

A REGULAR MEETING WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 12TH DAY OF JULY IN THE YEAR TWO THOUSAND TWENTY-ONE 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
John N. Lockwood	Present

All members were present. Mr. Evelyn welcomed those in attendance as well as those joining virtually. He noted this was a long agenda and reported that Item #6, a public hearing on Ordinance Amendment OA-06-21 to amend Section 91-126 of the New Kent County Code – Ordinance O-17-21, had been pulled from consideration at this meeting.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Tiller gave the invocation and led the Pledge of Allegiance.

IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Minutes
 - a. May 26, 2021 Work Session Minutes
2. Miscellaneous
 - a. Approval of Resolution R-15-21 Requesting the Acceptance of Dispatch Station, Section 1 into the State System for Maintenance
 - b. Approval of June 8, 2021 Abstracts of Votes – Democratic Primary Election
3. FY21 Supplemental Appropriations
 - a. Animal Shelter Donations, \$510.
 - b. Gifts & Donations to Fire/EMS (\$1,272.90) to Victim Witness (\$100) and to Parks & Recreation (\$650), \$2,022.90.
 - c. Funds Received from VRSA Insurance, Fire/Rescue - Claim # 02-20-36607-1-AP DOL 3/16/21, \$5,717.59.
 - d. Veterinarian Expense Restitution Received, \$62.50.
 - e. Sheriff Extra Duty - NKHS Soccer 5/10/21 (\$258.36), Trojan Prom (\$530.69), Colonial Downs 5/7/21 - 5/15/21 (\$1,967.97), Colonial Downs 5/21/21 - 6/5/21 (\$2,410.21), \$5,167.23.
 - f. Farmers Market Registration Fees, \$1,590.
 - g. Charles City Radio Project Billing, April 2021 (\$580.81), March 2021 (\$2,074.83), February 2021 (\$1,225.71) and January 2021 (\$1,534.70), \$5,416.05.

- h. Fire/Rescue Special Duty, Uncorked Half Marathon at New Kent Winery 5/1/21, \$1,132.
- i. Asset Forfeiture Funds Used, \$4,524.90.
- j. Auction Receipts, \$1,608.66.

\$27,751.83 - Total
(\$22,576.93) - Total In/Out - General Fund (1101)
(\$4,524.90) - Total In/Out - Asset Forfeiture Sheriff (1150)
650.00 - Total In/Out - Capital (1302)

- 4. FY22 Supplemental Appropriations
 - a. Additional Funds Received from DSS, \$14,224.
 - b. Funds for Continuance of Current Assistant Director of Financial Services, \$83,815.66

\$98,039.66 - Total
(\$14,224.00) - Total In/Out - Social Services (1201)
(\$83,815.66) - From Fund Balance (1101)

- 5. FY 22 Interdepartmental Budget Transfers
 - a. Financial Services - From CVTA Future Years Appropriation to County Trash Pick-Up Contract, \$75,000.
 - b. Human Resources - From Reserved for Contingency to Employee Incentives/Awards, \$414.61.
 - c. Human Resources - From Reserved for Contingency to Furniture & Fixtures, \$5,000.
- 6. Treasurer's Report: Cash as of May 31, 2021, \$71,431,681.84 including escrow funds.

County Administrator Rodney Hathaway drew attention to Consent Agenda Item 4.b. Funds for Continuance of Current Assistant Director of Financial Services, \$83,815.66. Assistant Director of Financial Services Larry Clark had announced his retirement last year and the County had been seeking to fill the position. Mr. Clark had graciously agreed to stay on in the interim. The position had now been filled and the new Assistant Director would be starting on July 19th. Mr. Clark had offered to stay on through the end of March 2023 to assist with training. March had been selected because it would get the County through another budget cycle with the FY23 budget being presented at the Board's February meeting. He noted this would fund the position through March and the duration could be shortened if the Board desired. He entertained questions.

Mr. Tiller asked Director of Financial Services Rebecca Guthrie if she was happy with this plan. Ms. Guthrie indicated she was very pleased with this arrangement. Mr. Evelyn stated that Mr. Clark knew the budget front to back and he believed his experience would be great in helping train the new Assistant Director. Mr. Hathaway reported they were excited to fill this position and announced Meiling Qu who had most recently been employed by the City of Richmond Public Schools System had been selected. He noted she would be bringing a great deal of experience to the position and he was confident she would do well.

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

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

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

Mr. Evelyn opened the citizens comment period and provided brief instructions. He called Sarah Buck with Cox Communications of 1341 Crossways Blvd, Chesapeake to the podium. Ms. Buck expressed appreciation for the opportunity to address the Board. She reported Cox had been investing in New Kent and providing connectivity for a majority of residents and businesses for more than twenty years. As the need for connectivity had grown, Cox teams had been working to find solutions to reach those who remained unserved. Cox and New Kent had partnered in 2020 to complete a broadband expansion project utilizing CARES (Coronavirus Aid, Relief, and Economic Security) Act funding. The two had also partnered in an application for VATI (Virginia Telecommunications Initiative) funding which had gone unfunded. She was hopeful the Board would consider partnering with Cox on grant applications that would result in a wired broadband connection in the home for New Kent County residents. She reported the federal government was making more funding available to support broadband expansion and she was hopeful the Board would consider partnership opportunities with Cox. She noted Cox representatives had spoken with several Board members and County staff in recent years about expansion opportunities and they would like an opportunity to present something more formal at an upcoming work session. She thanked the Board for their time and expressed appreciation for their consideration.

Mr. Evelyn noted Ms. Buck had indicated Cox would like to come back to a work session. County Administrator Rodney Hathaway indicated this could be scheduled for the July work session. Mr. Evelyn reported Board members had many questions and had been looking for a commitment from Cox for years to work together to get service for more residents. He stated broadband was the number one issue for constituents and the Board looked forward to discussing options with Cox.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) – RESIDENCY ADMINISTRATOR’S REPORT

VDOT Assistant Residency Administrator Marc Harlow noted a written report on items completed over the past thirty days had been provided and listed a variety of work at various locations including pothole/asphalt repair, grading gravel roads, shoulder repairs, pipe repair/replacement/cleaning, ditching, herbicide spraying, tree removal, grass moving, sign repair, debris removal and litter pickup. 61 work orders had been received and 69 completed. Twelve emergency after hours call outs involving water and trees in the roadway as well as accidents and sign work were reported. The Rt. 60 corridor study had been approved and new speed signage had been installed on Rt 30.

Project Development items included:

- A Smart Scale shoulder widening (shared use path) project for Route 155 from Route 249 to Kentfield Parkway was currently in utility relocation and had been advertised the previous week. This project was estimated to start in late September or early October.

- Latex modified surfacing on Route 249 was expected to begin in the next month. Slurry Pavers had begun patching operations in early May in preparation for this project.
- A contract for additional resurfacing on Route 60 had been awarded to Allan Myers. Work had begun on May 24th and was expected to be completed by November 15th.

Pending studies included:

- Corridor Study on Route 30/33 Eltham Rd – This was a large scale study that would require special funding. The study would be tasked out to VDOT's on-call engineer and the process would likely take more than the standard 90 days to complete.
- Speed Study on Route 610 Pine Fork Rd for possible reduced speed limit. This study had been delayed until Summer at the County's request due to development in the area.

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

Mr. Stiers noted little things in life meant a lot. He reported receiving a call from a lady who was upset because she had almost been hit by a truck while attempting to exit her driveway. He had reached out to Maintenance Superintendent Andy Boggs and had asked if grass mowing crews could go to this address and mow the embankment. Not long after they had done so, he had received another call from this lady who had been in tears and had indicated she felt so special because they had come to help. He noted this was just one example of some of the things VDOT was doing behind the scenes that often went unnoticed. Referencing repaving work in progress on Route 60, he noted there were some areas where the concrete slab had been replaced with asphalt and asked if plans included paving all of this with asphalt. Mr. Harlow indicated they would be paving over the entire area once all of the patching was complete. Mr. Stiers asked if that work would be completed this year. Mr. Harlow indicated it would.

Referencing Mr. Harlow's report indicating the Rt. 60 corridor study had been approved, Mr. Tiller asked if this was the study beginning at the Chickahominy River. Mr. Harlow confirmed and indicated the study would include speeds and signage as well as possible small projects. Mr. Tiller asked if this would include traffic lights. Mr. Harlow indicated it would include traffic lights. He also reported this project was being outsourced to a consultant and VDOT would provide more information as it became available.

Ms. Paige indicated she had nothing to report.

Mr. Lockwood reported he had received an email from a constituent regarding an ongoing flooding issue on Carter Road. Addressing Maintenance Operations Manager Jeff Allgood in the audience, he requested that he let him know when VDOT would be going out to the site so that he could join them to go over what was happening. He noted the issue involved more than one property and he also wanted to make sure the neighbors were involved. He also asked when the new speed signage had been placed on Route 30. Mr. Harlow indicated he believed they had been installed earlier in the day.

Mr. Evelyn reported he had spoken with Resident Administrator Marshall Winn several months ago regarding clearing a culvert in Kenwood Farms at Hingham Drive. He asked if this work had been done yet. Mr. Harlow deferred to Mr. Allgood who indicated he would have to look into this and report back.

IN RE: THRIVE VIRGINIA (FORMERLY KNOWN AS QUIN RIVERS) UPDATE

Thrive Virginia (formerly known as Quin Rivers Community Action Agency) handouts had been distributed prior to the meeting. Thrive Virginia Board Vice President Joe Swartout reported Executive Director Gillian Barney was unfortunately unable to attend due to a family emergency. Ms. Barney had indicated she would be happy to answer any questions the Board may have and urged them to contact her. Mr. Swartout provided a brief overview of what Thrive Virginia had to offer and some of its services.

Thrive Virginia was providing New Kent residents with five critical programs including:

- Early Childhood Intervention and Education Services
- Housing & Financial Counseling
- Domestic and Sexual Violence Intervention and Prevention Services
- Whole Family Pilot
- Financial Emergency Assistance

Thrive Virginia had provided services to 73 New Kent households including 509 individuals and had provided \$43,000 in emergency financial assistance to New Kent residents in FY21. Examples of some of the services provided included:

- Housing counseling from a certified HUD (United States Housing and Urban Development) Counselor
- Financial education
- Summer camp for kids who have either witnessed or experienced violence in their home
- Home visiting services and parental coaching to households referred by the Department of Social Services
- Healthy relationship classes in schools
- Advocacy services for victims of domestic and sexual violence

Mr. Swartout turned the floor over to Thrive Virginia Board President and Treasurer John Snider. Mr. Snider thanked the Board for their time and the opportunity to speak. He reported he understood the need for Board members to see where tax-payer dollars were being used and fully supported providing transparency. He also noted he understood there were concerns regarding counties such as New Kent who were contributing financially to Thrive Virginia while other counties such as his home county of Hanover were not.

He drew attention to the "Outputs" page in the handout which provided a comparison of Thrive Virginia statistics for FY20 and FY21. These figures showed the cost to deliver programs and represented the total federal, state and municipal funds as well as private donations. One of Thrive's goals was to make sure grant fund dollars and dollars going back into the community were transparent and continued to increase. He reported Thrive was aligned with Community Action Agencies and, understanding that there were always opportunities for the agency to do better, noted this was one of the key focuses in their strategic plan. The outputs reported included:

- FY20 – 84 households had been served at a cost of \$232,417. New Kent's contribution had been \$22,500.
- FY21 – 73 households had been served at a cost of \$101,360 (as of May 31, 2021). New Kent's contribution had been \$22,500.

He noted the undesignated funding from localities allowed them to maintain reserves required by some grants as well as enabled them to fill needs within the community. Speaking as President and Treasurer, and noting they were now under new leadership, Mr. Snider stated they were committed to partnering and getting their face back out in the community. He closed by expressing appreciation for the Board's time and consideration and noted Ms. Barney, Mr. Swartout or he would always be available to answer questions.

Mr. Swartout reported New Kent residents were receiving an almost ten-fold return on New Kent's annual investment in Thrive Virginia. He stated he was one of New Kent's Thrive Virginia Board representatives and it was his responsibility to look out for the County and make sure it was represented properly. He added that many households were benefitting from the funding provided by the County and were receiving far more than the County's investment. He thanked the Board for considering Thrive's request. (Although not stated in the presentation, the request was for a \$22,500 appropriation in FY22. Funding for Thrive Virginia had been reduced to \$0.00 in the FY22 budget.)

Mr. Evelyn thanked Mr. Swartout and Mr. Snider for their presentation. He stated the Board would look at Thrive's request and get back to them with further information.

Mr. Evelyn noted it was too early (6:23 p.m.) to begin public hearings and suggested the Board move on to Elected Officials Reports.

IN RE: ELECTED OFFICIALS REPORTS

Mr. Stiers noted he was pleased to announce a transaction that had been in the works since March would come to fruition on July 20th when Williamsburg/Peninsula Ace Hardware would be purchasing Providence Forge Hardware. They currently owned six other stores in the Williamsburg, Hampton, Virginia Beach, James City area and were planning to expand the Providence Forge location. This would be a much welcomed business in District Four.

Mr. Tiller asked if this was the same group opening a store in Bottoms Bridge in the former Source Hardware facility. Mr. Stiers noted the store in Bottoms Bridge would be Pleasant's Hardware. Mr. Tiller stated he believed Pleasant's was also affiliated with Ace Hardware. He had nothing more to report.

Ms. Paige noted there had been a great deal of discussion regarding infrastructure including broadband, water/sewer and highways in the General Assembly. She had received notice of a bill on the floor to assist with interstate interchanges and the \$100 million cost for I-64 widening from Exits 205 to 234 had been mentioned. She would be initiating an email and Facebook blast with contact information for legislators and urging citizens to ask them to support this bill. Referencing an I-64 accident with four fatalities earlier in the day, she noted this was another example of the need for I-64 widening. She encouraged citizens to be as informed as possible and to voice their opinions. Referencing Mr. Tiller's mention of the accident victims in the invocation, she noted she would also keep the families as well as first responders in prayer. She expressed appreciation to first responders for all they were doing for citizens as well as those visiting and traveling through the County.

Noting he had just returned from Alaska and his mind was still there, Mr. Lockwood indicated he had nothing to report.

Mr. Evelyn announced the ribbon cutting at Pine Fork Park would be at 6:30 p.m. on July 14th. He thanked the Board, the Parks and Recreation Advisory Commission, Director of Parks and Recreation Kim Turner and Assistant Director of Parks and Recreation Jason Baldwin for all the work put into making Pine Fork Park a reality. He noted the County had been talking about a park since he had been elected in 2007 and he felt good that this had been done with very little impact to taxpayers. He expressed appreciation to this Board as well as former District Five Supervisor Ray Davis who had been serving at the time funding for the park had been approved.

IN RE: STAFF REPORTS – RAILROAD CROSSING GRANT PROGRAM

Referencing the proposed rail crossing grant and loan program adopted by the Board on June 30th, County Administrator Rodney Hathaway reported the EDA (Economic Development Authority) would be considering the proposed program at their meeting on Thursday, July 15th and he would report back on the outcome. He also reported he had sent Board members draft letters addressed to various federal and state public officials and agencies requesting assistance with signalized crossings at Ed Allen’s Campground and Rockahock Campground. He asked them to review those letters and provide input.

IN RE: OTHER BUSINESS – ERCRUTE TRAVERS

Ms. Paige noted she did not have any other business but she did want to recognize someone in the audience who she had not seen for some time. She drew attention to Mr. Ercrate Travers and stated he had always been an informed and active resident of the County and expressed appreciation to him for taking the time to attend this meeting. She stated he recognized County business was his business.

IN RE: APPOINTMENTS – DELEGATED BY DISTRICT

There were no appointments delegated by district.

IN RE: APPOINTMENTS – NOT DELEGATED BY DISTRICT

Mr. Evelyn moved to appoint Erik Blake as an at large member of the Agricultural and Forestal District Advisory Committee to serve a four-year term beginning January 1, 2021 and ending December 31, 2024.

Mr. Evelyn moved to appoint Ella Joel as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2021.

Ms. Paige moved to appoint Colin Smolnik as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2021.

Ms. Paige moved to appoint Joe Swartout as an adult member of the New Kent County Youth Community Service Committee to serve a three-year term ending December 31, 2023.

Ms. Paige moved to appoint Peggy Spiak as an adult member of the New Kent County Youth Community Service Committee to serve a three-year term ending December 31, 2023.

Ms. Paige moved to appoint Tonnie Swartout as an adult member of the New Kent County Youth Community Service Committee to serve a three-year term ending December 31, 2023.

The members were polled:

Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye

Fire Code. The Fire Code stated, "Fire apparatus access roads shall have an unobstructed width of not less than 20 feet exclusive of shoulders..." while existing Subdivision Ordinance required only 18 feet. Mr. Gray reported staff was recommending approval and the Planning Commission had also considered this amendment on June 21, 2021 and had also recommended approval. He entertained questions.

Mr. Stiers asked if there were any existing subdivisions with only an 18 foot entrance. Mr. Gray indicated he didn't have an answer but believed there would be some not meeting the 20 foot requirement. Mr. Stiers asked if they would be grandfathered. Mr. Grey indicated they would. Ms. Paige asked if this would be added in the language. Mr. Evelyn noted the County would not go back and impose this on existing subdivisions so it would not be necessary that it be stated in the ordinance. He deferred to County Attorney Brendan Hefty. Mr. Hefty agreed and stated this change would only apply to new subdivisions.

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

Mr. Tiller moved to adopt Ordinance O-14-21 to amend Section 91-94 of the New Kent County Code. The members were polled:

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

The motion carried.

IN RE: PUBLIC HEARING – ORDINANCE AMENDMENT OA-04-21 – AMENDMENT TO SECTION 91-127 OF THE NEW KENT COUNTY CODE – ORDINANCE O-15-21

Before the Board for consideration was Ordinance O-15-21 amending Section 91-127 of the New Kent County Code. Senior Planner Koty Gray reported staff was proposing this section be amended to clarify that any subdivision of eight or more lots, including an Open Space/ Cluster Subdivision, would be considered a major subdivision and would be served with a community water system approved by the Public Utilities Department. This had been the intent in 2016 when the standards for major and minor subdivisions had been changed but language reflecting those changes had not been added to Section 91-127. This would help alleviate some of the confusion caused by the current language. Staff was recommending approval and the Planning Commission had also considered this amendment on June 21, 2021 and had also recommended approval. He entertained questions.

Ms. Paige asked if a subdivision of eight or more homes had to connect to water/sewer. Mr. Gray indicated subdivisions outside of the water/sewer service district would not connect to the Public Utilities system but would have to put in a community water system designed and built to the standards in Section 38-62 of the New Kent Code. This was identified in the water portion of the Subdivision Ordinance and the 2016 revisions had reduced the number of lots from 21 to seven for a minor subdivision. Subdivisions outside of the service district with fewer than eight homes could be served by individual wells and septic systems. This was already noted in one portion of the Code but had not been included in Section 91-127.

Mr. Tiller asked if only new subdivisions would be impacted. Mr. Gray indicated these standards had been effective since adoption in 2016 and applied to all subdivisions since then. Mr. Tiller asked if seven homes or more were required to have a water system. Mr. Gray stated the standard was eight or more homes. Mr. Lockwood added that they could also tie into the County system. Mr. Gray agreed that subdivisions within the service district could utilize County Public Utilities. Referencing a newer subdivision on Henpeck Road, Mr. Tiller indicated there were more than eight homes and he had seen a well being dug in one of the yards. Mr. Gray reported the referenced subdivision had been approved prior to the 2016 changes and he believed was the last approval under the old standards.

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

Ms. Paige moved to adopt Ordinance O-15-21 to amend Section 91-127 of the New Kent County Code. The members were polled:

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

The motion carried.

IN RE: PUBLIC HEARING – ORDINANCE AMENDMENT OA-05-21 – AMENDMENT TO SECTION 91-103 OF THE NEW KENT COUNTY CODE – ORDINANCE O-16-21

Before the Board for consideration was Ordinance O-16-21 amending Section 91-103 of the New Kent County Code. Senior Planner Koty Gray reported this amendment would provide consistency between private street standards and VDOT's requirements for low volume roads. The VDOT requirements for the acceptance of low volume roads and subdivisions had been updated to require greater standards than Section 91-103 of the New Kent Subdivision Ordinance. The intent of the proposed amendment was to have County Ordinance align with VDOT requirements specifically regarding a paved surface. Mr. Gray reported there had been many issues with gravel roads which had never been intended to serve as many lots as they were currently serving. There were also issues with the lack of road maintenance agreements or agreements not being enforced. Some residents on these roads were reaching out to VDOT asking that they be accepted into the VDOT system for maintenance and VDOT was denying their requests because of the gravel surface. Staff was recommending approval and the Planning Commission had also considered this amendment on June 21, 2021 and had also recommended approval. He entertained questions.

Mr. Evelyn stated it was his understanding subdivisions with 25 acre lots could still have gravel roads. Mr. Gray indicated that was correct and noted only a 50 foot unimproved deeded right of way was necessary with a large-lot subdivision. He also noted 15 acre lots were required to front on public roads. They were frequently seeing private gravel roads being extended to reach additional lots and, in many cases, no road maintenance agreements were in place. Aligning County Code with VDOT requirements would alleviate this situation. Mr. Tiller reported he had recently spoken with someone in the same situation who had noted some residents were willing to help with the road while others were not. Mr. Gray reported recently receiving a similar call and noted these situations were legal issues between neighbors. Mr. Lockwood asked how the County could alleviate the

issue of additional lots being added in the future. He asked who would be responsible – the new development or the existing residents. Mr. Gray indicated he would have to look into this. Mr. Evelyn noted anyone wishing to expand access into another property would have to stub their road to the existing road and with this amendment, the existing road would have to meet VDOT standards. Mr. Lockwood asked if a subdivision of 25 acre lots existed and years later someone wanted to add more lots that were less than 25 acres, what would be the road requirements. He asked would it be a gravel road to a point and then a paved road. County Administrator Rodney Hathaway reported this exact situation had recently occurred with Shooters Run Road. He noted there had been proposed subdivisions which required a public road but the only road they could connect to was a private gravel road. Applicants were being told they could only connect a public road to a public road so it would be necessary to find a way to get a right of way to the nearest public road or they would not be able to build the subdivision. Mr. Lockwood suggested they may be able to come to some agreement with the owner of the private road and have the owner pave it for them.

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

Mr. Tiller moved to adopt Ordinance O-16-21 to amend Section 91-103 of the New Kent County Code. The members were polled:

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

The motion carried.

IN RE: PUBLIC HEARING – ORDINANCE AMENDMENT OA-06-21 – AMENDMENTS TO SECTION 91-126 OF THE NEW KENT COUNTY CODE – ORDINANCE O-17-21

This item had been withdrawn prior to the meeting.

IN RE: SUMMARY INFORMATION FOR AFD PUBLIC HEARINGS

Agricultural and Forestal District (AFD) Program Administrator Sheri L. Adams reported eight public hearings involving the AFD program were scheduled for this meeting. In the interest of time, she would present summary information on the contemplated actions. She noted New Kent County Code Chapter 62 and Code of Virginia Section 15.2-4300-4314 governed special use districts such as this. Transactions before the Board would include renewals of both the Diascund Creek AFD with 123 parcels and York River AFD with 53 parcels and applications from six land owners for the addition of ten parcels to various districts. She pointed out the Board had enacted a moratorium the previous year due to uncertainties surrounding COVID and as a result, no districts had been renewed or parcels added. Ms. Adams reported staff was recommending approval of the eight applications and the Planning Commission had also considered each of the applications on June 21, 2021 and had also recommended approval of all. The AFD Advisory Committee had recommended approval of all applications with the exception of AFD-07-21 based on the parcel not being in the core or within one mile of the boundary of the core. The Planning Commission had considered the environmental impact of preserving the parcel and had recommended approval. She noted full details had been included in meeting packets and offered to

answer any questions. There being none, Mr. Evelyn noted the information had been put together very well and he appreciated the amount of time involved. He added that the applications appeared to be straight forward and had all been approved by the Planning Commission. The Board moved on to conduct the eight public hearings.

IN RE: PUBLIC HEARING – AFD-01-21 RECREATION OF DIASCUND CREEK AFD –
ORDINANCE O-18-21

Before the Board for consideration was Ordinance O-18-21 recreating the Diascund Creek AFD. This district was located in the southeastern portion of the County, was bordered James City County, was set to expire on August 31, 2021 and consisted of 123 parcels.

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

Mr. Tiller moved to adopt Ordinance O-18-21 approving application AFD-01-21 to recreate the Diascund Creek AFD. The members were polled:

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

The motion carried.

Please see above section labeled "Summary Information for AFD Public Hearings" for additional information pertaining to all AFD actions taken during this meeting.

IN RE: PUBLIC HEARING – AFD-02-21 RECREATION OF YORK RIVER AFD –
ORDINANCE O-19-21

Before the Board for consideration was Ordinance O-19-21 recreating the York River AFD. Tax Map Parcel 38-31 would not be included in the recreation due to the fact that it no longer qualified. This parcel would expire on August 31, 2021 and all others would be renewed for the recommended ten-year period. This district was located in the northeastern corner of the County, was bordered by James City County to the east and the York River to the north, was set to expire on August 31, 2021 and consisted of 53 parcels.

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

Ms. Paige moved to adopt Ordinance O-19-21 approving application AFD-02-21 to recreate the York River AFD for a term of ten years with the exception of Tax Map Parcel 38-31 which no longer qualified. The members were polled:

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

The motion carried.

Please see above section labeled "Summary Information for AFD Public Hearings" for additional information pertaining to all AFD actions taken during this meeting.

IN RE: PUBLIC HEARING – AFD-03-21 ADDITIONS TO PELHAM SWAMP AFD –
ORDINANCE O-20-21

Before the Board for consideration was Ordinance O-20-21 to add two parcels to the Pelham Swamp AFD. Kinard B. Williams had applied for the addition of Tax Map Parcels 23-7-7 and 23-42 containing a total of 157.52 acres. This district was centrally located in the County, was set to expire on August 31, 2025 and consisted of 34 parcels totaling 2,798.54 acres.

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

Ms. Paige moved to adopt Ordinance O-20-21 approving application AFD-03-21 to add Tax Map Parcel 23-2-7 and Tax Map Parcel 23-42 to the Pelham Swamp AFD. The members were polled:

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

The motion carried.

Please see above section labeled "Summary Information for AFD Public Hearings" for additional information pertaining to all AFD actions taken during this meeting.

IN RE: PUBLIC HEARING – AFD-04-21 ADDITIONS TO PUTNEY CREEK AFD –
ORDINANCE O-21-21

Before the Board for consideration was Ordinance O-21-21 to add two parcels to the Putney Creek AFD. Christina and Steven Berta had applied for the addition of Tax Map Parcels 3-19 and 3-19A containing a total of 83.85 acres. This district was located in the northeastern part of the County, was bordered by King William County to the north and Hanover County to the west, was set to expire on August 31, 2025 and consisted of 26 parcels totaling 3,015.31 acres.

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

Ms. Paige moved to adopt Ordinance O-21-21 approving application AFD-04-21 to add Tax Map Parcel 3-19 and Tax Map Parcel 3-19A to the Putney Creek AFD. The members were polled:

Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye

Thomas W. Evelyn Aye

The motion carried.

Please see above section labeled "Summary Information for AFD Public Hearings" for additional information pertaining to all AFD actions taken during this meeting.

IN RE: PUBLIC HEARING – AFD-05-21 ADDITION TO UPPER CHICKAHOMINY AFD –
ORDINANCE O-22-21

Before the Board for consideration was Ordinance O-22-21 adding one parcel to the Upper Chickahominy AFD. Kathrynne and Joseph Towler had applied for the addition of Tax Map Parcel 7-19 containing 106.46 acres. This district was located in the western portion of the County, was bordered by Henrico and Hanover Counties, was set to expire on August 31, 2028 and consisted of 16 parcels totaling 1,055.29 acres.

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

Mr. Tiller moved to adopt Ordinance O-22-21 approving application AFD-05-21 to add Tax Map Parcel 35-20 to the Upper Chickahominy AFD. The members were polled:

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

The motion carried.

Please see above section labeled "Summary Information for AFD Public Hearings" for additional information pertaining to all AFD actions taken during this meeting.

IN RE: PUBLIC HEARING – AFD-06-21 ADDITION TO DIASCUND CREEK AFD –
ORDINANCE O-23-21

Before the Board for consideration was Ordinance O-23-21 adding one parcel to the Diascund Creek AFD. Paul and Patrick Clarke of P C, LLC had applied for the addition of Tax Map Parcel 35-21 containing 273.25 acres. The Diascund Creek District was located in the southeastern part of the County, was bordered by James City, was set to expire on August 31, 2031 (renewed by O-18-21) and consisted of 123 parcels totaling 4,020.91 acres.

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

Mr. Stiers moved to adopt Ordinance O-23-21 approving application AFD-06-21 to add Tax Map Parcel 35-20 and Tax Map Parcel 35-21 to the Diascund Creek AFD. The members were polled:

John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye

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

The motion carried. Mr. Evelyn expressed appreciation to Ms. Adams for her work on these AFD transactions.

Please see above section labeled "Summary Information for AFD Public Hearings" for additional information pertaining to all AFD actions taken during this meeting.

IN RE: ANNOUNCEMENT OF UPCOMING MEETINGS/ADJOURNMENT

Mr. Evelyn announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, August 9, 2021 and the next work session would be held at 9:00 a.m. on Wednesday, July 28, 2021, both in the Boardroom of the County Administration Building.

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

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

The meeting was adjourned at 7:30 p.m.