

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 5TH DAY OF JUNE IN THE YEAR TWO THOUSAND SEVENTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING, 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

Mr. Tiller gave the invocation and led the pledge of allegiance.

IN RE: CONSENT AGENDA

1. Approval of Minutes
 - a. April 26, 2017 Work Session minutes
 - b. May 8, 2017 Business Meeting minutes
2. Miscellaneous
 - a. Adoption of Resolution R-22-17 recognizing July 2017 as Parks and Recreation Month.
 - b. Approve the third one year extension of the Emergency Medical Services/Management & Consultants (EMS/MC) agreement dated July 1, 2014.
 - c. Approval of one year extension of Public Utilities engineering contracts with Arcadis, U.S. Inc., Draper Aden Associates and CDM Smith.
3. FY17 Supplemental Appropriations
 - a. Program Income received for FY17 from CDBG Plum Point Grant Participants, \$84.
 - b. Donations to Animal Shelter, \$840.
 - c. Extension Program Sponsorship Revenue for - 2017 4-H Golf Tournament - Davis Produce (\$420), William D. Jones (\$85) Miriam Ackley (\$80) & Miscellaneous Cash (\$753); for 2017 Special Projects - Patty Townsend (\$20), \$1,358.00.
 - d. Funds received from VML Insurance - to Sheriff's Dept., Veh #281 -DOL 4/20/17 - Vehicle hit deer (\$776.40) & Veh #27 - DOL 4/27/17 Vehicle hit deer (\$1,703.71), \$2,480.11.
 - e. Gifts & Donations to Fire-Rescue - TRUiST, \$53.83.
 - f. Youth Sports Scholarship Funds - Scholarship Program - Shore to Shore LaSertoma Club (\$200) & Facility Improvements - New Kent Gymnastics Center LLC (\$300), \$500.

- g. Gifts & Donations to Parks & Recreation CIP Funds from Avery VII LC, \$25,000.
- h. Funds for Security Detail: The Rotary Club of New Kent – Security Detail Car Show, \$944.37.
- i. Funds received from Vending Machine Sales: Sheriff’s Office (\$72.98) & Administration (\$250.37), \$323.35.

\$31,583.66 Total
(\$6,583.66) Total In/Out - General Fund (1)
(\$25,000.00) Total In/Out – Capital Projects (7)

- 4. FY17 Interdepartmental Budget Transfers
 - a. Financial Services – From Reserved for Contingency to 4-1-12150-3121 for preliminary fieldwork performed by the new audit firm, (\$15,000)
 - b. Fire-Rescue – From Telecommunications Cellular – 32200-5229 to Telecommunications Cellular – 32100-5229, (\$600).
 - c. Fire-Rescue – From Salaries to Overtime (\$104,932.76), From Workers comp. to Part-Time (\$20,139.23), From Medical Plans to Part-Time (\$15,778), From FICA/Medicare to Part-Time (\$13,043), From Retirement to Part-Time (\$10,805.10), From Life Insurance to Part-Time (\$1,270.71), From LODA Volunteer to HAS. Contribution (\$2,353), From LODA to HAS Contribution (\$647), From Salaries to VRS Employee Health (\$2,869.86) and From Salaries to Part-Time Overtime (\$1,018.88), \$172,857.54
- 5. Treasurer’s Report: Cash as of April 2017, \$40,731,099.76

Mr. Evelyn moved to approve the Consent Agenda 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

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

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

Ashland Resident Engineer Bruce McNabb reported the Rt. 249 roundabout project was complete with lighting having recently been installed and adjustments being made to signage. Ms. Paige reported it had been brought to her attention that there were no reduced speed signs at either approach to the roundabout. Mr. McNabb indicated he would look into this. Mr. McNabb also reported there had been a number of traffic studies and special requests addressed during the month. A study had been conducted on the Longview Drive and Hairpin Drive intersection and it had been determined a multi-way stop (four-way stop) was not justified by traffic or crash history. Mr. Tiller indicated this intersection had

been a four-way stop when he had originally moved to the Five Lakes community. This had been changed to a two-way stop several times over the years; switching back and forth between stops on Longview and Hairpin. He indicated he understood the speed limit could not be reduced and asked if increased fines for speeding could be considered. Mr. McNabb indicated increased fines as well as a "no through trucks" designation could be considered but both options would require action by the Board.

Mr. Evelyn reported he had received complaints regarding real estate signs placed in the roundabout. He indicated he had driven out to the site and had found the signs had been removed. He asked Mr. McNabb if it was against the law for these signs to be placed in the VDOT right of way. Mr. McNabb indicated this was against the law.

Mr. Davis asked if VDOT had been able to determine who had authorized and placed the Martha Washington Memorial Highway signs on Route 249. Mr. McNabb indicated he was not sure where the signs had come from but he did not believe VDOT had been involved. Mr. Davis noted he had initially reported seeing one sign but had noticed several since the May meeting. He also asked if paving companies were required to use a minimum percentage of reclaimed asphalt. Operations Manager Bruce Puffenbarger indicated there was no minimum but up to twenty-five percent reclaimed asphalt could be used.

Mr. Puffenbarger provided a summary of maintenance activities over the past thirty days as well as areas to be addressed over the next thirty days. Some recent work included ditch regrading, tree and brush trimming, cleaning of cross pipes, litter pickup, asphalt patching and regrading gravel roads. Upcoming activities would include pothole patching, regrading gravel roads, litter pickup and ditch regrading. 147 work orders had been received year to date and 129 had been cleared. Staff would continue working to complete these requests.

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

Mr. Stiers asked for an update on repaving Rockahock Road. Mr. Puffenbarger reported he had spoken with VDOT Engineer Will Hughes and had been told the project was scheduled for 2018. Mr. Stiers noted he had been given several completion dates over recent years and he didn't understand how there could be money designated for the project but the date kept being pushed back. He also noted the condition of Rt. 60 continued to be a source of complaints even though VDOT had addressed some of the high spots. Mr. Puffenbarger suggested many of the problems associated with this road were due to its concrete construction which expanded and contracted with the temperature. Mr. Stiers asked what the chances were of paving over the existing surface. Mr. Puffenbarger reported some paving was planned for Rt. 60 later in the year but most of the work would be in the Toe Ink area.

Ms. Paige noted some shoulder work had been done on Pine Fork Road and additional paving remained to be completed. She asked if this was still on the project list. She also requested an update on standing water issues on Brown Avenue. Maintenance Superintendent Jay Fread reported both projects were on the list of work to be completed. He indicated work on Brown Avenue should begin late summer or early fall.

Mr. Tiller noted there had been some roadwork near Rock Creek Villas and asked if this work would help any with the water issues in Rock Creek. Mr. Fread suggested the work would help greatly but noted some of the problem was the result of runoff from the golf course.

Mr. Evelyn reported several concerns with Steel Trap Road (Route 607). He indicated the road surface needed to be regraded and also requested an inspection of a bridge located on the roadway. He also reported there were a number of areas in Ranch Acres where the asphalt was coming apart.

Mr. Davis indicated it had been reported the previous year that the bridge over Mill Creek on Rt. 273 (Farmers Drive) in Eltham would be replaced. He noted he had not heard any more about this project and asked if there was any update. Mr. Puffenbarger indicated he would have to check and report back. Mr. Davis also suggested the next time it rained, VDOT should have staff travel Rt. 60 from Providence Forge to Lanexa and cut "weep holes" at standing water areas. He reported there were seven or eight areas of concern in both the east-bound and west-bound lanes.

IN RE: CITIZENS' COMMENT PERIOD

Mr. Davis opened the citizens comment period and called John Yakshe of 4601 North Waterside Drive, Lanexa to the podium. Mr. Yakshe indicated he was present to express his dissatisfaction with the recent paving of a three mile stretch of North Waterside Drive. He read a statement in which he outlined a series of events commencing in late April or early May 2017. He reported the yellow lines had initially been ground off the road surface leaving a "one to two inch trench in the middle of the road". The yellow lines were then repainted and followed by patching which had left "mounds" on the road surface. Mr. Yakshe suggested this had been a "poor patch job" which had resulted in a bumpy road. He further suggested this work had been a "poor use of tax dollars" and did not meet desired standards. He presented a petition signed by thirty individuals in which they requested the subject section of North Waterside Drive "be surfaced in a thorough and complete manner".

Audrey P. Christian of 5740 New Kent Highway, Quinton indicated she had two areas of concern she wished to share with the Board. The first was in regard to grass she suggested was taking over her property. Ms. Christian indicated her residence was near the new roundabout on Rt. 249 and the road construction had made it impossible to cut the grass along the edge of the property with a riding lawn mower. She also noted a sign had been placed in her yard which she suggested she could do nothing about. She suggested the grass issue was lowering the value of her property and she wanted it to be addressed. She reported she had spoken with VDOT Maintenance Superintendent Jay Fread who had indicated the grass would be cut three to four times a year. Ms. Christian suggested this was not acceptable. The second issue was in regard to her well water. Ms. Christian suggested her water had changed when the construction on the mini storage and the roundabout had begun. She suggested the water was not safe to drink and reported she had been buying water for three years. She also indicated a water sample had been analyzed but she had never been provided with the results. Her washing machine and dishwasher had been destroyed and she now needed to buy a new commode because of the damage caused by her water. Ms. Christian implored the Board to address her concerns.

Mr. Davis thanked those who had spoken and assured them their concerns would be considered. There being no other citizens wishing to address the Board, the citizen comment period was closed.

IN RE: PRESENTATION OF HELEN J. NAPPS AWARD FOR EXCELLENCE TO NANCY GOODMAN

Ms. Goodman was not able to be present and this item was deferred to the July 6, 2017 meeting.

IN RE: PARKS AND RECREATION AND PLAYFUL CITIES USA UPDATE

County Administrator Rodney Hathaway indicated plans had been that the Parks and Recreation update would include information on the annual survey but unfortunately that information was not yet available. The presentation of survey results would be rescheduled.

In regard to Playful Cities USA, Mr. Hathaway reminded the Board that the Richmond Regional Planning District Commission (RRPDC) representative Jackie Stewart had presented information on Playful Cities USA to the Board at their March work session. Playful City USA® was a recognition program that honored cities and towns that were taking action to ensure the children in their communities received the balanced and active play they needed to thrive. The Board had authorized its Chairman and Mr. Hathaway to complete the necessary application for recognition nationally as a Playful City. Mr. Hathaway indicated he was pleased to announce New Kent had received a 2017 Playful City USA® designation. New Kent was also one among nine localities in the Richmond, Virginia area (Richmond Regional Planning District Commission) to be honored as a part of the first "Playful Region" in the Country. Mr. Hathaway indicated there had already been several announcements and press releases but there would be more information to follow.

Mr. Davis noted the next agenda item was a public hearing which could not be conducted until 7:00 p.m. and suggested the Board move forward with other agenda items. He noted Board members had been provided with an additional agenda request regarding the purchase of Tasers.

IN RE: STAFF REPORTS – TASER PURCHASE

County Administrator Rodney Hathaway reported the County had recently been notified by the manufacturer of the Taser equipment currently in use by the Sheriff's Office that the equipment had exceeded the five-year life expectancy and they would no longer guarantee operation. The information provided indicated the cost of forty Tasers and accessories from AXON Enterprise, Inc. would be \$49,185.60. The Sheriff currently had funds budgeted to finance the purchase of forty Tasers over a five year period. Mr. Hathaway reported a review of the Sheriff's Office FY17 budget indicated adequate funding was available to purchase the Tasers without financing them. Mr. Evelyn asked for the financing rate being offered. Mr. Hathaway indicated he was not sure what the percentage rate was but noted the year one payment would be \$6,500 and year two through year five payments would be \$10,560. Mr. Evelyn suggested if AXON would be financing the purchase with a zero percent interest rate, it would be better to finance the purchase. Mr. Hathaway also noted the price quotation included credit for turning in the existing equipment. He noted that it was his opinion that if the County could afford to make the purchase outright, he would rather do that than finance. Ms. Paige asked if there would be any savings if the purchase was paid in full up front. Mr. Hathaway indicated he did not believe there would be any savings. Sheriff Joe McLaughlin and Chief Deputy Lee Bailey approached the podium to provide more details and answer questions. Deputy Bailey indicated AXON had offered several upgrades and had included an additional Taser valued at \$1,495 at no additional charge. Some of the upgrades were compatible with body-worn cameras and included automatic camera activation. He also reported the batteries to support the automatic camera activation were \$90 per Taser and were also included at no charge. Mr. Evelyn indicated he had recently read an article reporting body cameras being worn in a

neighboring locality were heating up. He asked if this was a concern with New Kent's cameras. Sheriff McLaughlin indicated the heating up issue had been caused by a wiring harness which allowed the cameras to be worn on the lapel and New Kent had opted to not go with this feature. Mr. Davis asked how long Taser batteries would last and if they were rechargeable. Deputy Bailey indicated the battery life expectancy was five years and they were not rechargeable. He also noted deputies routinely "spark-tested" their equipment to assure it was fully functional. Mr. Hathaway noted if the Board wished to proceed with this purchase, it would require the appropriation of funds from various line items within the Sheriff's budget. To simplify the accounting and documentation, he recommended CIP funding (Fund 7) be used and at the end of the fiscal year all remaining funds in the Sheriff's Office account would be transferred to the CIP account to cover the expenditure.

Ms. Paige moved to approve the appropriation of funds in the amount of \$49,185.60 from Fund 7 for the replacement of Tasers in the Sheriff's Office. 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.

IN RE: APPOINTMENTS – BY DISTRICT

Mr. Evelyn moved to appoint S. Paul Rowles as a District One representative to the Social Services Advisory Board to serve a four-year term beginning July 1, 2017 and ending June 30, 2021.

Mr. Evelyn moved to appoint Daniel Williams as a District One representative to the Purchase of Development Rights Committee to serve a three-year term beginning July 1, 2017 and ending June 30, 2020.

Mr. Davis moved to appoint Kim Claytor as a District Five representative to the Social Services Advisory Board to serve a four-year term beginning July 1, 2017 and ending June 30, 2021.

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 motions carried.

IN RE: APPOINTMENTS – NOT BY DISTRICT

Mr. Evelyn moved to appoint Larry Clark as the New Kent County representative to the Community Policy and Management Team to serve a one-year term ending June 30, 2018.

Mr. Evelyn moved to appoint Sandy Brudvig as the private service provider representative to the Community Policy and Management Team to serve a one-year term ending June 30, 2018.

Mr. Evelyn moved to appoint Dr. Dianne B. Pollard as the New Kent County Schools representative to the Community Policy and Management Team to serve a one-year term ending June 30, 2018.

Mr. Evelyn moved to appoint Jon Martz as the Department of Social Services representative to the Community Policy and Management Team to serve a one-year term ending June 30, 2018.

Mr. Evelyn moved to appoint Aida Zayas as the Department of Health representative to the Community Policy and Management Team to serve a one-year term ending June 30, 2018.

Mr. Evelyn moved to appoint Bruce Call as the Juvenile Court Service Unit representative to the Community Policy and Management Team to serve a one-year term ending June 30, 2018.

Mr. Evelyn moved to appoint Daniel Rigsby as the Community Services Board representative to the Community Policy and Management Team to serve a one-year term ending June 30, 2018.

Mr. Evelyn moved to appoint Jennie Stolarski as the parent representative to the Community Policy and Management Team to serve a one-year term ending June 30, 2018.

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 motions carried.

IN RE: ELECTED OFFICIALS REPORTS

Ms. Paige reported on a number of events including:

- She thanked everyone who had supported or participated in New Kent's 2017 Relay for Life. She reported over \$35,000 had been raised to date. She offered a special thank you to New Kent County who had several teams in the Relay and to Firefighter Burnie who had raised over \$400. She noted it had been a beautiful day of celebration for survivors and, on a sad note, reported there had been a cancer survivor at the Relay who was now in ICU fighting brain cancer. She stated, "It is a fight that we can never give up on." She also indicated she was "full of gratitude for all who participated and gave and it's never too late to give". She also noted there had been a host of business sponsors who had made the Relay a success and she thanked them for their support. She reported that less than \$2,000 had been spent to host the event.
- She reported a New Kent resident had participated in "Project HERO" which had been featured in the Channel 6 and Channel 8 news. That individual was former Treasurer and retired Colonial Herb Jones who had ridden a bike from Washington D.C. to Virginia

Beach in support of Project HERO. Project HERO was a nonprofit organization dedicated to supporting veterans and first responders with PTSD (Post Traumatic Stress Disorder) and other injuries. Ms. Paige noted what was most unique about this was that Mr. Jones had received a hip replacement less than a year ago. She noted appreciation for his support of veterans and first responders and for raising money for Project HERO.

- She also noted appreciation to the New Kent Sheriff's Office for their support of the family of Special Agent Walter (a Virginia State Police Officer who had recently been killed in the line of duty). She noted Sheriff's Office staff had been present at the vigil and services in honor of Special Agent Walter.
- She reported that former Board of Supervisor James H. Burrell had recently lost his brother Herman Burrell who had served on various local boards. Herman Burrell's brother-in-law had also passed away on the day of his funeral. She asked that we keep the Burrell family in our thoughts and prayers.
- Ms. Paige closed by congratulating the members of the New Kent High School Class of 2017 and their parents and teachers who had helped them through the years.

Mr. Tiller reported the Planning Commission had recently met and had gone through its entire agenda with the exception of public hearings in ten minutes. The meeting had convened at 6:30 p.m. and public hearings could not begin until 7:00 p.m. Commissioners had discussed changing the public hearing start time to 6:30 p.m. or soon thereafter so there would not be any lag time for public hearings to begin. He suggested the Board of Supervisors may want to also consider scheduling public hearings to begin at 6:30 p.m. or soon thereafter. Mr. Davis suggested the public hearing start time had been set for 7:00 p.m. to allow those attending sufficient time to arrive. County Administrator Rodney Hathaway also noted the Board's bylaws would need to be amended to change the public hearing start time. Mr. Tiller noted he believed the Planning Commission would be voting to change their bylaws at the next meeting. Mr. Davis asked if the bylaws could be changed midstream. County Attorney Brendan Hefty indicated he would have to check. He noted that advance notice of proposed changes was sometimes required and he would need to review New Kent's bylaws to determine what would be necessary.

Mr. Evelyn thanked all citizens and staff who had come out to the community meeting he had recently hosted. He noted some good information had been received in regard to getting high-speed internet throughout the County. There would be a meeting (Broadband Advisory Committee) the following day at 2:00 p.m. (in the County Administration Building Boardroom) to brainstorm high-speed internet options and the public was invited to attend. He suggested the County would be working with private sector providers to encourage them to provide service in New Kent. He noted the lack of internet access often made it difficult for children in the County to do their homework. He also offered congratulations to the New Kent High School graduates. He reported he had been honored to be a presenter at a recent scholarship ceremony held at the High School and it had been amazing to see what the students had been able to accomplish. He wished the Class of 2017 the best of luck and acknowledged the role parents had played in helping these students reach this milestone.

Mr. Davis reported Ms. Paige would be serving as a New Kent County representative on the Rappahannock Community College Educational Foundation (RCCEFI) board. He indicated New Kent County could have two representatives on this board and for many years had none. He reported the RCCEFI had given \$440,000 in scholarships the previous year to Rappahannock Community College students and suggested New Kent residents had received very little of this funding due to the lack of representation on the board. Ms. Paige's appointment would be effective July 1, 2017.

County Attorney Brendan Hefty indicated he had reviewed the Board's bylaws and had determined thirty days prior written notice of any proposed bylaws changes would be necessary. Mr. Davis asked if it would be necessary to publish this in a newspaper. Mr. Hefty indicated that would not be necessary.

IN RE: OTHER BUSINESS

There was no other business.

Mr. Davis noted it was still too early to begin public hearings. A brief recess was called at 6:56 p.m. The Board reconvened at 7:07 p.m.

IN RE: PUBLIC HEARING – CONSIDERATION OF ORDINANCE O-09-17 – SAUNDERS TO THE ALLEN'S RUN AGRICULTURAL AND FORESTAL DISTRICT (AFD)

Before the Board for consideration was Ordinance O-09-17 approving AFD-001-17 filed by James L. Saunders to add tax map parcel 31-1-C, approximately 14 acres, to the Allen's Run Agricultural and Forestal District (AFD).

Community Development Assistant Sheri L. Wood presented information on the application. She reported the applicant, James L. Saunders, had applied to add approximately 14 acres to the Allen's Run AFD and intended to raise chickens for the sale of eggs, bees for the sale of honey and Ossabaw Island Hogs. The Allen's Run AFD contained 23 parcels totaling 767 acres and was set to expire August 31, 2026. Adjacent property owners had been notified as per §15.2-4307 of the Code of Virginia and notices had been published accordingly. Staff, the AFD Advisory Committee and the Planning Commission had reviewed the application and all were offering a favorable recommendation to approve the request. Ms. Wood indicated the property was zoned A1 (Agriculture) with one acre devoted to pasture and ten acres devoted to agricultural production. Ms. Wood asked the Board to consider approving Ordinance O-09-17 as presented. In response to questions, Ms. Wood provided clarification regarding the property's location on the provided map. Mr. Evelyn noted most of the property appeared to be forested and asked where the described activities would be conducted. Ms. Wood indicated most of the property was forested and reported the bee hives as well as the animal husbandry (hogs and chickens) would be under the tree canopy.

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

Mr. Evelyn asked if the applicant was currently raising hogs. Ms. Wood indicated hogs were not currently being raised but reported Mr. Saunders had indicated he expected to begin the hog operation this fall. Mr. Evelyn expressed concerns over the Board approving the addition of acreage to the AFD when the proposed use was not already in place. He asked if eggs were being sold. Ms. Wood indicated chickens were present on the property. Mr. Evelyn asked if bee hives were present. Ms. Wood indicated bee hives were on the property under the tree canopy. Mr. Tiller noted bees and chickens were already present and asked would it make a difference if they didn't get the hogs in the fall.

Mr. Tiller moved to approve Ordinance O-09-17, Application AFD-001-17, addition of tax map parcel 31-1-C to the Allen's Run Agricultural and Forestal District. The members were polled:

Thomas W. Evelyn

Nay

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

The motion carried.

IN RE: PUBLIC HEARING – CONSIDERATION OF ORDINANCE O-10-17 – TO
RECREATE THE BLACK CREEK AGRICULTURAL AND FORESTAL DISTRICT
(AFD)

Before the Board for consideration was Ordinance O-10-17 approving application AFD-002-17 to recreate/continue the Black Creek Agricultural and Forestal District (AFD).

Community Development Assistant Sheri L. Wood presented information on the application. She reported the Black Creek AFD members had requested recreation of the district which was set to expire August 31, 2017. The district consisted of 15 parcels totaling 1,687 acres. All members of the district had been contacted and informed of the expiration date. All members had indicated their desire to renew their membership in the district with the exception of the New Kent Christian Center (tax map parcel 10-48) and Doris Marie Parsley (tax map parcel 9-29). Supporting response letters and updated reports on the subject properties had been included in the meeting materials. Adjacent property owners had been notified as per §15.2-4307 of the Code of Virginia and notices had been published accordingly. Staff, the AFD Advisory Committee and the Planning Commission had reviewed the renewal and all were offering a favorable recommendation to approve the request. Ms. Wood asked the Board to consider approving Ordinance O-10-17 as presented.

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

Mr. Evelyn moved to approve Ordinance O-10-17, Application AFD-002-17, to recreate the Black Creek Agricultural and Forestal District. 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.

IN RE: PUBLIC HEARING – CONSIDERATION OF ORDINANCE O-11-17 – KINNEY TO
THE COOKS MILL AGRICULTURAL AND FORESTAL DISTRICT (AFD)

Before the Board for consideration was Ordinance O-11-17 approving applications AFD-003-17, AFD-004-17 and AFD-005-17 filed by Jonathan C. Kinney, Trustee to add tax map parcels 25-41, 25-41A and 25-41B, approximately 604 total acres, to the Cooks Mill Agricultural and Forestal District (AFD).

Community Development Assistant Sheri L. Wood presented information on the applications. She reported the applicant, Jonathan C. Kinney, Trustee, had applied to add approximately 604 acres to the Cooks Mill AFD and intended to work a Forestry

Management Plan that had been developed by Forester Paul S. Verbyla. The Cooks Mill AFD currently contained 36 parcels totaling 4,588 acres and was set to expire August 31, 2026. Adjacent property owners had been notified as per §15.2-4307 of the Code of Virginia and notices had been published accordingly. Staff, the AFD Advisory Committee and the Planning Commission had reviewed the applications and all were offering a favorable recommendation to approve the requests. Ms. Wood indicated the properties were zoned A1 (Agriculture) with 600 acres devoted to timber. Ms. Wood asked the Board to consider approving Ordinance O-11-17 as presented.

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

Mr. Tiller moved to approve Ordinance O-11-17, Applications AFD-003-17, AFD-004-17 and AFD-005-17, addition of tax map parcels 25-41, 25-41A and 25-41B to the Cooks Mill Agricultural and Forestal District. 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: PUBLIC HEARING – CONSIDERATION OF ORDINANCE O-12-17 – TO
RECREATE THE CRUMPS SWAMP AGRICULTURAL AND FORESTAL DISTRICT
(AFD)

Before the Board for consideration was Ordinance O-12-17 approving application AFD-006-17 to recreate/continue the Crumps Swamp Agricultural and Forestal District (AFD).

Community Development Assistant Sheri L. Wood presented information on the application. She reported the Crumps Swamp AFD members had requested recreation of the district which was set to expire August 31, 2017. The district consisted of 13 parcels totaling 646 acres. All members of the district had been contacted and informed of the expiration date. All members had indicated their desire to renew their membership in the district. Supporting response letters and updated reports on the subject properties had been included in the meeting materials. Adjacent property owners had been notified as per §15.2-4307 of the Code of Virginia and notices had been published accordingly. Staff, the AFD Advisory Committee and the Planning Commission had reviewed the renewal and all were offering a favorable recommendation to approve the request. Ms. Wood asked the Board to consider approving Ordinance O-12-17 as presented.

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

Mr. Tiller moved to approve Ordinance O-12-17, Application AFD-006-17, to recreate the Crumps Swamp Agricultural and Forestal District. 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.

IN RE: PUBLIC HEARING – CONSIDERATION OF ORDINANCE O-13-17 – CLARKE TO THE DIASCUND CREEK AGRICULTURAL AND FORESTAL DISTRICT (AFD)

Before the Board for consideration was Ordinance O-13-17 approving AFD-007-17 filed by Milton S. Clarke, Jr. to add tax map parcel 34-28B, approximately 18 acres, to the Diascund Creek Agricultural and Forestal District (AFD).

Community Development Assistant Sheri L. Wood presented information on the application. She reported the applicant, Milton S. Clarke, Jr., had applied to add approximately 18 acres to the Diascund Creek AFD and intended to incorporate this parcel into an existing Forestry Management Plan. An updated plan had been included in the meeting materials. This parcel was contiguous to other properties also owned by Clarke lying to the north along Mt. Pleasant Road. The Diascund Creek AFD contained 121 parcels totaling 4,011 acres and was set to expire August 31, 2020. Adjacent property owners had been notified as per §15.2-4307 of the Code of Virginia and notices had been published accordingly. Staff, the AFD Advisory Committee and the Planning Commission had reviewed the application and all were offering a favorable recommendation to approve the request. Ms. Wood indicated the property was zoned A1 (Agriculture) and the acreage was devoted to timber. Ms. Wood asked the Board to consider approving Ordinance O-13-17 as presented.

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

Ms. Paige moved to approve Ordinance O-13-17, Application AFD-007-17, addition of tax map parcel 34-28B to the Diascund Creek Agricultural and Forestal District. 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: PUBLIC HEARING – CONSIDERATION OF ORDINANCE O-14-17 – CRISS CROSS PROPERTIES TO THE PELHAM SWAMP AGRICULTURAL AND FORESTAL DISTRICT (AFD)

Before the Board for consideration was Ordinance O-14-17 approving AFD-009-17 filed by Criss Cross Properties, LLC to add tax map parcel 33-1, approximately 138 acres, to the Pelham Swamp Agricultural and Forestal District (AFD).

Community Development Assistant Sheri L. Wood presented information on the application. She reported the applicant, Criss Cross Properties, LLC, had applied to add approximately 138 acres to the Pelham Swamp AFD and intended to work a Forestry Management Plan developed by Will Shoup of the Virginia Department of Forestry. Mr. Shoup had

recommended a clear cut harvest due to the age and quality of the timber. Ms. Wood reported it had been discovered after the application had been accepted that the property was zoned EO (Economic Opportunity) and not A1 (Agriculture) as the applicant had indicated. The Pelham Swamp AFD contained 30 parcels totaling 2,464 acres and was set to expire August 31, 2025. Adjacent property owners had been notified as per §15.2-4307 of the Code of Virginia and notices had been published accordingly. Staff had found the request to be in direct conflict with the current zoning ordinance and the Comprehensive Plan and offered an unfavorable recommendation to the AFD Advisory Committee. The Advisory Committee had reviewed the application and had voted to also forward an unfavorable recommendation to the Planning Commission. Likewise, the Planning Commission reviewed the application and voted to forward an unfavorable recommendation to the Board of Supervisors. Ms. Wood asked the Board to consider denying Ordinance O-14-17 as presented. Mr. Stiers asked if the applicant had realized the property was zoned EO when he had made the purchase. Mr. Davis noted the property had been zoned EO for many years and he believed the owner had understood that when he made the purchase. Mr. Stiers indicated he had asked the question because he believed most of the property being purchased by this individual was zoned A1.

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

Mr. Evelyn noted this was not the first time the Board had received an application asking for EO zoned property to be allowed into an AFD; a similar application had been brought to the Board in 2016. Advice offered to the 2016 applicant had been that they may wish to consider downzoning the property and then reapplying for the AFD program.

Mr. Tiller moved to deny Ordinance O-14-17, Application AFD-009-17, addition of tax map parcel 33-1 to the Pelham Swamp Agricultural and Forestal District. 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.

IN RE: PUBLIC HEARING – CONSIDERATION OF ORDINANCE O-15-17 – TO
RECREATE THE SCHIMINOE CREEK AGRICULTURAL AND FORESTAL DISTRICT
(AFD)

Before the Board for consideration was Ordinance O-15-17 approving AFD-010-17 to recreate/continue the Schiminoe Creek Agricultural and Forestal District (AFD).

Community Development Assistant Sheri L. Wood presented information on the application. She reported the Schiminoe Creek AFD members had requested recreation of the district which was set to expire August 31, 2017. The district consisted of 29 parcels totaling 3,671 acres. All members of the district had been contacted and informed of the expiration date. All members had indicated their desire to renew their membership in the district. Supporting response letters and updated reports on the subject properties had been included in the meeting materials. Adjacent property owners had been notified as per

§15.2-4307 of the Code of Virginia and notices had been published accordingly. Staff, the AFD Advisory Committee and the Planning Commission had reviewed the renewal and all were offering a favorable recommendation to approve the request. Ms. Wood asked the Board to consider approving Ordinance O-15-17 as presented.

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

Mr. Evelyn moved to approve Ordinance O-15-17, Application AFD-010-17, to recreate the Schiminoe Creek Agricultural and Forestal District. 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: PUBLIC HEARING – CONSIDERATION OF ORDINANCE O-16-17 – POWERS TO SCHIMINOE CREEK AGRICULTURAL AND FORESTAL DISTRICT (AFD)

Before the Board for consideration was Ordinance O-16-17 approving AFD-011-17 filed by John G. Powers, to add tax map parcel 41-32, approximately 49 acres, to the Schiminoe Creek Agricultural and Forestal District (AFD).

Community Development Assistant Sheri L. Wood presented information on the application. She reported the applicant, John G. Powers, had applied to add approximately 49 acres to the Schiminoe Creek AFD and had obtained Forestry Management advice from Wray Forestry Consulting. Mr. Powers' intentions were to cut mature timber and leave young timber to grow another 20 to 30 years. The Schiminoe Creek AFD contained 29 parcels totaling 3,671 acres and was set to expire August 31, 2017. Ms. Wood noted the Board, by action taken earlier in the meeting, had renewed this AFD for ten years. Adjacent property owners had been notified as per §15.2-4307 of the Code of Virginia and notices had been published accordingly. Staff, the AFD Advisory Committee and the Planning Commission had reviewed the application and all were offering a favorable recommendation to approve the request. Ms. Wood indicated the property was zoned A1 (Agriculture) and devoted to timber. Ms. Wood asked the Board to consider approving Ordinance O-16-17 as presented.

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

Ms. Paige moved to approve Ordinance O-16-17, Application AFD-011-17, addition of tax map parcel 41-32 to the Schiminoe Creek Agricultural and Forestal District. 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.

IN RE: PUBLIC HEARING – CONSIDERATION OF ORDINANCE O-17-17 – CAPLES TO
TIMBER SWAMP AGRICULTURAL AND FORESTAL DISTRICT (AFD)

Before the Board for consideration was Ordinance O-17-17 approving AFD-012-17 filed by Harold F. Caples to add tax map parcels 36-3 and 36-3A, approximately 21 total acres, to the Timber Swamp Agricultural and Forestal District (AFD).

Community Development Assistant Sheri L. Wood presented information on the application. She reported the applicant, Harold F. Caples, was present to answer any questions. Mr. Caples had applied to add approximately 21 acres to the Timber Swamp AFD and intended to perform White and Red Oak regeneration on the property as suggested by Bryant Bays of the Virginia Department of Forestry. A home and two garages were situated on the property which was zoned A1 (Agriculture). The Timber Swamp AFD contained 7 parcels totaling 430 acres and was set to expire August 31, 2019. Adjacent property owners had been notified as per §15.2-4307 of the Code of Virginia and notices had been published accordingly. Staff had found the request to be in conflict with the Comprehensive Plan's future land use designation of Economic Opportunity (EO) and offered an unfavorable recommendation to the AFD Advisory Committee. The AFD Advisory Committee had reviewed the application and forwarded a favorable recommendation to the Planning Commission based on the property's current A1 zoning. The Planning Commission had reviewed the application and likewise offered a favorable recommendation to the Board of Supervisors. Ms. Wood noted staff was recommending the Board deny Ordinance O-17-17 as presented based on the property's future land use designation of EO. Mr. Evelyn asked when the property had last been cut. Mr. Caples reported the timber had not been cut but it had been recommended by the Department of Forestry that the mature trees be cut now. Mr. Davis noted that although the property's future land use designation was EO, it may not be zoned EO for ten or more years and Mr. Caples could not be forced to rezone the property. He suggested this property had as much merit as some of the others that had been considered. Mr. Caples was asked if he would like to comment. He indicated that he just wanted the same opportunities as others were being given.

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

Mr. Tiller moved to approve Ordinance O-17-17, Application AFD-012-17, addition of tax map parcels 36-3 and 36-3A to the Timber Swamp Agricultural and Forestal District. 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.

IN RE: PUBLIC HEARING – CONSIDERATION OF ORDINANCE O-18-17 – CULPEPPER
TO WAHRANI SWAMP AGRICULTURAL AND FORESTAL DISTRICT (AFD)

Before the Board for consideration was Ordinance O-18-17 approving AFD-013-17 filed by Jennifer and Kevin L. Culpepper, Jr. to add tax map parcel 36-4-5A, approximately five acres to the Wahrani Swamp (AFD).

Community Development Assistant Sheri L. Wood presented information on the application. She reported the applicants, Jennifer and Kevin L. Culpepper, Jr., had applied to add five contiguous acres from tax map parcel 36-4-5A to the Wahrani Swamp AFD and intended to incorporate this acreage into an existing Forestry Management Plan. An updated forestry report had been included in the meeting materials. The Wahrani Swamp AFD contained 18 parcels totaling 1,338 acres and was set to expire August 31, 2019. Adjacent property owners had been notified as per §15.2-4307 of the Code of Virginia and notices had been published accordingly. Staff, the AFD Advisory Committee and the Planning Commission had reviewed the application and all were offering a favorable recommendation to approve the request. Ms. Wood indicated the property was zoned A1 (Agriculture) and the acreage was devoted to timber. Ms. Wood asked the Board to consider approving Ordinance O-18-17 as presented. Mr. Davis pointed out the map depicted a private road across the property and asked if this would prevent the property from being considered contiguous. Ms. Wood indicated the road would have no impact on the contiguous status of the property but it would be necessary to abide by any easements associated with the road. Mr. Evelyn asked if the timber had been cut. Ms. Wood indicated no timber had been cut from any of the parcels. Mr. Evelyn noted the maps provided suggested there was not much timber on the property and he wanted to be sure property being put into the AFD was actually useful. He also noted most property owners wouldn't harvest timber but once in their lifetime.

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

Ms. Paige moved to approve Ordinance O-18-17, Application AFD-013-17, addition of tax map parcel 36-4-5A to the Wahrani Swamp Agricultural and Forestal District. The members were polled:

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

The motion carried.

IN RE: PUBLIC HEARING – CONSIDERATION OF ORDINANCE O-19-17 – POTTS TO WAHRANI SWAMP AGRICULTURAL AND FORESTAL DISTRICT (AFD)

Before the Board for consideration was Ordinance O-19-17 approving AFD-014-17 filed by Mary J. Potts, Trustee, to add tax map parcel 46-14, approximately 190 acres to the Wahrani Swamp (AFD).

Community Development Assistant Sheri L. Wood presented information on the application. She reported the applicant, Mary Jo Potts, Trustee, had applied to add approximately 190 acres to the Wahrani Swamp AFD. Ms. Potts currently rented 60 acres of the property for farming, 130 acres were in timberland and a small portion was marsh. Ms. Wood reported the timber had been evaluated by Timber Marketing and Management, Inc. and Ms. Potts intended to harvest the mature timber and reseed after the harvest. The Wahrani Swamp

AFD contained 18 parcels totaling 1,338 acres and was set to expire August 31, 2019. Adjacent property owners had been notified as per §15.2-4307 of the Code of Virginia and notices had been published accordingly. Staff, the AFD Advisory Committee and the Planning Commission had reviewed the application and all were offering a favorable recommendation to approve the request. A copy of the farming lease as well as the 2016 forestry report had been included in the meeting materials. Ms. Wood asked the Board to consider approving Ordinance O-19-17 as presented.

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

Mr. Evelyn moved to approve Ordinance O-19-17, Application AFD-014-17, addition of tax map parcel 46-14 to the Wahrani Swamp Agricultural and Forestal District. 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. Davis noted this was the last of the AFD public hearings and thanked Ms. Wood for all of her efforts assembling the materials and making the presentations. He suggested Supervisors should take any information they may want to keep from the meeting binders and leave the binders so they could be recycled. Mr. Evelyn also thanked Ms. Wood and acknowledged Ms. Shannon McLaughlin in the Office of the Commissioner of Revenue who had also been involved in preparing the materials.

IN RE: ADJOURNMENT

Mr. Davis announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Thursday, July 6, 2017 and the next work session would be held at 9:00 a.m. on Thursday, June 28, 2017 both in the Boardroom of the County Administration Building.

Mr. Tiller moved to adjourn the meeting. 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.

The meeting was adjourned at 8:07 p.m.