

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 13th DAY OF MARCH IN THE YEAR TWO THOUSAND SEVENTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

Chairman W. R. Davis, Jr. called the meeting to order.

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: INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Paige gave the invocation and led the Pledge of Allegiance.

IN RE: CONSENT AGENDA

1. Approval of Minutes
 - a. February 13, 2017 Business Meeting minutes
 - b. February 16, 2017 Budget Retreat minutes
 - c. February 22, 2017 Work Session minutes
2. Miscellaneous
 - a. Adoption of Resolution R-08-17 to request that VDOT add streets in Diascund Creek, Sections 1 and 2 into the State system for maintenance.
3. Refunds
 - a. Due to Jolene LLC – Erroneous Assessment, \$3,097.78.
 - b. Due to P&M Electric – Contractor Not Doing Work - BP# 20597-2016, \$82.88.
 - c. K. Hovnanian Homes – Builder Canceled Permit – BP#20546-2016, \$501.38.
4. FY17 Supplemental Appropriations
 - a. Program Income received for FY17 from CDBG Plum Point Grant Participants, \$723.67.
 - b. Donations to Animal Shelter, \$130.00.
 - c. Extension Program Sponsorship Revenue for - 2017 Ag Conference Sponsorship: Bayer (\$100.00) and Smithfield (\$100.00); Carole's Garden: James City County Williamsburg Master Gardner Association (\$255.42); 2017 Pallet Art Workshop: Various Participants (\$150), \$605.42.
 - d. Funds received from VML Insurance – Sheriff's Dept., Veh #291 – 2013 Dodge Charger ran over deceased deer – DOL 11/24/16, (\$497.70), Veh

#313 – 2016 Dodge Charger collision with deer – DOL 1/29/17
(\$3,381.51 and \$716.32), \$4,595.53.

- e. Gifts & Donations to New Kent Fire & Rescue: P. Simone Thornton (\$50.00), TRUiST (\$88.64) and Samaria Baptist Church (\$500.00), \$638.64.
- f. Funds received from Vending Machine Sales: Sheriff’s Office (\$67.46) and Administration (\$221.15), \$288.61.
- g. Funds for Security Detail: New Kent High School – Basketball Games (\$96.89 and \$694.34) and to correct the February 2017 appropriation of \$968.86 for School Security that was requested for line item 1304 (Salaries – Supplemental Activities) vs. 1320 (Extra Security Detail – Schools), \$791.23.
- h. Title I Distinguished School Academic Award, \$8,500.
- i. Munis Software Hosting Lease, \$120,000.

\$136,273.10 Total
(\$127,773.10) Total In/Out - General Fund (1)
(\$8,500.00) Total In/Out – Teacher Sal – Title IA (207)

- 5. FY17 Interdepartmental Budget Transfers
 - a. Administration – From Public Safety Radio Sys. – 800 MHZ to Federal Engineering, Inc., (15,000.00).
 - b. Administration – From Reserve for Contingency to Munis Software Hosting Lease, (\$102,818.00).
 - c. Fire-Rescue – From Contingency to Vehicle Repair & Maintenance, \$40,000.00).
- 6. Treasurer’s Report: Cash as of January 2017, \$46,332,874.21

Mr. Davis announced that Resolution R-09-17 regarding the Atlantic Coast Pipeline had not been included in the Consent Agenda. Information pertaining to this resolution had first been presented at the February 22, 2017 work session where Mr. Evelyn had noted the existence of a personal business relationship with the parties involved and had recused himself. This item had been included on the agenda for consideration later in the evening.

Ms. Paige 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
Ron Stiers	Aye
W. R. Davis, Jr.	Aye

The motion carried.

IN RE: SMALL BUSINESS CLOSE UP – PROVIDENCE FORGE HARDWARE

Community Development Director Matthew Smolnik introduced Nancy Jones with Providence Forge Hardware for the March Small Business Close Up. Mr. Smolnik indicated Providence Forge Hardware, located at 9321 Pocahontas Trail in Providence Forge, had been one of the first things he had learned about after moving to the County. He suggested the store had a little bit of everything and noted Ms. Jones would be sharing information about what the

store offered as well as some new services to soon be available. He also noted Ms. Jones was very involved in community events and thanked her for all she was doing for the community. He invited her to share information on her business.

Ms. Jones thanked the Board for the opportunity to speak. She noted she was the owner/operator of Quinton Hardware Inc. which was doing business as Providence Forge Hardware. She had previously been involved in a partnership with Mr. Arthur Worley operating a hardware store in the Quinton area. She indicated there had been an opportunity to go out on her own and she was loving the business. New services that were available or would soon be available at the store included an advanced paint system capable of shaking five-gallon containers and matching paint colors to customer provided items. The business would also soon have the capability of making programmable vehicle "chip keys". New services soon to be available included the rental of small equipment items such as floor sanders, hydraulic post hole diggers, drills and saws. Ms. Jones invited everyone to stop by and see what they have to offer on April 29th when the store would be hosting its annual Customer Appreciation Day. Free bar-b-que would be available and Ms. Jones encouraged everyone to stop by for lunch. She thanked the Board again for the opportunity to speak and encouraged everyone to patronize the store.

Mr. Davis thanked Ms. Jones for her presentation. He suggested Providence Forge Hardware was an integral part of the Providence Forge Community. Mr. Stiers noted the store was located within his district and suggested Ms. Jones had failed to share something very important about her business. He suggested customers should look at Providence Forge Hardware first before traveling to a "big box" store. He noted the local store could often beat the "big box" store prices and residents would be surprised to find the variety of items in the store's inventory.

Mr. Davis noted his appreciation for all of the Small Business Close Ups. He suggested this monthly focus was picking up momentum and noted he would like to see this keep going.

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

Ashland Resident Engineer Bruce McNabb was present to share the construction project update and traffic study report. Operations Manager Bruce Puffenbarger was also present to provide the maintenance report.

Mr. McNabb reported the Route 249 roundabout project continued to move along and the final stages were within sight. All components of the project with the exception of lighting were expected to be completed by the end of April. He reminded everyone to exercise caution and be on alert for construction workers when traveling through the interchange. Mr. McNabb also reported Richmond District Traffic Operations crews were replacing and upgrading over five hundred signs along Routes 30 and 33. This project was a part of VDOT's routine sign replacement program and any usable signs would be recycled.

Mr. Davis asked if lighting would be placed completely around the roundabout and how many lights. Mr. McNabb indicated lighting would be placed completely around the roundabout but would have to check to find out how many lights would be installed. Mr. Davis indicated he had noticed some of the sign replacement work and asked if the new signs were being placed at a higher level. Mr. McNabb reported the project would be subject to new sign standards which in some cases could require higher placement and changes in sign colors.

Mr. Evelyn reported County Administrator Rodney Hathaway and he had met with Delegate Chris Peace, the VDOT Commissioner and the Secretary of Transportation about three weeks ago regarding the roundabout project. He thanked Delegate Peace and the VDOT Commissioner for their quick response. He noted confidence in the current contractor and reiterated Mr. McNabb's comments regarding being cautious while passing through this interchange.

A written report on maintenance items completed over the past thirty days as well as items scheduled for the next thirty days had been provided. Mr. Puffenbarger reported the primary focus for the past thirty days had been on ditch regrading, driveway pipe replacements, asphalt patching, regrading gravel roads and repair and replacement of traffic signs. Fifty-one work orders had been received and crews were working to address those requests. The focus for the next thirty days would be on pothole patching on primary and secondary routes, regrading gravel roads and cleaning and regrading ditches.

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

Mr. Stiers indicated he had shown several areas of concern in the Brickshire community to Maintenance Superintendent Jay Fread. He had received an email from Mr. Puffenbarger indicating that one of the areas was the responsibility of the HOA (Home Owners Association). He noted there had been three or four other areas and asked if any decision had been made on those. Mr. Puffenbarger indicated VDOT was responsible for maintaining the fifty foot right of way and anything beyond that was the HOA's responsibility. He reported a sinkhole behind a box on Scotsview Drive had been fixed. Mr. Fread also reported crews had also addressed concerns reported at Brick Kiln Road and Kentland Trail and Brickshire Drive and Kentland Trail. Mr. Stiers noted he had just shown these areas to Mr. Fread the previous week and was both shocked and pleased to see they had been addressed so quickly. He also reported having seen stakes placed at Carriage Road and Route 60. He indicated he had been asking for work to be done in this area for a number of years and asked if the stakes were a sign that some improvements were in the works. Mr. Puffenbarger indicated plans had been received for the installation of a concrete pipe at the end of Carriage Road but he was not sure when the work would be scheduled.

Ms. Paige noted appreciation for the ditch work completed on Olivet Church Road. She indicated the constituent who had reported the problem was very pleased. She asked for an update on the status of paving Stage Road from Polish Town Road to Ropers Church Road. Mr. Puffenbarger reported VDOT Engineer Marshall Winn was working on this project as well as Route 666 and he was not sure of the schedule. Mr. McNabb noted the work would be done this year but he did not know when it would be scheduled.

Mr. Tiller noted VDOT had changed a number of driveway pipes on Route 665 in Five Lakes. He reported there were several properties in the back of the community where yards flooded when it rained and he would provide addresses. He reported loose gravel from previous road work remained an issue. Mr. Puffenbarger reported a sweeper was scheduled to remove the gravel on Thursday.

Mr. Evelyn indicated that as long as the roundabout project was progressing as it currently was, he had no comments. He thanked VDOT for the work done to repair a pothole on Route 606 and the general good job they were doing in the County.

Mr. Davis reported speaking with Mr. Puffenbarger the previous week and his concerns had been addressed. He noted VDOT was doing a good job and encouraged them to keep it up.

IN RE: CITIZENS COMMENT PERIOD

Mr. Davis opened the citizens comment period. There were no citizens wishing to address the Board and the citizen comment period was closed.

IN RE: RAPPAHANNOCK COMMUNITY COLLEGE (RCC) UPDATE

RCC Vice President for Finance and Administrative Services Bill Doyle introduced himself and noted RCC President Dr. Elizabeth Crowther had not been able to join him. He distributed copies of the Rappahannock Community College and Foundation Report – 2014-2016. Mr. Doyle noted his appreciation for the opportunity to update the Board and for the Board's funding of RCC's FY17 budget request of \$9,600. These funds had been evenly split between the operating and capital accounts. He also noted New Kent was one of only five of RCC's twelve counties which had provided financial support for capital projects. He also thanked the Board for its consideration of the FY18 budget request and for the service of Mrs. Ellen Davis as New Kent's representative to RCC's twelve member board. He also noted appreciation for the unique partnership between RCC and New Kent with the opening of the New Kent site. New Kent was one of three remote sites RCC was currently operating in addition to its two main campuses. Nineteen courses were offered through the New Kent site and plans were in the works for the installation of a sign at this location.

Mr. Doyle indicated the Board had received a formal package from RCC for its FY18 budget request and he would dispense with reviewing the request and share information from the report previously distributed. The inside cover noted a number of recognitions received by RCC including:

- Great College to Work For – 2015 and 2016 – Chronicle of Higher Education,
- Top 10 Tech Savvy Community College – 2016 – The Center for Digital Education,
- Best Website in the VCCS – 2015 – Virginia Community Colleges Association,
- Military Friendly College – 2016 – Victory Media and
- CommonHealth Certified Worksite for Excellence in Workplace Wellness – 2016 – COVA CommonHealth.

In addition to these recognitions, Mr. Doyle announced RCC had recently been recognized for having the number one college-based nursing program in the State of Virginia. RCC's nursing program was second only to Bon Secours which was a hospital-based program.

Mr. Doyle provided an overview of RCC's annual economic impact within its service area. Total impact in the twelve counties was \$19 million with \$750,000 of that being in New Kent. One of the elements of RCC's mission statement was to provide accessible higher education and funds raised through the RCC Educational Foundation were being put back to work within the community in support of this mission. Over \$400,000 in scholarships had been awarded the previous year.

Five student profiles were also featured in the report. Mr. Doyle pointed out these students ranged from a fourteen year old who was pursuing an associate degree which she would likely receive prior to graduating from high school to a veteran who had improved his opportunities through a business degree and was now pursuing an engineering degree. He suggested these were extraordinary students who were excellent examples of the students pursuing higher education at RCC.

A number of interesting statistics were reported including the following:

- 32 high school students received transfer associate degrees in 2016.
- 54 high school students received transfer associate degrees between 2014 and 2016.

- 18% of the 2015-2016 graduates were first generation college students.
- 900 students had earned over 1,300 awards in the 2014-2016 period.
- RCC currently enrolled about 5,000 students, 230 of which were New Kent residents.
- Approximately half of the New Kent residents were enrolled in dual enrollment courses through New Kent High School.
- 52 County residents were enrolled in workforce development.
- Guaranteed admissions programs were in place with thirty four-year schools.

Mr. Doyle noted much more information was included in the report and suggested the report gave a good indication of what RCC was all about and the impact it was having on the community. He again noted appreciation for the Board's consideration of the FY18 budget request. He reported RCC was facing a general fund decrease from the State of just over 4% but unlike most VCCS (Virginia Community College System) schools, enrollment remained steady at RCC. He pointed out that when the economy improved people went back to work which impacted college enrollment. He reported spring enrollment figures indicated enrollment was up at only one of the twenty-three VCCS schools and numbers at RCC were down slightly. He was hopeful RCC could avoid the enrollment decline and reported total VCCS enrollment had been down about 5% over the past year which had resulted in a \$22 million dollar revenue loss. He closed by noting RCC had been "holding its own" which he felt was a tribute to the communities served as well as the programs offered. He thanked the Board for the opportunity to speak and entertained questions.

Mr. Davis noted New Kent County was happy to have RCC in the County. He asked if new courses were being planned for the New Kent site. Mr. Doyle indicated he did not know specifics but noted offerings in New Kent had been expanded each of the past two years. Summer 2017 and Fall 2017 schedules were currently being built and he anticipated there would be new offerings. Mr. Davis thanked Mr. Doyle for the presentation.

IN RE: ARTS ALIVE ANNUAL REPORT ON PROGRAMMING AND SUPPORT

Arts Alive Marketing Committee Co-Chair Tim Dice thanked the Board for the opportunity to speak and introduced Arts Alive Coordinator Donna Cline. He indicated Arts Alive valued its relationship with New Kent County and thanked the Board for its years of support. Mr. Dice reported Arts Alive was devoted to promoting and stimulating awareness and a love of the arts by instituting, funding, supporting and administering arts programs. Programming was being provided for the citizens of the counties of New Kent, King and Queen and King William and the Town of West Point. Annual programs included season series performances, visual arts workshops and exhibits, two children's summer camps and the awarding of several scholarships. Mr. Dice noted the 2016-17 season series would be wrapping up with a performance by Melinda Doolittle (American Idol season six contestant) on April 1st. Fifty-nine of the 335 season series subscribers were from New Kent. The 2017-18 season series included Tony Pace, Two on Tap, Rock & Roll Jubilee, 3 Redneck Tenors and Side Street Strutters. Five visual arts exhibits were hosted annually at the Robinson/Olsson Civic Auditorium in West Point. These art exhibits featured a variety of works by about eighty area artists. Eight to ten visual arts workshops were also offered each year. These workshops were very affordable at \$15 each and attracted more than one hundred participants annually. Instruction was provided by Virginia Museum of Fine Arts educators as well as local artists. Two children's summer camps including an arts camp in June and the Missoula Drama Camp in August were also offered. Forty-four of the 125 students attending arts camp were from New Kent. Instruction was provided by forty local teachers, artists and volunteers, ten of which were from New Kent County. Eight of the forty-seven enrolled in drama camp were from New Kent.

Mr. Dice noted Arts Alive was supporting and reinvesting in the community. Two \$1,000 scholarships were offered each year to graduating seniors within the service area who were pursuing the visual and performing arts. One of the 2016 scholarships had been awarded to a New Kent High School senior. Recipients could also apply for a \$500 second year scholarship. Twelve students had received \$10,000 over the past six years. Arts Alive also supported school groups and various organizations through donations and ads in programs. The Arts Alive annual supporters' reception was held at Wallace Manor in New Kent County. Arts Alive relied on support from local businesses and governments as well as the Elis Olsson Memorial Foundation, the Robinson Family Trust, the Virginia Commission for the Arts and the National Endowment for the Arts. A number of enhancements including the installation of acoustic panels in the auditorium were being planned for 2017-18. Mr. Dice concluded by thanking the Board for their support and for helping to keep the arts alive.

IN RE: ATLANTIC COAST PIPELINE SUPPORT – RESOLUTION R-09-17

Before the Board for consideration was Resolution R-09-17 in support of the proposed Atlantic Coast Pipeline. Information pertaining to this resolution was first presented at the February 22, 2017 work session.

Mr. Evelyn noted the existence of a personal business relationship with the parties involved and upon advice of the County Attorney recused himself from any involvement in this matter. Mr. Evelyn stepped down from the dais.

Mr. Davis noted Board members had read the resolution at the February work session and dispensed with its reading. He called for a motion to adopt Resolution R-09-17.

Mr. Tiller moved to adopt Resolution R-09-17 supporting the construction of the proposed Atlantic Coast Pipeline. The members were polled:

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

The motion carried.

Mr. Davis noted Dominion Energy External Affairs Manager Carla Picard was present and called her to come forward to receive the adopted resolution. Mr. Davis presented the resolution and noted the proposed pipeline project was very important for all of eastern Virginia. Ms. Picard noted Dominion's appreciation for the support of New Kent County and indicated the resolution would be submitted to federal regulators.

Mr. Evelyn returned to the dais. Mr. Davis noted it was too early to begin scheduled public hearings and asked the Board if they wished to move forward with other agenda items or take a recess. The general consensus was to move forward with other items.

IN RE: DISTRICT APPOINTMENTS

Mr. Stiers reported he had reappointed Mr. John Phelps to serve as District Four Airport Advisory Commission representative at the Board's December 12, 2016 meeting. He had since learned that Mr. Phelps no longer was a resident of District Four. The Airport Advisory Commission had recently met and had requested that the Board consider allowing Mr.

Phelps to continue to serve out of district. Mr. Stiers indicated Mr. Phelps was a pilot and taught flying lessons and he could not think of anyone better to serve on this Commission. Board members generally agreed. Mr. Davis asked if the Commission's charter required that members be appointed by district. County Administrator Rodney Hathaway indicated he would have to check and report back.

There were no district appointments.

IN RE: NON-DISTRICT AND STAFF APPOINTMENTS

There were no non-district or staff appointments.

IN RE: REGIONAL BOARDS AND COMMISSIONS

Mr. Tiller moved to appoint John P. Moyer as New Kent's Planning Commission representative to the Richmond Regional Planning District Commission to serve a one year term beginning January 1, 2017 and ending December 31, 2017. The members were polled:

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

The motion carried.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Stiers indicated he had no report but noted he was working on several projects for District Four and hoped there would be some announcements to be made soon.

Ms. Paige reported the Chickahominy TRIAD would be hosting a "Spring Fling" at Corinth Baptist Church at 9:00 a.m. on April 4th. She encouraged all seniors fifty-five and older to stop by and see the many vendors who would be present. She also announced "Relay for Life" would be held at New Kent High School on May 20th. Activities would begin with a reception for survivors and caregivers at noon followed by an opening ceremony at 1:00 p.m. Activities would conclude with a candle light service and closing ceremony at 10:00 p.m. She encouraged teams, participants, sponsors and vendors to support the event and asked citizens to get involved and help raise money for research to find a cure for cancer.

Mr. Evelyn reported receiving several calls from parents concerned about the limited lighting along the sidewalk leading from the gym to the parking lot at the Historic School. He asked staff to look into some additional lighting and suggested this could be a liability.

Mr. Davis announced World War I and World War II veterans would be honored this weekend at New Kent's Historic Courthouse. The New Kent County Historic Commission was sponsoring "New Kent Remembers", an event to honor those involved in World War I and World War II. Tour Virginia's "Profiles of Honor" exhibit would be available in the parking lot and additional exhibits would be on display inside the Historic Courthouse. Displays would be open on Thursday, March 16th and Friday, March 17th from 8:00 a.m. to 3:00 p.m. and on Saturday, March 18th from 9:00 a.m. to 3:00 p.m. A number of World War II veterans would be present on Saturday to speak with those in attendance.

IN RE: STAFF REPORTS

REPORT ON TONNAGE FIGURES FOR COUNTY TRASH TRANSFER SITES

County Administrator Rodney Hathaway noted the Board had discussed a request to extend days of operation at the Lanexa trash transfer site (Route 647) at the February work session. The Board had requested data on the usage of the Lanexa site as well as the Polish Town Road site (Route 634). He distributed revised usage data for the Polish Town Road site and noted figures included in the meeting package for this site had been total figures for all sites within the County. He noted he was surprised to see the numbers at both sites indicated the volume had decreased. He suggested the decrease may be the result of an increase in residents utilizing private refuse collection services and increased recycling.

Mr. Davis suggested there was no reason to increase the hours given the figures presented. Mr. Hathaway drew attention to the last pie chart in the presentation and noted the two sites being considered for extended operation days combined were only generating 24% of the total volume collected in New Kent. Mr. Evelyn pointed out the average tons per pull had decreased which suggested compactors were being pulled when they were not full. He noted the price would be the same for the pulls even if there were several more tons in the containers. Mr. Davis asked why these county-wide average pull numbers were going down. Mr. Hathaway noted the compactors were pulled on a set schedule and the number of pulls per week had been increased at some sites.

Discussions continued regarding the number of compactors at each site and usage. Mr. Hathaway again drew attention to the last pie chart and noted the volumes at Route 618 and Route 612. He indicated these sites were operating at capacity and suggested the County would soon need to consider the possibility of opening another site or expanding existing facilities where possible. He pointed out the Route 618 and Route 612 sites were where most of the population was located and noted there was no room for expansion at Route 612. Mr. Evelyn suggested an additional site would be needed west of Route 612. Mr. Hathaway agreed and noted the County was looking for opportunities but owned no land in the western part of the County.

Mr. Hathaway reminded the Board that the cost of adding one additional day to the operating schedules at Route 647 and Route 634 would be \$13,000 (\$6,500 at each site) for additional personnel. Mr. Davis noted there had been complaints about these two sites being closed one day a week but conceded the figures didn't justify expanding the schedules. Mr. Tiller agreed. Mr. Stiers suggested the Board needed to take the convenience of the citizens into consideration. He suggested the closure of Route 647 one day a week could be why Route 618 was so busy. He indicated he had heard comments suggesting if the County had money to build a new fire station "they should be able to open the dumps so the citizens can have a place to go dump their garbage". Mr. Davis noted he had also heard similar comments and some were suggesting a place to dump trash was the only thing they were getting for their tax dollar.

Ms. Paige reminded everyone that electronics recycling had been a topic of discussion during the previous year's budget discussions. She asked if anyone could recall how much the County was paying for electronics recycling. Mr. Stiers suggested the figure had been \$53,000. Ms. Paige noted the New Kent Clean County Committee had hosted an electronics recycling event this past year and was planning to host three additional events in the coming year. She suggested the County could stop receiving electronics at the Route 618 site and host several recycling events during the year. She suggested recycling events

would cost \$700 to \$1,000 each and there would be no limits on the number of items each individual could drop off for recycling. She further suggested this should be investigated as a means to free up funds for opening all transfer sites seven days a week.

Mr. Hathaway agreed there could be significant savings with having three or four events for accepting "e-waste" each year. He noted the Route 618 site had four pallets on which to receive e-waste items and residents were taking a chance on whether the site would be able to receive their items on any given day. He suggested if the County advertised dates residents would know their items would be accepted and would not be limited in the number of items they could recycle. Mr. Davis asked if scheduled recycling days would be handled through Central Virginia Waste Management (CVWMA) or another vendor. Mr. Hathaway indicated arrangements for these events could be made through the CVWMA contract. Mr. Evelyn asked why the Board had previously decided to not pursue this as an option. Ms. Paige indicated there had been concerns that citizens would drop televisions along the highway if the transfer site was no longer receiving them. Mr. Evelyn and Mr. Davis agreed the County should look into this. Mr. Davis suggested Goodwill was also an option. Mr. Hathaway noted Goodwill collection events had previously been held in the County but he believed they would only host one event per year. Ms. Paige pointed out the owner of E Waste (Felipe Wright) had a personal connection to New Kent County and was eager to give a presentation to the Board. Mr. Hathaway indicated he could get information on the cost of hosting scheduled recycling events and also make plans to invite Mr. Wright to speak at a meeting. Mr. Davis asked if E Waste was connected to CVWMA. Mr. Hathaway indicated E Waste was the subcontractor used by CVWMA for electronics recycling.

SMALL BUSINESS CLOSE UP COMMENTS

Community Development Director Matthew Smolnik indicated he would like to echo Mr. Davis' comments regarding the Small Business Close Ups. He indicated businesses were excited about sharing their information and were lining up in some districts for an opportunity to speak. He noted District Five would be up for a presentation in April and he thanked the Board for making this such a success.

DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) AUDIT UPDATE

Community Development Director Matthew Smolnik reported the County had received its final Chesapeake Bay Compliance Audit report from the DEQ. The memorandum had contained nine corrective actions to be taken by December 31, 2017. He indicated two of the nine had already been addressed and the remaining conditions involved Comprehensive Plan amendments, Zoning Ordinance amendments and the assessment of active agricultural lands. Mr. Davis asked if the DEQ was working with the DCR (Department of Conservation and Recreation) in regard to active agricultural lands. Mr. Smolnik indicated they were and he felt this particular condition was going to be the most difficult to address. Mr. Davis indicated he had spoken with a DCR representative who had indicated if the DEQ could tell them what they wanted they could provide it. Mr. Smolnik noted he had asked for guidance regarding what was expected and had suggested a template from another municipality would be helpful. Mr. Smolnik indicated detailed information would be shared at the March 29th work session. He would be out of town but Engineer Connie Bennett would be present to go over the conditions and the timeline for corrections. Discussion ensued regarding how long the County would have to correct the conditions. Mr. Evelyn suggested the County should not accept the December 31, 2017 deadline. Mr. Stiers noted his support for clean air and clean water but suggested that regardless of what the DEQ requested, the County should defer for one year. Mr. Smolnik again noted Ms. Bennett would present the

information on March 29th and encouraged Board members to call him after the work session with any questions.

Chairman Davis called for a brief recess at 7:11 p.m. The meeting reconvened at 7:23 p.m.

IN RE: PUBLIC HEARING – AGRITOURISM - ORDINANCE O-01-17

Before the Board for consideration was Ordinance O-01-17 amending Sections 98-2, 98-212 and 98-62 of the New Kent County Code to add/clarify definitions for agritourism activities and amend the Agricultural, Business and Economic Opportunity zoning districts to allow such activities either as a permitted or a conditional use.

Community Development Director Matthew Smolnik indicated proposed industrial zoning amendments had been presented to the Board in late 2016 and the use of distilleries had been included in the proposed amendments. Discussions regarding breweries, wineries and distilleries had arisen at the Planning Commission meeting and the Board of Supervisors meeting and as a result, all references to distilleries had been removed and the remaining amendments had been adopted. The proposed amendments in O-01-17 were to address wineries, breweries and distilleries specifically. Staff had evaluated the zoning ordinance and was proposing amendments that would allow greater flexibility in the types of agritourism activities and businesses that could locate within the County. If approved as submitted, micro-breweries would be allowed in the A-1 zoning district as a permitted use, commercial wineries would be allowed in the A-1 zoning district as a permitted use and in the business zoning district as a conditional use. Distilleries would be allowed following the issuance of a Conditional Use Permit in the business zoning district and as a permitted use in the A-1 zoning district. Farm wineries would be allowed with a Conditional Use permit in the business and economic opportunity zoning districts. Mr. Smolnik also noted the proposed amendments included the addition of the definition of "agritourism activity" and amendments to the definitions for "distillery" and "farm winery". Mr. Smolnik pointed out that micro-brewery and winery businesses were booming in Virginia and across the United States. Staff had reviewed current zoning to see what could be done to make opening such businesses in the County easier and the proposed amendments were to address those findings. Mr. Smolnik reported County Attorney Bill Hefty had reviewed the proposed ordinance and had pointed out the need for a change to the "farm winery" definition to comport with State Code 4.1-207(5). New Kent's proposal stated "manufactures wine that contains not more than 18 percent alcohol by volume". Current State Code stated "21 percent alcohol by volume". The Planning Commission had conducted a public hearing on February 21, 2017 and had voted to forward a favorable recommendation.

Mr. Smolnik indicated he was aware there had been some discussion regarding these amendments. A letter dated March 9, 2017 had been received from Brian Mikelaites and members of the Mikelaites family were present to speak during the public hearing. Mr. Smolnik had spoken with the family regarding a farm winery in the business zoned district which was proposed to be a conditional use. He suggested the County had to start somewhere and had looked at this from a planning point of view. He indicated the prospect of grape vines being planted in a business zoned district did not seem to be the highest and best use of the property so staff had recommended it require a Conditional Use Permit. He pointed out the Mikelaites' property was not the typical property because it was zoned business and had been in the family for a number of years. He suggested a new property owner would have paid a substantial price per acre and would most likely not be interested in a vineyard or orchard. He noted if the Board wished to consider making farm wineries a "by right" use he would not be opposed. He suggested that as the Zoning Administrator he did not think the Board would see this situation occur with any other property in the County

and as the Economic Development Director he would be glad to see another winery. He entertained comments and questions.

Mr. Tiller indicated he understood what Mr. Smolnik was saying when he suggested someone who had purchased land for \$300,000 an acre would not likely use that land for a vineyard. He suggested it wasn't up to the Board to decide the best use of the land. Mr. Smolnik suggested it was his responsibility as the Zoning Administrator and Planning Director to present a proposal to the Planning Commission and the Board of Supervisors. He noted the ultimate decision rested with the Supervisors.

Mr. Evelyn asked for information on how other municipalities were treating breweries, wineries and distilleries. Mr. Smolnik indicated staff had found there was a mix and New Kent's proposed ordinance fell somewhere in the middle to liberal side. Some municipalities were regulating on the basis of size with requirements based on production thresholds.

Mr. Davis noted there were a number of Economic Opportunity and Industrial zoned properties in his district. He asked if these uses were allowed "by right" in these zoned areas, what would prevent someone from planting grapes and then trying to have the property placed in an Agricultural and Forestal District (AFD). Mr. Smolnik noted this was a valid concern and suggested the only thing that would prevent this from happening would be the price of the land. Mr. Evelyn suggested this could not happen with a CUP (Conditional Use Permit). Mr. Davis agreed.

An unidentified woman (later identified as Sandra Lewis of 10381 Mt. Prospect Road, New Kent) in the audience spoke up suggesting the differences between a farm winery and a vineyard would also prevent this from happening. Mr. Davis asked Mr. Smolnik if the differences were made clear in the proposed amendments. Mr. Smolnik read a portion of the proposed ordinance after which Mr. Davis indicated the differences were in fact noted.

Mr. Davis opened the public hearing.

Sandra Lewis of 10381 Mt. Prospect Road, New Kent addressed the Board as a representative of Jolene, LLC (owned by the Mikelaite family). Ms. Lewis thanked the Board for the opportunity to speak and indicated she wished to speak specifically regarding the conditional use part of farm wineries and farm breweries. She noted a farm winery was more than a vineyard, it was also an actual business making and selling wine. She suggested businesses such as these were a part of the agritourism push that the State of Virginia was standing behind with various grants and monetary incentives. She suggested the tourism part of these businesses was helping farms and families stay alive and productive. Ms. Lewis asked the Board to consider revising the amendments to include farm wineries and farm breweries as a permitted use rather than a conditional use. She suggested these businesses could bring money into the County and to have them only allowed as a conditional use could scare some prospective businesses away. She pointed out State law set out the acreage necessary for a farm winery and it was aesthetically pleasing to have some of the grapes being grown on the property. She suggested the setting would draw people in and having the grapes or hops growing on site made for a much more pleasant experience. She suggested most individuals considering this type of business would not want to invest heavily in growing grapes on site and would be more interested in investing in the business part of the operation. She further suggested the bulk of grapes used in farm wineries would be grown off site. She closed her comments by again thanking the Board for the opportunity to speak and asking them to consider revising the proposed amendments to allow farm wineries as a permitted use.

There being no other individuals wishing to speak, Mr. Davis thanked Ms. Lewis for her comments and closed the public hearing.

Mr. Davis pointed out the County currently had approved Conditional Use Permits (CUP) that were open-ended and would remain open forever. In recent years the Board had been including time limits when approving CUPs. He suggested the CUP process was one of the better tools the County had to keep things in check and setting time limits gave the County even better control. He indicated he had no problem with another winery and thought it was a great idea that would bring more business into the County.

Mr. Evelyn suggested the Board needed to be careful to protect the people in the business community too and the proposed amendments would give the Board the opportunity to look at all the land.

Mr. Stiers asked if the property owner would have to come back to the Board to have a CUP renewed after the business was up and running. Mr. Smolnik noted that would only be the case if the Board had approved the CUP with a sunset clause. He suggested there were two different ways the Board could set time limits. A CUP could be approved with a time limit regarding having the business up and running or a limit could be set that would require an up and running business to come back to the Board for a renewal after a designated period of time. Mr. Stiers noted this was what he had been referring to. He noted that in this case the business would have to come back, reapply and pay the fee to be considered for renewal. Mr. Smolnik again pointed out this would only be the case if the Board approved the CUP with those conditions in place.

Mr. Davis suggested the CUP process protected the County and most of CUPs with set time limits did go through to completion. He pointed out the proposed amendments required a CUP for farm wineries in Business and Economic Opportunity zoning districts only. This use was a "by right" use in Agriculture zoned districts. He indicated the Board's past practice had been to be very liberal with most businesses being given five years to get started.

Mr. Tiller asked if the property in question was zoned Business. Mr. Smolnik confirmed the property was in a Business zoned district. Mr. Evelyn suggested the Board needed to make its decision based on all Business property in the County and not just the Jolene, LLC property. Mr. Stiers suggested the proposed amendments should be revised to permit wineries, breweries and distilleries. Mr. Tiller suggested the property was zoned Business and the family wanted to build a farm winery. He asked if this was a permitted use why the Board should care about how long it took them to get up and running. He suggested that if someone had spent \$300,000 an acre for land and wanted to plant grapes, who was the Board to tell them they couldn't. Mr. Smolnik indicated he understood what Mr. Tiller was saying but noted agriculture was not a permitted use in a Business district. Mr. Davis pointed out that if it was allowed in the Business district, the Board would not be having this discussion. Mr. Tiller suggested what he was trying to get at was that it should be a permitted use. Mr. Stiers agreed and indicated this was the point he had been trying to make. Mr. Stiers suggested the Board make it a permitted use and if the owners chose to put in grapes let them do it. Mr. Evelyn suggested if the County was going to have a Business zoned district there should be some standards. Discussions continued regarding what the Mikelaite's family was proposing to do with their property.

Cindy Mikelaite (5799 Flowering Peach Lane, Providence Forge) was asked to come to the podium to share details. Ms. Mikelaite noted the designation of a farm winery required a minimum of one acre of grapes on the property where the wine was being produced. She noted her brother Brian Mikelaite owned fifteen acres where he had planted several acres

of grapes. What the family was asking for in Bottoms Bridge was that they be allowed to use the existing building for the production and sale of wine and that one acre along the side of Brook Boulevard be planted in grapes. She pointed out the grapes would hide the parking area and would improve the appearance of the area. She stressed this would be a business but with the "farm" designation there must be some grapes on the property. Ms. Lewis returned to the podium and indicated it was her understanding the County was proposing to change the Code to allow breweries, distilleries and wineries as a permitted use in a Business district. Mr. Smolnik indicated this was not correct and all three uses would require a CUP in a Business district. None of these uses had previously been allowed in the Business district and the recommendation was that they be allowed with a CUP.

Mr. Evelyn indicated he was ready to make a motion. Mr. Evelyn moved to defer action on Ordinance O-01-17 until the next meeting. Mr. Davis noted the Board did not know how other localities were addressing these uses in a Business district and asked Mr. Smolnik if he would gather information to bring back to the Board. Mr. Smolnik indicated he would. After some discussion, it was decided this should be brought to the Board's March work session and not the April regular meeting. Mr. Evelyn amended his motion to specify the information would be brought back to the next work session. The members were polled:

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

The motion carried.

IN RE: PUBLIC HEARING – REPEAL OF ROUTE 33 AND ROUTE 155 CORRIDOR
OVERLAY DISTRICTS - ORDINANCE O-02-17

Before the Board for consideration was Ordinance O-02-17 repealing Article III (Route 33 Planning Area Overlay Regulations) and Article IV (State Route 155/Providence Forge Planning Area Overlay Regulations), Chapter 98 of the New Kent County Code.

Community Development Director Matthew Smolnik noted the Route 33 and Route 155/Providence Forge Planning Area Overlay Regulations were added to the County Code in 1999. The intent had been to establish design and performance criteria that exceeded the density, general area, frontage, yard, height, setback, building size, off-street parking and loading regulations in these areas. The County had gone through an extensive zoning ordinance amendment process from 2005 to 2009. The same intentions of the overlay districts had been put forth and eventually codified in this process. When the County's Comprehensive Plan was updated in 2003, the Route 33 and Route 155 Planning Area Overlay language and studies were not carried forward, nor were they carried forward during the 2012 Comprehensive Plan update. Mr. Smolnik noted these overlays were redundant and staff was recommending they be removed from the Code. The Planning Commission held a public hearing and considered this at their February 21, 2017 meeting and had voted to forward a favorable recommendation. Mr. Smolnik entertained questions.

Mr. Davis opened the public hearing. There being no one wishing to speak, the public hearing was closed.

Mr. Stiers indicated he didn't understand what the proposed resolution was trying to accomplish. He noted he saw everything that had been marked out but he didn't see

anything showing the information was written anywhere else. Mr. Smolnik indicated the information was included in the performance standards found in 98-871, 98-872, etc. Mr. Stiers asked where this information was found and Mr. Smolnik indicated this was a part of the Zoning Ordinance and he could provide copies if the Board wished to see that information. He noted the Board was being asked to take action only on the amendment information provided and not the Zoning Ordinance. Mr. Stiers noted that everything he saw that he was being asked to vote on had been marked out. Mr. Smolnik indicated that was correct and noted the information that had been marked out was included in the Zoning Ordinance and was redundant. Two sets of standards were in place which were the same and the requested action would remove one of them.

Mr. Evelyn noted a business in the Route 33 corridor wishing to expand had been hampered by existing regulations and if these regulations were removed, the business could expand. Mr. Smolnik indicated this was correct and pointed out the Route 33 Corridor Plan which had been established in the late 1990s had been a Comprehensive Plan amendment and had never been carried forward into subsequent amendments. This had hampered the business mentioned by Mr. Evelyn. Mr. Smolnik noted the Comprehensive Plan amendment had never been brought to the Board for approval and therefore was null and void. He suggested the blanket guidelines that impacted every property within these corridors may not be needed for every business and there was no need to have two sets of standards.

Mr. Davis suggested the overlay districts had been established and since that time zoning had superseded them. Mr. Smolnik concurred. Mr. Davis suggested the overlays had been too widespread and were now almost twenty years old. Mr. Stiers again noted he saw what was being taken out but wasn't clear on what would be left in place. Mr. Smolnik pointed out the amendments to performance standards adopted by the Board in 2005 would remain in place. Mr. Stiers noted he was not on the Board in 2005 and had no idea what those amendments had included. County Administrator Rodney Hathaway indicated that performance standards for specific land uses had been adopted since the language the County was proposing to remove had been adopted. Many of those performance standards were similar to the uses being proposed for removal and approving the proposed amendments would be deregulating. Businesses were now subject to three sets of rules and removing this section would make it easier to understand and navigate through the process. Mr. Stiers indicated he would like to see what would be taking the place of what was being removed and suggested this item should also be deferred to the work session. Mr. Davis asked Mr. Stiers to put his request in the form of a motion.

Mr. Stiers moved to defer action on Ordinance O-02-17 until the March work session. The members were polled:

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

The motion failed.

Mr. Davis pointed out that he also had not been on the Board when these overlays had been adopted. He suggested the mass rezoning of property and performance standards adopted by the Board had taken the place of Article III and Article IV, Chapter 98. Mr. Smolnik noted the business Mr. Evelyn had mentioned had prompted the study into this issue. Mr.

Evelyn noted removing these sections of code would actually make it easier for that business to expand and as previously stated would be deregulating. Mr. Smolnik agreed.

Mr. Evelyn moved to adopt Ordinance O-02-17 in order to address, protect and promote public convenience, necessity, general welfare and good zoning practices in the County and the health, safety and general welfare of the citizens in the County. Mr. Davis asked if there was any more discussion. There being none, the members were polled:

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

The motion carried.

IN RE: OTHER BUSINESS

There was no other business.

IN RE: ANNOUNCEMENT OF UPCOMING MEETINGS

Mr. Davis announced the Board would be going into closed session in a few moments and he wished to announce upcoming meetings before they moved to do so. The next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, April 10, 2017, and the next work session at 9:00 a.m. on Wednesday, March 29, 2017, both in the Boardroom of the County Administration Building.

IN RE: CLOSED SESSION

Ms. Paige moved to go into Closed Session pursuant to Section 2.2-3711A.1 of the Code of Virginia for discussion involving the assignment of specific employees. The members were polled:

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

The motion carried.

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

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

The motion carried.

Mr. Evelyn moved that the Board certify by roll call vote that to the best of each member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Freedom of Information Act and identified in the motion to go into closed session were heard, discussed or considered in the closed session. The members were polled:

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

The motion carried.

IN RE: ADJOURNMENT

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

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

The motion carried. The meeting dismissed at 8:32 p.m.