

A REGULAR WORK SESSION WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 27TH DAY OF JANUARY IN THE YEAR TWO THOUSAND SIXTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING, NEW KENT, VIRGINIA, AT 9:00 A.M.

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IN RE: CALL TO ORDER

Chairman Ron Stiers called the meeting to order.

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IN RE: ROLL CALL

Thomas W. Evelyn	Present
C. Thomas Tiller, Jr.	Present
Patricia A. Paige	Present
Ron Stiers	Present
W. R. Davis, Jr.	Present

All members were present.

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IN RE: QUIN RIVERS 2015 UPDATE

Quin Rivers, Inc. Executive Director Dr. Jack O. Lanier noted that Quin Rivers was a Virginia-based non-profit 501(c)3 community action agency established under the authority of the Economic Opportunity Act of 1964. The Quin Rivers service area included nine counties (Caroline, Charles City, Hanover, New Kent, King and Queen, King William, King George, Stafford and Spotsylvania) as well as the Town of West Point and the City of Fredericksburg. The agency was governed by a community-based volunteer Board of Directors comprised of members from each service locality with Yvonne Jones, Joyce Williams and Nancy Goodman representing New Kent. The Quin Rivers mission was "Strengthening individual, family and community development to eliminate poverty and build self-sufficiency."

Dr. Lanier provided Board members with a comprehensive package of information on the various programs offered through Quin Rivers including Healthy Families and Project Hope. An overview of the FY2015 Client Services Data for the entire Quin Rivers' service area as well as individual data for New Kent County was provided. Forty-seven of the 159 clients served by the Healthy Families program and 784 of the 2003 clients served by Project Hope had been from New Kent County. Quin Rivers' financial impact in New Kent County was reported to be \$287,310. Dr. Lanier shared other New Kent County statistics indicating 27% of County children were living in single-parent homes, 14% of residents were uninsured and 10% were suffering a severe housing problem (overcrowding, high housing costs, lack of kitchen or plumbing facilities). He noted that Quin Rivers worked very closely with the New Kent Health Department and the Department of Social Services to provide vital services to County residents. Dr. Lanier closed his comments by thanking the Board for their support and noted the Quin Rivers FY17 Budget Request would be used for the management and general operation of Project Hope, Healthy Families and housing counseling in the County.

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IN RE: SOCIAL SERVICES EMERGENCY SERVICES ASSISTANCE PROGRAM

Social Services Director Jon Martz and Supervisor Tiffany Elam were present to share information on the Emergency Services Assistance Program available to New Kent County residents through the Department of Social Services (DSS). Mr. Martz pointed out this

program was locally funded and had a budget of \$18,000 last year. Most of the requests for assistance through this program were for electricity, medication or rent and the maximum assistance provided to a single client was \$250.00 per fiscal year. Mr. Martz reported that 341 applications had been received during the first six months of the year which was almost double the number received during the same period the previous year. Of the 341 applications, 22 had been denied with five of those having their needs met by other programs. Others who had been denied had either already received the maximum annual allowance or had failed to provide the necessary documentation substantiating their need.

Mr. Martz also reported that in addition to New Kent County funding, the Emergency Services Assistance Program had also received funding from churches (\$5,802.79), EnergyShare (\$2,107.48) and Energy Assistance (\$1,468.77). An additional \$4,500.00 contribution from the Salvation Army was also expected to be received soon. Mr. Martz pointed out the average assistance provided per approved application was \$219.79. He noted that he was not asking for additional funding but, given the current volume of applications, funds were expected to run out in February or March.

Mr. Evelyn asked that Mr. Martz keep the Board informed on how funds for this program were running. Mr. Martz indicated that he would and noted the main goal of the program was self-sufficiency and not to support anyone on a long-term basis. He reported that DSS had been working with the Extension Office to possibly offer a required money management course for clients to help them reach that goal.

Mr. Stiers shared a recent situation in which he had worked with DSS to assist a family whose power had been disconnected. He noted that when the family had been faced with making the choice of purchasing medicine or paying the power bill, they had chosen to purchase medicine. He reported that DSS had been able to assist with a portion of the funds needed to restore the power and the Forge Foundation had covered the balance and had also purchased groceries for the family.

Ms. Paige asked if DSS was finding the cause of these emergency situations to be the lack of money management skills or was it more the result of low income. Mr. Martz indicated a combination of causes existed and there was no one solution. He pointed out that some of these individuals were living crisis to crisis and that one out of five New Kent residents had received services through DSS the previous year. Mr. Stiers asked what happened to these individuals once they received assistance. Mr. Martz noted that clients were encouraged to apply for all forms of assistance available to them but many of them, however, only wanted assistance with the current crisis.

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IN RE: DEPARTMENT OF HOMELAND SECURITY ASSISTANCE TO FIREFIGHTERS  
GRANT

Fire Chief Rick Opett reported the focus of the 2016 Department of Homeland Security (DHS) Assistance to Firefighters Grant program would be on equipment for firefighters and EMS workers throughout the nation. High priority would be given to the replacement of equipment that did not meet current NFPA 1901 safety standards. Chief Opett reported that New Kent currently had one piece of equipment not meeting these standards; apparatus fleet number 931, a 1989 Pierce Pumper, which he considered to be past its useful life. This pumper was twenty-seven years old, had a small water tank made of steel which was rusting, did not have three-point harness seat belts and had an open crew cab. The grant proposal would be for a new fire engine estimated to cost \$487,000. If awarded, the grant would require a ten percent locality match (\$49,000) which had been included in the FY17 CIP. Chief Opett asked the Board for permission to apply for the 2016 DHS

Assistance to Firefighters Grant and to solicit letters of support from Senators Warner and Kaine and Representative Brat.

Mr. Davis asked how long it would take to receive a new truck after an order was placed. Chief Opett indicated it would take approximately three hundred days and that grant awards would be made over a period of time from February through September. Mr. Davis asked where the new equipment would be located. Chief Opett indicated it would most likely be assigned to Station 1 or to Quinton but pointed out that equipment was moved from station to station as needed.

Mr. Davis moved to authorize the Fire Chief to apply for the 2016 DHS (Department of Homeland Security) Assistance to Firefighters Grant for a new fire engine. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
W. R. Davis, Jr.	Aye
Ron Stiers	Aye

The motion carried.

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IN RE: CALENDAR YEAR 2015 FIRE-RESCUE DATA UPDATE

Fire Chief Rick Opett noted that due to the recent snowstorm the 2015 Fire-Rescue Data report had not been completed. This item would be rescheduled for the February work session.

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IN RE: NEW KENT COUNTY PURCHASE OF DEVELOPMENT RIGHTS ADVISORY COMMITTEE CHARTER RENEWAL – RESOLUTION R-03-16

Before the Board for consideration was Resolution R-03-16 renewing the Purchase of Development Rights Advisory Committee charter until January 31, 2020. This committee was governed by New Kent Code Section 84-6 and was charged with preserving the rural character of the County through managing County funding for the purchase of conservation easements.

County Administrator Rodney Hathaway noted New Kent Code required the Purchase of Development Rights Advisory Committee to be in place and the current committee charter would expire on January 31, 2016. Revenue for the purchase of conservation easements was derived from a Farms of New Kent (FONK) proffer requiring a payment of twenty-five cents for each bottle of wine sold by the New Kent Winery. Mr. Hathaway estimated the fund balance to be almost \$300,000 of which \$150,000 had initially been funded by the County.

Mr. Davis asked if the Purchase of Development Rights had ever been used. Mr. Hathaway indicated there had been one application but it had been denied. He also reported the possibility that the FONK would be seeking amendment to the PUD (Planned Unit Development) and proffers which would do away with the twenty-five cents per bottle funding.

Mr. Evelyn asked when the Purchase of Development Rights Advisory Committee had last met. Mr. Hathaway indicated the last meeting had been more than five years ago and there had been nothing requiring a meeting since that time.

County Attorney Brendan Hefty recommended that if the Board voted to approve Resolution R-03-16, that it be amended to include the following statement: "The Board of Supervisors may revoke this charter at any time with a majority vote."

Mr. Davis moved to adopt Resolution R-03-16 renewing the New Kent County Purchase of Development Rights Advisory Committee charter until January 31, 2020 and that the Resolution be amended to include the following statement: "The Board of Supervisors may revoke this charter at any time with a majority vote." The members were polled:

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
Ron Stiers	Aye

The motion carried.

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IN RE: 2016 NEW KENT COUNTY BOARD OF EQUALIZATION NOMINATIONS

County Administrator Rodney Hathaway reminded the Board that the County had just undergone a reassessment and notices of new assessments would be going out to property owners soon. Owners would be given forty-five days to file appeals. Each Supervisor had been asked to nominate one individual to serve on the 2016 Board of Equalization to hear any assessment appeals that may be received. Members would serve through December 31, 2016. Mr. Hathaway indicated there was a Virginia Department of Taxation training requirement for all new members and reappointed members were required to receive additional training every four years.

Ms. Paige moved to nominate Amy Pearson for Circuit Court appointment as a member of the Board of Equalization to serve a term ending December 31, 2016.

Mr. Davis moved to nominate Baird Jones for Circuit Court appointment as a member of the Board of Equalization to serve a term ending December 31, 2016.

The members were polled:

Patricia A. Paige	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye

The motions carried.

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IN RE: PROPOSED ORDINANCE AMENDMENT – SECTION 82-116 – PERMANENT  
STABILIZATION OF SITES FOLLOWING LAND DISTURBING ACTIVITIES

Community Development Director Matthew Smolnik introduced new Planning Department staff. He noted Koty Gray had begun working as a Planner in December and Spencer

Norman, a William and Mary student, had just started working as an intern three days a week.

Mr. Smolnik pointed out that Section 82-116 of the New Kent County Code required a minimum of 85% vegetative cover on a site prior to the release of any surety associated with a land disturbing permit. Inspectors from the County's Environmental Division were inspecting sites every two weeks to monitor the establishment of vegetative cover and if the 85% threshold had not been met, the County was issuing a "Notice of Fail" to the property owner. Mr. Smolnik pointed out the New Kent's standards were above and beyond State requirement and the proposed amendment would bring County Code regarding permanent stabilization down to the standards of the State. He noted current County Code included a numerical requirement to determine site stabilization whereas the state code did not include this specific requirement. He asked the Board to consider sending the proposed ordinance amendment to the Planning Commission for a public hearing. He indicated, if approved, the proposal would be scheduled for the Planning Commission in February and the Board of Supervisors in March.

Mr. Evelyn moved to send the proposed ordinance amendment to Section 82-116 to the Planning Commission for a public hearing. The members were polled:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye

The motions carried.

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IN RE: PROPOSED ORDINANCE AMENDMENT – SECTION 91-126 – EXCEPTION  
REQUEST FOR ACCESS ROADS FOR FAMILY SUBDIVISIONS THAT CREATE  
THREE OR MORE LOTS

Community Development Director Matthew Smolnik pointed out that Section 91-126(a)(6) of the New Kent County Code required that in the case of a family subdivision, if the division created three or more lots or parcels, a new permanent deeded 50-foot right-of-way serving those lots was required. The new right-of way would be required to meet the Virginia Department of Transportation requirements and construction of a public road or a private roadway meeting the requirements of Section 91-103 within the right-of-way would be required. Building permits would not be issued on lots until the roadway was constructed and surfaced. Mr. Smolnik reported it had come to staff's attention that this requirement may not be applicable in all situations across the County and staff was proposing an exception process to this requirement. The proposal provided that any exception requests to the road construction standards would be handled as a public process through the Planning Commission and Board of Supervisors. Mr. Smolnik indicated owners of properties in Lee's Reach and Piney Pointe wished to pursue the family subdivision route and were seeking exceptions regarding the required access road. He asked the Board to consider sending the proposed ordinance amendment to the Planning Commission for a public hearing.

Board members raised a number of questions:

- Mr. Davis noted the properties in question had been part of a major rezoning for Chesapeake Corporation (Delmarva Properties) in 2001. Proffers associated with the rezoning had included requirements for a minimum lot size of fifteen acres on a state

road, twenty-five acres off a state road and an average lot size of twenty acres. Mr. Davis asked if lots in a family subdivision would be exempt from the proffered average lot size.

- Mr. Davis also asked if owners of lots in a family subdivision which had been granted an exception regarding the required access road be required to sign a road maintenance agreement.
- Mr. Hathaway also raised the question of road requirements for a family subdivision being built off a private road.
- Mr. Evelyn expressed concerns regarding the possible need for a second emergency entrance if the number of lots in Piney Pointe increased. He also noted the Piney Pointe HOA (Homeowners Association) needed to be protected.

Mr. Hathaway indicated Piney Pointe had been built with a "boulevard style" entrance which did allow for more lots without the need of a second entrance. Mr. Smolnik also pointed out the authority for granting any exceptions would rest with the Board.

The general consensus was the Board should wait to make any decision until more information was available and noted concerns could be addressed.

Mr. Stiers called for a brief recess at 10:25 a.m. The Board reconvened at 10:35 a.m.

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IN RE: DISCUSSION REGARDING THE SHARON TRAYLOR PROPERTY - TAX MAP  
PARCEL 31-2F

Mr. Stiers had requested that information on options available to Mrs. Sharon Traylor, the owner of Tax Map Parcel 31-2F, be provided to the Board. Ms. Traylor had previously requested a rezoning to allow a second residence to be built on the property and the Board had denied her request.

Community Development Director Matthew Smolnik indicated Mrs. Traylor's request had come to the Board of Supervisors for a public hearing on July 6, 2015. He noted several options had been considered and rezoning had been deemed to be the most feasible. Mrs. Traylor's property consisted of 2.75 acres which could not qualify as a family subdivision which required a six-acre minimum. The property was currently zoned A-1 and the request had been to rezone to R-1. Mrs. Traylor had proffered that only one additional lot would be created on the property. Mr. Smolnik noted the property was adjacent to the Baylor Grove subdivision which was also zoned R-1. The Planning Commission had considered the request and had sent a favorable recommendation to the Board of Supervisors. As previously noted, the application had been denied by the Board of Supervisors.

Mr. Smolnik suggested there were two possible options at this time. The first option would be a New Kent Code amendment to reduce the minimum acreage required for a family subdivision. The second option would be for Mrs. Traylor to wait the required one year from the Supervisors hearing date and resubmit her rezoning application. Mr. Smolnik pointed out the Board could not rehear the case any sooner than a year unless an application significantly different from the original was received.

Mr. Davis indicated he had thought consideration was being given to changing the size for a mother-in-law suite. Mr. Smolnik suggested that could be a third option if the Board wished to pursue that. Mr. Davis expressed concerns that if the Board changed the zoning, there would be no way to stop others from doing the same thing. Mr. Smolnik acknowledged there were pros and cons to all three possible options.

Mr. Stiers suggested that the bottom line was that there was an elderly lady who wanted her son to build a home on her property so that he would be there to help and watch out for her. Mr. Stiers stated that he believed in personal property rights and asked how allowing a second home to be built on this property would hurt the County. He went on to state he felt an owner should be able to do what they wanted to with their property within reason.

Ms. Paige asked for clarification regarding the one-year waiting period and asked if the Board had until July to rehear the application. Mr. Smolnik indicated a full year must lapse prior to the Board rehearing the application. A new application could not be submitted until July 7<sup>th</sup> which would mean the earliest it could be heard by the Planning Commission would be August and then by the Board of Supervisors in September.

County Administrator Rodney Hathaway pointed out Mrs. Traylor's rezoning request had been consistent with the New Kent County Comprehensive Plan. Mrs. Paige asked if the Comprehensive Plan indicated the property in question was in an area to be zoned for higher density, when would that zoning take place. Mr. Hathaway pointed out the Comprehensive Plan was a long-term plan and rezoning could be twenty years out.

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IN RE: BUILDING ELEVATIONS FOR PROPOSED FAS MART STORE IN BOTTOMS  
BRIDGE (QUINTON) – RESOLUTON R-02-16

Before the Board for consideration was Resolution R-02-16 recommending the approval of an exception to Section 98-1069(a)(3) of the New Kent County Code. This request for an exception had been made by GPM Investments for a Fas Mart store to be built at 2245 Pocahontas Trail in Quinton, Virginia.

Community Development Director Matthew Smolnik noted that Jerome Jackson, Project Manager for GPM Investments was present to answer any questions the Board may have. Mr. Smolnik pointed out the Board of Supervisors had approved the Bottoms Bridge Corridor Overlay Regulations on July 6, 2015 and the Fas Mart site plan had been the first complete application to be evaluated with these new regulations. The regulations provided that any exceptions to design standards would be required to go through the Planning Commission/ Board of Supervisors process for approval. GPM was requesting an exception to Section 98-1069(a)(3) of the New Kent County Code to allow for a building elevation visible from a public right of way to be constructed of less than 16% doors and windows. The Planning Commission had considered this request at their January 19, 2016 meeting and had voted to forward a favorable recommendation.

Mr. Davis asked how much larger the new store would be than the current store and if the current store would be torn down after the new store was complete. Mr. Jackson noted the store would be a little larger than the current store but did not have exact size information with him. He also indicated the new store was being built behind the current store which would eventually be torn down.

County Attorney Brendan Hefty pointed out the Bottoms Bridge Corridor Overlay regulations contained a list of findings in Section 98-1071 which the Board was required to make prior to approving any exceptions to development requirements. He read the list of six items and suggested the proposed Resolution R-02-16 be amended to include a more specific reference to these findings having been met. He also suggested the words "Recommend Approval" contained in the title of Resolution R-02-16 be changed to "Approve".

There being no further discussion, Mr. Tiller moved to adopt Resolution R-02-16 approving the exception request of GPM Investments to Section 98-1069(a)(3) of the New Kent Code

to allow for a building elevation visible from a public right of way to be constructed of less than 16% doors and windows and that the Resolution be amended to include findings noted in Section 98-1071 and recommended title revisions. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
W. R. Davis, Jr.	Aye
Ron Stiers	Aye

The motions carried.

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IN RE: OTHER BUSINESS

Mr. Tiller expressed his appreciation to VDOT for having done such a great job clearing roads in most of the County during the recent snowstorm. He suggested there had been some areas which could have received more attention.

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IN RE: MEETING SCHEDULE

Chairman Stiers announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, February 8, 2016 and the next work session would be held at 9:00 a.m. on Wednesday, February 24, 2016. Both meetings would be held in the Boardroom of the County Administration Building.

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IN RE: ADJOURNMENT

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

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
Ron Stiers	Aye

The motion carried.

The meeting was adjourned at 11:04 a.m.