

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 13TH DAY OF MARCH 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

Chairman Thomas W. Evelyn called the meeting to order. This meeting had been moved from Monday, March 12, 2018 to Tuesday, March 13, 2018 due to inclement weather.

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. February 12, 2018 Regular Meeting minutes
2. Miscellaneous
 - a. Approval of Cooperative Procurement Contract Emerge Systems
 - b. Renewal of Chemical & Meter Supply Contracts
 - c. Approval of Resolution R-09-18 Lifting Declaration of Local Emergency
 - d. Approval of Resolution R-11-18 Requesting the Acceptance of Patriots Landing Commercial Phase One into the State System for Maintenance
 - e. Adoption of Resolution R-06-18 Setting Board of Equalization Compensation
3. Refunds
 - a. REFUND - Partial CUP Application Fee – Patricia O. Parsley - \$245.
 - b. REFUND - Canceled Building Permit BP# 219252018 – James River Air Conditioning - \$61.13.
 - c. REFUND - Erroneous Assessment – Patriots Landing Mgmt Co - \$33,335.68.
4. FY18 Supplemental Appropriations for MUNIS
 - a. Program Income Received for FY18 - CDBG Plum Point Grant Participants, \$525.
 - b. Donations to the Animal Shelter, \$641.
 - c. Gifts & Donations to Fire/Rescue - Jeff & Amy Mechling (\$20), Bottom of the Bridge LaSertoma (\$100), Craig & Catherine Pierce (\$100), Stanford & Martie Wells (\$100), Janet Gallaher (\$250), L. McCarthy Downs III

(\$100), Corinne Dorsey (\$50), Jayne Pierce Thomas (\$40) & Garrett & Catherine Hart III (\$100), \$860.

- d. Funds for Security Detail: New Kent High School - Basketball Security (\$775.08 & \$871.97), \$1,647.05.
- e. Youth Sports Scholarship Funds: Scholarship Program - Superior Tire & Auto (\$200), New Kent Jr. Womans Club (\$200), New Kent Christian Center (\$200) & Holbert Family Orthodontics (\$300), \$900.
- f. Funds Received from Vending Machine Sales: Sheriff's Office (\$57.89) & Administration (\$194.22), \$252.11.
- g. Funds Received for Concealed Weapons Permit Class Conducted by New Kent Sheriff's Department on 2/17/18, \$1,078.
- h. Donations Received for TRIAD: David & Ann Burks (\$200) & William & Nancy Goodman (\$100), \$300.
- i. Youth Sports Scholarship Funds: Scholarship Program - Wood's Body Shop LLC (\$200), Brockwell's Septic (\$200), Revere Gas, Inc. (\$300) & Rappahannock Concrete Corp (\$200), \$900.

\$7,003.16 - Total
(\$7,003.16) - Total In/Out - General Fund (1)

- 5. FY18 Interdepartmental Budget Transfers
 - a. General Services - From New Courthouse - HVAC to Contract Services, \$29,919.50.
 - b. General Services - From County Access Control Upgrade to Contract Services, \$26,710.00.
- 6. FY18 Carryforward Appropriations for MUNIS
 - a. Carryforward unspent FY17 GIS Topography Funds, \$1,306.83.

\$1,306.83 - Total
(\$1,306.83) - Total From Fund Balance – Capital Fund (1302)

- 7. Treasurer's Report: Cash as of January 2018, \$48,064,786.31.

Ms. Paige moved to approve the Consent Agenda, as presented, and that it be made a part of the record. 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: VIRGINIA DEPARTMENT OF TRANSPORTATION – RESIDENCY
ADMINISTRATOR'S REPORT

Mr. Evelyn noted VDOT staff were not present to present their report. VDOT staff had notified the Board that they would not be in attendance on the originally scheduled date of March 12th. Mr. Evelyn suggested they were most likely busy with residual from the previous day's storm. 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. Work over the past thirty days had included removal of trees/limbs and litter pick up on a number of routes, pothole repairs including 291 on primary routes and 111 on secondary routes and inmate litter pickup on Route 60 on three occasions. VDOT staff had also been called out several times for high water, downed trees and traffic control at an accident. Seventy-one work orders had been received and 72 had been completed.

IN RE: NEW STAFF INTRODUCTION – KAREN WISCOTT

County Administrator Rodney Hathaway introduced Human Resources Director Karen Wiscott. He noted Ms. Wiscott had recently received a MBA from VCU and had over ten years of experience in Human Resources. He noted Ms. Wiscott had “hit the ground running” on February 26th and was a great addition to the County staff. Board members welcomed Ms. Wiscott to New Kent.

IN RE: CITIZENS COMMENT PERIOD

Mr. Evelyn opened the Citizens Comment Period and provided an overview of comment procedures. He called Ms. Sharon Resek of 7825 Robert Dinwiddie Terrace, New Kent to the podium. Ms. Resek noted she was speaking on behalf of the Four Seasons community. She thanked Board members for the time they had spent reviewing the proposed amendments to the Farms of New Kent PUD. She indicated the residents truly appreciated the time given both individually and as a group and thanked the Board for recognizing the importance of taking the necessary action to get the development moving again.

Mr. Evelyn thanked Ms. Resek for her comments. There being no other citizens wishing to speak, the Citizens Comment Period was closed.

IN RE: ARTS ALIVE ANNUAL REPORT ON PROGRAMMING AND SUPPORT

Arts Alive Marketing Committee Co-Chair Tim Dice thanked the Board for the opportunity to speak. He indicated Arts Alive valued its relationship with New Kent County and thanked the Board for its years of support. Mr. Dice reported Arts Alive was founded in 2003 and currently had one paid position; Arts Alive Coordinator Donna Cline. He noted Arts Alive was devoted to promoting and stimulating awareness and a love of the arts by instituting, funding, supporting and administering arts programs. Programming was being provided for the citizens of the counties of New Kent, King and Queen and King William and the Town of West Point. Annual programs included season series performances, visual arts workshops and exhibits, two children’s summer camps and the awarding of several scholarships. Mr. Dice noted the 2017-18 season series would be wrapping up with performances by the Three Redneck Tenors on March 17th and the Side Street Strutters on April 28th. Sixty-seven of the 314 season series subscribers were from New Kent. The 2018-19 season series would include performances by Maureen McGovern, Not Fade Away, Vocal Trash, Beginnings and The Abrams. Five visual arts exhibits were hosted annually at the Robinson/Olsson Civic Auditorium in West Point. These art exhibits featured a variety of works by about sixty area artists. Approximately ten visual arts workshops were also offered each year. These workshops were very affordable at \$15 each and attracted more than 100 participants annually. Instruction was provided by Virginia Museum of Fine Arts educators as well as local artists. Two children’s summer camps including an arts camp in June and the Missoula Drama Camp in August were also offered. Thirty-seven of the 131 students attending arts camp were from New Kent. Instruction was provided by 43 local teachers, artists and volunteers, 11 of which were from New Kent. Eight of the 47 enrolled in drama camp and

six of the 43 participating in the Missoula Children's Theatre Camp were from New Kent. Approximately 250 citizens had attended Children's Theatre performances.

Mr. Dice noted Arts Alive was supporting and reinvesting in the community. Two \$1,000 scholarships were offered each year to graduating seniors within the service area who were pursuing the visual and performing arts. One of the 2015 scholarships had been awarded to a New Kent High School senior. Recipients could also apply for a \$500 second year scholarship. Nine students had received a total of \$11,000 over the past seven years. Arts Alive also supported school groups and various organizations through donations and program ads. The Arts Alive annual supporters' reception was held at Wallace Manor in New Kent County. Arts Alive relied on support from local businesses and governments as well as the Elis Olsson Memorial Foundation, the Robinson Family Trust, the Virginia Commission for the Arts and the National Endowment for the Arts. A number of enhancements including redesigning the program's website and the installation of acoustic panels in the auditorium had been completed in 2017. Mr. Dice reported there had been many positive comments regarding the improved sound quality. He concluded by thanking the Board for their support and for helping to keep the arts alive. Mr. Stiers reported he and his wife had attended several Arts Alive events and suggested attendees had not been disappointed. Mr. Evelyn thanked Mr. Dice for the update and for all Arts Alive was doing in its service area.

IN RE: WATCH D.O.G.S. (DADS OF GREAT STUDENTS) PROGRAM OVERVIEW

New Kent Middle School "Top Dog" Joe Swartout provided an overview of the New Kent Middle School and New Kent Elementary School Watch D.O.G.S. program. Watch D.O.G.S. was a father involvement educational initiative of the National Center for Fathering. The primary goals of the program were to provide positive male role models for students and to provide extra sets of eyes and ears to enhance school security and reduce bullying. Mr. Swartout noted a key foundation of the program was supporting children impacted by fatherlessness. He reported statistics indicated over 25 million children experienced physical fatherlessness (no father in their lives) and another 18 million were experiencing emotional fatherlessness (father was present but had "checked out" of their lives). Mr. Swartout also reported mothers were providing 98% of the parental involvement in the lives of their children and he suggested New Kent was no different. The Watch D.O.G.S. program had been recognized on the floor of the U.S. Congress as a program that "can be a great tool in our efforts to prevent school violence and improve student performance because it can increase parental initiative and involvement in their children's education." The program had also recently been featured at the 2018 PTA Advocacy Conference in Richmond, Virginia. There were currently 261 Watch D.O.G.S. designated schools throughout Virginia.

Watch D.O.G.S. program benefits included:

- Students gained positive male role models.
- Schools gained an extra set of eyes and ears. The presence of a father or father figure was providing an additional deterrent to bullying, enhancing a sense of security in the building, and helping to create an environment conducive to learning.
- Fathers were getting a glimpse of their student's everyday world and were learning about the challenges and decisions today's youth faced. As a result, they were learning how to better relate to their student.
- Fathers gained a greater awareness of the positive impact they could have on their student's life in three critical areas: academic performance, self-esteem, social behavior.
- The Watch D.O.G.S. volunteers provided important help for teachers and students.

Mr. Swartout indicated the program was receiving wide support in New Kent County including School Superintendent Dr. David Myers as well as the administration and PTOs at

both schools. Seventy-three dads had volunteered over 725 hours so far this year and they were making a significant impact in the schools. Mr. Swartout shared a number of positive comments received from dads and teachers and invited New Kent Elementary "Top Dog" Matthew Smolnik to share some of his experiences with Watch D.O.G.S. Mr. Smolnik indicated his first classroom experience as a Watch Dog had been in a fifth grade math class where he had been asked to assist with teaching the students how to add and multiply fractions. He indicated this experience had thrown him into the middle of a classroom where he had been able to better understand the process and where he had been given the opportunity to focus additional attention on students having difficulty. He also shared an experience involving several Kindergarten classes. The teachers had asked him to take the classes outside for recess. He stated, "90 kids and 25 minutes later, I was worn out." He also reported students were coming to him at the end of the day hugging him and saying, "Mr. Matt, thanks for coming and when are you coming back?" He suggested that seeing what was going on in our schools had been a "phenomenal" experience. Mr. Smolnik reported this was the first year for Watch D.O.G.S. in New Kent County and he believed the program would be bigger and better next year.

Mr. Swartout closed by reporting that Middlesex County had been watching what New Kent had been doing with the Watch D.O.G.S. program. The Middlesex School Superintendent had been in contact with Dr. Myers and they were very interested in starting a program. Mr. Swartout suggested the program was "fun and a win-win for all" and he noted dads were asked to give just one day a year. He suggested the teachers and administrators in New Kent were "world class" and they wanted the best for our students. The Watch D.O.G.S. program was there to provide support and he encouraged more men to sign up and participate. He thanked the Board for the opportunity to speak.

IN RE: AMENDMENT TO SECTION 98-62 FOR MINI-STORAGE WAREHOUSE
FACILITIES – O-24-17

Before the Board for consideration was Ordinance O-24-17 to amend section 98-62 (Table of Land Uses) of the New Kent County Code.

County Administrator Rodney Hathaway reported this proposed amendment to zoning for mini-storage units had been presented to the Board at the December 11, 2017 meeting and a public hearing had also been conducted that night. The Board had deferred action for 90 days. Economic Development Director Matthew Smolnik was present to provide an update on what had transpired since the December meeting.

Mr. Smolnik reported that on March 5th (the 83rd day into the 90-day deferral) the Planning Department had received a site plan for a mini-storage facility near the Visitors' Center. The plan had depicted the facility as being located in the northwest corner of the property. Mr. Smolnik noted some concerns expressed at the public hearing had been in regard to the visibility of the facility and suggested this location should address those concerns. He also noted the Board had deferred action for 90 days due to concerns regarding the timing of discussions with the mini-storage applicant and the recommendation for a Code amendment. This deferral had allowed the mini-storage applicant sufficient time to submit a site plan. The recommended amendment was to require a Conditional Use Permit for mini-storage facilities in the Economic Opportunity zoning district. Mr. Evelyn asked Board members if they had any questions or concerns. He noted this would make requirements for a mini-storage the same in both Economic Opportunity and Business zoned districts.

Ms. Paige moved to adopt Ordinance O-24-17. Mr. Davis asked if there were any other individuals who may have come in to discuss mini-storage facilities. Mr. Smolnik indicated there had been none. 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 public hearings. He pointed out that the Farms of New Kent item had been listed under public hearings but there would be no public hearing. He indicated the Board would move on with Elected Officials Reports.

IN RE: ELECTED OFFICIALS' REPORTS – PART I

Mr. Davis indicated he had nothing to report.

Mr. Stiers reported that the Brickshire HOA was in the process of purchasing the golf course. He also reported a Bill that would reopen Colonial Downs had passed the House and Senate and was currently on the Governor's desk awaiting his signature. He reported the company considering purchasing the Colonial Downs property wanted to bring in horse racing machines which would allow individuals to bet on historical races. He indicated he believed passage of this Bill would be good for District 4, New Kent County and the State of Virginia. He indicated he was hopeful the Governor would sign the legislation in the next few weeks. Mr. Evelyn reported he had been contacted by Revolutionary Racing (potential purchaser of Colonial Downs) earlier in the day asking for the Board to send a letter of support to the Governor's office asking that he sign the legislation as is. He noted Revolutionary had suggested they would be emailing information to Mr. Smolnik so that a letter of support from New Kent's Board could be drafted to the Governor. If the Board was in agreement, the letter could be drafted and delivered to the Governor's office on Wednesday, March 14th. Mr. Smolnik indicated he had received the information and could have a letter drafted by the end of the meeting or early the following day. Mr. Evelyn requested that the Board authorize him to sign such a letter on behalf of all Board members.

Mr. Stiers moved to authorize sending a letter to Governor Ralph Northam from the New Kent Board of Supervisors urging him to move forward with signing legislation regarding Colonial Downs. 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.

Ms. Paige, Mr. Tiller and Mr. Evelyn indicated they had nothing to report.

IN RE: STAFF REPORTS – ECONOMIC DEVELOPMENT AUTHORITY – BUSINESS
INCENTIVE GRANT PROGRAM

County Administrator Rodney Hathaway reported the Economic Development Authority (EDA) would be holding its monthly meeting on Thursday, March 15th. Economic Development Director Matthew Smolnik had an item involving an incentive grant which he wished to address with the Board prior to meeting with the EDA. Mr. Smolnik noted the Board of Supervisors had appropriated \$150,000 to the EDA Business Incentive Grant program in late 2017. Information presented to the Board at that time had indicated \$236,000 of grant checks had been written for approximately \$8.6 million in investments. Mr. Smolnik reported a business was looking to build in New Kent County and the EDA, in an effort to bring this business and four tenants to the County, was considering the possibility of financing the water/sewer tap fees rather than giving an incentive grant. Mr. Smolnik asked if the Board would have any concerns with Business Incentive funding being used as a loan rather than a grant. Mr. Smolnik reported EDA funds had previously been used to fund loans up to \$5,000 to businesses impacted by Hurricane Irene (2011). Mr. Stiers asked the size of the loan being considered. Mr. Smolnik indicated the loan would be in the \$45,000 to \$47,000 range. He noted the loan for tap fees would encourage the owner to begin construction now rather than waiting to secure tenants for the other four units. Mr. Davis asked if the proposed loan would be legal. County Attorney Bill Hefty indicated it would be legal. Ms. Paige asked who would set the terms of the loan. Mr. Hathaway indicated the terms would be set by the County. Mr. Smolnik suggested the loan would be for five years with zero percent interest. Mr. Evelyn asked Public Utilities Director Larry Dame if he had any concerns. Mr. Dame indicated he did not. Mr. Smolnik indicated he wanted to receive clear direction from the Board of Supervisors prior to meeting with the EDA. Mr. Evelyn asked if the EDA would hold a lien on the property. Mr. Hefty suggested the possibility of a letter of credit but indicated he wasn't sure that would be feasible for a loan this size. Mr. Davis indicated he liked the idea of giving a loan better than giving a grant. He suggested some of the businesses who had received grants in the past were no longer in operation or had moved to other localities. The general consensus was to authorize offering a loan for tap fees. Mr. Smolnik indicated he would take this to the EDA for review and possible approval of a loan. He thanked the Board for their guidance.

IN RE: OTHER BUSINESS – UPDATE ON BROADBAND

Mr. Davis requested an update on the broadband project. County Administrator Rodney Hathaway reported all localities who had entered into contracts with SCS Broadband (Acelanet, LLC) had requested a meeting to discuss progress on their respective projects. This meeting would be in Goochland County in two weeks. SCS was behind schedule in all localities and he was hopeful to have a better understanding of their capabilities after the meeting. He reported there had been many discussions but SCS had not committed to any real timeline. Mr. Davis asked if tower sites had been identified. Mr. Hathaway reported five sites throughout the County had been identified for the first phase of the project. The County had some control over all five of the sites which should make it easier to get them up and running. Four of the sites currently housed emergency communication equipment and the fifth site was located off of Route 618 near the trash transfer station.

IN RE: OTHER BUSINESS – USE OF GOLF CARTS ON COUNTY ROADS

Mr. Tiller noted the Board had considered an ordinance regarding the use of golf carts in the County several years ago (May 2016) and reported there had been some renewed interest. Mr. Davis noted a public hearing had been held and no one had come to speak. Mr. Tiller noted an ordinance had been drafted but the Board had not taken any action. Mr. Davis suggested no action had been taken because no one had shown up to support the ordinance. Mr. Evelyn reported also receiving calls regarding golf cart use. He suggested

this be added to the March 28th work session agenda for discussion. Mr. Davis pointed out an ordinance was already drafted. Mr. Hathaway indicated he would check State Code to be sure there were no changes since 2016 which would impact provisions of the ordinance.

IN RE: OTHER BUSINESS – WANDA WATKINS – CERTIFIED MUNICIPAL CLERK
DESIGNATION

Mr. Evelyn congratulated Deputy Board Clerk Wanda Watkins who had recently fulfilled all requirements for the designation of Certified Municipal Clerk. Ms. Watkins had committed to earning this designation within five years of being hired and had done so in three years. He noted this was a big certification and thanked her for all she did for the Board.

Mr. Evelyn noted it was still too early for public hearings and moved on to Appointments. He noted there had been a position on the Board of Building Code Appeals/Board of Fire Prevention Code Appeals which had previously been filled by Larry Gallaher. He noted that position was no longer noted on the list of vacancies but he didn't believe it had been filled. He asked Ms. Watkins to look into the status of this position.

IN RE: APPOINTMENTS – DELEGATED BY DISTRICT

Mr. Stiers reported he had received a phone call from James Talley who had received a letter indicating had been reappointed as District Three representative to the AFD Advisory Committee. He noted Mr. Talley was a District Four resident. He asked the Board to consider transferring Mr. Talley's appointment from District Three to District Four.

Mr. Stiers moved to appoint James Talley as District Four 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. Talley had been reappointed as an at large representative to the Agricultural and Forestal District Advisory Committee at the February 12, 2018 meeting by motion made by District Three Supervisor Patricia Paige. Mr. Stiers' motion made no change to Mr. Talley's previous appointment.)

Ms. Paige moved to appoint Lloyd Young as District Three 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 Chad Strayer as District Three representative to the Transportation Safety Commission to complete a four-year 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: APPOINTMENTS – NOT DELEGATED BY DISTRICT

Mr. Davis moved to appoint Elizabeth Smith as the private service provider representative to the Community Policy and Management Team to complete a one-year term ending June 30, 2018.

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: APPOINTMENTS – REGIONAL BOARDS AND COMMISSIONS

Mr. Davis moved to appoint John P. Moyer as New Kent's Planning Commission representative to the Richmond Regional Planning District Commission to serve a one-year term beginning January 1, 2018 and ending December 31, 2018.

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 called for a recess at 6:49 p.m. The meeting reconvened at 7:02 p.m.

IN RE: PUBLIC HEARING – ODYSSEY AVIATION LLC

Before the Board for consideration was a proposed lease agreement between The Board of Supervisors of New Kent County and Odyssey Aviation, LLC for the lease of a portion of the maintenance hangar and adjoining office space at the New Kent County Airport. Airport Manager Duane Goss provided an overview of the lease. He reported that Odyssey Aviation, LLC owner Ralph Dent, Jr. had provided the necessary documents to support a productive aviation repair center at the New Kent Airport. The proposed lease involved approximately 1,350 +/- sq.ft. of the terminal maintenance hangar and approximately 147 +/- sq.ft. of office space located at 6901 Terminal Road, Quinton. Odyssey Aviation, LLC wished to lease the space for the purpose of providing general aviation aircraft maintenance under Federal, State and Local Standards. This was a one-year lease with options to renew three additional years. The lease had been reviewed by County Attorney Brendan Hefty.

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

Mr. Stiers moved to approve the proposed lease between New Kent County and Odyssey Aviation, LLC for the purpose of providing general aviation aircraft maintenance at the New Kent County Airport. 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: PUBLIC HEARING – ORDINANCE AMENDMENT O-02-18 – COMMUNITY
DEVELOPMENT REORGANIZATION

Before the Board for consideration was Ordinance O-02-18 including several amendments to the New Kent County Code to reflect recent changes in County department titles and personnel titles in the Planning Department and Environmental Department. These amendments affected Chapter 6 (Amusements and Entertainments), Chapter 62 (Special Districts), Chapter 84 (Purchase of Development Rights Program), Chapter 86 (Streets, Sidewalks and other Public Places), Chapter 91 (Subdivisions), Chapter 94 (Waterways) and Chapter 98 (Zoning).

County Administrator Rodney Hathaway reported the proposed amendments were the result of the recent reorganization of the Community Development Department. Effective January 1, 2018, the Community Development Department had ceased to exist and three separate departments were established; Economic Development Department, Environmental Department and Planning Department. With the creation of three separate departments, the Community Development Director position would no longer exist. The proposed Code amendments were to address the various references to the Community Development Director and vest authority in the appropriate newly formed department director. He noted that ending approval of Ordinance O-02-18, the Board would also be asked to consider two resolutions: Resolution R-12-18 to appoint Zoning Officer Kenneth H. Vaughan as Zoning Administrator and Resolution R-13-18 to appoint Planning Director Kelli Le Duc as Subdivision Agent. Mr. Hathaway entertained questions. The proposed amendments involved the duties and responsibilities of Community Development including but not limited to Agricultural and Forestal Districts, Cultural Events Permits, Subdivision Ordinances and Environmental Ordinances.

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

Mr. Davis asked for confirmation that no new individuals were being hired and the proposed amendments were only to change position names. Mr. Hathaway noted the proposed amendments were the result of the reorganization and there had been several promotions for existing staff members. Mr. Stiers asked for confirmation that the amendments would only change job titles and there would be no changes to any codes. Mr. Hathaway indicated there were no zoning requirement changes but there had been some changes regarding who would be responsible for approval signatures. Mr. Stiers expressed concerns suggesting that if the amendments were only to change job titles, why so much information had been provided. Mr. Hathaway indicated the code sections had been marked to give Board members a point of reference/context for the changes rather than just a list of changes.

Mr. Tiller moved to approve Ordinance O-02-18. 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.

Mr. Davis moved to adopt Resolution R-12-18 for the appointment of Kenneth H. Vaughan as Zoning Administrator. 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.

Mr. Davis moved to adopt Resolution R-13-18 for the appointment of Kelli Le Duc as Subdivision Agent. 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: FARMS OF NEW KENT (FONK) PLANNED UNIT DEVELOPMENT (PUD)
AMENDMENT (PUD-01-17) – ORDINANCE O-25-17

Before the Board for consideration was Ordinance O-25-17 to amend and restate the FONK PUD ordinance, the amended and restated FONK Proffer Statement and the amended and restated FONK Development Agreement between the Board of Supervisors of New Kent County, Virginia, New Kent Farms, LLC and Kent Farms Holding Company, LLC.

County Administrator Rodney Hathaway noted this was not a public hearing item and the public hearing on this particular ordinance had been conducted at the December 11, 2017 meeting. He indicated application PUD-01-17 was an application to amend the FONK PUD which had originally been approved May 23, 2005 with subsequent amendments in 2006, 2009 and 2010. This application had been submitted June 14, 2017 and had gone before the Planning Commission on November 21, 2017 where action had been taken to forward it to the Board of Supervisors with a 9:0:1 favorable recommendation. Mr. Hathaway reported conversations between staff and the applicant had resulted in a number of changes since the December 11th meeting. He provided an overview of those changes.

- Ordinance Document - Permitted uses in Land Bay I – Request for 300 additional residential homes bringing the total units to 630. Mr. Hathaway noted approval of the document before the Board would allow a total of 455 residential units, 325 estate lots of one acre or more and 130 cottages with a minimum of one-quarter acre. One hundred of the cottages would be age restricted and approximately half of the cottages had already been built or were under construction.
- Ordinance Document – Land Bay II – Mr. Hathaway noted it had been requested at the December 11th meeting that Land Bay II be removed from the PUD. Staff was still in

agreement with the removal of Land Bay II but additional requirements had been included. The applicant would be required to regrade what had commonly been known as the "polo field" and apply top soil to return it to its original condition within two years of approval of the PUD amendment. Mr. Evelyn also noted the Harrison Family (owners of Land Bay II) had agreed to place a deed restriction on the land so that it could only be divided into four to six lots for family members.

- Ordinance Document – Commercial Phase – The applicant had requested credit for existing commercial structures built since the original approval of the PUD. Mr. Hathaway noted the language had been revised to list out in more specific detail the commercial structures included in the calculation of 23,500 square feet of commercial space. Those structures included the golf club house (currently under construction), the winery, The Vintager Inn, the big event barn and the small event barn.
- Ordinance Document – The applicant would submit an area plan for open space within 120 days of approval of the PUD amendment.
- Proffer Statement - \$850,000 cash proffer to New Kent County – This proffer consisted of \$100,000 for Parks and Recreation and \$750,000 for Fire-Rescue. The proffer payment schedule had been expedited to include the payment of \$350,000 (\$100,000 for Parks and Recreation and \$250,000 for Fire-Rescue) within thirty days from approval of the PUD amendment. A second payment of \$250,000 would be due by the first anniversary of approval and a third payment of \$250,000 would be due by the second anniversary of approval. This payment schedule reduced the total time period for payments from three years to two years.
- Proffer Statement – The applicant had requested to do away with the \$1.3 million proffer surety currently held by New Kent County. The language had been revised to reduce the surety amount to \$850,000 to cover the above described proffer payments. The surety amount would be reduced as proffer payments were received.
- Proffer Statement – The dedication of ten acres of property adjacent to the New Kent Visitors and Commerce Center to New Kent County – This was a new item included in the Proffer Statement.
- Development Agreement – There had been no changes to the Development Agreement.

Mr. Hathaway entertained questions and noted the applicant was also present to provide additional comments and address any questions.

Mr. Evelyn directed a question to the applicant, Mr. David Guy who was representing the owners/bondholders of FONK. He asked, "Mr. Guy, for the record, do you agree to all of those proffers?" Mr. Guy replied, "Yes, we do."

Mr. Davis suggested the final document was nowhere to be found in the 1,000 pages he had been given. Mr. Hathaway indicated a final document was not available. He noted there were two things that had not been included in the documents contained in the meeting package, permitted uses in Land Bay I and submission of an open space area plan. He indicated a motion including those two items had been prepared should the Board feel it was ready to move forward. Mr. Davis asked his counterparts, "Do any of y'all really know what's in here?" Mr. Evelyn assured him that he did know the contents of the documents. Mr. Davis asked for confirmation that there would be 455 additional units. Mr. Hathaway indicated the total number of units would be 455 and noted the development was currently approved for 300 estate lots, 30 cottages and 100 resort units in Land Bay I. Mr. Evelyn reported the amendments would result in 25 additional units in Land Bay I and no additional units in Land Bays IV and V. Mr. Davis asked if the amendments included smaller lots. Mr. Evelyn indicate the lots would be one acre but noted he did have a question regarding lot size. He suggested the documents before the Board "cut out the Planning Commission and Board of Supervisors" and asked if the applicant came back requesting half-acre lots, would

the Zoning Administrator be able to grant those lots or would they need to come back to the Board. Mr. Hathaway indicated if a minimum lot size had been set the developer would not be able to go below that without going back to the Planning Commission and Board of Supervisors. The Zoning Administrator would only have authority to make minor changes such as changes involving the configuration of where lots were placed and where utilities and roads were located. Any numbers set by the Board such as unit limits, lot sizes and setback requirements would have to come back to the Board. Mr. Evelyn asked County Attorney Bill Hefty if he agreed with this. Mr. Hefty indicated he did agree.

Ms. Paige noted there had been questions regarding meeting open space requirements. She asked if the area plan would not only show all open space but also assure that the 25% open space requirement was met. Mr. Hefty indicated the developer could not go below the 25% open space requirement.

Mr. Davis asked where the commercial space was addressed. Mr. Hathaway indicated the commercial space was addressed in the PUD ordinance. Mr. Hefty drew attention to Page 17 of O-25-17. Mr. Davis stated, "This is a CDA" (Community Development Authority) and "was supposed to be half commercial." He suggested that at the same time the FONK was being developed, a similar project was in the works on Lewistown Road (Hanover County) with millions of dollars of motels and the Bass Pro Shop. He stated, "We got nothing." He expressed concerns with credit being given for commercial space which had been built as standalone businesses prior to the PUD (the winery and golf course). He also expressed concerns with 1,900 dwellings being constructed prior to 50,000 square feet of commercial. Ms. Paige noted New Kent was not Lewistown Road and did not have a similar population. She suggested the Lewistown Road development had hotels and restaurants prior to residential development. Mr. Davis agreed and suggested there were no houses at the Lewistown Road development. Mr. Davis indicated it had been suggested the homes would be upscale and would bring more money to the County but the homes were getting smaller and smaller as were the lots. He suggested there was "no end in sight" and the Board kept "giving in to these people" and they "keep coming back." He suggested it would be ten years before any further commercial development would be required. Mr. Hathaway indicated this had been a part of the concessions for the developer to dedicate ten acres of commercial land to the County. He suggested the County could actually expedite the commercial development with the proffered property.

Mr. Evelyn asked Mr. Guy if he wished to make any comments. Mr. Guy indicated he was in a position to address Mr. Davis' comments regarding Lewistown Center because he was part owner in that development. Mr. Guy reported a rezoning was currently in process to move some of the property from commercial to residential because there were not enough rooftops to feed the commercial development. He suggested this had actually slowed the commercial development and they were working with Hanover County to bring in more rooftops. Mr. Davis asked if the properties had been devalued several years ago. Mr. Guy indicated the bonds had been restructured but the properties had not been devalued.

Drawing attention to the proposed assisted living complex within the development, Mr. Stiers noted he did not see any construction time frame. He suggested he would rather see an assisted living facility before more commercial development. He suggested this was a great need in the County. Mr. Guy indicated the developer would like to build the assisted living as soon as possible. He noted one of the issues with the original PUD was 500 permit limit with any further development being stopped until commercial development was in place. He suggested that because of this limit, the property had not actively been marketed for assisted living development. He suggested, "Assisted living is big on our list" and the residents in Land Bay V were the ones who were interested in having assisted living added

to the definition of what could be built in that land bay. He stated, "Sooner is better than later as far as we are concerned."

Ms. Paige moved to approve the latest version of Ordinance O-25-17 with the additional conditions that Land Bay I may develop a maximum of 325 estate lots of no less than one acre, a maximum of 130 cottages with 100 of those being age restricted; that an area plan for open space be submitted within 120 days of approval; that the applicants are jointly and severally responsible for the proffers; and that the approval shall be subject to all signatures being obtained from the applicants.

Mr. Evelyn noted a motion was on the floor and asked if there were any further comments.

Mr. Davis stated, "They'll be back. How many times has it been amended?"

The members were polled:

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

The motion carried.

IN RE: ELECTED OFFICIALS' REPORTS – PART II

Mr. Evelyn announced the Friends of the Heritage Public Library would be hosting an art auction from 5:00 to 7:00 p.m. on Friday, April 20th at the New Kent location. Artworks by local artist Lucy Sawyer would be featured. All proceeds would go to the library.

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, April 9, 2018, and the next work session at 9:00 a.m. on Wednesday, March 28, 2018, both in the Boardroom of the County Administration Building.

IN RE: ADJOURNMENT

Mr. Tiller 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 adjourned at 7:33 p.m.