

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 11TH DAY OF JUNE 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.

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.

Mr. Evelyn thanked everyone for coming out to the meeting. He welcomed William Small representing Troop 518 to the meeting. He noted Mr. Small was in attendance to collect information for the Citizenship in the Community merit badge.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Paige gave the invocation and led the pledge of allegiance.

IN RE: CONSENT AGENDA

1. Approval of Minutes
 - a. May 7, 2018 Senior Staff Meeting Minutes
 - b. May 14, 2018 Business Meeting Minutes
 - c. May 23, 2018 Work Session Meeting Minutes
2. Miscellaneous
 - a. Approval of Emergency Procurement – Lawrence Equipment, Inc., \$21,933.22.
 - b. Approval of Emergency Procurement – NexGen HVAC Services, LLC, \$2,973.77 and \$12,709.22.
 - c. Approval of Emergency Procurement – Walter C. Via Enterprises, Inc., \$13,237.69.
 - d. Approval of Emergency Procurement – Herc Rentals, \$4,743.17.
 - e. Approval of Sole Source Procurement – Aqua Aerobic Systems, Inc., \$23,922.
 - f. Approval of Proclamation for Eagle Scout Recognition – Blake Cabot Forsythe.
3. Refunds
 - a. REFUND due to Ryan Homes - Canceled Building Permit BP# 21775-2017, \$472.50.
4. FY18 Supplemental Appropriations for MUNIS
 - a. Program Income Received for FY18 - CDBG Plum Point Grant Participants, \$109.

- b. Donations to the Animal Shelter, \$400.
- c. Funds for FY18 Grand Illumination: Wood's Body Shop, LLC, \$100.
- d. Funds Received From VML Insurance: Sheriff's Dept - Veh #316 Beaver Strike - DOL 4/12/18 (\$1,498.68); Buildings and Grounds - Water Damage at Courthouse - DOL 1/7/18 (\$6,203.12), \$7,701.80.
- e. Youth Sports Scholarship Funds: Old Mill Mechanical HVAC, \$200.
- f. Fire-Rescue - Special Duty Colonial Downs - From New Kent Chamber of Commerce - Taste of New Kent, \$950.
- g. Funds from Timber Clearing at Pine Fork Park: Charles City Timber & Mat, Inc., \$71,227.50.
- h. Gifts & Donations to Parks & Recreation for the 2018 Youth Government Day from Kip Kephart Charitable Support Trust, (\$300) and Kip Kephart Foundation (\$375), \$675.
- i. Donations for TRIAD - Sharon and Gary Bowman, \$10
- j. Vending Machine Sales - Sheriff's Office (\$66.93) and Administration (\$192.29), \$259.22.
- k. Security Detail to Sheriff - April 21, 2018 Colonial 200 Relay - Reimbursement from Palmetto Race Group LLC (\$695.14), Reimbursement from New Kent High School - Girls Soccer Games (\$387.54), New Kent High School Prom Reimbursement from NKHS (\$581.31) and Reimbursement from New Kent High School - NKHS Sporting Events, (\$516.72), \$2,180.71

\$83,813.23 - Total
(\$83,813.23) - Total In/Out - General Fund (1101)

- 5. FY18 Interdepartmental Budget Transfers
 - a. Fire - Rescue - From Maint. Serv. Contr. Extinguisher to Mileage, \$17.46.
 - b. Fire - Rescue - From Machine & Equipment to Telecommunications, \$4,962.92.
 - c. Fire - Rescue - From Dues & Association Memberships (EM&P) to Dues & Association Memberships (EM), \$1,195.
 - d. Fire - Rescue - From Maintenance Service (\$1,559) and From Telecommunications - Cell (\$160.02) to Travel, \$1,719.02.
 - e. Fire - Rescue - From ADP Equipment (\$2,500) and From Uniforms (\$150) to Motor Vehicle Insurance, \$2,650.
 - f. Fire - Rescue - From Repair & Maintenance EMS (\$500), From Repair & Maintenance Hose (\$62.50), From Advertisements (\$268.36), From Telecommunications Cell (\$375.96), From Telecommunications Equipment (\$198.33), From Leased WAN Lines (\$106.87), From Volunteer Insurance (\$588.50), From Lease/Rent Equip. EMS (\$448) and From Mileage (\$292.48) to LODA, \$2,841.
 - g. Fire - Rescue - From Mach & Equip (\$10,331.91), From Operational Supplies - Equip (\$8,240.29), From Repair & Maintenance Sml Engine (\$1,000), From Operational Supplies - Hose (\$5,192.09), From Computer Supplies (\$2,002.01), From Janitor Supplies (\$1,000), From Operations SCBA (\$1,200), From Postage (\$800), From Lease/Rent Equipment (\$889.20), From Repair & Maintenance Extrication (\$183.66) and From Repair & Maintenance Supplies (\$100.13) to Part-Time Salaries, \$30,939.29.
 - h. Fire - Rescue - From Mileage (\$102.57), From Repair Personal Gear (\$500), From Repair Portable Equipment (\$816), From Dues &

Subscriptions (\$215.76) and From Operations Small Engine (\$365.67) to Contribution Health, \$2,000.

- i. Fire - Rescue - From Mach & Equipment EMS (\$3,967.82) and From Haz-Mat Response (\$1,296.18) to FICA/Medicare, \$5,264.
- j. Fire - Rescue - From Full Time Salaries (\$85,386.16), From Retirement (\$8,213.80), From VRS Employee Health (\$184.63), From Medical Plans (\$17,231), From Life Insurance (\$1,239.28), From Workers Compensation (\$6,751), From OSHA (\$19,175.23) and From Uniforms (\$27,409.46) to Overtime, \$165,590.56.
- k. Fire - Rescue - From Turn Out Gear to Part Time Overtime, \$2,056.47.
- l. General Services - From Reserved for Contingency to Machinery & Equipment, \$21,933.22.

6. Treasurer's Report: Cash as of April 2018, \$43,013,290.73.

Mr. Tiller 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: SMALL BUSINESS CLOSE UP

There was no small business close up.

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

VDOT Resident Administrator Marshall Winn reported there had been several trying weeks with the recent flood events and 60-70 phone calls had been received during the most recent flooding. He reviewed the written report on maintenance items completed over the past thirty days. The report described a variety of work at various locations throughout the County including ditching, dead tree removal, pothole repairs, grass mowing, blading dirt roads and driveway pipe work. 39 citizen requests had been received during the month and 97 had been completed. He also reported Lee Hy paving would soon begin work on Route 60 eastbound starting at Bottoms Bridge. Denton Concrete was continuing with Route 60 patchwork in the Providence Forge area.

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

Mr. Davis praised VDOT for the ditch work they had done in recent months and suggested if the work had not been done, the recent flooding would have been much worse. Mr. Davis also reported a hole in a pipe on Tabernacle Road and suggested Ms. Paige could provide the address. Ms. Paige noted the area of concern was in the 3600 block of Holly Fork Road.

Mr. Winn indicated the biggest issue with flooding on Route 60 had been VDOT's inability to make contact with anyone with CSX (railroad) to get them to address the flooding caused by issues on their property.

Mr. Stiers noted his appreciation to VDOT for their response to the recent flooding. He suggested all of the blame could not be put on VDOT and reported water was still standing along the CSX tracks. He reported he had contacted CSX and they had suggested there were a couple of culverts which were stopped up. Mr. Stiers indicated he had video which indicated the culverts were not only stopped up but had in fact collapsed. He suggested that he and Mr. Winn consider meeting with CSX engineers to see what could be done. He also reported ponding along Route 60 at the old rescue squad building every time it rained. He suggested clearing the culverts under the CSX tracks would help address the flooding issues. Mr. Winn agreed and suggested CSX should have plans indicating where all of the culverts were located. Mr. Stiers also noted appreciation to VDOT for recently mowing Kentland Trail. He reported there would be an event at Colonial Downs on June 22nd from 1:30 to 5:00 p.m. with Governor Ralph Northam in attendance. He asked VDOT if they could schedule another grass mowing to coincide with this event.

Mr. Winn reported he had also been contacted by Economic Development Director Matthew Smolnik regarding "daylighting" (thinning/trimming of trees) along I-64 in the area of Colonial Downs in an effort to make the venue more visible. He indicated this area had been trimmed in the past and he believed a permit was necessary. He noted Mr. Smolnik's request had been to make Colonial Downs more visible from the westbound lane.

Ms. Paige thanked VDOT for all they had done during the recent "rainy season". She reported receiving a number of phone calls and complaints and indicated she would provide a list. She reported concerns with the condition of Stage Road. She pointed out it had taken a long time to have this road approved as a "Rural Rustic" project. She had reported problems with the road to Operations Manager Bruce Puffenbarger who had indicated a contractor would address the concerns. She noted disappointment in the quality of work between Polish Town Road and Ropers Church Road and suggested it appeared asphalt had been dropped on the road and very little effort had been made to smooth the surface. She asked that VDOT please follow up with her on this so that she could communicate with constituents. She indicated she would contact Maintenance Superintendent Jay Fread with her other concerns. Ms. Paige also mentioned she had contacted David Meador regarding the clearing for Colonial Downs. Mr. Meador had mentioned that Richmond VDOT would take over responsibility for I-64 in New Kent in July. Mr. Winn confirmed and noted Richmond VDOT would be taking over as of July 1 which would make all of the VDOT roads within the County in the same district. Mr. Davis asked for clarification. Mr. Winn reported the Hampton Roads District had been responsible for I-64 from the 224 to the 200 mile marker and the Richmond District would become responsible for this area beginning July 1.

Mr. Tiller indicated he had been out of town when the first flood had hit and did not get any phone calls. He thanked VDOT for all they were doing and had done to keep up with everything.

Mr. Evelyn reported Old River Road (Route 608) from Route 249 to BASIC Construction was in very bad condition. He had received a number of calls in this regard and asked that VDOT see what could be done. He also reported I-64 had been a nightmare especially on weekends and suggested Routes 60 and 249 were almost as bad. Friday eastbound I-64 traffic was exiting at the first sign of a backup and causing backups on Routes 60 and 249. He asked if VDOT would consider adding signage encouraging beach traffic to stay on "Williamsburg 64" rather than taking a left at Route 106. Ms. Paige noted a similar situation was also occurring at Route 155. Mr. Winn suggested these drivers were following GPS devices and indicated he thought message boards were in the area to direct the traffic. He suggested he could discuss this with Traffic Engineering. Ms. Paige also noted the same

situation was occurring on Sunday with westbound traffic. Mr. Evelyn also noted that with the I-64 construction, New Kent Fire-Rescue was responding to many calls in the area of the 205 exit. He asked VDOT to see if there was anything that could be done to improve the flow of traffic. Mr. Davis reported there was a message board on I-295 directing beach traffic and suggested a second message board prior to Bottoms Bridge may be helpful. Mr. Winn noted he would check with Traffic Engineering to see if another sign could be placed and added that drivers were often following GPS instructions rather than road signs.

Mr. Evelyn noted he appreciated the long hours VDOT had worked during the flooding. He also noted agreement that CSX culverts were an issue and suggested there was no question they were backed up. He wished Mr. Winn good luck with making contact with CSX.

IN RE: NEW KENT DEPARTMENT OF SOCIAL SERVICES – PROCLAMATION
RECOGNIZING THE SUMMER OF 2018 AS “NO KID HUNGRY SUMMER”

Before the Board for consideration was a proclamation recognizing the Summer of 2018 as “No Kid Hungry Summer”. Jon Martz, Director of Social Services for New Kent County reported Assistant Director Suzanne Grable, Benefit Program Manager Tiffany Elam and Administrative Services Manager Danna Boothe as well as several community partners were present to support the Board’s approval of a proclamation recognizing the summer of 2018 as “No Kid Hungry Summer”.

Mr. Martz introduced Quin Rivers Community Action Agency Executive Director Lisa Gibson. Ms. Gibson reported she had been with Quin Rivers for eight weeks and thanked the Board for supporting their programs. She noted Quin Rivers addressed hunger by providing technical assistance to the summer feeding program at Matthew’s Haven. They also provided referrals to this program as well as to local food banks such as Proclaiming Grace. Ms. Gibson also reported Quin provided grocery cards in emergency situations for domestic violence victims and Healthy Family program participants. Quin Rivers was committed to addressing hunger and promoting self-sufficiency in the service area. She closed by thanking the Board again for their support.

Mr. Martz introduced Catherine Pierce with Matthew’s Haven, Inc., a local non-profit organization “providing basic necessities to children to nourish their body, enrich their mind, and lift their spirit.” He indicated Matthew’s Haven would be sponsoring the summer feeding program in New Kent. Ms. Pierce noted Matthew’s Haven was sponsored in part by St. Peters Parish Church which served as their home base and the summer feeding program would be distributed through the church. This would be the first year of the summer feeding program and they would be starting small with plans to provide fifty children with two breakfasts, two lunches and two snacks for ten weeks. The program would begin on June 25th and run through August 29th. She noted appreciation for the opportunity to work with Social Services and noted Quin Rivers had also been a great community partner. She closed by reporting Matthew’s Haven was looking forward to serving these children and thanked the Board for the opportunity to speak.

Mr. Davis asked if the meals would be distributed similar to the “Meals on Wheels” program. Ms. Pierce indicated there would be no delivery the first year. Recipients would come to St. Peter’s to pick up the meals on Wednesday from 9:00 a.m. to 11:00 a.m. and from 5:30 p.m. to 7:30 p.m. She noted they hoped the program would be able to deliver meals in its second year.

Mr. Martz reported the “No Kid Hungry Summer” program was an initiative sponsored by Virginia First Lady Pamela Northam and New Kent Social Services was proud to be a part of

this program. New Kent Social Services was trying to get the word out to anyone who was hungry that if they text "FOOD" to 877877, they would receive a reply message with information on various feeding programs in their area. He indicated the Department of Social Services was determined that there would never be a reason for anyone in New Kent County to go hungry. He noted there were representatives of three programs present but there were also many other programs available and suggested no one should ever be turned away without some help. Mr. Martz read the "No Kid Hungry Summer" proclamation and asked the Board to please consider its approval.

Mr. Davis moved to adopt a proclamation recognizing the Summer of 2018 as "No Kid Hungry Summer".

Mr. Davis noted he would like to see the program expand to the eastern end of the County and suggested it could possibly be offered through Proclaiming Grace. Mr. Martz reported there had been discussions with Quin Rivers regarding applying for grants to expand the program next year. Mr. Stiers asked if a mother with two children came to the program, what mom would have to eat. Mr. Martz indicated Social Services would be making sure that families would complete applications for assistance and be referred to local food banks. He also reported bags of food were also distributed from the Social Services office and the needs of all members of the family would be addressed.

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. Davis asked Mr. Martz how his department and the State were "gearing up" for Medicaid Expansion. Mr. Martz noted the State budget had been passed which meant Medicaid Expansion, which was never passed as a law, had been passed as a budget amendment. New Kent was expecting approximately 400 new Medicaid clients and the State was still determining how the new Medicaid applications would get into the system. He reported two options being considered. One was the State would process all applications and notify the localities regarding who was eligible. The other was the State would accept all applications and then pass them along to the localities for processing. He suggested Ms. Elam and benefits staff were ready, dedicated intake workers responsible for processing all applications were ready and some changes had been made to accommodate the expected increase in clients. He also reported New Kent was averaging 24 days to process a Medicaid application compared to the Federal government mandate of 45 days. He suggested these numbers would go up and pointed out that although he had indicated an expected increase of 400 Medicaid eligible clients, there would be 1,000 to 2,000 new applications coming into the office. Staff was being trained and they were making sure they had all the tools and support needed. He also suggested his department was currently operating at maximum capacity and reported the State had allocated some funding for additional staff.

IN RE: CITIZENS COMMENT PERIOD

Mr. Evelyn opened the citizens comment period and called Barbara Kidd of 2332 Carter Road, Lanexa to the podium. Ms. Kidd reported there had been five feet of water in her

yard during the last flood. She indicated this had been an ongoing concern which she had been fighting for the past 20 years. She noted Mr. Davis was well aware of the situation. Mr. Davis agreed. Ms. Kidd also indicated VDOT was aware of the situation and she wanted it corrected. She noted Board members had just been complementing VDOT on all the good work they had done but she had lost cars, lawn equipment and \$5,000 in dirt and gravel. She reported her driveway had been washed away and asked if VDOT wanted to deliver some dirt and gravel to her home. She also noted her neighbor who was also present had lost his driveway. She reported they continued to call and had been told numerous times that it would be fixed but no one ever followed through. She asked, "What are we going to do to fix this?"

Mr. Davis indicated he was well aware of the situation and noted it could be fixed but was "not going to be a cheap fix." He suggested that a part of the problem was that VDOT had put in concrete ditches years ago and all the water was flowing to Ms. Kidd's side of the road. He indicated water was coming from Route 60, from Carter Road and from the creek so the flooding was from three sources. He reported there was a four-foot culvert downstream which was capable of handling the water but the problem was that the water could not get to that side of the road. Mr. Davis also reported he had talked with Mr. Puffenbarger and his predecessors about the possibility of having the road built up so the water would flow to the other side of the street. Noting that several VDOT representatives were present, Mr. Davis asked who would like to go out to the site with him to see what could be done. Resident Administrator Marshall Winn indicated he would be happy to visit the site with Mr. Davis. Mr. Davis indicated he would setup a time to meet.

Patrick Kearns of 2333 Carter Road, Lanexa asked the Board what they were going to do about the safety. He reported the police had to come and block the road and he suggested someone was going to die if it wasn't fixed. He suggested the entire road from Route 60 was gone and reported access to five homes had been cutoff because driveways had been washed away. He reported there was flooding every time there was a heavy rain and suggested no one would do anything until someone died. He reported a police officer who had come out "was horrified when he saw the power of the water." He suggested that anyone trying to leave the property in a car or truck would have ended up in the ditch and "that's the last thing they're going to see. Something has to be done."

Mr. Evelyn thanked those who had spoken for their comments. He confirmed that Mr. Davis would make arrangements with Mr. Winn to visit the site.

There being no other citizens wishing to speak, the comment period was closed.

Mr. Evelyn noted it was still too early to begin public hearings.

IN RE: CLOSED SESSION

Mr. Tiller moved to go into closed session pursuant to section 2.2-3711A.3 of the Code of Virginia for discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County, involving the acquisition of land in Bottoms Bridge for a future Fire Station and pursuant to section 2.2-3711A.7 and A.8 for discussion with legal counsel concerning potential litigation by the County against certain pharmaceutical companies and other businesses in the pharmaceutical industry to recover damages suffered by the County as a result of the opioid epidemic. 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.

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

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: PUBLIC HEARING – ZM-02-18 – ORDINANCE O-10-18 – J.C. MULCH, INC.
REZONING APPLICATION

Before the Board for consideration was Ordinance O-10-18 to rezone approximately 1.5 acres of land, Tax Parcel 46-25 (GPIN #F30-1660-3834) from R-2 to Economic Opportunity (EO).

In the absence of Planning Director Kelli Le Duc, County Administrator Rodney Hathaway presented the rezoning application. He noted Application ZM-02-18 requesting the rezoning of approximately 1.5 acres of land from R-2 to EO had been submitted by J.C. Mulch, Inc. The parcel was identified as Tax Parcel 46-25 and was located at the intersection of Barham Road and New Kent Highway. The property owners had requested the rezoning in order to establish a mulch and landscape materials retail operation.

Applicant Holly Miller-Bopp addressed the Board. She reported the parcel had been cleared and a dilapidated home on the property had been demolished. She also reported plans were to renovate a small garage for use as an office. Plans also included pouring a concrete slab where two colored mulch options would be offered. She indicated the bulk of the mulch would be kept on the J.C. Pallet Company property located behind the subject property and the property would serve as a storefront for business.

Mr. Davis asked where the mulch coloring would be done. Ms. Miller-Bopp indicated the coloring would be done on the J.C. Pallet Company property and the mulch would be moved to the concrete slab for sale. Mr. Davis reported that many years ago there had been dyed mulch in the Barhamsville area and he suggested that when it had rained, all of the area had turned red. He questioned how the mulch would be dyed. Mr. Larry Miller-Bopp reported the mulch would be colored with powdered dye and noted that previous mulch coloring techniques had used oil-based dyes. Mr. Evelyn indicated he had a little experience in this area (owner of Capitol Landing Mulch) and suggested it was understood in the business that if the forecast was for rain, you wouldn't be coloring mulch. Mr. and Mrs. Miller-Bopp agreed. Mr. Evelyn noted that after the mulch cured, the potential for color runoff was minimal. Ms. Miller-Bopp reported the mulch would be colored in small batches to keep the front of the business stocked and they would only make larger batches when it had been preordered. Mr. Davis asked what colors of mulch would be produced. Mr. Miller-Bopp indicated black and brown. Mr. Davis asked for more details about the "landscaping materials" portion of the business. Mr. Miller-Bopp suggested the possibility of selling some rock as well as seasonal plants. Mr. Davis asked Mr. Hathaway if the rezoning was requesting any other uses. Mr. Hathaway indicated they were not requesting the rezoning for a specific use but were rezoning to be able to do all of the uses allowable in EO zoning. Mr. Evelyn indicated there had been some concerns regarding materials coming into the property. Ms. Miller-Bopp indicated that everything they would be grinding would be unused pallet material and Mr. Miller-Bopp indicated no grinding would be done on the front of the property. Ms. Paige asked if the business would be located from the fence to the thrift store (Proclaiming Grace). Ms. Miller-Bopp suggested most of the operation would be near the small garage/office and in the direction of the thrift store. She stated, "Nothing would be directly on the fence." Mr. Hathaway noted the Planning Commission had met on May 21st and had voted 7:2 to forward a recommendation for approval.

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

Mr. Tiller noted he had not been able to attend the May 21st Planning Commission meeting and pointed out that Mr. Kontny and Mr. Pollard had voted "Nay". He asked if anyone knew why they had not supported this application. Planning Commission Chair John Moyer was present and indicated no reasons had been given.

Mr. Davis suggested if this was done correctly, it would be an asset to the Barhamsville community. He suggested the Board include a term limit as they did on any Conditional Use Permit (CUP). Mr. Evelyn noted this was a rezoning and not a CUP.

Ms. Paige asked what would happen if the Miller-Bopps decided they wanted to operate some other business than what had been presented. Mr. Hathaway noted if the property was rezoned to EO, the Miller-Bopps would be permitted to operate any business allowed in EO zoning. Mr. Evelyn pointed out the pallet company was in Industrial zoning but the Miller-Bopps were asking for EO zoning for this property and would be limited to EO uses. The manufacturing (grinding and coloring) would be done on the Industrial zoned site.

Mr. Davis asked if any utilities would be involved. Ms. Miller-Bopp indicated a well and septic system were on the property but the well had been filled in and the septic system was no longer usable. Mr. Davis suggested the property was low and may need to be built up. He asked Mr. Hathaway if any BMPs would be involved. Mr. Hathaway indicated the next step would be the site plan and it would be during that process that the need for a BMP would be determined.

Mr. Tiller moved to approve Ordinance O-10-18. 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: PUBLIC HEARING – APPLICATION AFD-01-18 – ORDINANCE O-11-18 –
RECREATION OF THE LOWER CHICKAHOMINY AFD

Before the Board for consideration was Ordinance O-11-18 to approve Application AFD-01-18 for the recreation of the Lower Chickahominy Agricultural and Forestal District with a proposed renewal date of August 31, 2018.

Planning Department Assistant Sheri L. Wood presented information on the application. She reported the applicants of the Lower Chickahominy Agricultural and Forestal District had requested the recreation of the district which was set to expire on August 31, 2018. The district currently consisted of seven parcels totaling approximately 681 acres. All members of the district had been contacted and informed of the upcoming expiration date. All members had indicated their desire to renew their membership. Ms. Wood reported there had been no changes to the land uses reported annually to the Office of the Commissioner of the Revenue and staff had verified the accuracy of the current Lower Chickahominy Agricultural and Forestal District map. Staff had offered a favorable recommendation to the Agricultural and Forestal District Advisory Committee and the committee had voted on April 19, 2018 to forward a favorable recommendation to the Planning Commission. The Planning Commission had voted on May 21, 2018 to forward a favorable recommendation to the Board of Supervisors. This district was located along the north bank of the Chickahominy River in the Windsor Shades area of Route 60 and along Tsena Road between Providence Forge and Lanexa. Parcels were located north and south of Route 60 and were zoned A-1.

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

Mr. Davis moved to approve Ordinance O-11-18, Application AFD-01-18, to recreate the Lower Chickahominy Agricultural and Forestal District. 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.

Mr. Evelyn noted individuals were present to speak on only one of the AFD applications. That application had been scheduled as Item 12 on the agenda. He suggested the Board move this item up so that it could be addressed and those individuals would not have to wait any longer to be heard. Agenda Item 12 was moved up and addressed next.

IN RE: PUBLIC HEARING – APPLICATION AFD-10-18 – ORDINANCE O-20-18 –

KUBAS, LLC/VONDERHARR ADDITION TO WAHRANI SWAMP AFD

Before the Board for consideration was Ordinance O-20-18 to approve Application AFD-10-18 for the addition of Tax Map Parcel 37-1 to the Wahrani Swamp Agricultural and Forestal District.

Planning Department Assistant Sheri L. Wood presented information on the application. She reported the applicants, Kubas, LLC and Judy Vonderharr, had applied to add approximately 162 acres to the Wahrani Swamp Agricultural and Forestal District and intended to manage timber on the parcel. The district currently consisted of 20 parcels totaling approximately 1,533 acres and was set to expire August 31, 2019. Staff had offered a favorable recommendation to the Agricultural and Forestal District Advisory Committee and the committee had voted on April 19, 2018 to forward an unfavorable recommendation to the Planning Commission based on the current EO (Economic Opportunity) zoning. Ms. Wood noted the Table of Land Uses in the County Code indicated forestry was a permitted use in EO zoned parcels and she suggested the AFD Advisory Committee had not fully understood this. The Planning Commission had also voted 6:3:0 on May 21, 2018 to forward an unfavorable recommendation to the Board of Supervisors based on the EO zoning. Ms. Wood indicated Tax Map Parcel 37-1 was zoned EO with the Future Land Use designation being split between EO and Industrial. The applicant wished to devote eight acres to marsh and wetlands and the remaining 154 acres to timber. Ms. Vonderharr was present and wished to share some of the history of the property and her intentions for its use.

Mr. Evelyn noted the agenda request form suggested the Planning Commission vote had been 9:0 and Ms. Wood had reported the vote had been 6:3. He asked for clarification. Ms. Wood indicated the vote had been 6:3 to send an unfavorable recommendation.

Ms. Judy Vonderharr came to the podium and noted she owned the property located at Route 30 and Route 33. She provided some of her family history indicating her grandparents had come from Poland approximately 100 years ago, had purchased property and had a 300 acre farm off of Polish Town Road. When they had died in 1950, half of the property had been sold leaving 162 acres of forest. The 162 acres was inherited by Ms. Vonderharr's uncle and ownership transferred to other family members several times through the years. Ms. Vonderharr and her daughter inherited the property in 2007. Ms. Vonderharr's daughter had been seven at the time and Attorney Scott Stovall had recommended the property be put into an LLC. The LLC had been named Kubas LLC after Ms. Vonderharr's grandmother's maiden name. She reported she had worked with Will Shoup (Virginia Department of Forestry) on a forestry plan in 2012 and he had recommended she consider the AFD program. The program had been on hold at that time but she had continued checking back for the status. She noted a number of things had happened since 2012 including the loss of both parents, her divorce and several surgeries. She reported she had spoken to the "New Kent Economic Opportunity Development Department" and had been told the property could be put into the AFD program and the "land fits into the AFD program and program requirements." She indicated this department had also told her the "EO zoning only limits our land to forestry, orchards and grapes." She had gone back to the Virginia Forestry Department and had been informed "the property meets the requirements of the AFD program." She had called Ms. Wood and had shared her findings and had then submitted her application. She noted she had been working to get this property in the AFD program since 2012 and the next thinning was due in 2023. The property had been in her family for 100 years, had been in forestry all of that time and she wanted to get the property into the AFD program. Her daughter was now 16 and she wanted her to have the same value of having this property as her grandmother and other relatives had and she urged the Board, "please let us keep this in woodlands."

Mr. Davis indicated he knew the property which had been in pine trees his entire life and was located on both sides of Polish Town Road near the jail. He pointed out the County had rezoned this property to EO approximately ten years ago. Ms. Vonderharr suggested the rezoning may have taken place around the time her aunt passed away and she and her daughter inherited the property. Mr. Davis suggested the property had most likely been zoned A-1 prior to EO and if no one had come forward to oppose the change to EO, then it was changed. Ms. Wood suggested the notice had been sent to Ms. Vonderharr's parents and with her mother's illness, no one had come forward to make their wishes known.

Mr. Evelyn reminded Board members that there had been a similar situation with an EO zoned property located down the road from the Kubas property. Mr. Davis suggested the circumstances were similar but not the same. He suggested Ms. Vonderharr could put a conservation easement on the property and the tax rate would be lower than the AFD rate. He indicated he understood her situation but agreed that the Board had been presented with similar circumstances and had denied that application. Mr. Davis suggested that in that case, the husband had wanted the property to be zoned EO and after he had passed away, the wife had not wanted to pay the taxes. He also noted the other owner had been actively marketing their land. Ms. Vonderharr indicated they did not want to sell their land.

Ms. Paige asked Ms. Vonderharr if she had tried to sell her property. Ms. Vonderharr indicated she had been forced to list the property during her divorce but because she had been able to thin the trees, she had not been forced to sell. Ms. Paige noted AFD properties were in the program for a minimum of ten years and she wanted to be sure Ms. Vonderharr understood this. Ms. Vonderharr indicated she did understand and noted she enjoyed walking the property and felt as though she was visiting family there.

Mr. Evelyn opened the public hearing and called Mr. Scott Stovall to the podium. Mr. Stovall indicated he was a lawyer with CowanGates Law Firm in Chesterfield and reported he had been involved with the Vonderharr family since 2007. When one half interest in the property had been vested in a seven year-old, a special trust had been established allowing Ms. Vonderharr to serve as "de facto decision maker" for that interest. The purpose of the LLC had only been to "insulate the daughter from liability" and had never been intended to operate as a business. Ms. Vonderharr had notified him that she had applied for the AFD program and had indicated there was confusion regarding the property's EO status and whether that precluded it from consideration. Mr. Stovall indicated he had spoken with County Attorney Brendan Hefty and they were in agreement that there was no preclusion for EO property. He indicated he understood there were other factors to also be considered. He referenced the prior case previously mentioned and noted it was clear that property had been actively marketed and when it had not sold, the owner had decided to try to get into the AFD. Mr. Stovall indicated he and Ms. Vonderharr had explored the possibility of a conservation easement and that could still be considered in the future. He reported he had become involved after the AFD Advisory Committee had ruled and had discussed this with Ms. Wood. Ms. Wood had suggested there was a misconception that EO property could not be included in the AFD program. He suggested the same misconception was carried forward by the Planning Commission which had also forwarded an unfavorable recommendation. He reported Ms. Vonderharr understood the meaning of being in the AFD program and it was her desire to continue doing what she had always done with the property while receiving the benefit of the program. He indicated he would appreciate it if Ms. Vonderharr could have this and thanked the Board for their consideration of Ordinance O-20-18.

There being no others wishing to speak, the public hearing was closed.

Mr. Davis asked Mr. Stovall if he understood the Planning Commission tried to operate by the law. Mr. Stovall indicated he did and noted he had felt the Planning Commission was looking back to the Board's action on the previously mentioned case and was looking to the Board for guidance. Mr. Davis suggested that with the previous case, the Board had recommended that the owner may want to consider down zoning their property. He then suggested the owner had been told if they down zoned and came back to the Board they probably would approve it. Mr. Davis asked County Administrator Rodney Hathaway if there were currently any EO parcels in the AFD program. Mr. Hathaway indicated the comprehensive rezoning had been done in 2008 and there were so many parcels in the AFD that he was not sure if any were EO. Mr. Davis noted that in Ms. Vonderharr's case, her parents had not been able to understand what was going on and he suggested this may have also been the case for others. Mr. Davis again indicated he believed it had been suggested to the previously mentioned applicant that if the property was down zoned, the Board would consider it for AFD. Mr. Hathaway indicated he believed there had been a discussion regarding down zoning. Mr. Evelyn indicated he too remembered this discussion. He noted there was a large amount of land zoned EO in the County and he was concerned about setting a precedent that would give the owner of any EO zoned property a case for their property to be allowed into the program. County Attorney Brendan Hefty indicated the question of whether the Board wanted land zoned EO to be eligible for the AFD program as a policy was something the Board would have to decide. He suggested the Board could decide either way on this particular case but noted while this wouldn't be a "hard legal precedent" it would "create the policy precedent that that's acceptable." Ms. Paige suggested the Board didn't have to make this decision because it legally could already be done. She asked if this was correct. Mr. Hefty indicated the fact that the property was zoned EO did not prohibit it from being included in the AFD program.

Mr. Hathaway reported State Code contained seven criteria to be used when considering AFD applications. One of those criteria was "the Comprehensive Plan if applicable, the zoning regulations and local development patterns and needs." He suggested this was one of the reasons the Planning Commission had acted as they had and noted the property was designated for Economic Opportunity on the County's Future Land Use Map which was a part of the Comprehensive Plan. He suggested there had been a question of whether the County wanted to tie up this property for this period of time when it was designated for EO. Mr. Tiller suggested it would not be the County that would be tying the property up but the property owner. Mr. Davis also noted if property in the AFD program was withdrawn early, the property owner was liable for five years of back taxes as well as a penalty. Ms. Paige pointed out that even if the property was not in the AFD program, the County could not make a property owner develop their property. Mr. Evelyn noted the property was worth more zoned EO than A-1. He asked if there was any interest in submitting an application to rezone back to A-1. Mr. Stovall indicated it had been discussed but the hope had been to avoid additional costs to have the property rezoned for a use that was already allowed under EO. Mr. Stovall noted even if the property remained EO, the family wanted to continue using the property as they always had. He suggested the Board could distinguish the difference between active marketing of property and a case where the owner was not doing well at the time of the notice and hadn't responded to oppose it. He was hopeful the Board would approve this but other options could be considered. The property owner was paying a significant amount of taxes and he hoped they could avoid additional expense.

Mr. Evelyn suggested Ms. Vonderharr had a compelling argument and reiterated his concerns regarding the precedent approval may set. He indicated if the Board started this, he was afraid it would "snowball." He indicated he believed Ms. Vonderharr was using the property for the intended purpose but noted the Board had to look at the whole picture.

Mr. Davis asked Ms. Wood when the Wahrani Swamp AFD would be up for renewal. Ms. Wood indicated the renewal would be August 31, 2019. She reminded the Board that the Eltham Overlay District had been repealed in March 2017 and she indicated she wasn't sure if this would have any impact on their decision. Mr. Davis noted the Eltham Overlay did not impact this property. Mr. Evelyn agreed and indicated the overlay had been more about setbacks and didn't have anything to do with this property. Ms. Wood suggested the Board had Zoning Ordinance vs. Comprehensive Plan and noted that when the property was weighed against the seven criteria, six of the seven had been met.

Mr. Stiers noted that everyone knew how he felt about people's personal property rights. He pointed out Ms. Vonderharr had indicated she didn't get the notice in 2008 and if she had come forward in 2008, the property would not have been rezoned. He indicated he would rule in her favor and suggested each case should be considered individually. Mr. Davis suggested the only problem he saw was that ruling in Ms. Vonerharr's favor would be setting a precedent. Ms. Paige asked if the precedent was coming back after the notice had been sent in 2008 or that the property was in EO. Mr. Evelyn indicated the precedent would be that EO property was allowed in the AFD. Mr. Stiers asked if the property was being taken out of EO, where would be a better place for it. Both Mr. Davis and Mr. Evelyn noted the property was not being taken out of EO. Mr. Hathaway noted approving the AFD application would not change the zoning of the property and would only change the tax status. Ms. Paige suggested if Ms. Vonderharr paid to have the property rezoned, it could come back for AFD consideration after rezoning. Mr. Davis indicated if the property was zoned anything other than EO or Industrial there would be no problem with accepting it into the AFD program. Mr. Evelyn suggested that was a decision Ms. Vonderharr would have to make and pointed out the property owner was getting EO zoning which was worth more and if allowed in the AFD program would also be getting a tax break. Mr. Evelyn again noted his concern that approval would be setting a precedent and Mr. Davis pointed out there were thousands of acres of EO zoned property within a few miles of Ms. Vonderharr's property.

Mr. Davis moved to deny Ordinance O-20-18, Application AFD-10-18, addition of tax map parcel 37-1 to the Wahrani Swamp Agricultural and Forestal District. Mr. Davis noted he would vote for this if the property was zoned anything but EO. The members were polled:

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

The motion carried.

Mr. Davis again suggested if the property owner rezoned the property they could have a different outcome. He also pointed out this was a very valuable piece of property and if it was his, he didn't know if he would want to rezone it. Mr. Evelyn also noted for the record that he felt the same as Mr. Davis.

IN RE: PUBLIC HEARING – APPLICATION AFD-02-18 – ORDINANCE O-12-18 –
RECREATION OF THE MILL CREEK AFD

Before the Board for consideration was Ordinance O-12-18 to approve Application AFD-02-18 for the recreation of the Mill Creek Agricultural and Forestal District with a proposed renewal date of August 31, 2018.

Mr. Davis announced he had an interest in property in the Mill Creek AFD and as a result recused himself from any discussion or action involving Ordinance O-12-18. Mr. Davis stepped down from the dais.

Planning Department Assistant Sheri L. Wood presented information on the application. She reported the applicants of the Mill Creek Agricultural and Forestal District had requested the recreation of the district which was set to expire on August 31, 2018. The district currently consisted of 16 parcels totaling approximately 1,459 acres. All members of the district had been contacted and informed of the upcoming expiration date. All members had indicated their desire to renew their membership. There had been no changes to the land uses reported annually to the Office of the Commissioner of the Revenue and staff had verified the accuracy of the current Mill Creek Agricultural and Forestal District map. Staff had offered a favorable recommendation to the Agricultural and Forestal District Advisory Committee and the committee had voted on April 19, 2018 to forward a favorable recommendation to the Planning Commission. The Planning Commission had voted on May 21, 2018 to forward a favorable recommendation to the Board of Supervisors. This district was located in the northeastern part of the County near the village of Eltham and parcels within this district were zoned A-1 and C-1 (Conservation).

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

Ms. Paige moved to approve Ordinance O-12-18, Application AFD-02-18, to recreate the Mill Creek Agricultural and Forestal District. The members were polled:

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

The motion carried. Mr. Davis returned to the dais.

IN RE: PUBLIC HEARING - APPLICATION AFD-03-18 – ORDINANCE O-13-18 –
JEFFERSONIAN INSTITUTE, LLC ADDITION TO THE MILL CREEK AFD

Before the Board for consideration was Ordinance O-13-18 to approve Application AFD-03-18 for the addition of Tax Map Parcel 37-27 to the Mill Creek Agricultural and Forestal District.

Planning Department Assistant Sheri L. Wood presented information on the application. She reported the applicant, Jeffersonian Institute, LLC, had applied to add approximately 114 acres to the Mill Creek Agricultural and Forestal District and intended to manage timber on the parcel. The district currently consisted of 16 parcels totaling approximately 1,459 acres and was scheduled for renewal on August 31, 2018. Staff had offered a favorable recommendation to the Agricultural and Forestal District Advisory Committee and the committee had voted on April 19, 2018 to forward a favorable recommendation to the Planning Commission. The Planning Commission had voted on May 21, 2018 to forward a favorable recommendation to the Board of Supervisors. Ms. Wood indicated Tax Map Parcel 37-27 was zoned A-1 and had a future land use designation of rural lands. She noted this district was located in the northeastern part of the County near the village of Eltham.

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

Mr. Tiller moved to approve Ordinance O-13-18, Application AFD-03-18, addition of tax map parcel 37-27 to the Mill Creek Agricultural and Forestal District. 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: PUBLIC HEARING – APPLICATION AFD-04-18 – ORDINANCE O-14-18 –
RECREATION OF THE UPPER CHICKAHOMINY AFD

Before the Board for consideration was Ordinance O-14-18 to approve Application AFD-04-18 for the recreation of the Upper Chickahominy Agricultural and Forestal District with a proposed renewal date of August 31, 2018.

Planning Department Assistant Sheri L. Wood presented information on the application. She reported the applicants of the Upper Chickahominy Agricultural and Forestal District had requested the recreation of the district which was set to expire on August 31, 2018. The district currently consisted of 16 parcels totaling approximately 1,055 acres. All members of the district had been contacted and informed of the upcoming expiration date. All members had indicated their desire to renew their membership. Ms. Wood reported there had been no changes to the land uses reported annually to the Office of the Commissioner of the Revenue and staff had verified the accuracy of the current Upper Chickahominy Agricultural and Forestal District map. Staff had offered a favorable recommendation to the Agricultural and Forestal District Advisory Committee and the committee had voted on April 19, 2018 to forward a favorable recommendation to the Planning Commission. The Planning Commission had voted 8:0:1 on May 21, 2018 to forward a favorable recommendation to the Board of Supervisors. This district was located in the western portion of the County along the Hanover and Henrico County lines and was accessed mainly to the north and south of Quaker Road, Peace Road and Dispatch Road.

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

Mr. Tiller asked why a Planning Commission member had abstained. Ms. Wood indicated the member had indicated they had a personal interest in this AFD and had recused himself.

Ms. Paige moved to approve Ordinance O-14-18, Application AFD-04-18, to recreate the Upper Chickahominy Agricultural and Forestal District. 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 - APPLICATION AFD-05-18 – ORDINANCE O-15-18 –
SAYLOR ADDITION TO THE COOKS MILL AFD

Before the Board for consideration was Ordinance O-15-18 to approve Application AFD-05-18 for the addition of Tax Map Parcel 25-5-13 to the Cooks Mill Agricultural and Forestal District.

Planning Department Assistant Sheri L. Wood presented information on the application. She reported the applicants, Janis C. and Edward M. Saylor, had applied to add approximately 25 acres to the Cooks Mill Agricultural and Forestal District and intended to manage timber on the parcel. The district currently consisted of 39 parcels totaling approximately 5,192 acres and was set to expire on August 31, 2026. Staff had offered a favorable recommendation to the Agricultural and Forestal District Advisory Committee and the committee had voted on April 19, 2018 to forward a favorable recommendation to the Planning Commission. The Planning Commission had also voted on May 21, 2018 to forward a favorable recommendation to the Board of Supervisors. Tax Map Parcel 25-5-13 was zoned A-1 and had a future land use designation of rural lands. She noted this district was located in the north central part of the County with its center roughly 1.5 miles north of State Route 249 and its northern edge bordering the York River/King William County line.

Mr. Davis asked for clarification as to the exact location of the Saylor property on the map provided. It was noted the subject parcel was Lot 13 in Churchland Farms.

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

Mr. Davis moved to approve Ordinance O-15-18, Application AFD-05-18, addition of tax map parcel 25-5-13 to the Cooks Mill Agricultural and Forestal District. 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: PUBLIC HEARING - APPLICATION AFD-06-18 – ORDINANCE O-16-18 –
HOTT ADDITION TO THE DIASCUND CREEK AFD

Before the Board for consideration was Ordinance O-16-18 to approve Application AFD-06-18 for the addition of Tax Map Parcel 35-1-7 to the Diascund Creek Agricultural and Forestal District.

Planning Department Assistant Sheri L. Wood presented information on the application. She reported the applicant, William H. Hott, had applied to add approximately six acres to the Diascund Creek Agricultural and Forestal District and intended to raise cattle on the parcel. The district currently consisted of 123 parcels totaling approximately 4,068 acres and was set to expire on August 31, 2020. Staff had offered a favorable recommendation to the Agricultural and Forestal District Advisory Committee and the committee had voted on April 19, 2018 to forward a favorable recommendation to the Planning Commission. The Planning

Commission had voted on May 21, 2018 to forward a favorable recommendation to the Board of Supervisors. Tax Map Parcel 35-1-7 was zoned A-1 and had a future land use designation of rural lands. This district was located in the southeastern part of the County bordering James City County and was roughly a mile north of State Route 60 and two miles south of Interstate 64.

Ms. Wood noted for the record that due to the retirement of New Kent Extension Agent John Allison and the transfer of Agent Karl Frick, King William County Extension Agent Tracy Porter had provided assistance with the collection of information supporting AFD applications. She also reported Forester Will Shoup had left the New Kent office and Hanover County had stepped in to assist with applications for forestry. She expressed appreciation for the support provided by these staff and others from neighboring localities.

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

Ms. Paige moved to approve Ordinance O-16-18, Application AFD-06-18, addition of tax map parcel 35-1-7 to the Diascund Creek Agricultural and Forestal District. 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: PUBLIC HEARING - APPLICATION AFD-07-18 – ORDINANCE O-17-18 –
STONE ADDITION TO THE HOLTS CREEK AFD

Before the Board for consideration was Ordinance O-17-18 to approve Application AFD-07-18 for the addition of Tax Map Parcel 24-42 to the Holts Creek Agricultural and Forestal District.

Planning Department Assistant Sheri L. Wood presented information on the application. The applicant, Christopher R. Stone, had applied to add approximately 133 acres to the Holts Creek Agricultural and Forestal District and intended to manage timber, till crops and maintain pastures and wetlands on the parcel. The district currently consisted of 2 parcels totaling approximately 893 acres and was set to expire on August 31, 2019. Staff had offered a favorable recommendation to the Agricultural and Forestal District Advisory Committee and the committee had voted on April 19, 2018 to forward a favorable recommendation to the Planning Commission. The Planning Commission had voted on May 21, 2018 to forward a favorable recommendation to the Board of Supervisors. Tax Map Parcel 24-42 was zoned A-1 and had a future land use designation of rural lands. This district was located along the south bank of the Pamunkey River just south of Cohoke Marsh and was between the Nature Conservancy property along Cumberland Road to the west and Cooks Mill Road to the south. This parcel was located on Shooter Run Road.

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

Mr. Davis asked if this property had previously been in the AFD program. Ms. Wood indicated she wasn't sure and noted there was nothing in the supporting documents to indicate it had previously been a part of the program.

Ms. Paige moved to approve Ordinance O-17-18, Application AFD-07-18, addition of tax map parcel 24-42 to the Holts Creek Agricultural and Forestal District. 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: PUBLIC HEARING - APPLICATION AFD-08-18 - ORDINANCE O-18-18 -
PARSLEY ADDITION TO THE PUTNEY CREEK AFD

Before the Board for consideration was Ordinance O-18-18 to approve Application AFD-08-18 for the addition of Tax Map Parcel 10-1 to the Putney Creek Agricultural and Forestal District.

Planning Department Assistant Sheri L. Wood presented information on the application. The applicants, Candice B. and Joseph Lewis Parsley, II, had applied to add approximately 54 acres to the Putney Creek Agricultural and Forestal District and intended to manage timber and hay pastures on the parcel. The district currently consisted of 25 parcels totaling approximately 2,961 acres and was set to expire on August 31, 2025. Staff had offered a favorable recommendation to the Agricultural and Forestal District Advisory Committee and the committee had voted on April 19, 2018 to forward a favorable recommendation to the Planning Commission. The Planning Commission had voted on May 21, 2018 to forward a favorable recommendation to the Board of Supervisors. Tax Map Parcel 10-1 was zoned A-1 and had a future land use designation of rural lands. The district was located in the far northwestern part of the County and was bordered by King William to the north and Hanover County to the west. Access to parcels within this district was by Old Church Road, Hampstead Lane and Hopewell Road.

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

Mr. Tiller moved to approve Ordinance O-18-18, Application AFD-08-18, addition of tax map parcel 10-1 to the Putney Creek Agricultural and Forestal District. 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 - APPLICATION AFD-09-18 - ORDINANCE O-19-18 -

GOLDSTEIN ADDITION TO THE WAHRANI SWAMP AFD

Before the Board for consideration was Ordinance O-19-18 to approve Application AFD-09-18 for the addition of Tax Map Parcels 26-88 and 26-91 to the Wahrani Swamp Agricultural and Forestal District.

Planning Department Assistant Sheri L. Wood presented information on the application. The applicants, Ami and Barry Goldstein, had applied to add approximately 22 acres to the Wahrani Swamp Agricultural and Forestal District and intended to raise cattle on the parcels. The district currently consisted of 20 parcels totaling approximately 1,533 acres and was set to expire on August 31, 2019. Staff had offered a favorable recommendation to the Agricultural and Forestal District Advisory Committee and the committee had voted on April 19, 2018 to forward a favorable recommendation to the Planning Commission. The Planning Commission had voted on May 21, 2018 to forward a favorable recommendation to the Board of Supervisors. Tax Map Parcels 26-88 and 26-91 were both zoned A-1 and had future land use designations of rural lands. The district was located in the eastern portion of the County along State Route 33 approximately five miles east of the James City County line. The subject parcels were located between New Kent Highway and Rocky Road.

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

Mr. Davis asked if the Wahrani Swamp AFD was the closest AFD to the applicant's parcels. Ms. Wood indicated the maps had been reviewed and the closest AFD was Wahrani Swamp.

Ms. Paige moved to approve Ordinance O-19-18, Application AFD-09-18, addition of tax map parcels 26-88 and 26-91 to the Wahrani Swamp Agricultural and Forestal District. 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: PUBLIC HEARING - APPLICATION AFD-11-18 – ORDINANCE O-21-18 –
ELLIS ADDITION TO THE LOWER CHICKAHOMINY AFD PURSUANT TO 15.2-
4307 OF THE CODE OF VIRGINIA

Before the Board for consideration was Ordinance O-21-18 to approve Application AFD-11-18 for the addition of Tax Map Parcel 43-16 to the Lower Chickahominy Agricultural and Forestal District.

Planning Department Assistant Sheri L. Wood presented information on the application. She reported that pursuant to 15.2-4307 of the Code of Virginia, this application had been submitted on May 18th as a result of notices that had been sent to adjacent property owners of the district. The applicant, Thomas S. Ellis, Jr., had submitted his request to join the application within the required 30 days. He had requested the addition of approximately 45 acres to the Lower Chickahominy Agricultural and Forestal District and intended to manage timber on the parcel. The property was zoned A-1 and had a future land use designation of rural lands. The district currently consisted of seven parcels totaling approximately 681

acres and was set to renew on August 31, 2018. Staff was offering a favorable recommendation to the Board of Supervisors. Ms. Wood indicated that under the previously referenced Code, the Board could choose to make a ruling on the application or they could elect to return the application to the Agricultural and Forestal District Advisory Committee and the Planning Commission for recommendations.

Mr. Davis asked Ms. Wood if the Board had taken action on any AFD applications under the provisions of this Code since she had been involved with the AFD program. Ms. Wood indicated she had been working with AFDs since 2015 and did not believe there had been any cases where adjacent property owners had applied. She noted the Board was required by law to consider such applications but could refer them back to the Advisory Committee and Planning Commission for recommendations. Mr. Tiller asked if it would be possible to move the deadline up and avoid these late submissions. Ms. Wood indicated the deadline was already tight and she didn't believe it could be moved up any earlier. Mr. Tiller suggested if the Board denied this request, the applicant may be more inclined to be timely with any future submission. Ms. Wood suggested the County Attorney may be able to shed some light on the Code requirement. County Attorney Brendan Hefty pointed out the Board was required by Code to allow adjoining property owners thirty days to join the application and this requirement would still exist with an earlier deadline. Mr. Tiller suggested there had been a similar case a couple of years ago. Ms. Wood indicated the AFD program was an eight-month process and she tried to schedule the process so there would be a buffer in case a meeting was deferred or canceled. She noted GIS and Commissioner of Revenue records had to be updated and a report was also due to the State by August 31st.

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

Mr. Davis moved to approve Ordinance O-21-18, Application AFD-11-18, addition of tax map parcel 43-16 to the Lower Chickahominy Agricultural and Forestal District. The members were polled:

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

The motion carried.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Davis reminded everyone to be careful and specifically noted the recent bad weather and auto accidents. He reported he had been pleased to see residents at his end of the County had pulled together to help each other. He noted there would be many events in the County including the High School graduation and a number of summer activities. He noted there would be increased traffic and again reminded everyone to be careful.

Mr. Evelyn thanked Planning Department Assistant Sheri Wood for all of her hard work and for doing such a good job on the AFD program applications. Several other Board members concurred. Ms. Wood thanked the Board members and noted her appreciation to Deputy Board Clerk, Wanda Watkins, for her assistance in getting the items and supporting information on the Board's agenda.

Mr. Stiers reported it had been quite a week with the recent flooding especially in his district and indicated he was glad that everyone had gotten through it. He announced there would be a ribbon cutting at Colonial Downs on June 22nd from 1:30 to 5:00 p.m. and Governor Ralph Northam would be signing House Bill 1609 at 2:30 p.m. Anyone wishing to attend was encouraged to RSVP to Colonial Downs.com. He also reported the Brickshire Golf Course would hold a grand reopening/ribbon cutting on Friday, June 29th from 3:00 to 5:00 p.m. and the public was invited. He indicated he would like to have as many County officials as possible attending both of these events.

Ms. Paige congratulated the New Kent High School Class of 2018 who would be graduating on Friday, June 15th. She also extended congratulations to parents and teachers of those graduates. She expressed her appreciation to Planning Department Assistant Sheri Wood and Deputy Board Clerk Wanda Watkins for their efforts in getting the AFD materials to the Board. Ms. Paige reported she, along with sixteen other residents, were fortunate to be members of the Sheriff's Office Citizens' Academy. Participants were learning about the functions of the different areas of the Sheriff's Office and she noted her appreciation to the staff who were putting in a full day at work and then meeting with the class until 9:00 p.m. or later. She expressed her appreciation to the Sheriff's Office and Fire-Rescue for all they had done during the recent weeks of heavy rain and flooding. In closing she thanked Mr. Evelyn for serving as the Board Chairman and for being their leader through the recent Town Hall meeting. She also thanked County Administrator Rodney Hathaway and his staff for their assistance in planning and organizing the Town Hall meeting.

Mr. Tiller indicated he had nothing to report.

Mr. Evelyn thanked fellow Board members and everyone who had attended the recent Town Hall meeting and suggested this had been a very informative meeting with good feedback. He reported comments submitted by email and in writing had been forwarded to the attorneys (consultants) for responses. He also reported Mr. Hathaway and he had met for lunch with the New Kent Clergy Association the previous week. A County update had been provided to those in attendance. On that same day, the New Kent Parks and Recreation Department had hosted Youth Government Day for 8th grade students. He reported Ms. Paige and he had attended and there had been approximately 40 student participants. The students were assigned to shadow individuals in various County departments. He suggested this had been very informative for the students as well as the departments. Two of the students had also joined Mr. Hathaway and him for lunch with the clergy.

IN RE: STAFF REPORTS - COUNTY FUEL CONTRACT

County Administrator Rodney Hathaway reported an IFB had been issued recently for the County fuel contract. He suggested this had been a very successful bid process with six proposals received. He reported one of the proposals had arrived approximately twenty minutes after the deadline and as a result had not been accepted. The five proposals received by the deadline had been reviewed and staff was recommending the contract be awarded to PAPCO, Inc. He also reported there would be a significant savings with PAPCO over the current contract. The proposed contract was for one year with two one-year renewal options. The County had used PAPCO in the past and, based on their past performance, he was confident they were able to meet the County's requirements.

Mr. Stiers left the meeting at 8:38 p.m. without announcement.

Mr. Davis asked why there was a difference in the price differential for fire trucks and buses. Mr. Hathaway indicated the difference was due to the fuel volume and the equipment used

for delivery. He asked the Board to consider authorizing him to enter into a contract with PAPCO contingent upon approval of the County Attorney.

Ms. Paige moved to authorize the County Administrator to enter into an agreement with PAPCO, Inc. for fuel products in a form approved by the County Attorney. The members were polled:

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

The motion carried.

Mr. Stiers returned to the meeting at 8:43 p.m.

IN RE: OTHER BUSINESS

There was no other business.

IN RE: APPOINTMENTS – DELEGATED BY DISTRICT

Mr. Davis moved to appoint Julian Ward as District Five representative to the Purchase of Development Rights Committee to serve a three-year term beginning July 1, 2018 and ending June 30, 2021. 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 – NOT DELEGATED BY DISTRICT

There were no appointments not delegated by district.

IN RE: APPOINTMENTS – REGIONAL BOARDS AND COMMISSIONS

Mr. Stiers moved to appoint Leo Vozel as District Four representative to the Heritage Public Library Board of Trustees to serve a four-year term beginning July 1, 2018 and ending June 30, 2022.

Mr. Stiers moved to appoint Rodney A. Hathaway as New Kent's representative to the Middle Peninsula Juvenile Detention Commission to serve a four-year term beginning July 1, 2018 and ending June 30, 2022.

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: 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, July 23, 2018, and the next work session at 9:00 a.m. on Wednesday, June 27, 2018, both in the Boardroom of the County Administration Building. There would be no July work session.

IN RE: ADJOURNMENT

Mr. Davis moved to adjourn the meeting. 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. The meeting adjourned at 8:46 p.m.