would be allowed under the proposed regulations. Mr. Smolnik noted this would not be allowed through the administrative process but the Board of Supervisors, in its discretion, would have the opportunity to consider exceptions on a case-by-case basis. Mr. Stiers asked for confirmation that existing businesses would be grandfathered under the previous ordinances. Mr. Smolnik indicated existing businesses would be grandfathered.

Mr. Stiers cited an example of an existing two-bay garage business where the owner wished to buy an adjoining building and expand to six or eight bays and asked if this expansion would be subject to the proposed regulations. Mr. Smolnik indicated there would be some

situations where he would have the authority to make a decision but noted he would have to see the site and have more information to make a determination in this particular case.

Mr. Stiers cited another example of an existing daycare business and pointed out if the owner were to desire to open a similar business in the Bottoms Bridge Corridor Overlay District, they would be required to have 18% of the exterior of the building in windows. He suggested they would not want 18% of the building to have glass because of safety concerns for the children. Mr. Smolnik suggested there were other options such as elevated windows which would allow natural lighting to enter but not allow individuals to be able to see into the building.

Mr. Tiller thanked Mr. Smolnik for the additional information and indicated if the Board was in agreement, he would entertain a motion.

Mr. Davis moved to table any action on Ordinance O-07-15 until the Board's next meeting. The members were polled:

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

The motion carried.

IN RE: ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 8:11 p.m.