

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 8th DAY OF JANUARY IN THE YEAR TWO THOUSAND EIGHTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

2017 Chairman W.R. Davis, Jr. called the meeting to order.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

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: ANNUAL REORGANIZATION – ELECTION OF OFFICERS FOR 2018

The Board's first meeting of the year is designated as the annual reorganization meeting.

Nominations were opened for the office of 2018 Chairman. Mr. Tiller nominated Mr. Evelyn for Chairman of the Board of Supervisors for a term of one year. There were no other nominations.

Mr. Davis moved to close nominations for Chairman of the Board of Supervisors. There being no discussion, 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 moved to elect Mr. Evelyn as Chairman of the Board of Supervisors for a term of one year. There being no discussion, the members were polled:

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

The motion carried.

Mr. Evelyn assumed the chair position. He presented Mr. Davis with a plaque in appreciation of his service as 2017 Board Chairman and thanked him for his leadership. Mr. Davis expressed his appreciation and wished Mr. Evelyn well in 2018.

Nominations were opened for the office of Vice Chairman. Mr. Stiers nominated Mr. Tiller for Vice Chairman of the Board of Supervisors for a term of one year. There were no other nominations.

Mr. Davis moved to close nominations for Vice Chairman of the Board of Supervisors. There being no discussion, the members were polled:

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

The motion carried.

Mr. Stiers moved to elect Mr. Tiller as Vice Chairman of the Board of Supervisors for a term of one year. There being no discussion, the members were polled:

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

The motion carried.

IN RE: ANNUAL REORGANIZATION – APPOINTMENT OF CLERK AND DEPUTY CLERK FOR 2018

Ms. Paige moved to appoint Rodney A. Hathaway as Clerk and Wanda F. Watkins as Deputy Clerk for 2018. There being no discussion, 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: ANNUAL REORGANIZATION – 2018 MEETING SCHEDULE

Before the Board for consideration was Resolution R-01-18 setting the Board's 2018 Meeting Schedule.

The list of proposed meeting dates was reviewed. Ms. Paige reported a conflict with the proposed September 10th business meeting date and asked the Board to consider moving the meeting. After some discussion, September 4th was selected as an alternate date. Mr. Davis reported a conflict with the proposed January 31st work session date and asked the

Board to consider moving the meeting. After some discussion, January 23rd was selected as an alternate date. Mr. Evelyn reported a conflict with the proposed February 23rd budget retreat date. After some discussion, February 22nd was selected as an alternate date. Mr. Hathaway noted the New Kent School Board would be invited to the budget retreat and he would confirm this date with School Superintendent Dr. David Myers.

Mr. Davis moved to adopt Resolution R-01-18 setting the 2018 Meeting Schedule, as presented with the following changes: moving the January 31st work session to January 23rd, moving the February 23rd budget retreat to February 22nd and moving the September 10th business meeting to September 4th. The members were polled:

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

The motion carried.

IN RE: ANNUAL REORGANIZATION – BYLAWS

Before the Board for consideration were its Bylaws. Because there were no recommended amendments, the Board could move forward with the re adoption of Bylaws as amended and readopted on February 13, 2017.

Ms. Paige moved to adopt the Bylaws as presented. The members were polled:

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

The motion carried.

IN RE: CONSENT AGENDA

1. Approval of Minutes
 - a. November 29, 2017 Work Session minutes
 - b. December 11, 2017 Business Meeting minutes
2. Miscellaneous
 - a. Approval of Resolution R-02-18 Requesting the Acceptance of Cosby Mill Acres into the State System for Maintenance.
 - b. Approval of Resolution R-03-18 Requesting the Acceptance of Quinton Meadow, Sections 1 and 2 into the State System for Maintenance.
3. Refunds
 - a. Approval of Building Permit Refund due to Ryan Homes, BP# 21798-2017, \$378.00.
4. FY18 Supplemental Appropriations

- a. Program Income Received from FY18 from CDBG Plum Point Grant Participants, \$109.
- b. Donations to the Animal Shelter, \$529.
- c. Extension Program Sponsorship Revenue for Special Projects: Frances & James Boroughs, (\$18), Chad & Candice Roberts, (\$15), Mary Mills, (\$26) & Cash (\$120); 2018 Ag Conference Sponsorship - Colonial Soil & Water Conservation District, (\$100), Simpson Insurance Services, Inc., (\$100), Crop Production Services, (\$100), C&F Bank, (\$100), Recyc Systems Inc, (\$100), Renwood Farms Inc., (\$100) & Winters Oliver Ins Agency Inc., (\$100), \$879.
- d. Gifts and Donations to: Fire/Rescue - Sue-Mac 1880 LLC, (\$908.61) & Nena Manoylovich, (\$1,000); Parks & Recreation - Jason & Kimberly Turner, (\$14), Wanda & Edward Watkins, (\$10) & Cash, (\$306.76), \$2,239.37.
- e. Funds Received from VML Insurance: Sheriff's Dept. - Veh #319 DOL 11/26/17 Deer Hit Vehicle, \$2,416.33.
- f. Funds for Security Detail - NKHS Sporting Events, (\$339.10), Dagen Electric Company, LLC - Traffic Control 10/25/17 (\$231.27) & Holly Fork Farm - 10/21/17 Fall Festival (\$539.64), \$1,110.01.
- g. Youth Sports Scholarship Funds: Sponsorship Facility Improvement - NK Girls Softball League, \$300.

\$7,582.74 - Total
(\$7,582.71) - Total In/Out - General Fund (1)

- 5. FY18 Interdepartmental Budget Transfers
 - a. Administration - From Reserved for Contingency to Office Supplies, \$7,000.
 - b. Financial Services - From Transfer to Fund 40 to Transfer to Debt Service Fund, (\$200,000) and From Transfer to School to Transfer to School , (\$120,000), \$320,000.
 - c. Social Services - From Safe and Stable Families to Wages Regular, (\$18,000) and From Quality Initiative to Wages Regular, (\$6,600), \$24,600.
- 6. Treasurer's Report: Cash as of November 2017, \$35,646,713.61

Mr. Stiers moved to approve the Consent Agenda, as presented, and that it be made a part of the record. The members were polled:

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

The motion carried.

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

Ashland Resident Engineer Bruce McNabb was present and indicated he would be presenting the report in the absence of Operations Manager Bruce Puffenbarger. 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. McNabb reported on traffic studies and special requests addressed over the past month. A full review of the 55 mph sections of Route 249 had been conducted and the study had provided no engineering justification to reduce the current speed limit. In response to a special request previously made by Mr. Tiller, crossovers on Route 60 at Longview Drive and Brook Boulevard were scheduled to be striped in spring 2018. Mr. McNabb also reported interim bridge repairs had been completed on Holly Fork Road and advance warning signs were scheduled to be placed at the eastbound Route 33/I-64 off ramps near the A-Plus/Mobil station. He also reported VDOT had responded to a small winter storm approximately a month ago and noted the recent storm had been much bigger with extreme cold which had made the cleanup more difficult. In addition, he reported rain was currently falling and reminded drivers of the possibility of black ice. Mr. Evelyn thanked VDOT for the work they had been doing. He noted road conditions were much better and New Kent County schools were scheduled to open with a two-hour delay on Tuesday.

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

Mr. Stiers indicated he had nothing new to report.

Ms. Paige noted her appreciation for all of VDOT's efforts during the recent snow. She reported a yield sign at Airport Road and Route 249 had been leaning and had now disappeared.

Mr. Tiller indicated he had nothing new to report. He noted he had been pleased to see Mother Nature had helped VDOT with snow removal during the day.

Mr. Davis reported he had noticed a number of missing mail boxes since the recent snow. He noted he wasn't sure if the trucks had been VDOT trucks or contractors and he also noted he wasn't sure if the plows or the snow being cleared had caused the damage. He suggested VDOT may be receiving calls in this regard and asked where Supervisors should direct calls they may receive. Mr. McNabb indicated calls should be directed to Bruce Puffenbarger. Mr. Davis noted it had been a difficult storm to call and it was also difficult to make everyone happy but he felt VDOT had done a good job of clearing roads.

Mr. Evelyn thanked Mr. McNabb and VDOT employees for their efforts and long hours in the recent snow and he thanked Mr. McNabb for presenting the VDOT report.

IN RE: CITIZENS COMMENT PERIOD

Mr. Evelyn opened the Citizens Comment Period. There being no citizens wishing to speak, the Citizens Comment Period was closed. Mr. Evelyn reminded those who were present that a signup sheet was available for the 7:00 p.m. public hearing on the Rock Creek Villas PUD amendment. He encouraged those wishing to speak to sign in on this sheet.

IN RE: INITIATION OF TEXT AMENDMENTS TO PART II OF THE COUNTY CODE –
RESOLUTION R-04-18

Before the Board for consideration was Resolution R-04-18 to initiate text amendments to Part II of the County Code.

County Administrator Rodney Hathaway reported these text amendments were recommended as a result of the recent reorganization of the Community Development

Department. Three offices comprising the Community Development Department had been made into separate departments and the Community Development Department had been discontinued. The three new departments included Economic Development, Environmental and Planning. The reorganization had resulted in position title changes for several staff members. These title changes were not consistent with the land development section of the County Code and Planning Commission review and approval was needed. Mr. Hathaway drew attention to Section 94-33 (Definitions) and noted the Director of Planning definition had been revised; the word "planner" had been changed to "planning." Mr. Evelyn asked if the Planning Commission would be forwarding recommendations back to the Board of Supervisors. Mr. Hathaway indicated they would.

Ms. Paige moved to adopt Resolution R-04-18 to initiate text amendments to Part II of the County Code by forwarding the proposed amendments to the Planning Commission for review and input. The members were polled:

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

The motion carried.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Stiers indicated he had nothing to report.

Ms. Paige wished everyone a Happy New Year. She announced the 2018 New Kent Relay for Life would be April 28th and invited everyone to attend an organizational meeting at 6:30 p.m. on January 10th at Colonial Kitchen. She noted cancer was a disease that touched everyone. She suggested that if there was anyone present who did not believe they had been touched by this disease, she was sad to report that it would happen. Funds raised would go to the American Cancer Society to help find a cure. Mr. Evelyn thanked Ms. Paige for her report and noted the 2017 New Kent Relay for Life had been a very successful event.

Mr. Tiller indicated he had nothing to report.

Mr. Davis thanked the citizens for being "good sports" during the recent snow and cold weather. He noted he was thankful that those who had lost power had only been without service briefly. He also offered a "shout out" to retired New Kent County Sheriff "Wakie" Howard who had cleared church parking lots on Saturday so they could be open on Sunday.

IN RE: STAFF REPORTS – DECLARATION OF LOCAL EMERGENCY – RESOLUTION R-05-18

County Administrator Rodney Hathaway noted copies of Resolution R-05-18 declaring a local emergency had been placed at each Supervisor's seat. He reported the Governor had declared a State of Emergency on January 3, 2018 to address conditions resulting from the recent severe winter weather. He reported New Kent County had suffered damage to several facilities due to frozen and busted pipes and declaring a State of Emergency would open up the possibility for the County to receive some reimbursement for the damages. He suggested damages had been substantial but it was too early to determine a dollar figure. Damaged facilities included Fire Station I, the New Kent Courthouse, the Historic School, the

Parham Landing Waste Water Treatment Plant and a well at Quinton Park. Mr. Davis asked if the damages were not covered by insurance. Mr. Hathaway suggested insurance would cover sixty to seventy percent of the costs. He also noted insurance would not cover staff hours associated with cleanup and repairs.

Mr. Evelyn reported there had been ongoing heat issues in the County Administration Building and he thanked staff for "toughing it out." He reported having found the temperature to be fifty-one degrees and staff members were working with space heaters earlier in the day. He indicated he hoped this issue would be repaired soon. He also noted the Sheriff's Office and Fire-Rescue had responded to many calls during the snow and thanked them for all their efforts.

Ms. Paige moved to adopt Resolution R-05-18 declaring a local emergency. The members were polled:

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

The motion carried.

IN RE: APPOINTMENTS – DELEGATED BY DISTRICT

Ms. Paige moved to appoint Jean Street as District Three alternate representative to the Historic Commission to serve a four-year term beginning January 1, 2018 and ending December 31, 2021.

Ms. Paige moved to appoint James Moody, Sr. as District Three representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2018 and ending December 31, 2018.

Ms. Paige moved to appoint Sidney Burrell as District Three representative to the Transportation Safety Commission to serve a four-year term beginning January 1, 2018 and ending December 31, 2021.

Mr. Stiers moved to appoint Sarah Swartout as District Four representative to the Clean County Committee to serve a four-year term beginning January 1, 2018 and ending December 31, 2021.

Mr. Stiers moved to appoint Stran Trout as District Four representative to the Historic Commission to serve a four-year term beginning January 1, 2018 and ending December 31, 2021.

Mr. Stiers moved to appoint Margaret "Gussie" Pomfrey as District Four alternate representative to the Historic Commission to serve a four-year term beginning January 1, 2018 and ending December 31, 2021.

Mr. Stiers moved to appoint Bobby Weagley as District Four representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2018 and ending December 31, 2018.

Mr. Davis moved to appoint E. Wayne Davis as District Five representative to the Agricultural and Forestal District Advisory Committee to serve a four-year term beginning January 1, 2018 and ending December 31, 2021.

Mr. Davis moved to appoint Charles M. Davis as District Five representative to the Economic Development Authority to serve a four-year term beginning January 1, 2018 and ending December 31, 2021.

Mr. Davis moved to appoint Ronald Lang as District Five representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2018 and ending December 31, 2018.

Mr. Davis moved to appoint Jerry Benson as District Five representative to the Transportation Safety Commission to serve a four-year term beginning January 1, 2018 and ending December 31, 2021.

The members were polled:

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

The motions carried.

IN RE: APPOINTMENTS – NOT DELEGATED BY DISTRICT

Ms. Paige moved to appoint Brandon Bonner as an at large representative to the Clean County Committee to serve a four-year term beginning January 1, 2018 and ending December 31, 2021.

Ms. Paige moved to appoint L. Steve Miles as a member of the Farms of New Kent Community Development Authority Board to serve a four-year term beginning January 1, 2018 and ending December 31, 2021.

Ms. Paige moved to appoint Robert Gray as an at large representative to the Purchase of Development Rights Committee to complete a three-year term ending June 30, 2020.

The members were polled:

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

The motion carried.

IN RE: APPOINTMENTS – REGIONAL BOARDS AND COMMISSIONS

Ms. Paige moved to appoint Charles Moss as a New Kent representative to the Colonial Community Criminal Justice Board to serve a four-year term beginning January 1, 2018 and ending December 31, 2021.

Ms. Paige moved to appoint Lisa Diggs as New Kent's representative to the Henrico Area Mental Health and Developmental Services Board to serve a three-year term beginning January 1, 2018 and ending December 31, 2020.

Mr. Davis moved to appoint Sgt. Ryan Shobe as New Kent's representative to the Tri-River Alcohol Safety Action program Board of Directors to serve a three-year term beginning January 1, 2018 and ending December 31, 2020.

The members were polled:

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

The motion carried.

IN RE: APPOINTMENTS - BOARD MEMBERS AND STAFF

Ms. Paige moved to appoint W.R. Davis, Jr. as the Board representative to the Agricultural and Forestal District Advisory Committee to serve a one year term beginning January 1, 2018 and ending December 31, 2018.

Ms. Paige moved to appoint Ron Stiers as the Board representative to the Airport Advisory Commission to serve a one year term beginning January 1, 2018 and ending December 31, 2018.

Ms. Paige moved to appoint Environmental Planning Director Justin Stauder as staff representative to the Clean County Committee.

Mr. Davis moved to appoint Patricia A. Paige as the Board representative to the Historic Commission to serve a one year term beginning January 1, 2018 and ending December 31, 2018.

Ms. Paige moved to appoint Thomas W. Evelyn as the Board representative to the Parks and Recreation Advisory Commission to serve a one year term beginning January 1, 2018 and ending December 31, 2018.

Ms. Paige moved to appoint C. Thomas Tiller, Jr. as the Board representative to the Planning Commission to serve a one year term beginning January 1, 2018 and ending December 31, 2018.

Ms. Paige moved to appoint W.R. Davis, Jr. as the Board representative to the Social Services Advisory Board to serve a one year term beginning January 1, 2018 and ending December 31, 2018.

Ms. Paige moved to appoint Ron Stiers as the Board representative to the Transportation Safety Commission to serve a one year term beginning January 1, 2018 and ending December 31, 2018.

Mr. Tiller moved to appoint Patricia A. Paige as New Kent's Board representative to the Capital Region Policy Board to serve a one-year term beginning January 1, 2018 and ending December 31, 2018.

Ms. Paige moved to appoint Rodney Hathaway as New Kent's Board alternate representative to the Capital Region Policy Board to serve a one-year term beginning January 1, 2018 and ending December 31, 2018.

Mr. Tiller moved to appoint Patricia Paige as a New Kent representative to the Richmond Region Tourism Board to complete a three-year term ending December 31, 2019.

Mr. Tiller moved to appoint Rodney Hathaway as Board alternate to the Richmond Regional Planning District Commission to complete a term ending December 31, 2019.

The members were polled:

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

The motions carried.

IN RE: EMERGENCY MANAGEMENT APPOINTMENTS

Mr. Stiers moved to appoint Thomas W. Evelyn as the Director of Emergency Management pursuant to Code of Virginia Section 44-146.19 and as Director of Emergency Services pursuant to County Code Chapter 30-161.

The members were polled:

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

The motion carried.

Chairman Evelyn moved to appoint Fire Chief Richard A. Opett as the Coordinator of Emergency Management pursuant to Code of Virginia Section 44-146.19 and as Coordinator of Emergency Services pursuant to County Code Chapter 30-162.

The members were polled:

| | |
|-------------------|-----|
| Patricia A. Paige | Aye |
| Ron Stiers | Aye |
| W. R. Davis, Jr. | Aye |

C. Thomas Tiller, Jr. Aye
Thomas W. Evelyn Aye

The motion carried.

Mr. Evelyn noted it was too early to begin the 7:00 p.m. public hearing and called for a fifteen minute recess at 6:45 p.m. The Board reconvened at 7:00 p.m.

IN RE: PUBLIC HEARING – PUD-02-17 - ROCK CREEK VILLAS PUD AMENDMENT –
 ORDINANCE O-01-18

Before the Board for consideration was Ordinance O-01-18 to amend the Rock Creek Villas Planned Unit Development (PUD).

Planning Director Kelli Le Duc provided a brief overview of application PUD-02-17 to amend the Rock Creek Villas PUD. Ms. Le Duc noted Mr. and Mrs. William (Billy) Cunningham and The Woda Group, Inc. had requested several amendments to the Rock Creek Villas PUD. Rock Creek Villas was located east of the intersection of Longview Drive and Route 60. The original PUD had been approved on July 10, 2006 and had subsequently been amended on August 13, 2012. The current PUD amendment application included the following:

- Limiting the senior living facility to lots 1-10;
- Requiring the senior living facility to be constructed in substantial conformity to the submitted plans;
- Limiting the senior living facility to 46 units;
- Landscaping requirements in substantial conformity to the submitted plans;
- The installation of a gate for private access and emergency services;
- Limiting the assisted living facility to lots 56-60;
- Requiring the assisted living facility to be constructed of the same materials and character of the buildings within Rock Creek Villas;
- Requiring that the assisted living facility elevations be brought to the Planning Commission for approval.

The application had been reviewed by all County reviewing agencies as well as VDOT and comments had been included in the meeting materials. Any concerns would be addressed during the site plan review process. The Planning Commission had conducted two public hearings (October and December) and had voted in December to forward an unfavorable recommendation to the Board of Supervisors. Ms. Le Duc noted The Woda Group representatives would be making a presentation and Ordinance O-01-18 had been included in the meeting packet for the Board's consideration.

The Woda Group, Inc. Senior Vice President Craig Patterson thanked the Board for the opportunity to speak regarding the proposed development of Rock Creek Place. He reported The Woda Group was based in Columbus, Ohio, had been established in 1990 and operated approximately 300 properties in fifteen states with over 12,000 total units. Staff was comprised of a development team, a construction team and a management team and The Woda Group managed all of its properties. This allowed management to be very diligent in the screening process, eviction process and upkeep and management of the properties. Mr. Patterson reported The Woda Group's reputation was that it never "flipped" properties. He did note there had been an instance in the early 90s when a title examination had revealed information which had caused The Woda Group to sell a property. Mr. Patterson indicated The Woda Group had pledged a number of items as Ms. Le Duc had described. He further indicated that he, as the development officer, wished to pledge, "that what we say, we will do." He noted management was diligent in screening for income, credit and criminal

background information and did not "have to take everyone who applies." Mr. Patterson reported financing would come through VHDA (Virginia Housing Development Authority) tax credits. He indicated the VHDA would assure The Woda Group followed through with its commitments before giving any tax credits. He reported the properties were constructed in a high quality manner and the company had received numerous awards for design. Developments included single-family, multi-family, row houses and town homes and historic buildings rehabbed into housing. The Woda Group's high standards resulted in properties that were often built at a higher quality than most other "market rate" developments. The Woda Group had been referred to New Kent County to seek property that was already zoned or could be rezoned for multi-family development. Woda representatives had met with County staff who had suggested they meet with the Cunninghams. They had first met with the Cunninghams in spring 2017. Mr. Patterson asked Mr. Cunningham to share his perspective on the proposed development.

Mr. Billy Cunningham indicated he was the developer of Rock Creek Villas and wished to speak about The Woda Group's and his vision and noted he hoped New Kent County would have the same vision. He reminded the Board that he had brought a vision to the County in the 70s with the development of the Five Lakes communities. He reported there had been a great deal of opposition to this development but the Board of Supervisors had approved the plans and had allowed the project to move forward. Mr. Cunningham suggested many "good people" had moved to the County who would not be here today if the Board had not had a vision to develop the Bottoms Bridge area. He also suggested the addition of water and sewer in the area had been a result of these developments and the availability of these services was attracting new businesses. Mr. Cunningham indicated he was asking the Board to consider the vision the County could have twenty-five years from now if the Rock Creek Place project was approved. He indicated he had visited other Woda Group properties and he felt this project would be a good thing for everyone. He affirmed Mr. Patterson's previous report, indicating the only way he had come to know The Woda Group was because they had been sent to him by New Kent County. He reported an individual had come to him seeking to build a single-family home in Rock Creek Villas and the PUD had been amended to allow this approximately four years ago. He suggested that individuals would look at Rock Creek Place in the future and think the change had been just as good as Five Lakes had been. Mr. Evelyn thanked Mr. Cunningham for his comments.

Mr. Patterson returned to the podium and continued with a slide presentation. He presented a brief history of the development of Rock Creek Place. The site had first been discovered in April 2017 and a meeting had been held with County staff in June 2017. Due diligence and site design had been completed in fall 2017 and the application had first been presented to the Planning Commission in October. The Planning Commission had deferred action for sixty days and had recommended the developer meet with Rock Creek Villa residents. Meetings were held with the residents in November and December and a number of changes had been made as a result of community input. The application had been presented to the Planning Commission for a second time on December 18th. Changes included reducing the number of units from 56 to 46. Total building mass had been reduced by redesigning the eastern portion of the building as a two-story structure rather than three-story. The western portion of the building would remain three-story and would blend well with the existing two-story commercial building to the west. A remotely actuated ingress/egress gate had also been added to separate the commercial property from residential property and to address traffic concerns. Rock Creek Place residents would not have use of the gate and would ingress/egress by Longview Drive. The Woda Group would cover all costs associated with the purchase and installation of the gate and plans were to share upkeep and maintenance costs of the gate with residents. The design had also been modified to include more brick, window modifications and a pitched roof to integrate better

with Rock Creek Villas. Landscaping and a privacy fence had been added to create more green space at the eastern end of the property. Additional parking and a drop-off zone had been added at the front entrance. Common space including additional "green" amenities such as a gazebo with benches and landscaping had also been added.

The assisted living facility noted on the plans would involve lots 56-60. Mr. Patterson noted the Rock Creek development's original concept had been an age-restricted community. As a result of changing population demographics, the Cunninghams had included future assisted living along with senior living on the site plan for the PUD amendment. He suggested Rock Creek Place would have a significant economic impact on the community. The Woda Group's investment would be between \$8.9 and \$9.1 million dollars to construct the 46 unit building and described amenities. Tap fees for the 37 two-bedroom and 9 one-bedroom units would be approximately \$101,000 and annual water usage would generate an estimated \$94,800 in revenue. Annual tax revenue was estimated to be \$30,000. The construction phase of the project would generate 62 jobs most of which would be local tradesmen. Once completed, full-time jobs would equal 1.5 FTEs which would include a full-time property manager and a part-time grounds maintenance position.

Mr. Patterson reported Scott Courtney, a Civil Engineer with Resource International, had been hired to work on the project. Resource International had been involved with the original Rock Creek Villas PUD. He invited Mr. Courtney to the podium to speak about his firm's involvement in the project's planning and design. Mr. Courtney reported existing infrastructure had been reviewed and it had determined there was adequate water and sewer capacity for this as well as future assisted living development. He pointed out that although the footprint of the facility appeared to be relatively large the structure was narrower than proposed homes being constructed in the area. Porous asphalt would be used in parking areas to reduce storm water impact. In response to traffic and parking concerns, the development would limit traffic and parking needs by limiting the number of automobiles per unit to one. He noted this was in keeping with The Woda Group's past projects and in keeping with senior living development. Progression from senior living to assisted living would mean residents would have no vehicles but adequate parking would be available for visitors, employees and deliveries. He suggested the Rock Creek Place project would not be detrimental to the use or development of adjacent properties and suggested it would be the component "to preserve the family through some of these life changes." He suggested this was where senior living, age restricted and assisted living would all come together. Mr. Evelyn thanked Mr. Courtney for his comments.

Mr. Patterson introduced Richard Hurlbert, a finance lawyer with Hanebert Hurlbert PLC, and noted the Cunninghams had invited him to speak to the Board. Mr. Hurlbert reported he had been involved with the financing of many similar projects over the past twenty years. He noted he had been surprised when the Cunninghams had approached him in 2004 with a vision for a senior age-restricted facility in New Kent County. He suggested this type of development had not been the trend in 2004 and suggested the Cunninghams' vision had been "forward thinking" when they had believed this would be needed and in high demand in New Kent. He reported the demand for similar "age-in-place" facilities had increased across the Commonwealth in recent years and he had handled financial transactions for projects in Richmond, Williamsburg (Williamsburg Landing), Charlottesville and Virginia Beach. He noted the Rock Creek Villas PUD had previously been amended in response to market demand and the current proposed amendment was also viewed as another attempt to be responsive to the market demand for maintenance-free age-in-place facilities. He also noted financing for Rock Creek Place would include "low-income housing tax credits" allocated by VHDA. He suggested "low-income housing tax credits" was a "misnomer" and noted it was not accurate to say Rock Creek Place would be "Section 8" subsidized housing.

He suggested these tax credits were a financing tool which would allow the developer to "infuse equity in addition to the debt that they will incur" in financing the improvements. The tax credits would be sold to enterprises seeking shelter from taxes. He stressed again that these tax credits were a financing tool and not a subsidy. He turned the floor back over to Mr. Patterson and noted he would be available to answer any financing questions Board members may have. Mr. Evelyn thanked Mr. Hurlbert for his comments.

Mr. Patterson indicated Mr. Hurlbert's comments concluded the applicant's presentation. He indicated they would be happy to address questions now or later as the Board saw fit. Mr. Evelyn thanked Mr. Patterson for the presentation and indicated the Board would hold questions until after the public hearing.

Mr. Evelyn opened the public hearing and provided a brief overview of public hearing procedures. He called William Shumake, an attorney with LeClair Ryan representing residents of Rock Creek Villas to the podium. Mr. Shumake thanked County staff for all their work and suggested the first time residents in Rock Creek Villas had heard about the proposed PUD amendment had been when they had received the required ten-day notice for the October Planning Commission meeting. He indicated he had served on a Planning Commission and had over thirty years of experience in land use. He also indicated he had made himself available to the parties involved and was shocked to hear there had been additional amendments since the Planning Commission which had not been shared with him or any other parties. He noted some of the mentioned changes such as a pitched roof were not visible in the presentation. He drew attention to handouts which he had provided for the Board. The first page contained "four factors to be considered" with the remainder of the handout consisting of a series of pictures. The four factors included:

- Is the amendment prejudicial to the character of the neighborhood?
- Will the amendment adversely affect the general plans for the physical development of the County as embodied in the Comprehensive Plan?
- Will the amendment be detrimental to the use or development of adjacent properties or the general neighborhood, or will it impair the value of buildings or property in surrounding areas?
- Will the amendment encourage economic development activities that provide desirable employment and enlarge the County's tax base, promoting general welfare?

Mr. Shumake suggested the applicant had not met any of these factors and the County tax base would be impacted by "subsidized housing." He suggested the tax credits could be given because the facility would have "greatly below market rates" which he believed was subsidized housing. He noted the proposal was to put these apartments in place of the previously approved upscale community. He suggested this was not the appropriate location for this type of development and was not in line with the Comprehensive Plan. He drew attention to the first three factors listed in his presentation. He suggested the Rock Creek PUD was a "one-story, senior living, upscale, pedestrian scale, close knit, community" and this was the vision his clients had bought into. He suggested the proposed amendment to allow a two and three story "low rent affordable housing apartment complex" was "eviscerating" the PUD. He suggested his clients had spent their life savings to buy into the vision of Rock Creek Villas based on what the developer and the PUD had told them. He suggested this would do damage to the physical character of the community and destroy property values. He also suggested the proposed apartment building would be over one-tenth of a mile long compared to the small pedestrian scale retirement community in Rock Creek Villas. He further suggested the proposed amendment was "a violation of the trust that my clients had in the PUD and in the developer himself." He stressed the importance of a developer getting the residents to "buy into" a PUD amendment and suggested that in this case, the developer had never contacted the residents. He suggested there was unanimous

opposition among residents and asked those in the audience who were opposed to the proposed amendment to please stand. Approximately twenty individuals stood. He also suggested parking was currently and would continue to be an issue and the inclusion of an unknown assisted living facility in the amendment was not appropriate. He referred to this as a "trust me" amendment and suggested all details of this proposed facility should have been included in the amendment. He asked Board members to remember that approval of this amendment would set a precedent. He suggested people needed to know that a developer would not be able to come in, have zoning passed and then "bait and switch" to get anything else they wanted. He suggested this was much bigger than this case and urged the Board to deny this request. He encourage Board members to "put the shoe on the other foot" and consider how they would feel if this was happening to them.

Pat Amann of 3478 Rock Creek Villa Drive, Quinton indicated she was honored to be the spokesperson for her neighbors and was present to tell the Board that they did not want this change in their neighborhood. She proceeded to go through a list of specific proposed features that residents did not want in their community. Ms. Amann suggested residents did not want the concept of an assisted living facility. Although no details had been provided, she assured the Board that she and her fellow residents didn't want whatever it would be. The residents had paid the Cunninghams \$4.9 million dollars collectively and they wanted the vision they had bought into. She suggested some Board members had been introduced to the proposed amendments as early as July 2017 and Mr. Cunningham had shared this vision with them because he needed their votes. He had failed to inform the residents of his plans. She suggested the Rock Creek Villas residents had been accused of being "mean spirited" because they disagreed with the proposed plan and were offended by the "behind the scenes process." She suggested the residents were trying to protect the integrity of their neighborhood and they should be able to trust "when a man, a family and a developer promises you something." She suggested the residents had selected Rock Creek Villas because "all indications made it sound like a great place to live." She and her neighbors were relying on the Board and she urged them to not support this "blatant bait and switch." She urged them to vote "NO" not only because it was "unworkable" but because it would be the right thing to do for everyone in Rock Creek Villas.

Mr. Robert Lampie of 3330 Quaker Road, Quinton indicated he was in favor of having a development like this in New Kent County. He noted he was 76 and had lived in New Kent for over forty years. He currently maintained a home in the County and understood that the time may come when he would no longer be able to live in his home. He indicated that when that time did come, he would not want to leave New Kent. He suggested there had been many New Kent residents who had left the County for assisted living facilities. He suggested that whether or not the Board approved this facility in Rock Creek or for some other location, a facility like this was needed for the people of the County.

Rev. Milton A. Hathaway of 9001 Crumps Mill Road, Quinton reported he had lived in New Kent for 45 years, had been a community leader for 40 years and a pastor for 36 years. As the President of the New Kent Clergy Association and as a member of the Baptist Ministry Union of New Kent he reported frequently hearing about the problems faced by seniors moving from the County when they were no longer able to afford to manage a home or did not have relatives willing to take them in within the County. He suggested New Kent would have very few developments today if it was not understood that opposition was a part of the decision process. He referenced several projects that had faced opposition including the new courthouse building, the new high school, the Brickshire community and the Vineyards of New Kent. He suggested New Kent did need senior living and assisted living facilities. He also indicated there were families being split apart because one member had to move to find suitable housing making it difficult for other family members to visit. It was also often

difficult for church members to visit with members who had been forced to move from the County. He suggested the County was obligated to its seniors to provide affordable housing and assisted living. He closed by encouraging the Board to support this amendment.

Mark Hill of 8857 Greenwood Boulevard, New Kent suggested Rev. Hathaway had spoken about many of the things he wished to address. He suggested there was a definite need in the County and indicated he had sat on the Board of Supervisors when the original Rock Creek Villas PUD had been approved. He reported recently speaking with the Cunninghams and suggesting it would not have been the appropriate time for this type of development with the initial PUD approval. He noted the County did have an aging population and suggested this was now the time for this development. He suggested residents forced to move to Mechanicsville, Williamsburg or Richmond to find suitable housing were being cut off from their families and friends. He suggested there was a big need for assisted living facilities in New Kent. He reported he had searched The Woda Group on the internet and had found no negative comments about the company or its developments. He had looked at facilities and suggested pictures shared by Mr. Shumake were not "indicative" of The Woda Group developments and he urged to Board to pass this amendment.

Larry Southward of 6830 Longview Drive, Quinton suggested this development had been a "travesty" since the beginning in 2003. He agreed that assisted living was needed but suggested New Kent did not have the infrastructure to support it. He noted the County had no hospital and suggested most services with the exception of the police were voluntary. He also reported traffic concerns on Longview Drive and suggested there would be line of sight issues for drivers leaving Rock Creek. He also reported concerns regarding garbage trucks in the vicinity as early as 4:00 a.m. He indicated he had always been told "you make your bed, you have to lay in it" and suggested this was what Mr. Cunningham had to do now. He suggested Rock Creek had been developing for fifteen years and noted his construction experience had involved large projects none of which had taken fifteen years.

Chil'lon Williams of 3544 Rock Creek Villa Drive, Quinton suggested this had been an "overwhelming ordeal" and she had been praying about it. She noted she had not known ten lots had been reserved prior to purchasing her home. She also indicated the mention of evictions was a concern and suggested she did not want to see anyone's possessions on the street. She also indicated she didn't want to see people being moved in and out because they couldn't afford the rent or had individuals living with them who were not on their leases. She stated, "I don't want to be a part of something like that. Didn't sign up for it." She noted The Woda Group had said they had done their due diligence but pointed out no one had told them they were buying into a place such as this and no one had asked her how she felt about it. She reported she and her husband were disabled veterans and some of her neighbors were cancer survivors or were currently fighting cancer. She suggested many of them had put up their life savings to purchase these home and she could not believe they could have "the audacity" to ask them to maintain a gate. Referencing the proposed assisted living facility, Ms. Williams noted there were no details and no one wanted to build it and suggested it should not have been included in the amendments. She suggested no one had considered the fact that no one would spend this much money for a home to live next door to an "eye sore" with people they would not know.

There being no others wishing to speak, Mr. Evelyn thanked all who had spoken and closed the public hearing. He asked Board members if they had any questions.

Mr. Davis asked Mr. Hurlbert if tax credits would lower the value or cost of someone living in the proposed apartments. Mr. Hurlbert indicated the tax credits would not lower the value but in order to qualify for tax credits, the rent the owner could charge would be restricted.

He further noted the owner was required to verify and demonstrate that tenants were low to moderate income. Mr. Davis suggested the developer was receiving tax credits to subsidize the cost of individuals living in the apartment. Mr. Hurlbert indicated this was not the case and suggested the developer received the tax credits for building the project to certain VHDA specifications. The management company was responsible for vetting tenants, determining that income restrictions were met and interfacing with VHDA. He noted the tax credits were awarded over a fifteen year period so the management company could not build and then walk away. He indicated there were very rigid construction requirements to qualify for the program and regular inspections throughout the fifteen year period. Mr. Davis indicated he understood the concept of tax credits and noted he did not know which percentage of the building would be built with tax credits. Mr. Hurlbert indicated 100% of the building would be built with tax credit financing. Mr. Davis suggested the VHDA would want something in return and that was lower income families. Mr. Hurlbert indicated he was correct and noted the VHDA would want two things. The units would be of high quality construction with energy efficient appliances and state-of-the-art technology and the units would be offered to low and moderate income individuals. He suggested it was sometimes difficult to find the demand but indicated The Woda Group was comfortable with the idea that the demand for this type of housing was present in New Kent. Mr. Davis asked how many age restricted projects The Woda Group had developed. Mr. Hurlbert indicated Mr. Patterson could better answer this question. He noted The Woda Group currently had 12,000 total units in 300 projects and suggested the age-restricted projects were generally in the 50 to 60 unit range. Mr. Davis indicated the Supervisors had heard from several individuals suggesting New Kent needed age-restricted housing and he wanted to better understand where this type of development had been built. Mr. Patterson indicated it was The Woda Group's preference to build age-restricted properties because they were more efficient and the tenant base was easier to manage. This would be The Woda Group's first age-restricted development in Virginia and approximately 32 percent of The Woda Group's mix of units was age-restricted. He indicated VHDA had just begun awarding tax credits for age-restricted development approximately two years ago. Up until that time, VHDA had required that all tax credit development units be made available to the general population.

Ms. Paige indicated she wanted to make it clear that she was "very sympathetic" and "very pro finding living ... affordable communities especially for our seniors." She suggested Board members were in agreement that seniors not only needed but deserved to have a place where someone could care for them or they could receive assistance. She asked if The Woda Group had sought any other properties in New Kent for this type of development and how many units would be in the assisted living portion of the development. Mr. Patterson indicated they had sought other properties in the Commonwealth and suggested it was difficult to find zoned properties and communities that would allow PUD amendments. The option to amend the PUD had been one of the reasons New Kent had been selected. He indicated The Woda Group did not build assisted living facilities and suggested there were other developers that would develop tax credit financed assisted living facilities. He suggested The Woda Group was here because they embraced the Cunninghams' vision for an age-restricted community. The Cunninghams had indicated they were open to multi-family housing and had asked about "live-in-place" options. Mr. Patterson indicated the Cunninghams had asked that assisted living be included in the PUD amendment. He suggested it did make sense to have assisted living housing adjacent to senior housing and noted people wanted to stay close to their friends, their church and their community.

Ms. Paige questioned again the number of units in the age restricted facility. Mr. Cunningham approached the podium and indicated there was no plan to build any assisted living facility on the property at this time. He reported having conversations with the Catholic, Methodist and Lutheran churches regarding assisted living in New Kent County.

He indicated he had thought this would be the time to designate the lots across from the proposed Woda Group's development and request the amendments in one package. He suggested that any of these churches wanting to pursue an assisted living development would have to come to the Planning Commission and stand on their own merits. Ms. Paige noted assisted living was included in the PUD. Mr. Cunningham suggested it didn't have to be included and he was open to removing it.

Mr. Evelyn suggested if assisted living was included in the PUD amendments and this request received the Board's approval, the potential developer would only need staff approval and would not have to come back to the Board. He asked County Attorney Brendan Hefty to confirm this. Mr. Hefty indicated this was correct and noted assisted living would be allowed as a permitted use as the amendment was currently drafted.

Mr. Tiller indicated parking was one of his biggest concerns. He reported frequenting some of the businesses in the Rock Creek commercial building and reported parking was a problem not just on fundraiser nights. He also expressed concerns regarding the allowance of only one car per unit. He suggested tenants who may need more than one car would park the second car in commercial parking. He reported Economic Development Director Matthew Smolnik had done some research for him and he had learned the number of square feet in the commercial building required 75 parking spaces. He reported there were approximately 60 spaces available and asked where staff, management and visitors would park at an apartment building with 46 units and only 46 spaces. He reported he had been on the Planning Commission when the original PUD had been approved and he had voted against it because of traffic concerns. He suggested the amended PUD was nothing like the original PUD and noted that when the PUD had been amended to allow single-family units in Rock Creek Villas, the single-family units looked the same as the duplexes and quads.

Mr. Evelyn also indicated he was concerned about the one-car policy and asked how this would be enforced. Mr. Patterson suggested age-restricted low to moderate income families typically owned just one car. He reported they had been exploring a partnership with Bay Aging for transportation which would also limit the number of vehicles needed. He noted the original plan had included more parking spaces but some had been lost to allow for a drop off zone at the front of the building.

Mr. Tiller asked how traffic entering Rock Creek Villa from Route 60 would be impacted by the gate. Mr. Patterson indicated he would have Mr. Courtney address questions regarding the gate but he first wished to address citizen comments suggesting residents didn't want to pay for maintenance of a gate. He reported the cost of maintenance would be shared only by those using the gate and if residents to the east didn't want to use the gate, they would not have to. He also pointed out that the addition of the apartments and gate would relieve residents to the east from the responsibility for road maintenance west of the gate. Mr. Patterson indicated The Woda Group had agreed to include provisions for this road maintenance in a POA (Property Owners' Association) agreement. He also noted comments had been made about the privacy fence which had been added to shield properties to the east from headlights. He indicated this had been included as a goodwill gesture while the vegetation was young and the fence could be removed. Mr. Courtney approached the podium to share information on the gate. He reported residents had raised questions regarding how The Woda Group would keep individuals coming to the commercial property from parking in the residential property. He noted the proposed installation of a gate had been in response to these comments. This would be a two-panel swing gate with punch-pad entry and would open automatically for vehicles leaving from the residential property onto Longview Drive. The gate would be synchronized with Fire/EMS KNOX-BOX[®] technology for emergency purposes. He suggested monthly gate maintenance/operation

costs to residents to the east of the gate would be approximately \$4.50. Mr. Cunningham indicated he would like to address comments made by Mr. Tiller regarding the number of parking spaces available at the commercial building. He indicated he believed the plans approved by the Board had included 97 spaces.

Mr. Evelyn asked if there would be any amenities within the apartment complex. Mr. Patterson reported amenities within the building would include a property manager's office and a community room for tenants and their guests. Amenities on the grounds would include a gazebo with benches to the west for common use by anyone within the community. He also reported apartments would contain Energy Star® appliances and have LEED or EarthCraft Gold certification (green community standards) which would result in lower utility bills for residents. Mr. Evelyn asked if apartment residents would be able to use amenities already existing in Rock Creek. Mr. Patterson asked Mr. Cunningham to address this question. Mr. Cunningham indicated the properties would be separated with all properties including lots ten and fifty-six and west being associated with the commercial building and all properties including lots eleven and fifty-five and east being residential. Mr. Evelyn noted ten lots were being used for the proposed Woda Group development and asked how many lots were being designated for the assisted living facility. Mr. Cunningham reported five lots were designated for assisted living. Mr. Evelyn asked how this would affect the HOA (Homeowners Association). Mr. Cunningham suggested this would result in the ownership being transferred to the residents much sooner. Mr. Evelyn asked if this would increase maintenance costs to owners. Mr. Cunningham indicated it would not and suggested the owners would only be responsible for the expenses associated with their portion of the development. Mr. Evelyn asked if The Woda Group would be paying any portion of these expenses. Mr. Cunningham indicated The Woda Group would only be responsible for expenses from lot ten and west. He indicated apartment residents would not be using the gate and The Woda Group would share in the costs of property maintenance west of the gate with the commercial building. Mr. Davis questioned if Rock Creek Villa Drive was a state road. Mr. Cunningham indicated it was not a state road and confirmed the POA was responsible for its maintenance. Mr. Davis asked if getting the road into the state system had ever been considered. Mr. Cunningham indicated it had not been considered but reported the road had been built to state standards. He suggested this may be the time to consider this. Mr. Davis noted this would not be an option if the proposed gate was installed. He indicated he had been on the Board when the Rock Creek Villas PUD had been approved and he had supported changing the PUD to allow single-family units. Mr. Davis indicated Mr. Cunningham had come to him personally to discuss this amendment and the first thing he had heard was "assisted living." He indicated he had reviewed the plat and suggested the development was backwards. He suggested these proposed facilities should have been located on the back of the development rather than the front. He indicated he sympathized with the residents and he understood they didn't want to be driving by apartments and dealing with the traffic and everything that would be associated with them. He suggested approval of the amendment would be penalizing the residents who had invested significantly in their properties. He indicated he thought the Cunninghams had a good thing going with Rock Creek Villas and he wished they could continue with the development the way it was. Mr. Cunningham indicated he wished to make an additional comment in response to Mrs. Williams who had voiced her opposition earlier. He indicated that when the PUD had previously been opened and amended to allow single-family units, it had been done so that Mrs. Williams could live in Rock Creek. He reported he had known Mr. and Mrs. Williams for a long time when Mr. Williams had come to him and asked if he could build them a home. He noted he was building duplexes, fourplexes and fiveplexes and Mr. and Mrs. Williams had asked for single-family. He had requested the PUD amendment so Mr. and Mrs. Williams could build in Rock Creek and suggested Mrs. Williams would not be here if it had not been for that amendment. He noted

he was asking the Board to open the PUD again to allow more people to move to Rock Creek. He thanked the Board for the opportunity to speak.

Ms. Paige indicated she wished to make a motion. Mr. Stiers noted he would like to make comments prior to the motion. He noted Mr. Patterson had suggested there had been two meetings with residents and asked what had been the results of those meetings. He suggested if the results had been anything like the phone calls he had been receiving from residents, they knew the residents were not happy. He suggested the downsizing from 56 units to 46 units didn't mean much to the residents. He noted The Woda Group had reported plans to spend \$9 million dollars and he suggested the residents had spent \$5 to \$6 million dollars in their homes. He reported he had seen the plans for the apartments in July and had told Mr. Cunningham the plans looked great, it was a beautiful building and he could support it but he questioned what the residents had to say. Mr. Cunningham indicated the residents were unaware of the plans. Mr. Stiers noted the Supervisors not only represented New Kent County, they also represented the residents. He noted "the people have spoken" and they had invested much in their homes and did not want to live next to an apartment complex. Mr. Patterson indicated he wished to address Mr. Stiers' questions regarding what The Woda Group had done once they received the citizen input. Mr. Patterson indicated a number of revisions had been made in an effort to integrate better with the community. He reviewed the list of modifications previously shared including reducing the mass of the building by reducing the number of units, the addition of a pitched roof, increasing the brick exterior (no plastic or vinyl exterior), the addition of a privacy fence and additional landscaping. Although these changes had resulted in more costs per unit, the changes had been included "as a gesture to show we are willing to listen and respond." Mr. Patterson indicated Mr. Stiers had raised an important point which Mr. Shumake had also previously mentioned and that was that they had not gone to the community first. He reported he was familiar with PUDs in a number of states and suggested the notification requirements were very clear. When The Woda Group had been prepared to present something, the residents were notified of the upcoming meeting. When there had been push-back, the decision had been delayed sixty days and they had met with the residents for input. He reported having received a call from Mr. Shumake the previous week asking if The Woda Group was going to do anything more with the development. Mr. Patterson indicated he had told Mr. Shumake they would do what they had said they would do; add more brick and a pitched roof but he noted no revised design had been sent to Mr. Shumake. He suggested if he had met with residents earlier, he was not sure they would have ever been able to do anything more than single-family. He indicated The Woda Group had thought it was worth a try to propose a 46 unit, \$9 million investment and have the Board, as the body who would consider everything in terms of the future of our community, to make a decision. He noted this was why they were here and he thanked the Board for the opportunity to speak. Mr. Evelyn thanked him for his comments.

Ms. Paige indicated she wished to go on record as being "in favor of facilities for our seniors." She noted she wanted to keep seniors active and at home. She noted that she too was a senior and suggested residents needed somewhere to age in the County of New Kent. She moved to deny the application to amend Rock Creek Villas PUD based on the Planning Commission's unfavorable recommendation, the adverse effects on the character of the neighborhood and because it is not consistent with the Comprehensive Plan, public necessity, convenience, general welfare or good zoning practices. Mr. Davis echoed Ms. Paige's comments and indicated he agreed New Kent needed assisted living facilities but noted he did not believe this was the place for it. Mr. Evelyn suggested this was the sentiment of the entire Board. The members were polled:

Ron Stiers

Aye

| | |
|-----------------------|-----|
| W. R. Davis, Jr. | Aye |
| C. Thomas Tiller, Jr. | Aye |
| Patricia A. Paige | Aye |
| Thomas W. Evelyn | Aye |

The motion carried.

IN RE: OTHER BUSINESS

There was no other business to be discussed.

IN RE: ANNOUNCEMENT OF UPCOMING MEETINGS

Mr. Evelyn announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, February 12, 2018, and the next work session at 9:00 a.m. on Wednesday, January 23, 2018, both in the Boardroom of the County Administration Building. As previously agreed, the Board of Supervisors would meet for a Budget Retreat at 9:00 a.m. on Thursday, February 22, 2018 at the Providence Forge Recreation Center, 9900 Carriage Road. A portion of this meeting would be a joint meeting with the New Kent County School Board.

IN RE: ADJOURNMENT

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

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

The motion carried. The meeting dismissed at 8:40 p.m.