

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 9th DAY OF MAY IN THE YEAR TWO THOUSAND SIXTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

Chairman Ron Stiers called the meeting to order.

IN RE: INVOCATION, PLEDGE OF ALLEGIANCE AND WELCOME

Ms. Paige gave the invocation and led the Pledge of Allegiance. Mr. Stiers welcomed the citizens and thanked them for coming out to see their County government at work. He also thanked Sheriff Joe McLaughlin and County staff for their presence.

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.

IN RE: CONSENT AGENDA

1. Approval of Minutes
 - a. March 30, 2016 Work Session minutes
 - b. April 11, 2016 Business Meeting minutes
 - c. April 13, 2016 Work Session minutes
2. Miscellaneous
 - a. Approval of Emergency Procurement – Continental Carbon Group, \$3,200.00.
 - b. Acceptance of Patriots Landing, Phase III, Section 1 & 2; Parcel E, Sections 3 & 4 into the State System for Maintenance.
3. Refunds
 - a. Refund due to K Hovnanian Homes, canceled building permit #19266-2014, \$513.18.
 - b. Refund due to K Hovnanian Homes, canceled building permit #19885-2015, \$597.19.
 - c. Refund due to Ryan Homes, canceled building permit #20385-2016, \$459.38.
 - d. Refund due to Ryan Homes, canceled building permit #20414-2016, \$502.69.
 - e. Refund due to Ryan Homes, canceled building permit #20411-2016, \$569.63.
4. FY16 Supplemental Appropriations
 - a. Program income received for FY16 from CDBG Plum Point Grant Participants, \$752.67.
 - b. Donations for the Animal Shelter, \$445.00.

- c. Extension Program Sponsorship Revenue for 4-H Golf Classic, \$490.00.
- d. VML Insurance – Sheriff’s Dept. (Veh #293) - Date of Loss 3/31/16, (\$1,081.23); General Services – Station 1 Bay Door – Date of Loss 2/24/16, (\$4,756.75) and Fire/Rescue – (Veh #948) – Date of Loss 4/13/16, (\$325.35), \$6,163.33.
- e. Gifts & Donations to New Kent Fire Rescue – Richland Farms Inc. (\$500.00) and TRUIST (\$127.82), \$627.82
- f. Gifts & Donations to Parks and Recreation – Transfer of Quality Initiative Funds from Social Services to Parks and Recreation for various programs \$6,600.00.
- g. Security Detail: New Kent High School – Marathon Dance (\$290.65) and New Kent Girls Softball League (\$99.25), \$389.90.
- h. Ambulance Services: All American Muscle Car Show at the New Kent Winery – The Rotary Club of New Kent, \$475.00.
- i. FY16 Concealed Weapons Permit Classes Conducted by the New Kent County Sheriff’s Department, \$3,275.33.
- j. Wind Banner Scholarship Program for Parks and Rec Youth Sports – Rappahannock Concrete Corp. (\$200.00), Ortho Virginia (\$200.00), Sid’s Towing, Inc. (\$300.00), Antonio’s Pizza LLC (\$200.00), Light Source Electric, LLC (\$300.00), Woods Body Shop (\$200.00), Vicki Tibbs, DDS (\$200.00), St. Peter’s Church (\$200.00), Windmill Realtors (\$200.00), New Kent Christian Center (\$200.00), Becky Ringley State Farm (\$200.00), Brockwell’s Septic & Service Inc. (\$200.00), Simmons Electrical (\$200.00), Hopewell Baptist Church (\$200.00), Coastal Plains Environmental Group LLC (\$200.00), Lee Hy Paving (\$200.00), Safe and Sound LLC (\$300.00), Vincent Funeral Home (\$200.00), Maidstone Dental (\$200.00), Bottom of the Bridge LaSertoma (\$200.00), New Kent Junior Woman’s Club (\$200.00), and Shore to Shore LaSertoma Club (\$300.00), \$4,800.00.
- k. Funds for the FY17 Grand Illumination – Saude Creek Vineyards, LLC, \$250.00
- l. Additional Funds Received Plus Local Match Requirement for Airport Rehab of Taxiway/Design Project, \$290,749.76.
- m. Additional State Funds for Victim Witness Program, \$3,254.81

\$318,273.62 Total
\$(27,523.86) Total In/Out – General Fund (1)
\$(284,934.76) Total In/Out – Airport Fund (97)
\$(5,815.00) From Fund Balance – Gen Fund (1)

- 5. FY16 Interdepartmental Budget Transfers
 - a. Community Development – Radio Tower to Advertising, \$1,600.00.
 - b. Fire-Rescue – Insurance Damage Recoveries to Fire-EMS Vehicle Acquisition, \$25,925.00; Operation Supplies – Lights to Fire-EMS Vehicle Acquisition, \$2,000.00; Volunteer Insurance to Fire-EMS Vehicle Acquisition, \$12,587.00 and Vehicle & powered equip Fuel to Fire-EMS Vehicle Acquisition, \$19,000.00
- 6. Treasurer’s Report: Cash as of March 2016, \$38,201,737.88

Mr. Evelyn moved to approve the Consent Agenda, as presented, and that it be made a part of the record. 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.

IN RE: SMALL BUSINESS CLOSE UP

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

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION – RESIDENCY
ADMINISTRATOR’S REPORT

Ashland Resident Engineer Bruce McNabb reported Maintenance Operations Manager David Christoph was not able to be present and that he and Maintenance Superintendent Jay Fread would be presenting the update. Supervisors had been provided with a written report on maintenance items completed over the past thirty days as well as items scheduled for the next thirty days. The primary focus for the past thirty days had been on asphalt patching and potholes. Forty-six work orders had been received in April and fifty-three had been completed. The focus for the next thirty days would be on mowing primary and secondary routes and ongoing patching and pothole repairs.

Mr. McNabb reported on several construction projects. Work on the Route 249/Route 612 roundabout project was progressing. Road widening and drainage work was in progress and a traffic switch to the recently constructed temporary and permanent widening was anticipated in the next two weeks. This would be a simple switch and no disruptions to traffic flow were expected. This project was scheduled for completion in mid-summer. Mr. McNabb also reported minor widening of Route 613 (Dispatch Road) would soon begin. He also reported there were six speed studies in the works for the County which should be completed within the next sixty days. Updates were provided on the following concerns:

- In response to Mr. Evelyn’s concerns regarding drainage on Old River Road, Mr. McNabb noted that Mr. Christoph, Mr. Evelyn and County Administrator Rodney Hathaway had traveled out to the site and it had been determined the culvert was working but not as it should be. VDOT staff would continue to work on a solution.
- In response to Mr. Davis’ concerns regarding a pipe wash out on North Waterside Drive, Mr. McNabb reported the new pipe had been ordered and the construction would be scheduled soon.
- In response to Mr. Stiers question regarding paving to be done on Ashland Farm Road, Mr. McNabb reported the paving had been completed on April 12, the day after the previous Board of Supervisors business meeting.
- In response to citizen comments made at the April 11th meeting by Wayne Samuels of 4315 Henpeck Road, Mr. McNabb indicated VDOT recognized there were problems on Henpeck Road, the solutions to these problems would be expensive and there were currently no plans for any major improvements. VDOT would be exploring a new funding program to determine if Henpeck Road could be eligible.

Board members provided the following comments and reported the following road concerns:

Mr. Davis reported a problem with grass growing through the cracks in the roadway in the Eltham area and suggested this grass was hampering the flow of water from the pavement. He noted VDOT had sprayed herbicide to kill this grass in the past and asked that VDOT do

this again before hurricane season. He also reported ongoing problems with drainage on Route 60 and suggested the need for additional ditches to divert water from the roadway.

Ms. Paige had nothing new to report at this time.

Mr. Tiller reported he had received several calls regarding ongoing site distance issues at the intersection of Sassafras and Henpeck Roads. He suggested an embankment was significantly reducing site distance for drivers exiting from Sassafras onto Henpeck. The owner of the property had been contacted about a year ago and had given his authorization for the embankment to be graded down but the work had not been done. He indicated it had been suggested the problem was more with the broom straw on the embankment than the embankment itself. He asked that VDOT take another look at this intersection.

Mr. Evelyn reported he had met with Mr. Christoph the previous week. He indicated he had been very helpful and he appreciated him taking the time to meet with him.

Mr. Stiers reported having traveled around the County with Sheriff's Office and VDOT staff the previous week and noting a number of areas needing attention. He reported complaints regarding Route 60 and suggested the areas where concrete had been replaced were perfect but areas where patching had been done with asphalt were not so good. He indicated Mr. Christoph had previously reported there was a plan to shave down the areas where the asphalt was rough. He also suggested Route 60 was slated to be repaved in 2017. Mr. McNabb indicated he was not aware of this project and suggested it may have been on a list of requested projects submitted for the County. Mr. Stiers noted there were many roads in the County needing improvements and suggested this was not because VDOT was not doing a lot of work but more because they did not have enough workers. He expressed his appreciation to Mr. McNabb and VDOT staff for all they were doing.

IN RE: CITIZENS COMMENT PERIOD

There were no citizen comments.

IN RE: PRESENTATION OF FY15 POPULAR ANNUAL FINANCIAL REPORT (PAFR)

New Kent County Finance Office Accountant Shannon Walton presented the Popular Annual Financial Report for 2015. Ms. Walton noted the PAFR was a condensed version of the Comprehensive Annual Financial Report (CAFR). The goal of the PAFR was to provide the citizens and businesses in New Kent with a better understanding of the social and economic factors impacting the County as well as the financial position of the County. The PAFR was available on the County website and social media pages as well as various locations throughout the County including the Heritage Public Library and the New Kent County Visitors Center. This was the second year the Finance Office had prepared the PAFR report and had been honored to be presented with a Government Finance Officers Association (GFOA) Award for Outstanding Achievement in Popular Annual Financial Reporting for 2014. Ms. Walton encouraged Supervisors to call or email her with any questions or comments they may have. She thanked the Board for the opportunity to present this information.

Mr. Stiers thanked Ms. Walton for the presentation.

IN RE: APPROVAL OF MINUTES

Before the Board for approval were the minutes from the April 27, 2016 work session. These minutes were not included in the Consent Agenda since Mr. Stiers had not been present.

Mr. Stiers indicated this had been the first meeting he had missed in the four and a half years he had been on the Board. A family medical situation had called him out of town and Mr. Davis had presided in his absence.

Mr. Davis moved to approve the minutes of the April 27, 2016 work session, as presented. The members were polled:

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

The motion carried.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Davis suggested that anyone who couldn't find something to do on the weekends in New Kent County wasn't really looking. He indicated there was something going on every weekend and noted there had been a wine festival the previous weekend, a fish fry was scheduled for the upcoming weekend and there were numerous ball games every weekend. He encouraged everyone to get out and enjoy what was available and be safe.

Ms. Paige reported she had attended the Virginia Governor's Conference on Aging and had made several contacts regarding housing and various other areas that would assist New Kent as it became more conscious of the needs of its aging community. She also reported she had been honored to serve on the New Kent Teacher of the Year Selection Committee. The School Board was also meeting tonight and would be announcing the recipient of the Division Teacher of the Year Award at their meeting. Individual school Teachers of the Year would be invited for recognition at the June 13th Supervisors meeting.

Mr. Tiller reported he had attended a recent TPO (Richmond Regional Transportation Planning Organization) meeting. This organization had been talking about widening I-64 for many years and discussions were now on widening I-64 from I-295 to Bottoms Bridge. Mr. Tiller also reported there would be another run/walk-a-thon to benefit the Robinson Family on Saturday, June 11th beginning at 7:00 a.m. in the Brickshire community. He noted a similar event had been held the previous year and more information could be found by going to www.eventbrite.com and searching for "2nd Annual Run for the Robinsons".

Mr. Evelyn thanked everyone who had attended a recent Town Hall meeting with Deerlake residents. Approximately sixty residents had been present as well as Community Development Director Matthew Smolnik and other members of his staff. He also reported he and several other Supervisors had attended a recent Town Hall meeting with Delegate Chris Peace and Congressman Rob Wittman. He also indicated he had spent some time with Congressman Wittman at the recent wine festival where he had introduced the Congressman to many residents. Congressman Wittman would be New Kent's new representative effective this year and Mr. Evelyn indicated he seemed to be very excited about getting out and meeting the people. Congressman Wittman would also be the guest speaker at the May 19th EDA Business Appreciation Dinner. Mr. Evelyn thanked the Sheriff's Office and Fire-EMS staff for their service and suggested their hands had been full directing event traffic as well as responding to calls for assistance on I-64 over the weekend.

Mr. Stiers reported he had also attended the Town Hall meeting with Chris Peace and Rob Wittman and suggested Congressman Wittman had shown a great deal of interest in the County. Mr. Stiers also reported he and Mr. Hathaway had attended meetings with the library committee for the purpose of developing floor plans for the renovation of the new building. Architect John Hopke and Maidstone Group, LLC owner John Adamson were also in attendance. This group would be meeting weekly through the end of the month and a recommended library floor plan would be brought to the Board for approval.

IN RE: STAFF REPORTS – CHESAPEAKE BAY SEPTIC PUMP-OUT PROGRAM

Community Development Director Matthew Smolnik provided the Board with information on the Chesapeake Bay Septic Pump-out Program and answered questions regarding the recent mailing of pump-out notices. Mr. Smolnik indicated this program was administered by the Environmental Division which was one of four divisions within his department. He indicated there had been incomplete record keeping over previous years and, as a result, over 3,500 letters had been mailed this year in an effort to collect information necessary to establish a septic pump-out database. Future mailings would be staggered.

In response to those questioning why they were being required to have their septic tanks pumped, Mr. Smolnik noted Virginia State Law required anyone within the Chesapeake Bay Preservation Area (CBPA) to have their septic tank pumped or inspected once every five years. Mr. Davis suggested the cost for an inspection and a pump out would be the same. Mr. Smolnik indicated he was not familiar with charges for an inspection or a pump-out but suggested if they were the same, the owner should consider going ahead with the pump-out. Mr. Stiers asked if an inspection could be done by the property owner. Mr. Smolnik indicated inspections should be performed by qualified individuals and inspection reports should be submitted to the Environmental Division. If a septic system had been pumped in the past five years, it would not be necessary for the system to be pumped again. In cases such as these, a copy of the receipt indicating when the service was last provided should be submitted to the Environmental Division. Owners of homes less than five years old should provide the County with the date the septic tank was placed into service.

Mr. Smolnik indicated Mr. Tiller had suggested at a recent Planning Commission meeting that the County contact local septic pumpers and request lists of the homes where services had been provided in the past five years. Mr. Smolnik suggested this was a great idea and could be very helpful in the process of establishing a database. Mr. Evelyn noted he had heard that one of the local pumpers (Brockwell's) had received so many requests for service that they were currently backed up approximately three and a half months.

Another option for homeowners was to have an effluent filter installed on the outflow pipe from the septic tank. If such a filter was installed, and documentation of this installation from a licensed sewage handler was provided to the Environmental Division, this property would be removed from the five-year pump-out list. Although the five-year pump-out cycle would no longer apply, it would be necessary for the property owner to maintain the filter.

Mr. Smolnik indicated he understood Supervisors had been receiving calls in regard to the pump-out notices and he was providing this update to facilitate answering any questions they may be receiving. His department was doing all they could to help citizens understand why the letters had been sent and the importance of responding to the Environmental Division to have their information included in the database. Once a home was listed in the database, subsequent notices would be sent at five-year intervals. Anyone with questions was urged to call the Environmental Division at 966-8580 and speak with Ms. Gail Carey.

Mr. Davis asked if the entire County was in the CBPA and how a citizen could find out if they were within the CBPA. Mr. Smolnik indicated there were a few areas within the County which were not in the CBPA and anyone needing assistance to determine if they were within the CBPA should contact his department or the County GIS office. He suggested we all should be good stewards of the Bay and it was our responsibility to do what we could to preserve it for future generations.

IN RE: DISTRICT APPOINTMENTS

There were no district appointments.

IN RE: NON-DISTRICT APPOINTMENTS

There were no non-district appointments.

Mr. Stiers called for a recess at 6:32 p.m. to allow time to lapse until the start of the 7:00 p.m. public hearings. The Board reconvened at 7:00 p.m.

IN RE: PUBLIC HEARING – ORDINANCE O-04-16 – “NO WAKE” AREA ORDINANCE

Before the Board for consideration was Ordinance O-04-16 to amend Chapter 46 of the New Kent County Code to establish regulations for designating “no wake” areas on waters within New Kent County.

County Administrator Rodney Hathaway reported this proposed amendment was the result of requests received from residents along Diascund Creek who were asking that a “no wake” area be established in an area beginning approximately 370 yards south of the CSX railroad bridge extending southward for approximately 630 yards. A video which depicted the need and justification for a “no wake” zone in the designated area of the Creek was played. Mr. Hathaway pointed out the Creek was very narrow in the proposed “no wake” area and it had been suggested the activity depicted in the video was a regular occurrence. The proposed ordinance would establish a process for submitting requests to the County for the designation of “no wake” areas and also designate the previously described section of Diascund Creek as a “no wake” area. Once a request for a “no wake” designation was approved, it would be the County Administrator’s responsibility to submit the required documentation as well as an application for the placement of markers to the Virginia Department of Game and Inland Fisheries (VDGIF). Mr. Hathaway entertained questions from the Board.

Mr. Davis asked if all of the area to be included in the “no wake” zone was located within New Kent County. Mr. Hathaway indicated that based on available mapping, the New Kent County boundary ran near the center of the Creek. Mr. Davis then asked if James City County would need to have an ordinance for a “no wake” zone if New Kent had one in place. Mr. Hathaway suggested this would be something to be determined by VDGIF. He indicated a similar ordinance may be required from James City but New Kent could move forward with submitting documentation and then see if any additional information was required. If this ordinance was adopted, the State would be able to enforce a “no wake” zone within New Kent’s portion of the waterway. Mr. Davis then asked if James City did not have a similar ordinance, would it make New Kent’s ordinance impossible to enforce. Mr. Hathaway indicated he did not believe this would be a problem and pointed out other situations involving County waterways where one half was under restrictions and the other half was not. Mr. Davis noted Chickahominy Lake was an example of such a situation.

Mr. Stiers indicated he was assuming the residents who had requested consideration of this ordinance were New Kent County residents. He suggested New Kent could move forward and enforce a "no wake" zone on the New Kent County side of Diascund Creek regardless of what James City County chose to do.

Mr. Davis asked if the proposed ordinance was only for this portion of Diascund Creek and what would happen if residents in other areas wanted to request a "no wake" zone. Mr. Hathaway pointed out this portion of Diascund Creek was the only waterway included in the proposed amendment but the amendment would also establish a process for receiving requests for other areas to receive "no wake" designations.

Mr. Stiers opened the public hearing.

Jonathan Edmonds of 1101 Diascund Point, Lanexa, Virginia addressed the Board in support of the proposed ordinance amendment. Mr. Edmonds reported he had spoken with a conservation officer regarding enforcing a "no wake" zone on both sides of the waterway and had been advised the ordinance would be enforceable regardless of an ordinance on the James City side. Mr. Edmonds read letters from David Crockett of 1005 Diascund Point, Lanexa, Virginia and Lori Thacker Caudill of 8400 Hicks Island Road, Lanexa, Virginia who could not attend. Both residents had written to express concerns regarding reckless boating activities in Diascund Creek and to voice their support for the proposed amendment. Mr. Edmonds pointed out this area was the only portion of the Creek with docks, boat lifts, piers and activity along both sides directly across from each other. He also suggested the existence of a State law stating it was unlawful to operate a boat greater than "no wake" speed within fifty feet of a dock, bridge or other structure. Mr. Edmonds indicated a good number of boaters on Diascund Creek were aware of this law and would slow down but some were not. Due to the "blind curve" nature of this portion of the Creek, boaters who were traveling at slower speeds would often find themselves involved in near collisions. He thanked the Board for their attention and for considering the "no wake" request.

Lee Durocher of 1010 Diascund Point, Lanexa, Virginia addressed the Board in support of the proposed ordinance amendment. Ms. Durocher indicated the dock on her property was at the beginning of the proposed "no wake" zone. Her biggest concern was safety and suggested the boating depicted in the video was a regular occurrence. She did however, suggest the video did not portray the full picture because this behavior often occurred while there were other boats in the area. The wakes caused by the speeding boats were causing damage to boats and boat lifts as well as making it difficult to get in and out of boats. She expressed her appreciation to the Board for listening to the citizens' concerns.

Joshua Perry of 8512 Hicks Island Road, Lanexa, Virginia addressed the Board in support of the proposed ordinance amendment. Mr. Perry recounted a personal experience in which he had been fueling a boat and had been knocked off the boat when a speeding boat had passed by him. He too expressed concerns over safety. He indicated it was also difficult to complete any work on a pier because of the speeding boats and noted he personally had several boats sink at the pier due to the wakes caused by the boats.

Joseph Mauro of 1104 Diascund Point, Lanexa, Virginia addressed the Board in support of the proposed ordinance amendment. Mr. Mauro's property was located at one end of the "no wake" zone and he suggested the water in front of his property was the narrowest of all navigable water in Diascund Creek. He was also concerned about safety and indicated his children as well as the family dog frequently enjoyed swimming in the area. He also suggested that in addition to the law regarding no wake within fifty feet of a dock

mentioned by Mr. Edmonds, it was also unlawful to create a wake within fifty feet of a swimmer. He expressed his appreciation to the Board for their time.

Candy Oliver of 1001 Diascund Point, Lanexa, Virginia addressed the Board in support of the proposed ordinance amendment. Ms. Oliver indicated she had lived on Diascund Creek for twenty-nine years and had witnessed numerous instances of reckless boating. She also expressed concerns regarding the safety of her children, grandchildren and pets who may be using the water. She suggested the area was very dangerous and many of the boaters had no respect for the land or property of others. She and her husband supported the proposed ordinance amendment and asked the Board to consider their request.

David Bradley of 8503 Hicks Island Road, Lanexa, Virginia addressed the Board in support of the proposed ordinance amendment. Mr. Bradley's property was across the Creek from Mr. Edmonds and was depicted in the earlier video. He indicated there had been several close calls while his family, friends and dogs had been swimming in Diascund Creek. He also noted safety was a major concern and indicated he had even witnessed a boat striking Mr. Edmonds' dock. He expressed his appreciation to Mr. Edmonds for applying for the "no wake" designation and to the Board for their consideration.

There being no others wishing to address the Board, Mr. Stiers closed the public hearing and thanked those who had spoken. He entertained questions or comments.

Mr. Davis noted the letter from the home owners stated they agreed to be responsible for the purchase, placement and maintenance of the "no wake" buoys and markers. He asked if there were any standards set by VDGIF in regard to these markers. Mr. Hathaway indicated VDGIF did have standards for these markers and could provide a list of vendors who were able to supply markers meeting those standards.

Mr. Stiers noted his agreement with the citizens' comments. He also indicated he had previous experience with citizens requesting a "duck crossing" sign which they would purchase and VDOT would place at the designated location. In this instance the citizens had been informed they would be required to have liability insurance to address any claims that could arise as a result of an accident involving the sign. He indicated he was not sure if VDGIF required similar insurance coverage but noted that as long as the County would not be responsible for the purchase, maintenance or liability of the "no wake" markers, he was in support of adopting the proposed amendment. The Board had viewed the video and had heard from many residents and he felt adopting the ordinance would be beneficial for all.

Mr. Davis asked how much time would be required after Board approval before the "no wake" zone could be in place. Mr. Hathaway indicated the process included forwarding the application and documentation to the director of the VDGIF who would take action within thirty days to either approve, disapprove or approve with modifications. Once approved by VDGIF, the applicant would be authorized to proceed with placing the regulatory markers.

Ms. Paige moved to adopt Ordinance O-04-16 to amend Chapter 46 of the New Kent County Code to establish "no wake" areas in the County of New Kent, Virginia.

Mr. Davis asked if the ordinance amendment would have any impact on future requests for "no wake" designations. County Attorney Bill Hefty pointed out the proposed ordinance amendment would accomplish two objectives. The first objective was to establish a procedure whereby individuals could come to the Board requesting a "no wake" designation and the second was to specifically establish the previously described portion of Diascund Creek as the first "no wake" zone in New Kent County.

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 motion carried.

IN RE: PUBLIC HEARING – ORDINANCE O-06-16 – REGULATION OF GOLF CARTS

Before the Board for consideration was Ordinance O-06-16 to amend Chapter 70 of the New Kent County Code to permit golf carts and utility vehicles on designated public streets and highways within New Kent County.

County Administrator Rodney Hathaway indicated this proposed amendment had previously been discussed at the Board's April work session and was the result of requests received from residents of the Chickahominy Shores subdivision. He noted Section 46.2-916.1 of the State Code permitted golf carts and utility vehicles on public streets where the posted speed limit was 25 miles per hour or less if the local Board had taken action to designate the specific roads or streets for golf carts and utility vehicles. The proposed ordinance amendment defined utility vehicles and specifically excluded all-terrain vehicles and riding lawn mowers. The ordinance amendment would establish a process in which individuals or organizations could apply to the County to have a qualifying street designated for golf cart and utility vehicle use. If the public highway was located within a neighborhood with a homeowners association (HOA), the application would have to be in the name of the HOA and be signed by an authorized HOA representative. If the public highway was not located within a neighborhood with a HOA or was located outside of a neighborhood, it would be necessary to include a petition containing the affirmative signatures of at least fifty-one percent of the parcels adjacent to each of the public highways proposed for designation. A \$250.00 application fee to cover the cost of public hearing advertising was also included in the proposed amendment and the applicant would be responsible for the cost of all VDOT required signage. Mr. Hathaway noted the request had come from the Chickahominy Shores subdivision and, in addition to establishing the process, the designation of all streets within that subdivision had been included in the proposed amendment. He drew attention to page 94 of the meeting package and indicated the words "Use on such streets is limited to:" found in paragraph two should be removed. He entertained questions from the Board.

Mr. Evelyn noted there was no HOA in Chickahominy Shores and asked if a petition had been submitted. Mr. Hathaway indicated there was no petition and a vote on the inclusion of streets within Chickahominy Shores was not necessary at this meeting. He noted that since residents in Chickahominy Shores had requested this and since it was necessary to advertise for a public hearing to adopt an ordinance to establish a process permitting this throughout the County, the streets within Chickahominy Shores had also been included. Mr. Davis indicated residents of Chickahominy Shores had asked him to bring this request to the Board and it was his desire to get input from citizens and Board members. He asked if the details of the ordinance had come from other counties with golf cart ordinances in place. Mr. Hathaway indicated the proposed amendment had been drafted with information gathered from other localities being considered. Discussion ensued regarding other communities within the County who may be interested in making similar requests. It was noted some communities' covenants prohibited the use of golf carts on streets and the

adoption of this ordinance amendment would have no impact on those communities. Adoption of this ordinance amendment would also have no impact on private roads.

Mr. Evelyn noted concerns regarding the inclusion of utility vehicles. He indicated some utility vehicles were capable of speeds much higher than 25 miles per hour and he was concerned this could be a problem. Mr. Davis agreed this should be considered.

Mr. Stiers opened the public hearing.

Jonathan Edmonds of 1101 Diascund Point, Lanexa, Virginia addressed the Board in opposition to the proposed ordinance amendment. Mr. Edmonds stated "golf carts have absolutely no business on the same roads as motor vehicles regardless of the speed limit." He suggested that in the case of accidents involving motor vehicles and golf carts, "the golf cart is going to lose every time." Mr. Edmonds noted most golf carts did not have seat belts, doors or stability mechanisms and suggested that most injuries associated with golf carts involved individuals who had fallen from the vehicles. He also suggested policing golf carts on streets would be an "unnecessary distraction" for County deputies. He shared a number of news headlines regarding golf cart/motor vehicle accidents including: *One Dead Several Hurt after Car Hits Golf Cart*, *Local Pastor among Those Transported from Scene of SUV Golf Cart Crash*, *Man Riding in Golf Cart Hit and Killed in Sun City West Hit and Run Accident*, *One Airlifted after Golf Cart and Car Collide* and *Sanford Man Dies of Injuries Suffered in Golf Cart Incident*. Mr. Edmonds suggested none of the individuals involved in these accidents had thought it could happen to them. He noted recent decisions made by the Supervisors had taken a stand on safety and he asked the Board to be consistent and not allow golf carts on public streets within the County.

There being no others wishing to address the Board, Mr. Stiers closed the public hearing and thanked Mr. Edmonds for his comments. He entertained comments from the Board.

Mr. Davis suggested if safety associated with the size of the vehicles was to be considered, then kayaks should not be allowed on the water with power boats or jet skis. He suggested the proposed amendment be tabled until there was further response. Mr. Stiers noted the public hearing had been advertised and citizens had been given the opportunity to respond. Mr. Davis reported he had been receiving calls regarding this topic and Mr. Evelyn indicated he too had received calls. Mr. Davis suggested State Law currently allowed golf carts to be driven on streets within three quarters of a mile of a golf course meaning residents in some golf communities in the County currently could legally ride golf carts on neighborhood streets. Mr. Davis asked Sheriff Joe McLaughlin if this was true. Sheriff McLaughlin confirmed golf carts could be driven on some public roads within golf communities.

Mr. Stiers noted he could understand the points made by Mr. Edmonds and asked if a golf cart was driven on a public highway, should it have a license plate like any other vehicle on the road and would they be required to have lights. Mr. Evelyn pointed out the proposed amendment only allowed for the use of these vehicles from sunrise to sunset unless they were equipped with lights.

Mr. Hathaway read from a portion of State Code stating golf carts could be driven on public highways "to cross a highway from one portion of a golf course to another portion thereof or to another adjacent golf course or travel between a person's home and golf course if the trip would be no longer than one half mile in either direction." Mr. Davis noted this law applied to roads with speeds up to 35 miles per hour. Mr. Hathaway indicated that was correct. He noted restrictions varied from locality to locality. Some localities required that golf carts and utility vehicles be inspected by a mechanic and the operator was required to have some

form of documentation proving the inspection had been conducted. He asked the Board to review restrictions noted on pages 92 and 93 of their packets and to contact him with any additional restrictions they may wish to be included.

Mr. Tiller noted his residence was in a golf course community with a Civic Association and no HOA. Mr. Hathaway indicated a Civic Association had limited enforcement authority and could not act in the same capacity as a HOA. Mr. Tiller asked for clarification that residents in his community could ride golf carts on public streets as long as they were within one half mile of their homes. County Attorney Bill Hefty pointed out the law stated the golf carts could only be used to travel to and from the golf course.

Ms. Paige asked if the Board was being asked to consider only golf carts or both golf carts and utility vehicles. Mr. Hathaway noted golf carts and utility vehicles were both included in the State Code but it was not necessary for New Kent to include both in its ordinance.

The general consensus was the proposed amendment should be tabled. Mr. Davis moved to table Ordinance O-06-16 to amend Chapter 70 of the New Kent County Code to permit golf carts and utility vehicles on designated public streets. 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 motion carried.

IN RE: PUBLIC HEARING – RESOLUTION R-09-16 – FY 2017–FY 2022 SECONDARY SIX YEAR PLAN

Before the Board for consideration was Resolution R-09-16 approving the proposed Secondary Six Year Plan (SSYP) for FY2017-FY2022 and the FY17 Construction Priority List.

County Administrator Rodney Hathaway presented the Secondary Six Year Plan (SSYP) for Fiscal Year 2017–2022 and noted the plan was an agreement between the County and VDOT to prioritize and describe roadway improvements (on roads with route numbers greater than 600) the County would like VDOT to consider within the next six years. Drawing attention to page 101 of the meeting package which contained the prioritized recommended construction projects list, he noted the need to make a revision and indicated the Route 610 – Pine Fork Park Entrance project should be removed due to insufficient information being available for a good cost estimate. Staff was recommending the \$60,305 allocated to the Pine Fork project be moved to the Route 632 – Stage Road project from Homestead Road to Ropers Church Road. The list of projects ranked by priority included a fully funded rehabilitation project on Dispatch Road (Route 613), a fully funded resurfacing project on Stage Road (Route 632) from Polish Town Road to Homestead Road and a second resurfacing project on Stage Road from Homestead Road to Ropers Church Road. Staff was recommending the Henpeck Road (Route 665) project be deleted from the list. The estimated cost of this project was \$2.9 million dollars and there was currently \$86,600 designated for this project. Annual allotments for secondary six-year funding were in the sixty to seventy thousand dollar range and it would take a number of years to accumulate sufficient funds to move forward with this project. Staff was also recommending the \$86,600 designated for Route 665 be moved to the second phase of the Stage Road project.

Mr. Tiller asked if the County was looking to the Richmond Regional Transportation Planning Organization (TPO) for funding. Mr. Hathaway indicated the County was looking at other funding options and noted VDOT Ashland Resident Engineer Bruce McNabb had mentioned earlier that VDOT would be looking into a possible new funding source. Mr. Hathaway indicated the project would still be on VDOT's radar for improvements but it would no longer be on the six-year plan. Mr. Davis indicated he didn't think the Stage Road projects would be eligible for TPO funding. Mr. Hathaway confirmed Stage Road was not within the TPO's district and would not be eligible for TPO funding.

Mr. Evelyn expressed his frustration with secondary six-year plan funding and suggested the program should be called the "sixty year plan" with only sixty to seventy thousand dollars being allocated each year. Mr. Stiers asked if there was any way the County could get additional funding and from where was the funding coming. Mr. McNabb reported the funds were derived from gas taxes and were distributed equally based on road mileage.

Mr. Davis noted his support for the Stage Road projects and suggested there were some areas on the road now where a school bus and a car would have difficulty passing. He suggested Stage Road could possibly see more traffic if the road conditions were improved.

Mr. Tiller referenced the I-64 widening project mentioned earlier and reported funding for this project would be coming from a cancelled lighting project on I-95 and funds left over from an interchange project in Northern Virginia. He pointed out funds could sometimes be made available from savings from other projects. Mr. Hathaway indicated he was seeing a push from the Hampton Roads area to include New Kent in the I-64 widening project and noted it was unfortunate similar enthusiasm was not being seen in the Richmond area.

Mr. Stiers opened the public hearing. There being no one wishing to address the Board, he closed the public hearing.

Mr. Davis moved to adopt Resolution R-09-16, approving the proposed secondary Six-Year Road Plan for FY 2017-FY 2022 and the FY 2017 Construction Priority List. Mr. Davis asked when projects on the 2017 Construction Priority List would begin. Mr. McNabb indicated projects could be scheduled beginning July 1, 2016. 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.

IN RE: PUBLIC HEARING – ORDINANCE O-08-16 – FISCAL YEAR 2015-2016 BUDGET AMENDMENT

Before the Board for consideration was Ordinance O-08-16 to amend the fiscal year 2016 budget by appropriating \$950,000 for the purchase of a building from Maidstone Group LLC to be used as a public library.

County Administrator Rodney Hathaway noted that on April 13, 2016, the Board had approved a contract with Maidstone Group LLC to purchase a former bank building to be used as a public library and it was necessary for the Board to appropriate the \$950,000 purchase price of the building. State Code required that a public hearing be held any time a

locality wished to amend its budget by more than one percent or \$500,000. The proposed ordinance contained funding source information including \$667,432.99 contained in a school construction fund (funds remaining from high school construction) and \$282,567.01 contained in the debt service fund (funds saved as a result of recent bond refinancing).

Mr. Stiers opened the public hearing. There being no one wishing to address the Board, he closed the public hearing.

Mr. Davis moved to adopt Ordinance O-08-16 to amend the fiscal year 2016 budget by appropriating \$950,000 for the purchase of a building from Maidstone Group LLC to be used as a public library. Mr. Stiers asked County Attorney Bill Hefty if the motion should also state that the purchase price included refurbishing and construction. Mr. Hefty advised that the purchase price included the construction and the motion was sufficient as stated. Mr. Hathaway pointed out the agreement did include some deposits that were a condition of the contract but the purchase price was \$950,000 including the construction. Mr. Hefty indicated the purchase was contingent upon the construction and the purchase price was \$950,000. The members were polled:

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

The motion carried.

IN RE: PUBLIC HEARING – FY17 NEW KENT COUNTY BUDGET

County Administrator Rodney Hathaway indicated the Board had before them the advertised FY17 New Kent County Budget totaling \$62,727,515 which was an increase of \$6,186,231 over the FY16 budget. This increase was comprised of \$2,023,770 in additional general fund revenue based on an \$0.84 tax rate, \$3,040,082 in additional CIP revenue and \$1,122,379 in additional State funded school revenue. A public hearing on the \$0.84 tax rate had been advertised and was conducted at the Board's April 11th business session. Plans for the additional funding generated by the \$0.84 tax rate included: the hiring of five new firefighters, a new fire station, funding for the lease/purchase of two fire engines, funding equal to one penny of the real estate tax revenue to set aside for future school construction, a two percent pay increase for County staff effective December 1, new radio system debt service totaling \$512,747 and an increase in County department budgets totaling \$129,835. This County department budget increase was due to a new position being added during the FY16 budget year and increased tower lease fees associated with the new radio system. The CIP funding increase would result from the financing of a proposed new fire station and fire and rescue equipment. Mr. Hathaway noted other proposed CIP projects included the replacement of a fire engine, airport runway and lighting improvements, administration security camera upgrades, County vehicle replacements and school CIP projects. Mr. Hathaway entertained questions and comments from the Board.

Referencing the \$0.84 tax rate, Mr. Davis asked how much increase was being proposed for schools. Mr. Hathaway indicated the recommendation included a \$400,000 increase in funding to schools. Mr. Davis noted this figure was the total additional funding requested by schools. Mr. Hathaway confirmed this was correct.

Mr. Stiers opened the public hearing.

Kate Hanger of 16782 Stage Road, Lanexa, Virginia addressed the Board in support of pay increases for teachers. Ms. Hanger noted she was hearing a lot about the aging population and the desire to bring more money and businesses to New Kent. She suggested many young families were moving to New Kent because they wanted to be able to afford a house with a yard and to send their children to good schools. As a parent, she wanted to know her children's teachers were invested in the community and she wanted the community to be invested in the teachers. She cited an example of a New Kent teacher who also worked a second job at a pizza restaurant to support himself and noted she did not want her children's teachers to feel the need to run off to second jobs when they could be spending time involved in after-school programs for students. She suggested, investing in the teachers, the school system and our kids would pay back the County in the long run. She also expressed her appreciation to the Board for their support for the new library.

There being no others wishing to address the Board, Mr. Stiers closed the public hearing and thanked Ms. Hanger for her comments.

Mr. Davis asked when the Board would be voting on the budget. Mr. Hathaway indicated action on the budget was scheduled for the May 25, 2016 work session.

Mr. Tiller indicated he was still in favor of setting the real estate tax rate at \$0.84. He noted Mr. Hathaway had explained what could be done with the additional penny and one penny on a \$100,000 property would cost the tax payer an additional ten dollars a year. This increase distributed over the year would equal a monthly increase so small that a candy bar would be more expensive. He also noted the annual increase of ten dollars per \$100,000 was about the cost of three packs of cigarettes. Mr. Tiller pointed out Fire Chief Rick Opett had indicated with additional County funding for five new firefighters and a reduction in part-time positions, six full-time firefighters could be hired. With current staffing levels and multiple simultaneous calls, New Kent often went "NUA" (No Units Available). He suggested the additional positions would give the County the ability to take at least one more call before having to call for mutual aid. He indicated he knew \$0.84 would be an increase but noted it would be "an increase without changing the rate." He closed his comments by suggesting \$0.84 would not be a big increase and again noted, when divided over the course of the year, he did not feel the monthly increase would be a burden on anyone.

IN RE: PUBLIC HEARING – FY17 PUBLIC UTILITIES BUDGET

County Administrator Rodney Hathaway indicated the Board had before them the advertised FY17 New Kent County Public Utilities Budget totaling \$4,706,263 which was a reduction of \$160,264 from the FY16 budget. There were no recommended user fee increases included in the proposed budget and Mr. Hathaway pointed out this was the first year in many years there had not been an increase. The department had considered its budget carefully and had found ways to improve efficiencies resulting in the budget reduction and no user fee increases. Mr. Hathaway entertained questions and comments from the Board.

Mr. Evelyn reminded New Kent citizens that the New Kent County Public Utilities department was self-sufficient. Individuals who were using the system were the ones who were paying for the department's operation. Mr. Stiers indicated public utilities user fees had steadily increased since he had begun serving as a Supervisor and he was pleased to hear progress was being made to keep the rates down and there were no proposed increases this year.

Mr. Stiers opened the public hearing. There being no one wishing to address the Board, he closed the public hearing.

Action on the Public Utilities FY17 budget would be scheduled for the May 25, 2016 work session.

IN RE: PUBLIC HEARING – REDUCTION IN SEWER CONNECTION AVAILABILITY FEES AND NEW WATER CONNECTION AVAILABILITY FEES

County Administrator Rodney Hathaway indicated a new water and sewer fee schedule was being proposed. The proposed fee schedule included significantly reduced sewer connection availability fees (50% reduction) and the addition of a new water connection availability fee which would be equal to the proposed new sewer connection availability fees. These proposed fees would only apply to new developments and some individuals would save as much as \$75.00. Mr. Hathaway indicated the most significant change would be for public water users who would not be connected to the public sewer system. These individuals were not currently paying availability fees but would begin paying a minimum \$2,500.00 water connection availability fee under the proposed schedule. The availability fees were designed to reserve water and sewer capacity in the County system which was very important not only for sewer but also for water with County wells having capacity limitations imposed by ground water withdrawal permits. Discussion ensued regarding existing private wells in some communities. Mr. Hathaway noted it was not uncommon for a developer to build wells, turn them over to the County and then the County charge connection fees. He noted availability fees would be something to be negotiated with each developer.

Mr. Stiers opened the public hearing. There being no one wishing to address the Board, he closed the public hearing.

Action on reduced sewer connection availability fees and new water connection availability fees would be scheduled for the May 25, 2016 work session.

IN RE: OTHER BUSINESS

BOARDROOM SOUND SYSTEM - Ms. Paige reported she had received many calls regarding the sound quality of the Board meeting broadcasts. She asked if there was any room in the budget to consider purchasing a better sound system. Mr. Hathaway indicated IT staff had been looking into pricing and he was hopeful to address this concern with contingency funds this fiscal year. Once pricing was available, it would be brought to the Board for action.

VIRGINIA SOLAR MEETING REMINDER - Mr. Davis reminded citizens that Virginia Solar would be holding a meeting at The Farmer's Daughter Restaurant in Eltham on Tuesday, May 10th from 6:00 p.m. to 8:00 p.m. regarding a proposed solar farm in New Kent County.

THIRD BASE GRILL - DERMYER FUNDRAISER - Mr. Tiller reported the owners of Third Base Grill had recently held a fundraiser for the family of State Trooper Chad Dermyer who was killed in the line of duty. He thanked the New Kent Sheriff's Department for their involvement and reported that almost \$2,000 had been raised. He noted Third Base Grill was very community-minded and had given back approximately \$60,000 in support of various community organizations and events.

COOKS MILL COMMUNICATIONS TOWER LEASE – County Administrator Rodney Hathaway distributed copies of the Cooks Mill Communications Tower ground lease and tower lease and noted these were the last leases needed for the new public safety radio system. Mr. Hathaway indicated the County had originally requested to amend the existing tower lease so that additional equipment could be placed on the tower. Tower owner, SBA, had

countered with a request for amendment of the ground lease. The current ground lease required SBA to make an annual rent payment of \$1,000.00 to New Kent County. SBA had indicated if the County would agree to amend the ground lease to reduce the annual payment to \$100.00, SBA would agree to amend the tower lease at no additional charge. SBA was also asking for a reduction in future revenue sharing rates associated with other tenants on the tower. Under the terms of the current lease, New Kent was receiving fifty percent of lease payments from other tenants. SBA was asking that the revenue sharing percentage be reduced to twenty-five percent for any new tenants. Mr. Hathaway reported AT&T was the only tenant currently on the tower and New Kent was receiving approximately \$12,000.00 annually in revenue sharing from this tenant. There would be no reduction in the revenue sharing with this tenant but revenue sharing for all future new tenants would be at the twenty-five percent rate. SBA was also asking for a twenty-year extension of the ground lease. Mr. Hathaway noted State Code would not allow the County to enter into a contract for a duration longer than forty years and the current agreement with SBA was for twenty-five years. He reported SBA had been agreeable to a fifteen-year extension making the duration of the agreement forty years. SBA had indicated if New Kent was not agreeable to the amendments to the ground lease, the monthly lease payment for equipment space on the tower would be \$2,900.00. Mr. Hathaway noted, if approved, agreements would be in place for all four towers in the system and he indicated construction was already in progress at some of the other tower sites.

Mr. Stiers asked for guidance from the County Attorney regarding a motion for these amendments. Mr. Hefty indicated the Board needed to make a motion to accept the amendments to both leases subject to approval by the County Attorney.

Mr. Davis moved to approve amendments to both the Cooks Mill Communications Tower Space Lease and the Cooks Mill Communications Tower Ground Lease subject to the approval of the County Attorney. 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 motion carried.

IN RE: ADJOURNMENT

Chairman Stiers announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, June 13, 2016, and the next work session would be at 9:00 a.m. on Wednesday, May 25, 2016. Both meetings would be held in the Boardroom of the County Administration Building.

Mr. Tiller moved to adjourn the meeting. 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 motion carried. The meeting was adjourned at 8:29 p.m.