

A REGULAR MEETING WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 13TH DAY OF OCTOBER IN THE YEAR TWO THOUSAND TWENTY IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

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IN RE: CALL TO ORDER

Chairwoman Patricia A. Paige called the meeting to order.

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IN RE: ROLL CALL

|                       |         |
|-----------------------|---------|
| Thomas W. Evelyn      | Present |
| C. Thomas Tiller, Jr. | Present |
| Patricia A. Paige     | Present |
| Ron Stiers            | Present |
| John N. Lockwood      | Present |

All members were present.

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IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

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IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Minutes
  - a. August 10, 2020 Regular Session Minutes
  - b. August 31, 2020 Work Session Minutes
2. Miscellaneous
  - a. Sole Source Approval – ESRI End User License Agreement
  - b. Sole Source Approval – Paratech Emergency Equipment Manufacturers/Blue Ridge Rescue Suppliers
  - c. Approval of 2021 New Kent County Rabies Clinic – January 30, 2021
  - d. Approval of Rappahannock Community College Lease Agreement
  - e. Approval of Resolution R-41-20 Supporting the Classification of the New Kent County Visitors and Commerce Center as a Destination Marketing Organization
3. Refunds
  - a. REFUND – Michael & Son Services Inc. - \$73.87
  - b. REFUND – Sweet Homes Inc. - \$447.56
4. FY20 Supplemental Appropriations
  - a. Additional funds for COVID-19 Project over budget, \$20,764.35
  - b. Partial Year SAFER Grant Funds, \$170,339.21
  - c. FY20 Closing Process to Appropriate funds for Negative Balances: Clerk of the Board (\$1,237): Farmer's Market Credit \$1k received in FY21, additional expenditures for NKFM in FY20 - Electoral Board (\$216) - Commonwealth Attorney (\$12,851): Salaries related to new office staff - calendar year 2019 election - Refuse (\$64,012): Additional volume due

to population growth - HR (\$461): Affordable Care Act - Excise Tax,  
\$78,779.

- d. FY20 Credit Card Fees: \$61,245.90.
- e. Plum Point Revenue: \$569.

\$331,697.46 - Total  
(\$210,333.65) - Total In/Out - General Fund (1101)  
(\$121,363.81) - From Fund Balance - General Fund (1101)

5. FY21 Supplemental Appropriations

- a. Animal Shelter Donations: \$330.
- b. Gifts & Donations: Fire/EMS - Joel Gorelick & Sylvia Rilee (\$100) and Gwendolyn & Ralph Jones (\$200), \$300.
- c. Funds from VRSA Insurance: Sheriff - Claim #02-19-32022-1-AP DOL 6/13/20 (\$258)/Claim #02-19-31956-1-AP DOL 6/8/20 (\$62.69) and Sheriff - Claim #02-19-32022-1-AP DOL 6/13/20 (\$786.86), \$1,107.55.
- d. Sheriff Extra Duty: Colonial Downs, \$1,608.48.
- e. Veterinarian Expense Restitution Received: \$275.
- f. Sheriff Coronavirus Emergency Supplemental Funding Grant (CEFS): \$47,299.
- g. Fire/Rescue Annual Aid-to-Localities Grant: \$70,233.
- h. VCU Transportation Costs: \$44,011.75.

\$165,164.78 - Total  
(\$73,854.03) - Total In/Out - General Fund (1101)  
(\$47,299.00) - Total In/Out - Grants (1106)  
(\$44,011.75) - Total In/Out - Capital Projects (1302)

6. FY20 Interdepartmental Budget Transfers

- a. Financial Services: From Anticipated Overtime to Incurred Overtime, \$5,879.53.
- b. Fire-Rescue: From Workers Compensation, \$24,119.38, From Maintenance Service Contracts, \$11,470.85 and From Uniforms, \$22,882.67 to Part-Time Salaries, \$58,472.90.
- c. Fire-Rescue: From Salaries, \$142,559.47, From Special Duty, \$17,816.18 and From Workers Compensation, \$11,325.99 to Overtime, \$171,701.64.
- d. Fire-Rescue: From Machinery & Equipment to Part Time Overtime, \$589.42, From Retirement to FICA/Medicare, \$2,644.82, From HSA Contribution to FICA/Medicare, \$3,093, From OSHA Compliance to FICA/Medicare, \$5,238.61, From Repair & Maintenance Supplies to FICA/Medicare, \$716.06, From Postal Service to VRS Employee Health, \$142.96, From Heating Service to LODA, \$5,846.66, From Repairs & Maintenance to LODA, \$4,395.09 and From Cellular to Medical Plans, \$1,602. \$24,268.62
- e. Fire-Rescue: From Lease Rent Equipment to LODA - Volunteers, \$472, From Professional Services to Vehicle Insurance, \$4,350.72, From Vehicle & Powered Equip. Fuel to Dues & Associations, \$1,316, From Operating Supplies to Insurance Damages, \$5,476.42, From Printing & Binding to Insurance Damages, \$598.57 and From Promotional Materials to Books & Subscriptions, \$9.88. \$12,223.59
- f. Fire-Rescue: From Machinery & Equipment to Part Time Salaries, \$2,414.12, From Maintenance Service Contracts to Part Time Salaries,

- \$2,000, From Dues & Association Memberships to Part Time Salaries, \$821.02, From Dues & Association Memberships to FICA/Medicare, \$400.14, From Dues & Association Memberships to Cellular, \$140.55 and From Dues & Association Memberships to Mileage, \$3.45. \$5,779.28
- g. New Kent Sheriff's Department: From Sheriff-Communications System Maintenance Service Contracts to Confinement of Prisoners Purchase of Jail Space, \$25,435.
  - h. New Kent Sheriff's Department: From Wages-Part-Time Regular, \$17,615 to Salaries & Wages-Regular (\$10,014), to Wages-Overtime Regular (\$2,234), to Retirement-VRS (\$63), to Line of Duty Act (LODA) (\$1,163), to Group Life Insurance (\$10), to Medical Examinations (\$707), to Contract Services (\$460), to Maintenance Service Contracts (\$1,650), to Vehicle Insurance (\$416), to Vehicle & Powered Equipment Fuel (\$773), to Dog Tags (\$36) and to Uniforms & Wearing Apparel (\$89), \$17,615.
  - i. New Kent Sheriff's Department: From Wages-Part Time Regular \$9,177 to Line of Duty Act (LODA) (\$2,533), to Vehicle Insurance (\$2,756), to Vehicle & Powered Equipment Fuel (\$521), to Vehicle & Powered Equip Supplies (\$3,307) and to Machinery & Equipment (\$60), \$9,177.
  - j. New Kent Sheriff's Department: From Salaries & Wages-Regular \$16,846 to Wages-Overtime Regular (\$16,647) and to Selective Enforcement (\$199), \$16,846, From Wages-Part Time Regular to Line of Duty Act (LODA), \$11,446 and From Vehicle & Powered Equipment Fuel \$9,276 to Contract Services (\$4,113) to Professional Services (\$99), to Advertising (\$15) to Vehicle Insurance (\$4,053) to Dues & Association Membership (\$55) and to Software Upgrade & Purchases (\$941), \$9,276.
7. Treasurer's Report: Cash as of August 31, 2020, \$49,529,173.01 including escrow funds.

Ms. Paige drew attention to Consent Agenda items 2.c. and 2.e. Item 2.c. was approving the 2021 New Kent County Rabies Clinic scheduled for January 30, 2021 and she encouraged those who may be interested in taking advantage of this opportunity to note this on their calendars. Item 2.e. was approving Resolution R-41-20 supporting the classification of the New Kent County Visitors and Commerce Center as a destination marketing organization. She reported this would help promote tourism in New Kent and the Visitors Center was welcoming new residents as well as out of town visitors passing through. She further reported New Kent would be petitioning Virginia's Tourism Corporation to recognize the Visitors and Commerce Center as a destination marketing organization.

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

|                       |     |
|-----------------------|-----|
| Thomas W. Evelyn      | Aye |
| C. Thomas Tiller, Jr. | Aye |
| Ron Stiers            | Aye |
| John N. Lockwood      | Aye |
| Patricia A. Paige     | Aye |

The motion carried.

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IN RE: CITIZENS COMMENT PERIOD

There were no citizens comments.

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IN RE: ROSE & CROWN, LLC LEASE

County Administrator Rodney Hathaway provided an overview of a proposed lease between New Kent County and Rose & Crown, LLC for the rental of 1,845 square feet of office space located at 7941 Chipping Lane, New Kent (former APEX Physical Therapy location). The proposed term of the lease would be ten years. Monthly rental for the first five years would be \$1,800 and the remaining five years would be \$2,000 per month. Mr. Hathaway reported he would like to propose relocating the Voter Registration Office to this location. He reported that due to recent changes regarding early voting, Voter Registration had been seeing a significant increase in activity. The early voting period would run 45 days and they were currently averaging about 100 voters per day. He noted their current office space was not the most suitable for their operations and he believed a location that would be more accessible to the public was needed. He also reported renting this space would facilitate accommodating additional space needs in several departments. If this lease was approved, he would move forward with an "office shuffle" that he believed would delay the need for the construction of new County office space. Moves being considered included moving General Services to the current Voter Registration Office, moving Human Resources to the current General Services Office, moving Bay Transit to the current Human Resources Office and moving CSA (Children's Services Act) to the current Bay Transit Office. This move would allow the Social Services Department to expand into the current CSA office space. He reported the Registrar and members of the Electoral Board had toured the facility and felt it would be suitable for their needs. He entertained questions.

Mr. Evelyn asked for the square footage of the current Voter Registration Office. Mr. Hathaway reported the current space was 1,200 square feet and the office suite contained many small offices. He further reported the current space could not accommodate early voting which was why it was being conducted in the Health and Human Services Building conference room. This meant the only conference room located in this building was not available to any other agencies. Mr. Evelyn asked if this building would provide adequate space for the storage of voting equipment. Mr. Hathaway reported the Electoral Board Chairman had indicated he believed the space would be adequate to store the equipment.

Ms. Paige asked if there were any other questions or comments. There being none, Mr. Evelyn moved to authorize the County Administrator to execute the proposed lease for office space in a form approved by the County Attorney. The members were polled:

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|-----------------------|-----|
| C. Thomas Tiller, Jr. | Aye |
| Ron Stiers            | Aye |
| John N. Lockwood      | Aye |
| Thomas W. Evelyn      | Aye |
| Patricia A. Paige     | Aye |

The motion carried.

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IN RE: RIVERSTREET NETWORKS AGREEMENT FOR BROADBAND ENGINEERING DESIGN SERVICES

Before the Board for discussion and consideration was an agreement with RiverStreet Management Services, LLC for engineering design services for the design of a County-wide fiber optic network to serve areas of New Kent lacking suitable access to highspeed internet.

County Administrator Rodney Hathaway reported RiverStreet was based in North Carolina and specialized in providing highspeed broadband services to rural communities. They were now expanding beyond North Carolina and into Virginia localities including King & Queen, Dinwiddie and Amelia counties and were also in discussions with other localities. He noted the goal of the proposed design would be to serve every resident of New Kent County and reminded everyone that various options had been reviewed and considered. He also noted one of the recommendations from the Broadband Advisory Committee (BAC) had been that fiber optic was the best means of providing broadband services to residents. He noted this proposed agreement would be the next step in implementing the recommendations from the BAC and he was hopeful this would put the County in a position to move forward with construction. The engineering would need to be in place before the County could move forward with permitting and obtaining any necessary easements. Background information on RiverStreet as well as a summary of the proposed engineering plan had been included in the meeting materials. He reported there had been numerous discussions with RiverStreet but no commitments had been made at this point. He also reported RiverStreet had indicated they would also be interested in being involved in the construction phase of the project. He also pointed out a discrepancy between the cost mentioned in the "Fiscal Implications" section of the agenda request form and the draft agreement included in the meeting materials. Should the Board wish to take action, the actual cost for these services would be \$79,995. The agreement indicated the cost would be \$80,000 and a revised agreement reflecting the correct price had not yet been received. He entertained questions.

Mr. Stiers noted the agreement indicated RiverStreet would be paid \$40,000 when the contract was signed and an additional \$40,000 after the work was completed. He asked how these payments would be adjusted. Mr. Hathaway indicated the total cost would be divided into two equal payments.

Mr. Lockwood indicated he was very excited to see the County moving forward with this plan and that it would be consistent with the BAC's recommendation for fiber to the home. He suggested this was the best possible product that could be brought to the community and again noted his excitement over moving forward with this plan.

Mr. Evelyn stated this was not a study but was in fact an engineering plan for the entire County which would be owned by the County. If the County decided to go in another direction, they could work with someone else. Mr. Hathaway confirmed the work that would be done as a part of this agreement would belong to New Kent County and stated this was a very important point. The County would not be locked into moving forward with RiverStreet for the next phase and could choose any service provider while utilizing the engineering work performed by RiverStreet. Mr. Evelyn noted the County was in the beginning stages and each Board member had met with RiverStreet. He stated he felt very good about this company and their track record. He reported there was a possibility that while fiber was being run through the County there may also be some wireless equipment installed on poles to serve some of the underserved areas. Mr. Hathaway agreed and reported this would be looked at in the plan. He also reported the actual construction would utilize a phased approach over multiple years. He also reported there may be some options at the beginning of the process to bring some areas on quickly with fixed wireless service until fiber was available to everyone in three to four years.

Mr. Tiller reported there had been some discussions with RiverStreet regarding revenue sharing if the County elected to go with them for the install phase. Mr. Hathaway confirmed if the County elected to move forward with RiverStreet for the construction and provision of service, they had offered to develop a revenue sharing option. He suggested this was very

interesting and noted no other service providers the County had reached out to had offered this. He reported the service providers he had spoken with were all looking for a financial investment from the County. Mr. Tiller asked if RiverStreet would also be providing a cost estimate with the engineering plan. Mr. Hathaway confirmed information on estimated cost would be included and reported he also found it very interesting that RiverStreet had indicated they would work on the County's behalf to seek grant opportunities and prepare grant applications. He suggested this would be a great resource for New Kent and reported some of the federal grant applications were very long and time intensive. Mr. Evelyn also stated RiverStreet's presentation indicated they had been very successful in obtaining grants over the years. Mr. Lockwood agreed this had been a positive and stated he had been impressed with the number of federal and state grants they had received.

Mr. Stiers reported what he had found interesting in his discussion with RiverStreet was that the entire County would not have to wait three to four years to get service. He noted it had been suggested antennas could be placed in certain parts of the County which currently had no service. He suggested this would be a win-win for all and he felt this was the avenue the Board should pursue.

Mr. Tiller noted the Governor had recently approved \$30 million in CARES (Coronavirus Aid, Relief and Economic Security) Act money for broadband grants. He reported many comments from the community were suggesting the County should apply but noted conversations with Mr. Hathaway had suggested otherwise. He asked Mr. Hathaway to share why this wasn't an option for New Kent. Mr. Hathaway indicated he thought it was great this funding was being made available but unfortunately the funding was CARES Act money which had to be spent by the end of the year. Stricter stipulations for this particular grant funding included that the funds had to be expended and the infrastructure in place by December 25, 2020. He reported he had contacted Cox Communications to discuss the possibility of completing some small extension projects by the deadline but Cox felt only two and a half months would make it difficult to get easements, permitting, contractors lined up and construction completed. He suggested this program would be most beneficial to localities who already had engineering completed, permits in place and easements secured but needed funding to move forward. He reported there were a number of localities in this situation who would be able to take advantage of this opportunity.

Ms. Paige expressed her appreciation to her fellow Board members for meeting with RiverStreet and thanked the BAC for their recommendations and due diligence in working toward the common goal of getting broadband throughout New Kent County. She suggested the number of years it would take to get broadband throughout the County had not been emphasized enough and stated that regardless of the Board's action today, everyone would not have broadband next week. She noted the BAC recommendations had not fallen on deaf ears as the Board had authorized a feasibility study and was now considering the development of this engineering plan.

Mr. Lockwood moved to authorize the County Administrator to execute the proposed agreement for broadband engineering design services in a form approved by the County Attorney. The members were polled:

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|-----------------------|-----|
| Ron Stiers            | Aye |
| John N. Lockwood      | Aye |
| Thomas W. Evelyn      | Aye |
| C. Thomas Tiller, Jr. | Aye |
| Patricia A. Paige     | Aye |

The motion carried.

Noting it was too early to begin public hearings, Ms. Paige asked fellow Board members if they wished to move forward with other agenda items or take a brief recess. The general consensus was to move forward with other items.

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IN RE: ELECTED OFFICIALS REPORTS

Mr. Lockwood indicated he had nothing to report.

Mr. Stiers reported the Annual Providence Forge Christmas Parade for 2020 had been cancelled. Several options had been considered but they had not been able to come up with a feasible way to accommodate COVID-19 regulations. He announced the Forge Foundation would still be hosting the Annual Thanksgiving Feast and noted this event had drawn about 1,000 individuals in past years. Due to COVID-19 regulations, the feast would be offered differently than in the past. Those attending would be allowed to enter the building to pick up "grab n go" meals if they were wearing a mask and after having their temperature checked. He suggested this may not be as pleasurable as in the past since diners would not have an opportunity to socialize. He stated this would be an all you can eat for 99¢ meal.

Mr. Tiller indicated he had nothing to report.

Mr. Evelyn reported he had received several calls regarding the placement of signs advertising developments in the County in VDOT right of ways. He noted these signs were popping up everywhere and reported he had counted 16 from his home to the meeting. He stated he would like to task the County Attorney and staff with looking at what could be done to clean up the roadways and report back at the Board's next work session. County Attorney Brendan Hefty reported the Board could ask VDOT to enforce the law and clear the signs along the roadways or the County could enter into a memorandum of agreement with VDOT so that the County could enforce the law. He stated he didn't know if New Kent had ever looked at this but these were options. Mr. Evelyn indicated he believed Chesterfield County had some type of enforcement agency. County Administrator Rodney Hathaway reported the County could apply for a Land Use Permit from VDOT for permission to enforce signage within their right of ways. He stated they could look at what would be involved.

Mr. Stiers reported he personally removed signs within his district and took them to the VDOT office on Rt. 106.

Mr. Tiller expressed his concerns regarding some signs/flags near restaurants within the County. He suggested most people knew these businesses were open and reported many of the signs were left up until they were hardly readable. He stated there had to be something the Board could do such as restricting the length of time a sign could be displayed and imposing a fine for violations. Mr. Hathaway reported County Ordinance currently included a time regulation for grand opening signs which he believed was 30 days. He noted many of these signs were in the VDOT right of way and the County did not have permission to go on the VDOT right of way to enforce and remove them. He again noted this was something that could be worked out with VDOT by applying for a Land Use Permit. He stated the County could issue a violation against a property owner for signs beyond the VDOT right of way which were displayed longer than 30 days. Mr. Hefty agreed signs beyond the right of way would be regulated by the zoning ordinance and the Zoning Administrator would determine if there was a violation.

Mr. Stiers stated there was a big difference between signs in the VDOT right of way and a private business having a sign on their property. He noted he was not in favor of penalizing businesses for having signs on their property and stated this was too much big government. He also noted people in the County were probably aware of where the businesses were open but people driving through were not. He again stated there was a lot of difference in signs being placed by homebuilders and a business owner advertising his business.

Ms. Paige reported on several items.

- New Elam Baptist Church on Cumberland Road would be hosting a drive through food distribution event on October 24<sup>th</sup> from 9:30 a.m. to 11:00 a.m. or until the food ran out. The distribution would include fresh vegetables and meats and was available to anyone in need. Other churches in the County were encouraged to call New Elam in advance to make arrangements to pick up boxes for members of their congregation.
- She reported the news over the past few days had been flooded with reports of a missing New Kent resident. The gentleman had been found and was safe with family members. She thanked the Sheriff's Office for their involvement in locating him.
- She reported it had been her pleasure to attend the recent training for Chief Poll Workers on the new voting machines. She stressed that voting was a privilege not to be taken lightly. She encouraged those exercising their privilege to vote to do so in a respectful manner and especially to be respectful to poll workers.
- VDOT had been asked that they have representatives attend the Board's next meeting so Board members could express the needs of their constituents in person.
- She reported October was Breast Cancer Awareness Month and addressed all male and female residents who had experienced breast cancer by stating they were supported and cared about. She encouraged them to never ever give up.

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IN RE:           STAFF REPORTS – NKPCS BASIN POND REPAIR

County Administrator Rodney Hathaway noted a memorandum dated October 7, 2020 along with a budget transfer form from New Kent Public Schools (NKPCS) Executive Director of Budget and Finance Haynie Morgheim had been placed at each member's seat. NKPCS was requesting a CIP (Capital Improvement Program) transfer of \$88,218 from Appropriation of Funds from Prior Years to NKHS (New Kent High School) Basin Pond Repair. He drew attention to two pictures depicting the current state of the basin pond area. This transfer was to fund work that had been completed in response to a breach at the outfall located behind the baseball field. Mr. Hathaway reported this was an environmental violation and NKPCS was in the process of repairing the breach. This transfer would move existing NKPCS funds from one line item to another and was not a request for additional funding. He entertained questions.

Mr. Evelyn asked if any payments had been made on this project. Mr. Hathaway reported this transfer would be to pay for work already completed but this would be an extensive project which would require additional funding. He stated additional engineering as well as site work would be required and noted the pictures were after some work had been completed. Grass had been planted on the banks, grading had been performed and additional rock had been placed at the outfall but damage continued to occur with each rain. Mr. Evelyn asked if several prices had been received for the work or was this being addressed as an emergency. Mr. Hathaway reported the work had been treated as an emergency and they were working on the engineering through an existing on-call services contract. He noted he did not believe a contractor had been chosen to do the final work.



Ms. Paige asked if the project had been included in the CIP. Mr. Hathaway stated this was an emergency response to the breach that had been discovered in recent months and was not in the CIP. NKCPs had secured a contractor to place additional rocks, do some grading and seed and straw the area but that work had not held up. Ms. Paige asked if the process was to do the work and then submit an \$88,000 bill. Mr. Hathaway again stated the work had been done as an emergency and this request was for funds that were already available to NKCPs. He noted the pictures, which had been provided by the County Environmental Director who had been asked to assess the situation, told the story. He again noted this was not a request for additional funds but was a request for a transfer to a new line item which had been created for expenses associated with this project. He reminded the Board that NKCPs could not move funds from one account to another without Board approval.

Mr. Lockwood asked for confirmation that the pictures had been taken after the completion of \$88,000 of work. Mr. Hathaway confirmed and noted this would be a huge project and would require additional funding. He also suggested this was something that needed to be addressed quickly as it had only been a few weeks since the work had been completed and additional erosion was already evident. Ms. Paige noted the transfer form noted a balance of \$399,560.19 after this transfer. She asked if this funding would be used to complete the project. Mr. Hathaway reported NKCPs recognized additional funds would be needed but suggested that figure may not be known until engineering work was completed. Ms. Paige asked if that additional funding would come from this balance. Mr. Hathaway confirmed. He also noted all unspent end of the year NKCPs operations dollars were moved to the Appropriation of Funds from Prior Years line item to fund one-time capital projects.

Mr. Evelyn moved to appropriate \$88,218 from Appropriation of Funds from Prior Years to NKHS Basin Pond Repair. The members were polled:

|                       |     |
|-----------------------|-----|
| John N. Lockwood      | Aye |
| Thomas W. Evelyn      | Aye |
| C. Thomas Tiller, Jr. | Aye |
| Ron Stiers            | Aye |
| Patricia A. Paige     | Aye |

The motion carried.

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IN RE: APPOINTMENTS – DELEGATED BY DISTRICT

There were no appointments delegated by district.

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IN RE: APPOINTMENTS – NOT DELEGATED BY DISTRICT

There were no appointments not delegated by district.

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IN RE: OTHER BUSINESS

There was no other business.

Noting it was still too early to begin public hearings, Ms. Paige called for a recess at 6:45 p.m. The meeting reconvened at 7:01 p.m.

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IN RE: PUBLIC HEARING – ZM-02-20 DISPATCH STATION PROFFER AMENDMENT  
REQUEST – Ordinance O-14-20

Before the Board for consideration was Ordinance O-14-20 to approve rezoning/proffer amendment application ZM-02-20, F.W. Associates and John Shurm, Manager of Dispatch Station Development LLC, to amend the proffers associated with zoning map amendment C-08-95, Dispatch Station Subdivision. Planning Director Kelli Le Duc reported F.W. Associates LLC and John Shurm, Manager of Dispatch Station Development LLC had requested an amendment to the proffer statement associated with the Dispatch Station property rezoning. The applicants had requested that current Proffer #7 be amended to state "There shall be no more than 50 building permits issued per year." The current proffer #7 allowed for 25 building permits per year. The rezoning for Dispatch Station had been approved on July 8, 1996 as Zoning Map Amendment C-8-95. Ms. Le Duc noted the approval letter and minutes from the Board of Supervisors meeting where the original proffers were finalized had been included in the meeting materials. She provided some project history noting the Planning Commission had considered the rezoning application on March 18, 1996 and had ultimately voted to send an unfavorable recommendation to the Board of Supervisors. The minutes of that meeting which noted concerns about the impact of the project on environmental features, public services and the County's capital needs had been included in the meeting materials for reference. The Board of Supervisors had ultimately approved the rezoning with proffers including but not limited to an annual building permit limit of 25, a maximum of 150 lots in the subdivision and cash proffers. The project had lain dormant until late 2004. The Planning Commission had approved the Preliminary Subdivision Plan in February 2005 and another fourteen years passed before the first section was recorded and construction started. Section 1 contained 58 lots and Section 2, which was currently under review, would contain 64 lots. Ms. Le Duc provided an overview of impact statements received from various departments including:

- Public Utilities had reported no issues.
- The Sheriff's Office had noted concerns about impacts on services and the fact that the Sheriff's Office had not been included in the cash proffer distribution.
- The application had stated, "The impact on the New Kent school system would be minimal based on the demographic profile of home buyers in Phase 1." Ms. Le Duc noted staff had no way of verifying this but pointed out cash proffer allocations included \$2,000 per unit for schools.
- Ms. Le Duc also reported the existing proffer statement allocated \$750 per lot for offsite road improvements to Route 613 (Dispatch Road). Some work had been done several years ago in the area of the railroad crossing to improve safety and site distance.

In summary, Ms. Le Duc noted a number of concerns regarding the impact on public services and capital needs had been expressed when the rezoning had originally been considered. These concerns had been why the applicant had proffered a maximum of 150 lots and had set a cap of 25 building permits per year. Doubling the number of building permits per year to 50 would speed up growth and have potentially negative impacts on transportation and other County services. She further noted the capital needs had only increased over the years with New Kent remaining the second fastest growing County in Virginia since 2010. Keeping the cap at 25 permits per year would allow the County to better absorb and plan for impacts on services. She noted that given the 1996 proffer setting the maximum amount of building lots at 150 at a rate of 25 per year, the development could have been built out within six years. It was staff's recommendation that the proffer amendment be sent to the Board of Supervisors with an unfavorable recommendation and the existing proffer #7 remain as stated. The Planning Commission had considered this application at their September 21, 2020 meeting and had voted unanimously to forward an unfavorable recommendation to the Board due to the negative effects the amendment would have on the local transportation system and other County

services. She noted the applicant also had a presentation to share with the Board and turned the floor over to the applicant's attorney Rob Benaicha with Hirscher.

Mr. Benaicha noted the 1996 approval of the Dispatch Station subdivision had allowed for 150 lots with an imposed annual limit of 25 building permits which would have resulted in a full build-out by 2002. The provisions also imposed a \$3,000 per unit cash proffer which would allocate \$2,000 to schools, \$750 for Dispatch Road improvements and \$250 for fire and rescue capital improvements. Mr. Benaicha provided an overview of the current status 18 years after the original projected build-out date. Only 122 total lots were planned at full build-out and 35 had been constructed and sold. Eleven lots were under construction and the remaining 76 lots included 12 in Section 1 and 64 in Section 2. He reported 25 building permits had been issued so far in 2020 and noted the staff report had cited no specific infrastructure which would be overburdened by the development. He further noted County Administrator Rodney Hathaway had pointed out at the Planning Commission meeting that no traffic warrants would be tripped and he reported the Dispatch Road improvements contemplated in the original case had already been completed.

The developer had already paid \$138,000 in cash proffers including \$92,000 to schools, \$34,500 for Dispatch Road improvements and \$11,500 for fire rescue and was now requesting that the annual building permit limit be increased from 25 to 50. The original cash proffers would remain in place and the remaining time required to complete build-out would be reduced from three years to 18 months. Mr. Benaicha stated the applicant was asking that they be treated the same as other developments with cumulative limits. He reported similar developments with building permit limitations were allowed to transfer unused permits in any given year to the next year. If allowed to pull up to 50 permits per year, this would result in an accelerated payment of cash proffers totaling \$228,000 within 18 months. He pointed out that \$57,000 of this would be for additional Dispatch Road improvements and reported discussions at the Planning Commission had suggested the funding could possibly be used for a signal light since the improvements contemplated in 1996 had already been completed. The additional growth in this community was estimated to increase the tax base by over \$27 million and produce an annual tax revenue increase of over \$215,000. Based on existing student population in Section 1, an additional nine school-age children were projected over the 18-month period. He entertained questions.

Ms. Paige asked if the previous improvements on Dispatch Road had been completed through proffers or the Secondary Six-Year Road Plan. Mr. Hathaway reported recent Dispatch Road improvements had been accomplished as a part of the Secondary Six-Year Road Plan. Ms. Paige asked if proffer money had been used toward this project. Mr. Hathaway reported no proffer money had been used.

Mr. Lockwood asked if the developer would consider reducing the build-out to two years with 38 permits per year. He noted this was not what was before the Board but noted build-out would only be increased by 6 months. Mr. Benaicha indicated that was something that could be discussed.

Mr. Evelyn noted 76 additional homes were to be built and only 9 school-age children were projected. He asked where this projection had come from. Mr. Benaicha indicated this projection had been based on the pattern of purchases thus far. He reported much of the product was either pre-family or post-family sales with very few school-age children. Mr. Evelyn asked if the 64 lot section would be a different product. Mr. Benaicha noted it would be the same product and reported they had found the recent market was indicating they were appealing to a lot of retired individuals. Ms. Paige asked if the projection was inferring

there were other non-school-age children. Shurm Homes Director of Sales and Marketing Jennifer Jinnette reported that based on Section 1 sales, there had been many young couples without children as well as retired couples whose children were already grown. She noted the projected number of school-age children had also taken into account that some of the children would already be enrolled in County schools prior to moving to the community.

Mr. Evelyn noted he didn't feel it was a fair statement to say they wanted to be treated like everyone else. He noted the proffers approved in 1996 had been negotiated and agreed to by the builder and it wasn't fair to say they weren't being treated the same. He indicated he had seen similar cases come back to the Board over his years of serving and stated, "everybody works their own deal." He again stated he didn't feel it was fair to suggest they were not being treated like everyone else.

Ms. Paige asked if there were any additional questions. There being none, she opened the public hearing and provided brief instructions on procedures. She called Brian Parker of 6935 N. Hairpin Drive, Quinton to the podium. Mr. Parker noted he had recently relocated to New Kent from California and was currently living with his sister. He had recently become a salesperson for Shurm Homes and wished to share information on the people who were anxiously awaiting homes in Dispatch Station. He reported he was working with a young couple seeking to relocate from Staunton. The man was currently in Virginia State Trooper School and was required to live in New Kent County. He and his wife were anxiously waiting to purchase from Shurm. He reported he was also working with a family where the mother was a school teacher and the husband was with Henrico County Parks & Recreation. They too were anxiously waiting to purchase a home. Mr. Parker suggested these were families who would not have been able to afford to purchase a home where he had lived in Los Angeles. He reported also working with a young man who was employed at a concrete factory in Sandston who was also waiting for his new home. He also mentioned another family with the wife being a school teacher and the husband working in IT who were also waiting for their new home. He suggested these were not fancy people but were people who drove pickup trucks, voted and worked hard. He indicated these people anxiously wanted to be a part of this community and he felt they should be given the opportunity to do so. He thanked the Board for the opportunity to speak.

Kris Lowery reported he and his family were currently living in an apartment in Mechanicsville and had signed a contract with Shurm Homes to build a home in Dispatch Station. He noted that unfortunately they had been home number 26 for the year. He reported he and his family had decided to move from Chesterfield to New Kent because of the environment and the homes being built by Shurm Homes. He reported his son had a disability and Shurm had been more than eager to assist them with building a home that would accommodate his needs. Their home in Chesterfield had sold within a day and they were now living in an apartment which was costing his family an extra \$700 a month. The costs would continue to mount every month the construction of their home was delayed. He asked the Board to please consider relaxing the building permit limits and noted it would be a big help to him and his family. He thanked the Board for the opportunity to speak.

County Administrator Rodney Hathaway reported written comments for this public hearing had also been received from one individual. A copy had been provided to Board members and Mr. Hathaway shared the following for the record: Email received at 3:02 p.m. on Sunday, October 11, 2020 from Thad Kip Harris of 8531 Warrior Road, Quinton to the Board of Supervisors - Mr. Harris stated it had come to his attention that the applicant was trying to increase the amount of homes being built in Dispatch Station by increasing from 25 homes per year to 50. He suggested 25 homes in a year's time would stretch County

services such as Fire, EMS and the Sheriff's Office. He suggested the roads were not wide enough and noted his biggest concern was the access roads which he stated were Warrior Road and Black Creek Road. He also suggested a subdivision which would include 50 to 60 new homes would produce 100 to 150 cars per day. He further suggested a more realistic number would be 200 cars per day and noted this did not include school buses. He closed by stating, "if you try and even factor the heavy equipment that will be traveling down the already over run roads on Dispatch and Route 249 and think that 50 houses in a year is a plan, you are out of touch. Let's not lose focus on the safety of our residents."

There being no others wishing to speak, the public hearing was closed. Ms. Paige asked if there were any questions or comments.

Referencing the email Mr. Hathaway had shared, Mr. Tiller noted the number of additional vehicle trips per day suggested by Mr. Harris was low because the County used an estimate of ten trips per day per house. He asked Mr. Hathaway to confirm. Mr. Hathaway agreed the County used a ten trips per day per house estimate. Mr. Tiller noted a more accurate estimate would be 500 trips per day.

Mr. Evelyn noted 76 homes remained to be built and Mr. Lowery had indicated he was number 26 this year. Mr. Evelyn suggested the Board consider amending the proffer to allow for 26 building permits in 2020 and 25 building permits per year for subsequent years. This would address the one extra lot. He stated he knew this was not what the applicant wanted and stressed that he did not want to set a precedent for any other development but was offering this as a suggestion. Mr. Lockwood asked for confirmation that Mr. Evelyn was suggesting to allow 26 building permits this year and 25 each year for the remaining years. Mr. Evelyn confirmed. Mr. Stiers noted he liked what Mr. Evelyn had said but noted the developer had reported there were several others waiting for a new home. He suggested the Board consider amending the proffer to allow for five additional permits this year. Mr. Evelyn stated his suggestion would deal with the one odd lot and that he could not support adding more than one additional permit this year.

Mr. Evelyn moved to adopt Ordinance O-14-20 R1 to allow 26 building permits to be issued in 2020 and no more than 25 building permits issued per calendar year in subsequent years in Dispatch Station. The members were polled:

|                       |     |
|-----------------------|-----|
| Thomas W. Evelyn      | Aye |
| C. Thomas Tiller, Jr. | Aye |
| Ron Stiers            | Aye |
| John N. Lockwood      | Aye |
| Patricia A. Paige     | Aye |

The motion carried.

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IN RE: PUBLIC HEARING – FISCAL YEAR 2020-2021 BUDGET AMENDMENT –  
RESOLUTION R-40-20

Before the Board for consideration was Resolution R-40-20 to amend the FY 2020-2021 budget by approving supplemental carry forward appropriations in the amount of \$11,495,798.90. County Administrator Rodney Hathaway reported State Code required a public hearing be held for any budget amendment that was more than 1%. He noted this request was for the carry over of funds from the previous fiscal year which were mainly ongoing capital projects and grants that overlapped years. The total amount to be carried

forward was \$11,495,798.90 and consisted of funds which had previously been approved by the Board of Supervisors. A detailed list of appropriations had been included in the meeting materials. He entertained questions.

There being none, Ms. Paige opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Mr. Stiers moved to adopt Resolution R-40-20, amending the fiscal year 2020-2021 budget by approving supplementary carry forward appropriations in the amount of \$11,495,798.90. The members were polled:

|                       |     |
|-----------------------|-----|
| C. Thomas Tiller, Jr. | Aye |
| Ron Stiers            | Aye |
| John N. Lockwood      | Aye |
| Thomas W. Evelyn      | Aye |
| Patricia A. Paige     | Aye |

The motion carried.

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IN RE: ANNOUNCEMENT OF UPCOMING MEETINGS/ADJOURNMENT

Ms. Paige announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Thursday, November 12, 2020 and the next work session at 9:00 a.m. on Tuesday, October 27, 2020, both in the Boardroom of the County Administration Building. She also announced the Board would be hosting a Virtual Broadband Town Hall meeting on November 10<sup>th</sup> at 6:00 p.m. More information was to come. (This meeting was postponed and no firm date had been set at the time these minutes were written.)

Mr. Tiller moved to adjourn. The members were polled:

|                       |     |
|-----------------------|-----|
| Ron Stiers            | Aye |
| John N. Lockwood      | Aye |
| Thomas W. Evelyn      | Aye |
| C. Thomas Tiller, Jr. | Aye |
| Patricia A. Paige     | Aye |

The motion carried.

The meeting was adjourned at 7:29 p.m.