

A REGULAR MEETING WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 12TH DAY OF OCTOBER IN THE YEAR TWO THOUSAND TWENTY-ONE IN THE BOARD-ROOM 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 everyone.

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. August 9, 2021 Regular Session Minutes
 - b. September 8, 2021 Special Session Minutes
2. Miscellaneous
 - a. Renewal of Agreements for Engineering On-Call Services
 - b. Alpha Corporation Extended Project Management Services for the Completion of Phase 1 of Pine Fork Park
 - c. Approval of Station #4 Property Lease Renewal
3. Refunds
 - a. REFUND – Ryan Homes - \$417.00
 - b. REFUND – Hearth & Home Shoppe - \$57.00
 - c. REFUND – Premier Heating & Cooling - \$100.87
4. FY 21 Interdepartmental Budget Transfers
 - a. Planning - From Telecommunications-Equipment (\$2.91) to Retirement-VRS (\$1.55), to VRS Employee Health Insur Cred (\$0.48), to Group Life Insurance (\$0.48) and to ST/LT Disability Premium (\$0.40), \$2.91 and From Advertising to Maintenance Service Contracts, \$2,020.
 - b. Schools - From Sch Diesel Shop Construction (\$200,000), Security Equipment (\$124), NKES Library Refurbishment (\$12,790.91), GWES Blind Replacement (\$307) and NKHS Vestibule Update (\$6,393.19), \$219,615.10 to Approp of Funds from Prior Years, \$219,615.10 and From GWES & Other Fac Rf Maint/Repair to Roof Repairs - System Wide,

\$60,753.72 and From NKES-NKMS Generators to NKES Renovations
\$155,440.24.

5. FY 22 Interdepartmental Budget Transfers
 - a. Administration - From Reserved for Contingency to Food & Serving Supplies - Emp Func, \$3,500.
 - b. Administration - From Reserved for Contingency to Courthouse Structural Repairs, \$6,187.50.
6. Treasurer's Report: Cash as of August 31, 2021, \$59,931,757.63 including escrow funds.

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
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 Jan Marry of 13501 Pocahontas Trail to the podium. Ms. Marry reported she was employed by the Heritage Public Library which served both New Kent and Charles City Counties but would be speaking as a taxpayer of New Kent County where she had lived for seven years. She stated libraries were about people and reported the Heritage Public Library was serving citizens in a variety of ways, some of which may not be expected. In one such example they had helped someone with limited computer skills and no computer access apply for a job that required the submission of an online application. Computers and assistance were free to the public and available whenever the library was open. The library had also received a Facebook message from a family requesting a crocheted blanket for a dying loved one. Two library staff had taken a blanket to the family which had been made by the charity knitting group meeting at the library. The library routinely participated in community events such as Trunk or Treat and the New Kent County Fair. A mother had contacted the library to let them know she was running late and her children would not be able to make it to the story time and the story time coordinator had quickly offered to run the story time twice so these children could attend. These were just a few examples of the amazing things that her colleagues and she were doing every day to serve the community. She stated much of their work was unsung and underpaid but they were doing these things because they loved the community and the library. She invited everyone to visit the library and see what they had to offer. She noted adult craft classes, book discussion groups, eBooks and story time were among some of the many offerings. She thanked the Board for the opportunity to share information about the library and provided information packets for each Board member. Mr. Evelyn thanked her for the information.

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

VDOT Resident Administrator Marshall Winn reviewed a written report on items completed over the past thirty days including a variety of work throughout the County such as pothole/ asphalt repair, grading gravel roads, sweeping streets, erosion control, pipe cleaning/ replacement, shoulder repairs, ditching, VAC-All, tree removal/pruning/cleanup, herbicide spraying, grass mowing, debris removal and litter pickup. Forty-one work orders had been received and 53 completed. Two emergency after hours call outs involving low tree limbs and excessive gravel in the roadway were reported. Secondary mowing was about 40% complete and a notice to proceed had been issued for specialty mowing. A right of entry had been secured from the pallet company on Route 30 which would allow additional work to address drainage issues. Work crews had boom axed the ditch and ditch cleaning on the pallet company property was expected to be complete by November 1st. Snow equipment had been serviced, bunkers were full of salt and a dry run would be conducted on Friday in preparation for winter weather. Latex modified sealing had been completed on Route 249 and crews would be putting permanent markings in place soon. Paving on Route 60 as well as guardrail work, shoulder stone and pavement markings had been completed. Corridor studies on Route 33 in Eltham and Route 60 in Bottoms Bridge were underway and the results of a recent speed study conducted on Route 610 (Pine Fork Road) were expected to be received soon. The pipe installation on Henpeck Road had been completed and some additional shoulder restoration and pavement marking remained to be completed.

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

Mr. Stiers reported VDOT Area Superintendent Joe Tarry had arranged for the mowing of grass behind the Dairy Queen but there had not been time to mow any of Kentland Trail. He expressed appreciation to VDOT employee, Brandon Mitchell, who had come back with a large tractor and worked until 7:00 p.m. cutting the grass from Rosie's/Colonial Downs to Brickshire. He was hopeful there would be a better remedy for this area for the next mowing season. He had attended a recent School Board meeting where a mother had expressed concerns regarding the bus stop at the corner of Mattaponi Avenue and Plum Point Road. She had reported the church would not allow children to stand on their property and the resident across the street had chased them from their property. Mr. Stiers stated there had to be a VDOT easement where the children could stand. Mr. Winn noted he had been in correspondence with County Administrator Rodney Hathaway earlier in the day and VDOT had gone out and marked the 30 foot right of way. County Administrator Rodney Hathaway reported the limits of the 30 foot right of way were just beyond the ditches and there wasn't much area where children could stand. Mr. Lockwood asked if the right of way encompassed the church sidewalk. Mr. Hathaway reported the sidewalk was where the right of way ended and the sidewalk was on church property.

Mr. Tiller noted questions about markings on Route 249 and Henpeck Road had been addressed in Mr. Winn's report. He noted limbs had been cut in a portion of Five Lakes several months ago and reported there were two limbs crossing the road at the corner of Pinehurst and Longview that he described as a disaster waiting to happen. Mr. Winn indicated he could have someone look into this and reported the contract had been for trimming up to twenty feet above the road surface. Mr. Tiller noted the limbs in question were higher than twenty feet but asked that VDOT take a second look.

Mr. Lockwood expressed appreciation to Maintenance Operations Manager Jeff Allgood for the completion of ditch work on Holly Fork Road. He indicated he would like to set up an appointment with Mr. Allgood to deal with some of the issues at Plum Point including not only the easement mentioned by Mr. Stiers but also some road maintenance issues. He had scheduled a town hall meeting with this community and would like to present a plan for how

the issues would be addressed. He reported some of the roads in the community were state maintained, some were maintained by New Kent County and some were private. He wanted to be sure a plan was in place that would encompass the areas for which New Kent was responsible. He also expressed appreciation for the vegetation being cut back along Farmers Drive and Route 30 in Barhamsville.

Ms. Paige expressed appreciation for recent work on Cooks Mill Road. She also relayed a thank you from Mr. Crump for the work done on his driveway at Route 249. She also noted there had been a latex spill on Route 249 and asked if anything would be put over the remaining spill. Mr. Winn reported there had been some work to eradicate the spill and Mr. Tarry had not felt anything more was needed. The spill had covered an area approximately 250 feet in length and he had not seen the area since the work had been complete. Ms. Paige indicated she would send a picture. She reported receiving several calls expressing concerns about trash on Olivet Church Road after the grass had been mowed. She noted grass and trash had been in the center of the road and she appreciated that someone had cleaned this up. She added that she believed there was a state code regarding grass clippings in the road. She didn't know if Mr. Winn had seen pictures of this but indicated she could provide some if he was interested. Mr. Winn encouraged her to send the pictures.

Mr. Evelyn reported the only calls he had received had been in regard to the markings on Route 249 which had been addressed in Mr. Winn's report. Mr. Evelyn thanked him for his report and for attending the meeting.

IN RE: DISCUSSION OF EDA LEASE REVENUE BOND, SERIES 2021, RFP RESPONSE

Davenport and Company Senior Vice President Ted Cole presented information on a proposed EDA (Economic Development Authority) lease revenue refunding bond, series 2021. Board members were provided with handouts detailing seven outstanding bonds and options for refunding. He would be reviewing the first six pages and the remaining pages would support the analysis and recommendations. He encouraged Board members to ask questions and indicated he would be requesting direction from the Board on how to proceed.

He reported meeting with staff in late summer to discuss low interest rates and possible opportunities for refinancing. Seven fixed rate loans had been examined and the list had been narrowed down to five to be included in an RFP (Request For Proposals) for a lease revenue bond for refinancing. The five included:

- 2014 Virginia Water Supply Revolving Fund Loan with \$710,587 outstanding (water and sewer project).
- 2015 Citizens & Farmers (C&F) Bank Lease with \$2,076,000 outstanding (E-911 enhancement).
- 2016A BB&T Public Facilities Lease Revenue Bond with \$1,575,000 outstanding (Human Services Building/Fire Station).
- 2016B BB&T Public Facilities Lease Revenue Bond with \$1,094,000 outstanding (Human Services Building/Fire Station).
- 2020 BB&T Public Facilities Lease Revenue Bond with \$3,021,000 outstanding (Pine Fork Park).

The RFP had been issued to over 100 financing institutions soliciting proposals for a direct bank loan in an amount up to \$8,175,000 to refund all or a portion of the above loans. After reviewing the ten responses, Davenport was proposing the following three options:

- Option 1 – Refinancing two (2015 and 2016B) of the five loans.
- Option 2 – Refinancing three (2014, 2016A and 2020) of the five loans.

- Option 3 – Refinancing all five loans.

None of the options would extend or shorten the loans. Options 1 and 2 would collectively refinance all five loans and Option 3 alone would cover all five loans. Mr. Cole reviewed the proposed interest rates and terms offered by each of the responders and noted that some of the lenders had not offered bids on every option. C&F's bids on all three options as well as TD Bank's bid on Option 3 and Webster Bank's bids on Options 1 and 2 were considered to have the most compelling rates, terms and conditions. Davenport was recommending the C&F Bank Option 3 with a 1.1% interest rate. Prepayment provisions, real estate requirements and bank closing fees for each had also been reviewed and C&F's offerings in all three areas were considered to be the most favorable. Potential savings with each of the three options and each of the three lenders was reviewed. For Options 1 and 2, C&F's savings was \$229,751 compared to Webster Bank's savings of \$68,001. For Option 3, C&F's savings was \$272,041 compared to TD Bank's savings of \$172,105. These figures were the true savings with all issuance costs having already been deducted. Option 3 was better than Options 1 and 2 and C&F Bank had offered the best proposal for Option 3.

The recommendation taken from the Davenport handout was as follows:

"Based upon our review of the proposals, related analyses, and discussions with County Staff and Bond Counsel, Davenport recommends that the County move forward with C&F Bank's proposal for Option 3. C&F Bank's proposal provides for approximately \$272,000 in cash flow savings, the most aggregate savings of any proposal provided, and estimated aggregate Net Present Value (NPV) Savings of 3.12%, which is in excess of the County's policy minimum of 3.0%. Additionally, C&F Bank's proposal only requires a lien on the Human Services Building, provides the least burdensome real estate requirements, and includes flexibility to prepay the loan in whole or in part with a 1.0% penalty for 3 years and at par thereafter. Under this financing approach, the County would also consolidate five (5) existing loans into a single loan and also release existing liens on the E-911 Radio System Equipment and Pine Fork Park."

Mr. Cole asked the Board for direction as to how they wished to proceed and indicated if they were comfortable with the recommendation, he would move forward with document preparation. He again noted no loans would be extended or shortened and the refinancing would not impact the County's overall debt profile. If the Board wished to move forward, the proposed timeline would be to have the Board take official action on November 8th by adopting a resolution approving the financing. The EDA would be asked to approve the financing on November 16th after which the closing could occur. He noted the EDA would serve as a conduit in the transaction because real property would be pledged as security for this loan. He noted the EDA had previously served in this capacity for other loans but would have no financial obligation. He entertained questions.

Mr. Evelyn thanked Mr. Cole for the presentation and stated C&F had been aggressive with their proposals. Mr. Cole agreed and noted Davenport had talked with the lenders and C&F had indicated they valued the relationship with the County and wanted to participate and had tried to present a successful proposal. Mr. Evelyn asked if Board members had any questions. He stated he believed it was the consensus of the Board to move forward. All Board members concurred. Mr. Cole stated Davenport would be back on November 8th.

IN RE: JWK PROPERTIES 7151, LLC SUBDIVISION REQUEST

County Administrator Rodney Hathaway reported this item had been presented to the Board at their last meeting. JWK Properties 7151, LLC had submitted a request to subdivide a ten

acre lot that was zoned Industrial and had road frontage along Route 612 (Airport Road). This property had originally been owned by New Kent County and had been sold to Mr. and Mrs. Willie H. Glass. The parcel was now owned by JWK Properties 7151, LLC (owned by Sherry Balderson, the daughter of Mr. and Mrs. Glass) and per deed restrictions, permission was required from the Board to subdivide the property. The request was to create four new one acre lots all with frontage on Route 612. Under Industrial zoning, no housing would be permitted and the primary uses could be office, warehousing and manufacturing. Additional restrictions in the deed further restricted potential uses to include only office, warehousing and some types of retail. Mr. Hathaway reported that due to the size of the property and the County zoning ordinance, it was unlikely that four new lots could be created. He reported the ordinance stated the minimum lot size for an industrial zoned property with public utilities was one acre. Without public utilities, the minimum lot size was three acres. He was recommending that JWK Properties be granted permission to create up to two new lots since the area was not currently served by public utilities and was not included in future utility plans. Mr. Hathaway reported he had also been asked to reach out to adjacent property owner Dr. Bill Bennett. Dr. Bennett had been contacted and had expressed no concerns but had requested a copy of the drawing which had been included in the meeting packet. That information had been provided and no further comments were received.

Mr. Evelyn thanked Mr. Hathaway for the update and asked if Board members had any questions or concerns. Mr. Lockwood stated the recommendation was to create three lots from one to be in compliance with the three acre minimum. Mr. Hathaway confirmed and stated there would be two new lots and one parent parcel. Mr. Lockwood asked if the property owner was in agreement. Mr. Hathaway indicated this had been communicated to the owner's attorney and he had received no feedback. He asked County Attorney Brendan Hefty if he had anything to report. Mr. Hefty reported he also had received no further comments and noted this was controlled by the County's subdivision ordinance.

Mr. Lockwood moved to authorize JWK Properties 7151, LLC to create up to two (2) new industrial zoned lots on property identified on the New Kent County tax map as parcel number 20-69C, with the following conditions:

1. The new lots would not be allowed to establish a new access to the New Kent Airport runway, although they may be permitted to utilize the existing access provided by the owner of the parent parcel.
2. All deed restrictive covenants of the parent parcel shall also apply to the new lots.
3. The subdivision shall comply with all requirements in Chapters 91 and 98 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: RESOLUTION R-21-21 – COMPREHENSIVE PLAN STEERING COMMITTEE
CHARTER

Before the Board for consideration was Resolution R-21-21 chartering the New Kent County Comprehensive Plan Update Steering Committee. County Administrator Rodney Hathaway reviewed the charter and noted membership would consist of fifteen members including:

- Each District Supervisor appointing two members
- Two Planning Commission representatives
- One Economic Development Authority representative
- One Agricultural and Forestal District Advisory Committee representative
- The County Administrator or their designee

The purpose of the Steering Committee would be to serve as an advisory committee to the Board of Supervisors. The committee would work closely with the County's consultant to make recommendations for an update to the Comprehensive Plan which would be used as a guiding document for future land use strategies and practices. This document would serve as a work plan for the next 20 years. The resulting Comprehensive Plan would set land use priorities and strategies to be incorporated into guiding principles for future development within the County. The completed plan would serve as the basis for future zoning and subdivision ordinance amendments. Mr. Hathaway entertained questions.

Mr. Lockwood stated this would be similar to the Strategic Plan Steering Committee and he assumed this committee would be assisting with selecting the Consultant. Mr. Hathaway reported he and the Planning Commission Chair had discussed expediting the process by moving forward prior to the appointment of all of the members of the Steering Committee. The Planning Commission had suggested they establish a subcommittee to lead the procurement process only and once the consultant was selected, the Steering Committee would begin working with the consultant. Mr. Lockwood stated the Planning Commission would be making the selection. Mr. Hathaway confirmed and noted that would be the request from the Planning Commission. Mr. Stiers asked how soon the members of the Steering Committee would be appointed. Mr. Hathaway reported members could be appointed as soon as the charter was adopted and suggested appointments could be made as soon as the work session scheduled for October 27th. Mr. Stiers noted the charter stated terms for officers would expire on December 31st and asked if this should be changed. Mr. Hathaway reported the intent was for officers to serve a one-year term expiring on December 31st and noted officers could be reappointed.

Mr. Tiller moved to adopt Resolution R-21-21 to create the Comprehensive Plan Steering Committee. 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.

IN RE: RESOLUTION R-22-21 – 2021 REDISTRICTING PROCESS CRITERIA

Before the Board for consideration was Resolution R-22-21 adopting the 2021 redistricting process criteria. County Administrator Rodney Hathaway noted this resolution would establish goals for the upcoming redistricting process. He reported the 2020 census data indicated New Kent's population was 22,945 which was a 24.5% increase from since 2010. This was the second highest growth rate in the Commonwealth behind Loudoun County.

Mr. Evelyn stated he had seen a report indicating the state was having difficulty drawing lines and asked if this would impact the County. Mr. Hathaway indicated it definitely had the potential to impact the County's plan and noted it could be necessary to come back and amend its plan early in 2022. He noted this situation was being followed closely.

Mr. Hathaway reported growth had been seen in all districts and while some had shown more growth than others, there had been significant growth in all districts. District 3 was now the largest district followed by District 2. Localities were required to attempt to draw equal districts with no more than a 5% deviation. In 2011, that goal had been 3,685 in each district and the actual deviation had been 2%. The goal for 2021 would be 4,589 per district and the 5% deviation range would be 4,360 to 4,818. He reviewed a chart depicting the current population in each district and noted the deviation based on current district lines. Districts 1 and 5 would need to gain population while Districts 2, 3 and 4 would need to lose population in order to meet the deviation requirements. Several charts in the presentation detailed population demographics. Mr. Hathaway reported the census data indicated the County was becoming more diverse and noted the minority population had increased 34.46% since 2011. Board members would be receiving packets of this presentation and more details about the districts and precincts could also be provided.

The packet indicated legal requirements for redistricting would include:

1. Article VII, Section 5 required redistricting in any locality that conducts elections by district to change its district boundaries every 10 years in the year ending in one.
2. Redistricting must be drawn using census data.
3. The Constitution of Virginia required local election districts to use the substantially equal population standard. (Districts must be equal in population.)
4. Districts cannot be drawn to discriminate based on race.
5. Districts must be contiguous and compact.

Factors considered in approving the proposed plan included:

1. Is minority voting strength reduced?
2. Are minority concentrations fragmented in different districts?
3. Are minority concentrations overconcentrated in one district?
4. Were alternative plans considered?
5. Is compactness and contiguity of districts ignored?
6. Is the plan consistent with the redistricting goals?
7. Have minorities been afforded the opportunity to participate in the process?

Taking these factors into consideration, various redistricting options would be presented and discussed at the Board's work session on October 27th.

The presentation also included the following list of proposed goals for the 2021 redistricting:

1. Election districts shall be "as nearly equal in population as practicable."
2. Election district populations shall not exceed five (5%) less or five percent (5%) more than the ideal district population.
3. Election districts shall be drawn in a way that assures equal opportunities for racial and ethnic communities to participate in the political process and shall not diminish their right to elect candidates of their choice, as mandated by the Voting Rights Act.
4. Election districts shall be compact and contiguous, with due regard to natural features and accessibility of voting places.
5. Election district boundaries shall follow clearly observable boundaries.

6. Election districts shall avoid splitting precincts, as precincts must be wholly contained within single congressional, state, and local election districts.
7. Election district boundaries shall preserve communities of interest, to the maximum extent possible. A community of interest means a neighborhood or any geographically defined group of people living in an area who share similar social, cultural, and economic interests.
8. Election district boundaries shall recognize incumbency of both the Board and the School Board, to the maximum extent permissible under law and consistent with the other criteria, so that existing incumbent office holders remain in separate districts.
9. Election district boundaries shall maintain existing boundary lines, where possible, if existing locations can be reasonably accommodated.
10. Election district boundaries shall be politically fair to not unduly favor or disfavor any political party.
11. The redistricting process shall involve various opportunities to receive public input through community meetings, public hearings, social media, and the County's website.
12. The redistricting process should result in meeting the basic representational and constitutional requirement of "one person, one vote," as applied by the Supreme Court in Reynolds v. Sims.

Mr. Hathaway noted these goals were included in Resolution R-22-21 and the resolution would be a part of New Kent County's redistricting plan submitted to the Attorney General.

The following suggested redistricting schedule was reviewed:

- October 12th - Presentation of Goals
- October 27th - Presentation of Redistricting Options
- November 1st – 30th – School Board/Community Meetings (to include specific groups such as the NAACP, Republican Party, Democratic Party, Clergy Association, etc.)
- November 24th – BOS Review Public Input
- November 24th – Advertise Public Hearing for December 13th
- December 13th – BOS Public Hearing/Possible Adoption of Plan
- December 21st – Special Meeting for Redistricting Plan Adoption (if needed)
- December 31st – Deadline for Redistricting Plan Submission to Attorney General

Mr. Hathaway stated this was a tight timeline and reported census data which was typically received in the spring had just been received approximately two weeks ago. He said the state had not changed the adoption schedule but he believed New Kent could still achieve the goals. He entertained questions and noted the Board had a proposed motion and resolution before them for consideration.

Mr. Evelyn noted this was a tight timeline compared to ten years ago. Mr. Hathaway agreed this was not a lot of time and as Mr. Evelyn had noted earlier, lines for state districts had not been drawn. If state district lines bisected New Kent resulting in precincts not aligning with state lines, it could be necessary for New Kent to redraw lines. He was hopeful the final decision would leave New Kent entirely within one district or that the lines would be consistent with New Kent's precinct lines.

Mr. Stiers moved to adopt Resolution R-22-21 to approve the 2021 redistricting criteria. 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: AGREEMENT BETWEEN NEW KENT AND CHARLES CITY COUNTY FOR
 PROFESSIONAL COORDINATION SERVICES

Before the Board for consideration was an agreement between New Kent and Charles City Counties for professional coordination services in regard to the Children's Services Act (CSA). This agreement would have New Kent County CSA staff providing technical and professional services in the administration of the Charles City County CSA program. County Administrator Rodney Hathaway reported the Charles City County Administrator had approached him several months ago with a request regarding the possibility of combining CSA programs. He noted the CSA program was providing services to students with special needs, foster care and special education and these services were funded through the CSA program. He had spoken with New Kent's CSA Director DeDreema Harrod about this request and had learned that she had also been approached by the state about taking over the Charles City program. Ms. Harrod had indicated she believed she could accommodate this request. Mr. Hathaway noted he did not want New Kent children to suffer as a result of the addition of the Charles City program and Ms. Harrod had indicated she felt she could take on the Charles City program without reducing services to New Kent children. Charles City would be responsible for all costs associated with the addition of their children. Attachment B to the agreement indicated the total annual cost to Charles City was estimated to be \$55,271.06. This would cover additional salary and benefits for the Director as well as salary and benefits for a new part-time administrative assistant. Ms. Harrod was currently the only staff member in the New Kent office. Charles City would also provide office space and any supplies needed. He entertained questions.

Ms. Paige asked why New Kent would consider combining programs with Charles City. Mr. Hathaway noted there was no benefit to New Kent and reported New Kent's program had been considered a model across the Commonwealth of Virginia. The reason this was being proposed and the reason Ms. Harrod was willing to do this was because she felt it was the right thing to do. There were children in need who deserved proper services and if it would not impact services in our locality, he was willing to pursue this. Ms. Paige asked if the agreement included provisions to dissolve the arrangement if it was not working. Mr. Hathaway confirmed the agreement could be terminated with a 30-day notice by either party. If the agreement was terminated in midyear, all expenses incurred on behalf of Charles City would be their responsibility. Each locality would have its own Family Assessment Planning Team and Community Policy and Management Team. Charles City would pay for cases involving their children and New Kent would pay for their children. The agreement was designed so that it would be easy to separate if needed. Ms. Paige noted Ms. Harrod had done an outstanding job with the youth in this program and she wanted to be sure she was comfortable with this plan.

Mr. Lockwood asked for clarification of the 30-day notice clause. He asked if it was a 30-day notice at any time or only at the end of each year. Mr. Hathaway indicated it was a 30-day notice at any time during the agreement.

Ms. Paige moved to authorize the County Administrator to execute the proposed agreement with Charles City County for professional Coordination services in a form approved by the County Attorney. 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.

Mr. Evelyn called for a brief recess at 7:06 p.m. The meeting reconvened at 7:15 p.m.

IN RE: PUBLIC HEARING – LOWER CHICKAHOMINY WATERSHED COLLABORATIVE
MEMORANDUM OF UNDERSTANDING – ORDINANCE O-26-21

Before the Board for consideration was Ordinance O-26-21 authorizing the Lower Chickahominy Watershed Collaborative Memorandum of Understanding (MOU), a Joint Exercise of Powers Agreement. Assistant County Administrator Justin Stauder noted PlanRVA Environment Program Planning Manager Sarah Stewart had provided a detailed presentation on this collaborative effort at the Board's September 29th work session. This had been an ongoing project (five years) funded by the Virginia Coastal Zone Management Program. The end result was a MOU between the parties including:

- New Kent County
- Charles City County
- James City County
- Chickahominy Indian Tribe
- Chickahominy Indian Tribe – Eastern Division
- Pamunkey Indian Tribe
- Richmond Regional Planning District Commission (PlanRVA)
- Hampton Roads Planning District Commission

The basis of the MOU was to enhance the cooperative and collaborative efforts between the identified parties and to increase sustainable ecological and economic activity in the Lower Chickahominy Watershed area. Mr. Stauder noted that before the Board for consideration was Ordinance O-26-21 authorizing the MOU and giving the County Administrator the power to sign the agreement on behalf of the Board. All information previously provided at the work session had been included in the meeting packet. He noted he did not believe there were any outstanding questions from the previous meeting and he entertained questions.

Mr. Evelyn noted the presentation at the work session had been elaborate and he had no further questions. Other board members concurred. Mr. Evelyn opened the public hearing and provided brief instructions. He called Gennifer Love of 1428 Outpost Road, Lanexa to the podium. Ms. Love reported she had recently seen the announcement for this public hearing and it had been the first she had heard about this. She was concerned this would end up being bureaucrats telling property owners what they could and could not do. She urged the Board to delay a decision and suggested the issue should be put before the tax payers as a referendum. She stated more information was needed and urged the Board to hold off on voting until citizens had an opportunity to learn more. She stated citizens needed to be able to make decisions for themselves and would know what was best for them and their families. She thanked the Board for the opportunity to speak.

Mr. Evelyn stated Ms. Love had made a good point and the Board had expressed similar concerns at the work session. He reported any of the parties could withdraw after giving a

30-day notice. The agreement would have no effect on personal property or how a property owner could use their land. He noted he would make sure Ms. Love received a copy of the MOU. He asked Mr. Stauder if he would like to add anything. Mr. Stauder confirmed the 30-day notice provision and noted a decision by any party to withdraw would not require a vote by any of the other parties. Mr. Lockwood indicated this had been reviewed in detail and concerns regarding property rights had been voiced. He was comfortable moving forward and noted the MOU was a matter of agreeing to protect the diversity of the watershed which was a good thing for all. There being no others wishing to speak, Mr. Evelyn closed the public hearing.

Mr. Stiers moved to approve Ordinance O-26-21 authorizing the Lower Chickahominy Watershed Collaborative Memorandum of Understanding, a joint exercise of powers agreement. 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 – NEW KENT FARMS, LLC – PROPOSED AMENDMENT TO
THE FARMS OF NEW KENT PUD ORDINANCE FOR LAND BAY I – ORDINANCE
O-33-21

Before the Board for consideration was Ordinance O-33-21 approving application PUD-01-21 to amend the Farms of New Kent Planned Unit Development (PUD) ordinance. New Kent Zoning Administrator Kenneth Vaughan reported representatives from New Kent Farms, LLC had requested an amendment to the Farms of New Kent PUD ordinance to allow for half acre lots in certain areas of Land Bay I. The legal description and a map of the area had been provided in the meeting packet. Many environmentally sensitive areas including significant wetlands, RPA and steep slopes in the area were making access as well as the placement of lots difficult. Allowing smaller lots within a smaller footprint would better utilize the parcel's developable land while minimizing impact to environmentally sensitive areas. The proposed amendment would not increase the maximum number of lots approved in Land Bay I. The application had been sent to all reviewing agencies and comments received had been included in the staff report. Staff had received numerous emails and phone calls in regard to this application. The Planning Commission had considered the application on August 16th and had voted 5:2 to forward an unfavorable recommendation to the Board. Mr. Vaughan turned the floor over to Resource International Vice President for Engineering and Environmental Charlie Riedlinger.

Mr. Riedlinger reported New Kent Farms, LLC and Reese Brooks Land Development Co. were asking that the existing PUD be changed in one specific section of Viniterra to be known as "The Reserve at Viniterra." This section was currently designated to have lots not less than one acre in size and the request was to allow for lots not less than a half-acre in size. New Kent County had approved 455 homesites within Viniterra and without approval of the half-acre homesites in The Reserve, only 383 homesites would be achievable. With approval of the half-acre homesites, 67 additional homesites would be achieved bringing the total homesites to 450, five fewer than approved by the County. He provided an overview of the sections in the Viniterra community including the following:

- The Estates at Viniterra – consisting of 1+ acre lots – developed with 112 homesites with 42 sold.
- The Villas at Viniterra – consisting of .25 to .4 acre lots – developed with 12 homesites with 4 sold.
- The Estates at Viniterra – consisting of 1+ acre lots – under development and there would be 63 homesites.
- The Cottages/Villas at Viniterra – currently under development and would have 118 homesites.
- The Reserve at Viniterra – currently consisting of 1 acre lots – zoning change to half-acre lots was under review – would contain 145 homesites.

The Reserve at Viniterra was a separate area to the east of the project with access being through The Cottages at Viniterra. A designated emergency entry/exit from Old Church Road would be available at the request of New Kent Fire-Rescue and the New Kent Sheriff's Office. These sections would be designated by monuments and would not be gated. The Estates at Viniterra would remain all 1+ acre lots and would be behind gates.

Mr. Riedlinger noted there were a number of practical and environmental reasons which had led to the request for half-acre lots. He provided an overview of those reasons including:

- In the initial conceptual phase of the project, the information available was USGS (United States Geological Survey) topo maps with 10-foot contours and some wetland mapping.
- During the golf course construction, designer Rees Jones had made changes increasing the size of the course in certain areas.
- Actual wetland delineations have been conducted showing accurate wetland boundaries.
- Preservation of environmental sensitive areas including wetlands, RPA (Resource Protection Areas) and buffers.
- Topography was more steep slopes than anticipated - costly and difficult to develop.
- Stormwater – new stormwater design regulations in 2014 significantly increased the size of basins and property cannot be developed without the basins.
- Proposed lot sizes meet the current set back requirements. (Nominal widths of 80 feet which would allow for a 60 foot wide home, lot depths of 125 feet to 424 feet, normal depths of 200 feet) The smallest lots would be .50 acre, the largest 1.12 acres and the average would be .60 acre.

He noted benefits of reducing the lot size included:

- Creates additional market diversity for faster community build out.
- Faster build out equals more homes and increased potential commercial development.
- Increased revenue to New Kent County.
- Increased number of homeowners contributing to the HOA.

John Hopke with Hopke and Associates, Inc. presented information regarding design and development guidelines. He reported it had been his pleasure to design several buildings in New Kent County and specifically in Viniterra. He had designed the New Kent Winery in the early 2000s and it had been at that time that Pete Johns who had been involved in the early development of the project had asked him to review the existing design guidelines and to offer suggested amendments. It had been at that time that he had done the first set of design amendments to the guidelines which controlled design in The Estates. Over the years the guidelines had been amended several times to allow for the availability of new materials and changes in design trends. He stated design guidelines should generally be viewed as a living document and be reviewed and amended from time to time. He had been asked to assist with amending the guidelines for The Reserve. He reported the Viniterra

Architectural Review Committee had also been working with him to address this area. Key differentiators in the proposed amendments included:

- Half-acre plus lower maintenance homesites to meet market demands.
- Viniterra's existing design and development guidelines will be applied to The Reserve with minor amendments specific to The Reserve and addressing existing residents' comments.
- The Reserve would be a distinct neighborhood with a separate entrance from The Estates.

Mr. Hopke turned the floor over to Jeff Tunstall with Reese Brooks Land Company. Drawing attention to "The Reserve Proposed Map" in the presentation, Mr. Tunstall reported he was the owner of the section located along Old Church Road which would include 118 cottages and villas. He was also the owner of an area in the heart of the development which would contain 29 Estate lots currently going through the County approval process. Those lots would be one acre or more and would be behind The Estate gate. Access to The Reserve would be through The Cottages and the first phase of lots in The Cottages had been recorded and construction would begin soon. The proposed amendments had been presented to the Planning Commission and they had recommended a Town Hall Meeting to better inform the community about the changes. Approximately half of the Viniterra homeowners as well as Ms. Paige had attended this meeting on September 28th. The information along with a follow-up letter was later shared with all residents. Following the Town Hall, multiple residents had signed a petition supporting the amendment and many others had sent direct letters of support. Some owners had expressed concerns regarding preserving the value of their investments and many questions had involved why they were proposing reducing the lot size. The integrity of design and the vision of Viniterra would be ensured with the buildout of quality homes with most design guidelines mirroring those of The Estates. Square footage minimum requirements, architectural guidelines with respect to siding and the requirement for side entry garages were the same. The only things being changed would be the lot size and the ability to have similarities or repetition of homes. Custom homes would take a year or more to build. He reported homesites in Viniterra had first become available in 2005 and there were now only 42 residents. Given this rate of development, it could take 90 years for a complete buildout. The addition of more homes would facilitate the construction of amenities which would help accelerate the build. He assured everyone that there would be no mixing of half acre lots within The Estates and the pending outcome of the requested changes would impact the timing of the buildout of amenities. Additional homes would produce more cash to build amenities starting in 2022 versus the required 159 rooftops trigger. Additional amenities would increase home sales in all Viniterra neighborhoods as well as have a positive impact on the value of all homes in the community. Mr. Tunstall reported the amenities package was currently at the County for approval and reminded everyone that per the PUD, the amenities were not required until the 159th home was built. Mr. Tunstall stated he was here to work together and he believed they had good ideas. He noted as Mr. Hopke had previously stated, it was a life document that should be reviewed and amended as needed. He reported he had always lived in Mechanicsville but was excited to have a part of his life now in New Kent. His company was looking forward to doing its best and moving forward. He entertained questions.

Ms. Paige asked how many platted or sold lots were present in the entire Land Bay. Mr. Tunstall noted there were 42 sold lots in The Estates. Ms. Paige stated she was not asking how many were occupied but how many were sold or platted. Mr. Tunstall deferred to Patrick Horsley who was serving as agent on behalf of Viniterra. Mr. Horsley reported 55 lots were sold in The Estates and 67 were owned by another developer. Mr. Tunstall noted

58 lots had also been recorded for Phase I of The Cottages. Mr. Horsley reported approximately 175 lots had been recorded.

Mr. Tiller asked what the lot size had been for The Reserve in the original Viniterra plans. Mr. Tunstall stated the size was one acre. Mr. Tiller asked why he was requesting they be half acre lots. Mr. Tunstall noted there were many reasons including the impacts to stormwater and topography concerns previously mentioned. Mr. Tiller asked if green space was the main concern. Mr. Tunstall confirmed and noted there would be a good amount of green space left as a result of the RPAs.

Mr. Evelyn thanked Mr. Tunstall and the others for their presentations. He opened the public hearing and provided brief instructions specifically noting all speaking would take place at the podium. He called John Wilgus of 8653 Chestnut Hills Road, New Kent to the podium. Mr. Wilgus asked the Board to adopt the recommendations of the Planning Commission and keep the development as originally planned with one acre lots. He stated he had heard a lot of information but didn't hear anything that would benefit the County and stated there would be no increased tax revenue if the number of houses would be less. He stated everyone knew the topography when the plans had been made in 2006 so this was not a surprise. He added that any effort to reduce the size by one half raised red flags for him and he suggested this would open the door for more homes to be added to the community. He closed by encouraging the Board to vote and follow the Planning Commission's recommendations. He thanked the Board for the opportunity to speak.

Joe Roman of 9226 Angel's Share Drive, New Kent noted his emphasis would be on communication. He stated a flurry of information had been shared over the past few months which he felt was asking for a rash decision without all the facts on the table. There had been no time to substantiate facts, talk through the information or follow through on recommendations. Various individuals had spoken at the Planning Commission meeting at which Mr. Tunstall and Mr. Horsley had agreed they would walk the green space and come back to the Planning Commission and homeowners with a detailed proposition. When this topic had been brought up at the Town Hall meeting, Mr. Tunstall and Mr. Horsley both had indicated this had not been done. He noted this was one instance where they had not followed through and the homeowners were asking what else there may be that was not being shared with them. He reported the HOA Advisory Committee met on a quarterly basis and served as a liaison between Boddie-Noell, NK Farms and the residents. Comments from homeowners were being sent up through this avenue but there was never any information coming back down and he felt the homeowners had been left in the dark. There had been no communications over the past six months but Boddie-Noell and NK Farms now needed the homeowners and the Board of Supervisors to make a rash decision because they wished to maintain their investments. He stated didn't like to make decisions unless he had all the facts and there was full disclosure. He reported residents had asked for minutes (agenda) before the Town Hall meeting but had been told they could not have it. When an agenda (minutes) had been distributed after the meeting to let homeowners know what business had been conducted, he felt they had been slanted because they included nothing about those who had spoken against the half acre lots. Those individuals had not been given the opportunity for their information to be shared with the residents who were not present. He closed by stating everything from Boddie-Noell and NK Farms was slanted and not factual and he questioned what would be happening down the road in six to twelve months that homeowners didn't know about today. He again noted all involved were being asked to rush through this decision. He thanked the Board for the opportunity to speak.

Doug Morse of 7383 Crush Court, New Kent stated he wished to support the change based upon the information he had seen relative to the primary fact that without the smaller lot size only 383 homes could be built in Viniterra. This would be a loss of approximately 15% of potential homes which would result in a potential loss of revenue not only to New Kent County but also to the HOA. He did not see that the smaller lot size would have any economic or value impact to The Estates. He felt the diversity of homes as well as the diversity of price points and neighborhoods would add to the community. He thanked the Board for the opportunity to speak.

Bill Shelly of 7430 Tempranillo Court, New Kent stated he strongly supported the application to change the lot size from one acre to half acre. He had listened and understood more clearly from tonight's presentation what was being asked and why the changes were necessary. He stated the original design and engineering did not work for The Reserve and the half acre homesites would be a more viable alternative for many reasons. He further stated the half acre lots would be the best and most efficient use of the land, the additional lots in The Reserve section were needed for the HOA funding to maintain the properties and without approval of the application there would be an approximate 15% loss of the approved density of 455 homes (72 fewer homes). Approval would increase revenue for the HOA as well as the County. He stated that market conditions were more conducive to the proposed development and with only 40 rooftops in Viniterra after over fifteen years, something needed to change. The subject property was located on the other side of The Cottages, would be a completely different section and would have no contiguous properties to The Estates. The residents had been waiting for amenities and the approval would advance the construction of those amenities which would bring the community together, improve the community appeal, sell more homes and increase property values. The construction would be by a quality builder and developer with a proven track record. He closed by posing and answering several questions including, "Do we want and need increased lots in this section?" with the answer being "yes, we do - 450 rather than 385." "Will the Viniterra residents' HOA contribution be impacted by less density in the community?" with the answer being "yes, it will." "Do we want and need amenities, and sooner?" with the answer being "yes, we do" "Do we want increased values to our property? Do we want to maintain the quality vision of Viniterra? Is change sometimes necessary due to market conditions to achieve the vision? Do we want a quality builder and developer selected to build in Viniterra, which we have?" He stated the answer to all of these questions was "yes." No one knew what the future would bring but they had a known now which he thought sounded good. He thanked the Board for the opportunity to speak.

Dana Roman of 9226 Angel's Share Drive, New Kent thanked the Board for the opportunity to speak. She noted the Board had heard from a lot of people about this complex issue. She noted you could hear the passion on both sides with some being for and some being against the amendment. She looked at the whole process and there were several things she had noted. Viniterra/New Kent Farms had come out no holds barred on this with lots of information which was changing and she encouraged the Board to check the Planning Commission notes for the information shared there. She reported a Commissioner had stated they did not believe there were 70 acres of watershed and that things had not changed that much (since the original community design). She stated, "we don't know" and the reason it was hard to know was because the story kept changing. They had been told there would be no changes to the architectural covenants but now there were changes. They had been told there would be no changes to amenities coming and noted amenities were not contingent upon the approval of half acre lots. They had been told later that they didn't know if they would be able to move forward with amenities because they may be contingent upon the approval. Owners had been surveyed in 2017 to determine what they

wanted in the amenities. She stated that if these amenities were supposed to unite the community, they could have been built at anytime and it had not been necessary to wait for 159 roof tops. She noted the 159 rooftops was the point at which development of amenities absolutely had to start but they could have been started at any time. It was hard to understand when the story kept changing and you didn't know what to believe. She asked the Board to not make a rash decision on information that may not be factual. She thanked Board members for their time and commitment to the community as well as their service.

J. Daniel Moore of 7327 Crush Court, New Kent thanked the Board, County Administrator, Donna Reynolds and Doug Anderson of Boddie-Noell and Pete Johns who was no longer with us but had been the original visionary of the Farms of New Kent and Colonial Downs. Mr. Moore reported Mr. Johns and his father had been very close friends. Mr. Johns had originally operated the New Kent Winery and he and his father had helped build it. Mr. Moore reported he was a Class A contractor and had not only worked on the winery and sales center but had also worked on some of the first homes built in the Farms of New Kent. He had since worked on other homes in The Farms and understood the challenges that sometimes presented themselves. He noted the Board had two options before them. The first option was to vote to reject the proposal and maintain the one acre lots in The Reserve and maintain the same architectural standards throughout The Reserve as were present in The Estates. He suggested one may be able to argue that by keeping the lot sizes the same, property values would not be affected. He added that the unintended consequence would be that amenities would not be available for decades. He stated this seemed to be a "no growth" policy but noted he did understand some of the concerns. The second option would be to vote to reduce the lot size to one half acre in The Reserve area and open the door to some repetition in the home design. This option would also prevent a more attractive price point for those that do not want a 3,000 to 4,000 square foot home. He noted he believed he had heard some clarification in the earlier presentation indicating the home size would be the same but the lot footprints would be smaller. This option would provide for more green space, advance development within the community, increase the tax base and gets closer to fulfilling the vision of the late Pete Johns. He stated that while the revision was not perfect, he would like to quote the great rock and roller Mick Jagger who said, "You can't always get what you want, but you get what you need." He added his children had a lot of energy and needed to get out of the house and the pool, clubhouse and tennis courts would get them there. He added that Mr. Hopke's plans for the pool and clubhouse looked fantastic. He thanked the Board for the opportunity to speak.

Robert W. Hopewell III of 7279 Blanch Street, New Kent reported he and his wife had owned an estate homesite since October 2007 and had become residents eight and a half years ago. In 2016 he had purchased a second estate homesite adjacent to the first. He had a significant investment in his home and the adjacent lot and indicated he supported application PUD-01-21. He specifically supported the reduction of lot size from one acre to half acre in The Reserve. He noted there were various sections in the Viniterra community forming a balance of variety and price points. He stated if the 145 one-acre home sites were reduced to half acre, it would be a better use of the land and would be adhering to the Virginia Stormwater Management requirements and Resource Protection Areas. He noted property values had dropped significantly in 2008 and values and sales were starting to come back. He suggested approving this amendment would be a good compromise providing a variety of lot sizes and price points and bringing amenities sooner. He expressed appreciation for the Board's time and thanked them for the opportunity to speak.

William Green of 9199 Angel's Share Drive, New Kent stated there had been a lot of discussions about expedited amenities. He urged the Board to dig deeper to clarify the

facts. He reported when Jeff Tunstall had first purchased his land area and Patrick Horsley had also purchased his section of the community, Doug Reynolds had set up a meeting at the winery. Mr. Reynolds had reported the completion of the amenities was tied to Mr. Tunstall's contract. He stated he didn't know if there had been any amendments to the contract but questioned why these adjustments were needed to speed up the amenities if they were already tied to the contract. He thanked the Board for the opportunity to speak.

Patrick Horsley of 7247 Blanc Street, New Kent reported he was the managing member of PHD Holdings LLC which was the owner of 67 developed lots in The Estates and he and his family had lived in Viniterra for almost ten years. He expressed support for the reduction of the minimum lot size in The Reserve to half an acre. He noted lots in The Reserve would not be accessed through the current gates into Viniterra and in his opinion, the amendment would spur development in the community and increase property values. He added that the pool of buyers desiring to build custom homes on one acre lots who could wait one to two years for their home to be built had dwindled since the 2008 real estate crisis. He added that it was his understanding homes in The Reserve would be \$600,000 to \$800,000 semi-custom homes with the same design standards as The Estates with some form of repetition. He reported greater than 90% of people could not visualize building something completely custom and needed some form of visualization and standard pricing to understand what they were receiving. He noted appreciation for his neighbors' concerns but noted if development continued at the current pace, the community would not be built out in his lifetime. Not only would build out be slower but there would be close to 70 fewer homes than approved to contribute to maintenance of roads and amenities. He stressed the importance of diversifying the product offering within Viniterra to help spur growth. He stressed that the proposed amendment would make no changes to The Estates as well as the two parcels left to be developed inside the gates. While many may not care about the history of the development, he felt the way New Kent Farms LLC had handled the 2008 real estate crash and the twelve years since then should be noted. While other developers had bailed and left developments for foreclosure, New Kent Farms continued to put money into infrastructure. They had continued to try to keep Viniterra a first class development in the region while losing \$30 million in the process. He suggested they would never recoup their investment and some may say that that's not their problem but for a developer to lose this much money and still keep investing in first class amenities said a lot about the developer. He stated we needed to help them achieve the number of homes approved by the County. He felt New Kent Farms LLC was trying to protect all values while strategically adding diversity to the property and spurring growth. He thanked the Board for their time.

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

Ms. Paige noted it had been stated in the presentation that stormwater design regulations had changed in 2014. She indicated she had been elected in 2015 and her first Board meeting had been in 2016. It had been at that time that she had been told the Farms of New Kent PUD was hers. She noted Viniterra had requested almost 500 homes in 2016 and she was puzzled about where they had thought they could put them if design regulations had changed in 2014. She had listened to presentations and had numerous meetings with residents who were both for and against this amendment. Referencing a conversation regarding another community in New Kent, she reported she had told someone that she had a friend who also lived in the same community. That individual had asked where and once told, had stated that it wasn't a part of their community because their community was behind the brick columns. She stated she had found this bothersome because they both

lived on the same road but were not part of the same community because they did not live behind the columns. She stated she prided herself on dignity, respect, truth, listening, hearing and praying. She stated she would like to make a motion after her fellow Board members had commented. She noted the amenities were causing her concern. She noted Viniterra was considered a prestigious community and she would think amenities would be a point of sale regardless of the number of homes in the community.

Mr. Lockwood reported he had been keeping score of the emails he had received and before the meeting the score had averaged about four to one with four being against and one being in support. After tonight's comments, the number was now five to four with five in support and four against. He had been taking notes as people had been speaking and those who had been asking the Board to not adopt this had mentioned communication had been poor, they were being asked to make a rash decision, the story kept changing and a lack of trust. He felt the people who supported the amendment were supporting it in more of a technical sense considering the benefits and rewards. He stated he felt a lot of people had not been sold on the amendment but had not come out saying they were totally opposed either and were seeking clarification. Amenities had come up frequently and he felt it would be in everyone's best interest to do a better job of defining how they were going to meet the needs of the community. He stated he personally was not opposed to this either way and the decision wouldn't affect him but it would affect those who had invested in their homes and had been waiting for amenities. He suggested consideration be given to reducing the number of rooftops necessary for amenities so the people would feel they were getting some reward for the reduced lot size. He noted agreement with Ms. Paige that if the amenities were there, it would make it an easier sell as opposed to what might be coming.

Mr. Evelyn reported for the record that the Board had received a petition with over thirty signatures of individuals who were in support of the amendment.

Mr. Stiers reported he had always supported Viniterra and other entities in the community and had done so when other Board members had not but he did have some concerns about the proposed amendment. He stated he did not keep score but went with his gut feeling. People had poured out their hearts to him and had said they had spent their life savings on their homes. He asked what about the people who were told all lots in The Estates would be one acre and only lots in The Villas would be less than one acre and all of the homes would be custom. He noted the petition clearly stated reducing the lot size but said nothing about production homes and asked why this had not been included. He felt any lots that were too steep or had environmental restrictions should be set aside and indicated he didn't think this justified cutting the lot size in half for the entire neighborhood. He did not live in Viniterra but he did know some of the residents and it was tough having to make this decision. He noted that developers in the past had come to the Board half way through a project asking to change horses in mid-stream. He referenced a recent situation where a developer who had established lots with \$300,000 to \$400,000 homes had come back with a request to build a 56 unit apartment complex on the remaining lots. This was an extreme compared to what was being proposed for Viniterra but was an example of changing horses in mid-stream. He closed by stating if he had spent that kind of money buying into a community with one acre lots and custom built homes, he would be upset.

Mr. Tiller noted agreement with Mr. Stiers and noted the proposed 56 unit apartment complex had been brought to the Board by the developer of Rock Creek Villas.

Referencing Exhibit B, Mr. Evelyn noted there was to be no access onto Route 609 but pointed out the drawing depicted a "future access." He asked if this was an access from

The Cottages to The Reserve. Mr. Riedlinger reported the intent was for this to serve as an emergency access point with a locked gate to be used by the fire department. Mr. Evelyn indicated that was not what he had been told would happen and the fire department had indicated they did not need this access. He suggested it could become an access ten years down the road and no access to Route 609 had been a big proffer. He referenced a similar situation on Mount Pleasant Road where an emergency access point was now open all the time. Mr. Riedlinger indicated it was his understanding the Sheriff and the fire department had requested this. Mr. Evelyn reported he had spoken with both the Sheriff and the Fire Chief and that was not correct. Mr. Riedlinger indicated they had been working with guidance from Planning they were not aware the emergency access had been taken out. Mr. Evelyn stated that was the trust issue.

Mr. Stiers noted the neighborhood Mr. Evelyn was referencing was Brickshire. The residents had been told the Mount Pleasant access would be for emergency vehicles only and would be locked. He thought a locked emergency access was ridiculous and noted this access now had a better surface than most driveways in the community. Mr. Riedlinger indicated all he could say was that the access depicted on the drawing was for emergency access only. Mr. Evelyn stated an emergency access was already available in the community. Mr. Riedlinger stated this was the only access planned. Mr. Evelyn stated there would be an access on Angel's Share as well as one off of Old Church Road so there were actually three access points. County Administrator Rodney Hathaway approached Mr. Riedlinger at the podium and displayed the access points mentioned by Mr. Evelyn. Mr. Riedlinger indicated what he had been shown was not correct. Mr. Evelyn stated if the Board approved this tonight, the developer could have an access as depicted on the map. Mr. Riedlinger stated for the record the access in question would be removed and noted there was to be only one emergency access. He further stated as to the question of whether it should be gated or not, they would do whatever the Planning Department required.

Mr. Stiers questioned if the petition should have stated there would be no custom homes on the half acre lots. He added that he felt there was a lot of uncertainty and the information had not been presented clearly. Mr. Tunstall asked if he was stating there should be no custom homes. Mr. Stiers indicated he had been told there would be no custom homes. Mr. Tunstall stated the homes would be semi-custom or personalized and reported the petition had been circulated after the Town Hall meeting. Mr. Stiers asked if there weren't concerns from some of the residents. Mr. Tunstall indicated he could not speak for the residents. Someone from the audience asked what the date was on the petition. Mr. Stiers indicated the date was September 28, 2021. Others in the audience began commenting and Mr. Evelyn gavelled the meeting to order noting the time for public comment had ended.

Mr. Evelyn asked when the last wetlands delineation had been done and if it was up to date and certified by the Army Corps of Engineers. Mr. Riedlinger reported the most recent delineation had been conducted five years ago and a new one would be required in March. Their plans were to have the Corps look at the property in December or January for an update. He reported the delineation had been done three times now but there had been no delineation in 2006. Mr. Evelyn asked if the Corps would require another delineation before the lots could be platted. Mr. Riedlinger reported after the current delineation expired next year, a new one would be required before any homes could be built.

Ms. Paige reported receiving a letter which had stated the amenities in Viniterra would be based upon the Board's decision to approve 145 half acre lots. The amenities would also be based on if Reese Brooks Land Company closed on the lots. If the closing happened, the amenities would include a swimming pool with lap lanes and a wading area, two tennis

courts, two pickle ball courts, a club house and a fitness center. The letter also stated they had plans for all of this and those plans had been received in the Planning Department around May 12th. The Planning Department had comments ready and had sent out a letter in July requesting comments. She stated she would think if the amenities were going to be built and an opportunity had been provided to respond to comments in July, the plans would have been approved at least by September. The letter had gone on to state if the amendment was approved and the sale closed, the amenities could be completed by the summer of 2023 if there were no supply shortages. She stated there were a lot of "ifs" and she felt this was not a commitment but an "if." She stated if the houses were sold then there would be more people paying into the HOA to help reduce the costs. Many of the communications and letters she had received contained a lot of "ifs" and "maybes" but the Board was being asked to make a definite decision while everything else was an "if." She closed by stating, "if we vote to approve this but if Reese Brooks doesn't close on the property, what happens to the amenities."

Doug Anderson representing the developer (New Kent Farms LLC) stated "it's simply money." He added that "when you build four homes a year for fifteen years you don't accumulate any money to build the amenities" and the contract with Reese Brooks would provide the funds needed to build the amenities. He believed Planning staff would agree that the proposed amenities were on a grander scale than required by the PUD but noted they could not move forward without the cash. He stated it was a commitment if the things Ms. Paige had mentioned happened and he noted the Board controlled the first part of the process. The contract with Reese Brooks was subject to the 145 lots but they would look for another developer if necessary. They felt they had found the ideal builder who had won "Builder of the Year" in the Richmond area for six of the last ten years. He closed by stating they felt they were bringing in a great builder and were bringing amenities at a grander scale which they would be willing to build if the two conditions were met. They would be happy to do this but noted it would take money. Ms. Paige thanked him for his comments.

Ms. Paige moved to defer action on Ordinance O-33-21 to approve application PUD-01-21 to amend the Farms of New Kent Planned Unit Development ordinance. 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.

Mr. Evelyn called for a brief recess at 8:41 p.m. The meeting reconvened at 8:47 p.m.

IN RE: ELECTED OFFICIALS REPORTS

Mr. Stiers indicated he had nothing to report at this time.

Mr. Tiller reported he and Ms. Paige had attended the recent ribbon cutting at Pleasant's Hardware followed by a board cutting which he felt was appropriate for a hardware store. Pleasants had been well received in New Kent and was already talking about expanding and adding onto the store. Pleasants had been started in 1915 and was now affiliated with

Taylor's Do It Centers. Mr. Stiers reported Ace Hardware at Providence Forge had also recently started an expansion of their store.

Ms. Paige reported on the following:

- New Kent Parks and Recreation would host a Fall Festival at Pine Fork Park on Friday, October 15th from 4:00 p.m. to 7:00 p.m. Activities would include but not be limited to a costume contest and trunk or treat.
- The last Fall Farmers Market would be held on October 30th from 8:00 a.m. to 1:00 p.m. at the Market Pavilion. She thanked Public Information Specialist Krista Eutsey and County Administrator Rodney Hathaway for making the markets such a success.
- The new Food Lion at Airport Road was scheduled to open on October 23rd.
- October was Domestic Violence Awareness Month as well as Breast Cancer Awareness Month. She asked for special kindness and prayers for those who had experienced either of these and encouraged the celebration and support of survivors.
- Sending condolences to the family of Deacon Eugene Williams who had passed away recently. Mr. Williams had served for many years on the Economic Development Authority and had been a pillar in the community. She asked that the family be kept in our thoughts and prayers.
- She noted frequent comments on Facebook about what happened in the County. She stated Board of Supervisors business was your business and whether you attended meetings in person, viewed them virtually or viewed the minutes later, it was important to be involved.
- She thanked her fellow board members for being such awesome companions.

Mr. Lockwood reported on the following:

- He had the pleasure of attending the Proclaiming Grace Outreach (PGO) volunteer appreciation picnic. He noted many volunteers who had worked with PGO in a variety of ways had been present. He reported PGO had served over 200 families with food assistance over the past year and everything PGO was doing in the community was from the community. People from the community were providing donations to the thrift store which was their primary source of revenue and it was also people from the community serving as volunteers. He expressed appreciation to PGO for the work they were doing and for looking out for the residents of New Kent as well as upper James City County.
- He requested that the Board take a look at how they would deal with solar farms. He reported he was aware of at least three that were at some stage of proposal for New Kent. He suggested the Board should consider establishing some ordinances that would protect the people around and near solar farms at their next meeting. He stated setbacks and buffers should be reviewed and reported there had been issues with signal interference from the solar farm in Barhamsville. He would like the Board to come up with a plan for how solar farms would be dealt with going forward or ban them outright. He closed by stating he felt that in light of several pending solar farms, it would be wise to take a look at how they would be dealt with going forward. He requested that this be added to the next agenda. Mr. Hathaway indicated that could be done and asked if the Board would like staff to prepare and initiate a resolution to send this to the Planning Commission for public hearing and recommendations to the Board. Mr. Evelyn suggested the Planning Commission would need some guidance. Mr. Lockwood stated he would be fine with this and felt the Board should get this discussion started.
- He requested a copy of the actual RFP that had gone out for broadband. He indicated he had a draft copy but would like to review the final document to see if it covered all the things that had been discussed at a previous meeting.

Mr. Evelyn reported on the following:

- There would be a meeting at Quinton Community Center the next evening regarding a proposed solar farm on fifteen acres off of Hopewell Road. He reported he had found out about this meeting the previous week and no application had been filed at this time. He would keep the public informed if the proposed project moved forward.
- The New Kent Educational Foundation would be hosting the annual bowl-a-thon on November 5th. This was the Foundation's biggest fundraiser and the money would be used for scholarships and to provide teachers with additional funding for resources and projects not provided by the School Board. He encouraged everyone to consider bowling or donating to the cause.

Mr. Tiller added that the Glitter on the Green golf tournament organized by a foundation that had been started by the wife of Trooper Pilot Burke Bates to support families of fallen officers would be held on Friday, October 22nd at the Brookwood Golf Course. There was room for more teams and he encouraged everyone to consider playing, volunteering to help or donating to the cause.

IN RE: STAFF REPORTS – NATIONAL DRUG TAKE BACK EVENT

County Administrator Rodney Hathaway reported the Sheriff's Office would be hosting a National Drug Take Back event from 10:00 a.m. to 2:00 p.m. on Saturday, October 23rd.

IN RE: APPOINTMENTS – DELEGATED BY DISTRICT

There were no appointments delegated by district.

IN RE: APPOINTMENTS – NOT DELEGATED BY DISTRICT

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

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

Mr. Tiller moved to appoint Derek Fallon 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 Lynne Berlinsky as a member of the Airport Advisory Commission to serve a four-year term beginning January 1, 2021 and ending December 31, 2024.

Ms. Paige moved to appoint Sandy Brudvig as the private service provider representative to the Community Policy and Management Team to complete a two-year term ending June 30, 2022.

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 motions carried.

IN RE: OTHER BUSINESS – SHERIFF’S OFFICE BONUSES

Sheriff Joe McLaughlin reported he had received an email asking him to come to this meeting to discuss a situation resulting from recent General Assembly action. At the request of the Virginia Compensation Board the General Assembly had put one-time bonuses for sworn sheriff’s members into the budget. The bonuses would be \$3,000 per sworn member position which was funded through the Compensation Board. This would include 16 positions in New Kent totaling \$48,000. Sheriff McLaughlin reported he had 41 sworn positions two of which were currently not filled. If filled prior to the date of awarding the bonuses, those officers would be eligible for the \$3,000. It would cost New Kent \$75,000 for all 41 positions to receive the \$3,000 bonus. He stated he felt all sworn officers were equally deserving and the Compensation Board had been asked to take a look at their rulings and if New Kent could take the \$48,000 provided and divide it among the sworn officers. The answer had been no and it had been noted that the statute required the bonus go to the individual deputies filling Compensation Board positions. He reported they had also asked if the bonuses could be turned down and had been told that because it was being given in response to statute, turning the bonuses down would not be an option. He reported the additional \$48,000 was coming from COVID relief funding. He closed by stating he was asking the Board to consider allowing the Sheriff’s Office a \$3,000 one time bonus for all 41 sworn positions. He noted he understood the predicament the Board was in and stated he felt these bonuses were being offered to purposely put a wedge between the positions paid by the Compensation Board and those who were not and cause those not receiving bonuses to be upset with the ones who did. He also stated he felt it would drive a wedge between the local sheriffs and the local Boards of Supervisors. He was proud to report his department had returned in excess of \$600,000 at the end of the last fiscal year and suggested the requested funding could be taken from this overage or possibly COVID relief funds. He was asking for consideration for deputies only and nonsworn staff would not be included and he emphasized that this would be a one-time non-recurring situation.

Mr. Evelyn stated this was the same thing that had been done the previous year and asked if the amount had also been \$3,000 then. Sheriff McLaughlin reported the previous year’s funding had been \$5,000 for each position. Mr. Tiller stated he guessed this was not reoccurring because it was a lesser amount. Sheriff McLaughlin reported the original request had been \$5,000 for all sworn law enforcement staff in sheriff’s offices and police departments. At some point the amount was reduced to \$1,000 for all sworn staff but ultimately was approved at \$3,000 for sworn staff in Compensation Board funded positions.

Mr. Stiers asked what the total number would be. Sheriff McLaughlin reported the total additional funding for positions currently filled would be \$69,000 and that would increase to \$75,000 once the two vacancies were filled. County Administrator Rodney Hathaway reported figures from Financial Services indicated the total would be \$83,837.10 once the costs for FICA and Workman’s Compensation were added. Mr. Lockwood indicated he was having trouble with the math and noted there would be 41 individuals with each receiving a \$3,000 bonus which would total \$123,000. Sheriff McLaughlin noted the Compensation Board would be funding \$48,000 for the bonuses and the \$83,832.10 was the portion the County would have to pay for all sworn officers to receive the same bonus. Mr. Hathaway noted the Compensation Board would be covering 16 officers and his calculations were for twenty-five additional officers. Mr. Evelyn asked when a decision would be needed. Mr. Hathaway reported the Compensation Board and the legislation passed by the General Assembly were requiring that the payments be made by the end of November. Mr. Evelyn

asked if Board members would like to contemplate this request and make a decision at the work session. Board members concurred.

Ms. Paige noted a similar situation was frequently occurring on the School Board side with raises being approved for only certain positions (Standards of Quality positions) leaving them to find a way to offer similar raises to all other staff. She added that the state was sending down mandates but no funding to support those mandates. She added that it wasn't just about Sheriff's Office employees and the Board but about County employees as a whole. She stated she didn't know what kind of push the Board could give in regard to unfunded mandates. Mr. Stiers stated the Board had been fighting this for years and unfunded mandates had been on the legislative agenda for numerous years. Mr. Lockwood stated he felt the state didn't recognize these as unfunded mandates because they were not saying everyone should receive a raise. They were providing funding for certain employees and it was up to the localities to determine how to address others.

IN RE: CLOSED SESSION

Mr. Tiller moved to go into closed session pursuant to section 2.2-3711A.1 of the Code of Virginia for a discussion and consideration of performance and salaries involving personnel in the Commissioner of Revenue's office. 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.

Mr. Evelyn thanked everyone for attending the meeting and noted the Board would conduct no further business after the closed session.

Mr. Stiers moved to come out of closed session. 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.

Mr. Stiers moved to certify by roll call vote that to the best of each 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:

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

The motion carried.

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, November 8, 2021 and the next work session would be held at 9:00 a.m. on Wednesday, October 27, 2021, both in the Boardroom of the County Administration Building. The Board would also meet for a Budget Retreat at 9:00 a.m. on Friday, October 29, 2021 at the New Kent Forestry Center, 11301 Pocahontas Trail, Providence Forge.

Mr. Stiers moved to adjourn. 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 meeting was adjourned at 9:33 p.m.