

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

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IN RE: CALL TO ORDER

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

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IN RE: ROLL CALL

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

All members were present.

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IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

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IN RE: CONSENT AGENDA

1. Approval of Minutes
  - a. September 5, 2017 Business Meeting minutes
  - b. September 27, 2017 Work Session minutes
2. Miscellaneous
  - a. Approval of Sole Source Procurement – ESRI Software, \$75,000.
  - b. Approval of Emergency Procurement – NexGen HVAC Services LLC, \$2,768.75.
  - c. Approval of a Proclamation recognizing October as Domestic Violence Awareness Month.
  - d. Approval of Various On-Call Engineering Contracts:
    - Civil - Bowman Consulting Group, LTD & Kimley-Horn and Associates, Inc.
    - Traffic & Transportation - Bowman Consulting Group, LTD & Kimley-Horn and Associates, Inc.
    - Structural – ECS Mid-Atlantic & Whitman, Requardt & Associates
    - Geotechnical - ECS Mid-Atlantic & Froehling & Robertson, Inc.
    - Mechanical, Electrical and Plumbing - CHA Consulting, Inc. & Mathew J. Thompson Consulting Engineers
3. Refunds
  - a. Erroneous Assessment refund due to Steven M. Day, \$2,602.22.
4. FY18 Supplemental Appropriations
  - a. Program Income received for FY18 from CDBG Plum Point Grant Participants, \$134.
  - b. Donations for Animal Shelter, \$230.

- c. Gifts & Donations to Fire/Rescue: Janet & Roger Hughes, (\$15) & Harold & Kay Wayne, (\$200), \$215 and Gifts & Donations to Parks & Recreation: Ron Stiers (\$8) and cash (\$98), \$106.
- d. FY18 Grand Illumination: Queen B's Sewing LLC, (\$100), David & Ann Burks (\$100), The Williamsburg Chocolatier, Inc., (\$25), Friends of Chris Peace (\$100), Shore to Shore LaSertoma Club, (\$100), Active Life Fitness Center, (\$100), Maurice Alfred Gauthier, (\$1,000) and Hefty, Wiley & Gore, P.C., (\$100), \$1,625.
- e. VML Insurance – Fire/Rescue – Replacement of Hose & Nozzle on Veh 973 DOL 8/13/17, \$1,096.48.
- f. Security Detail: Dagen Electric Company, LLC – Love's Truckstop Traffic Control – 8-4-8/9/17, \$828.73.
- g. Youth Sports Scholarship Funds: Sponsorship Facility Improvements – New Kent Blast, Inc., \$300.
- h. Revise FY18 Victim Witness Budget to Reflect FY18 State Approved Budget for a difference of \$8.
- i. FY18 Local Emergency Management Performance Grant – CFDA# 97.042, \$27,932.
- j. Funds for the FY18 State Fire Programs Grant, \$61,611.

\$94,070.21 Total  
(\$94,078.21) Total In/Out - General Fund (1)  
\$8.00 From Fund Balance – General Fund (1)

- 5. FY18 Interdepartmental Budget Transfers
  - a. School Board/County Administration – From School Debt Reserve to Proposed Elem Sch-Consulting Services, \$15,000.
- 6. Treasurer's Report: Cash as of August 2017, \$32,253,178.51.

Ms. Paige 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.

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IN RE: SMALL BUSINESS CLOSE UP

There was no Small Business Close Up for October.

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

October 9, 2017 was a State holiday (Columbus Day) and, as a result, no VDOT staff were present to give reports or receive comments. VDOT staff had provided a written report covering updates on construction projects, traffic studies and maintenance activities over the past thirty days.

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IN RE: CITIZENS' COMMENT PERIOD

Mr. Davis opened the citizens' comment period and called John P. Moyer of 7537 Patriots Landing Place, Quinton to the podium. Mr. Moyer indicated he wished to discuss the Bottoms Bridge Service District and noted he had been aware of its existence when he had moved to Patriots Landing ten years ago. He had reviewed the ordinance (O-05-04) and was requesting clarity in regard to some of its provisions. He indicated the ordinance suggested the Service District had been created at the request of landowners but no landowner names were mentioned. He pointed out there had been no residents in Patriots Landing in 2004 and therefore no constituents to voice concerns. He suggested Patriots Landing residents were paying approximately twenty percent more in real estate taxes (\$0.15 per \$100 ad valorem tax) than other County residents. He further suggested residents who received real estate tax bills saw the additional tax being levied against their properties but those with escrowed tax payments did not. Mr. Moyer also noted the ordinance had stated the ad valorem tax would be "no less than \$0.08 per \$100 for the first ten years" and then "no greater than \$0.10 per \$100 after that." The current rate was \$0.15 per \$100. He also indicated the ordinance suggested the Service District was to be "accountable" but never stated to whom the Service District was accountable. Mr. Moyer suggested Patriots Landing had become the funding source for economic development in the area and a number of businesses had opened in Bottoms Bridge because water and sewer were available. These businesses were generating additional tax revenue and Mr. Moyer suggested the entire County was benefiting from services being funded by the Patriots Landing residents. He asked the Board to look into his concerns and consider a complete review of the ordinance. He thanked the Board for the opportunity to speak.

Kimberlee Moyer of 7537 Patriots Landing Place, Quinton also addressed the Board concerning the Bottoms Bridge Service District. Ms. Moyer indicated she was present as a resident of a community paying \$0.15 more per \$100 of assessed value and, as the President of the Patriots Landing Homeowners Association, was representing her neighbors and friends. She pointed out that only one member of the current Board of Supervisors had been serving when the ordinance had been adopted. She also noted that no one had been living in Patriots Landing at the time and suggested the adoption of the ordinance had not been fair. She also suggested that everyone in the County had benefited from the additional tax revenue generated by the community. She noted residents often did not benefit personally from services funded with the tax dollars they paid and suggested that everyone should pay the ad valorem tax. She suggested the Board needed to consider this and find a solution.

Mr. Davis thanked the Moyers for their comments and indicated the Board would try to provide them with answers.

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IN RE: DOMESTIC VIOLENCE AWARENESS MONTH

Quin Rivers Community Action Agency Executive Director Dr. Jack Lanier and Client Services Director Sarah Okolita were present to share information on services provided by Quin Rivers in support of victims of domestic violence. Dr. Lanier thanked the Board and County Administrator Rodney Hathaway for their ongoing support and for the Proclamation recognizing October as Domestic Violence Awareness Month. (The Board had adopted this Proclamation as a part of the Consent Agenda earlier in the meeting.) He indicated Ms. Okolita would be providing information on the benefits New Kent County received through the Project Hope program. Ms. Okolita reported that Project Hope provided free confidential

services to victims and survivors of domestic violence. FY17 statistics indicated services had been provided to 95 New Kent residents, 41 of which were under the age of 18. Sixteen percent had sustained injuries requiring medical attention, 26 percent had missed time from work or school, 42 percent had experienced a loss of income or financial security, 26 individuals had become homeless, it had been necessary for 35 percent to relocate and five percent had considered suicide. She indicated these figures had been provided to help everyone understand the impact domestic violence was having on the community. She also reported that in addition to the 95 victims receiving services, Quin Rivers had also provided some of New Kent's ninth and tenth grade students with classes on healthy family relationships. The goal of these classes was to help prevent violence before it started by teaching high school students how to engage in healthy relationships and how to recognize some of the red flags of abuse. Ms. Okolita thanked the Board for the opportunity to speak. Dr. Lanier also noted School Superintendent Dr. David Myers was present and indicated he wished to recognize the wonderful working relationship between Quin Rivers and New Kent County Public Schools. He also thanked the Board for the opportunity to speak.

Mr. Davis noted the Board would like to present the Proclamation adopted earlier and Ms. Paige, the sponsor of the Proclamation, would be making the presentation. Ms. Paige joined Dr. Lanier and Ms. Okolita at the podium. She read the Proclamation, thanked Quin Rivers for the services they were providing and presented the Proclamation.

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IN RE: OTHER BUSINESS – MASONIC LODGE/DEMOLAY INFORMATION

Mr. Winfred "Wimpy" Isgett thanked the Board for the opportunity to speak. He reported that Thursday, October 12<sup>th</sup> would be DeMolay's national recognition of government day and, in honor of this day, some of the members of the New Kent DeMolay Chapter were present to see how government worked. Approximately twelve young men between the ages of 12 and 21 were members of the New Kent DeMolay Chapter. New Kent's chapter was a part of the Mann Page Masonic Lodge located in Providence Forge. Mr. Isgett also reported the purpose of DeMolay was to teach young men to become good citizens and attendance at this meeting was a good opportunity for them to see what government did for its citizens. He thanked the Board again for allowing him to speak.

Mr. Davis thanked Mr. Isgett for the work the Masonic Lodge was doing to foster good leaders. Ms. Paige asked if the DeMolay members who were present could be introduced. Members present included Lane Booth and Nick Gorbet. Chapter Dad, Greg Gorbet and his wife Kassandra were also present. Mr. Davis suggested the Chapter had chosen a good night to attend because the agenda was short with only one public hearing which could not begin until 7:00 p.m. He reported the Board would be going into Closed Session to discuss business which could not be discussed in open session.

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IN RE: CLOSED SESSION

Mr. Evelyn moved to go into Closed Session pursuant to Section 2.2-3711A.3 of the Code of Virginia for discussion and consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County, involving the construction of a New Kent County School, pursuant to Section 2.2-3711A.1 of the Code of Virginia for personnel discussion, involving the Human Resource Office Manager and pursuant to Section 2.2-3711A.5 of the Code of Virginia for discussion of two prospective businesses or industries where no previous announcements have been made of the businesses' or industries' interest in locating in the County. 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.

Mr. Evelyn moved to return to open session. 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. 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:

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. Davis noted it was 7:00 p.m. and the Board could move forward with ITEM 2 on the agenda which was a public hearing.

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IN RE: PUBLIC HEARING – VAIDEN INN BED AND BREAKFAST HOME OCCUPATION -  
CUP-05-17 – RESOLUTION R-36-17

Before the Board for consideration was Resolution R-36-17 to approve Home Occupation Conditional Use Permit (CUP) application CUP-05-17, Vaiden Inn Bed and Breakfast on Tax Map and Parcels 24-14, 24-14A and 24-14B. The subject properties were owned by Bonnie Shepherd and Jessica Kuehl.

Community Development Director Matthew Smolnik reported Bonnie Shepherd and her daughter Jessica Kuehl had requested a Home Occupation Conditional Use Permit to operate a Bed and Breakfast/Inn on properties located at 11920 New Kent Highway. The Inn would have four bedrooms to be rented nightly or weekly and the house would serve as a permanent residence for the property owner and innkeeper. The properties were zoned R-2 and A-1. The Planning Commission had conducted a public hearing and had voted to forward a favorable recommendation. Mr. Smolnik reported the CUP would be subject to three conditions, two of which had been recommended to the Planning Commission and the third had been added by the Planning Commission. Those conditions included:

1. Should the applicant need to hire additional employees, no more than four (4) non-resident employees may be employed on the site.
2. All site lighting shall utilize full "cut-off" fixtures and luminaries that prevent upward light scatter and preserve the dark night sky. Luminaries shall be installed to prevent direct glare into adjacent properties and rights-of way.
3. In the event that the applicant should discontinue using the property as a Bed and Breakfast, the applicant shall notify the Planning Division of that decision. If, within 12 months after notice, the property is still not operating as a Bed and Breakfast, this Conditional Use Permit shall become null and void.

Mr. Smolnik indicated reviewing agencies had noted no concerns and staff was giving a favorable recommendation to the Board. He noted the applicants were present should the Board have any questions.

Ms. Kuehl indicated she wished to speak and reported that she and her mother had noticed a number of years ago that New Kent needed more accommodations. She suggested the County had become a well-known wedding destination and this, the wineries and golf courses were drawing many people to the County. Many of those wishing to stay overnight were being directed to accommodations in the Williamsburg or Richmond area. She reported she and her mother had found the perfect place for the bed and breakfast, The Vaiden House. She also reported she had a marketing background and her mother had over 30 years of experience in the hospitality industry. She suggested the two would make a good team and they had found the perfect house. She indicated the Board's approval of the application would be greatly appreciated.

Mr. Stiers indicated he wished to comment on this application. He noted Ms. Kuehl, who he described as a "go-getter," was the Woodhaven Shores HOA (Homeowners Association) Manager and indicated he had worked with her for six years. He also reported he had worked with Ms. Shepherd several years ago and indicated he believed the two would make a great team and the business would be something of which the County could be proud. Mr. Davis agreed this was a very much needed business in the County. Mr. Stiers questioned the first of the three conditions. He noted he didn't understand why limits would be placed on the number of non-resident employees and suggested a grounds maintenance crew plus custodial staff could easily consist of more than four employees. Mr. Tiller suggested the limit may have been included as a result of VDOT's daily trip count restrictions. Mr. Smolnik indicated the daily trip count for commercial entrances had been a consideration discussed by staff. He indicated issues had arisen with another project which would exceed daily trip count limits for low volume entrances. He indicated Mr. Stiers had brought up a good point and suggested the first condition had been included as a measure to minimize traffic. He also indicated he would not be opposed to removing this condition if the Board wished to do so. He noted he had not been present at the Planning Commission meeting and asked Mr. Tiller, the Board of Supervisors' representative to the Planning Commission, if he recalled if there had been any other reasons for the first condition. Mr. Tiller indicated he believed the condition had been suggested to keep within the VDOT fifty trips per day limit for a low volume entrance. He also reported the Planning Commission had considered it important to include the "sunset clause" contained in the third condition. Mr. Smolnik pointed out the Board could keep, amend or omit any of the proposed conditions. Mr. Evelyn asked what the timeframe would be for opening The Vaiden Inn. Ms. Kuehl indicated they were ready "yesterday" and reported they had done a great deal of work on the property and were ready to open. She noted if the Board approved the application, they would be ready to apply for their business license.

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

Ms. Paige moved to adopt Resolution R-36-17. 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.

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IN RE: ELECTED OFFICIALS REPORTS

Mr. Stiers indicated he had no report.

Ms. Paige announce there would be an open house at "The Ordinary" on October 14<sup>th</sup> from 10:00 a.m. to 5:00 p.m. Scheduled activities included the unveiling of a portrait of James Lafayette at 2:00 p.m. and a variety of food and vendors. She encouraged all to attend and suggested this would be a good opportunity for those who were curious about the house to get a closer look. Ms. Paige also announced that October was Breast Cancer Awareness Month and she encouraged all men and women to have regular x-rays and mammograms.

Mr. Tiller announced Food Lion stores in the County would be holding "Grand Reopening" ceremonies at 7:45 a.m. on October 11<sup>th</sup> in celebration of the recent remodeling of their stores.

Mr. Evelyn reported he was the Board of Supervisors Liaison to the New Kent Educational Foundation Board of Directors and announced the Foundation's annual Bowl-A-Thon fundraiser would be held on November 4<sup>th</sup> at Hanover Lanes. He reported the event organizers had announced this would be the first year to sell out the bowling alley and only five more teams were needed to do so. Funds raised by the Foundation were used for teacher grants in support of classroom activities and student scholarships. He also reported several New Kent County departments would be participating in the Bowl-A-Thon and he encouraged everyone to support our youth and the New Kent Educational Foundation.

Mr. Davis reported the New Kent Junior Woman's Club had recently hosted a golf tournament at Brickshire and had raised \$5,000 to support a variety of projects in the County. He also noted there was something to do every weekend in New Kent and he encouraged everyone to support their local businesses, organizations and events.

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IN RE: STAFF REPORTS – VACO 2017 ANNUAL MEETING PROXY

County Administrator Rodney Hathaway reminded the Board that the annual VACo Conference would be held November 12-14, 2017. He reported the organization's Annual Business Meeting would be held on the 14<sup>th</sup> and each locality was required by the VACo Bylaws to designate a representative to cast its vote or votes at this meeting. He noted that historically he had served as the voting representative and he would be willing to do so again if the Board wished.

Mr. Tiller moved to authorize the County Administrator to cast New Kent's vote at the 2017 Annual Business Meeting of the Virginia Association of Counties on November 14, 2017. 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.

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IN RE: OTHER BUSINESS

There was no other business.

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IN RE: APPOINTMENTS – BY DISTRICT

Ms. Paige moved to appoint Selena Jackson as District Three representative to the Clean County Committee to complete a four-year term ending December 31, 2020. 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.

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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 Wednesday, November 15, 2017 and the next work session would be held at 9:00 a.m. on Wednesday, October 25, 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 7:22 p.m.