

A REGULAR MEETING WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 8TH DAY OF NOVEMBER 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.

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IN RE: CALL TO ORDER

Chairman Thomas W. Evelyn called the meeting to order.

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IN RE: ROLL CALL

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

All members were present. Mr. Evelyn welcomed everyone.

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IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

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IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Minutes
  - a. September 8, 2021 Regular Session Minutes
  - b. September 20, 2021 Joint Session Minutes (with Planning Commission)
2. Miscellaneous
  - a. Approval of Agreement for Installation of Emergency Generator at Parham Landing Well #1
  - b. Approval of Agreement with DC Direct Services
3. Refunds
  - a. REFUND – Ryan Homes - \$376.50
  - b. REFUND – S & S Electrical Services - \$82.87
  - c. REFUND – Sweet Homes - \$412.50
  - d. REFUND – Sweet Homes - \$630.00
4. FY 21 Supplemental Appropriations
  - a. FY21 Charge Card Fees Collected by the Treasurer, \$56,327.11.
  - b. FY21 Sheriff Extra Duty Private - (Revolution3 6/27/21), \$2,432.32.
  - c. Central Virginia Transportation Authority Receipts for May and June 2021 (FY21), \$342,973.80.

\$401,733.23 - Total  
(\$58,759.43) - Total In/Out - General Fund (1101)  
(\$342,973.80) - Total In/Out - Capital (1302)

5. FY 22 Supplemental Appropriations
  - a. Animal Shelter Donations, \$3,314.76.
  - b. Gifts and Donations to Fire/EMS - (RPM & Assoc. \$500, Phillip Young \$200 & Diane Hudgins \$25), \$725.
  - c. Funds Received from VRSA Insurance - Fire/Rescue - (Claim #02-21-38422-1-AP DOL 7/8/2021, \$89.83, Claim #02-21-40209-1-AP DOL 10/4/21 \$958.11 & Claim #02-21-39450-1-AP DOL 8/25/21, \$1,051.33), \$2,099.27.
  - d. Fire/Rescue Extra Duty Private - (Colonial Downs Live Racing 9/1/21 to 9/7/21 \$7,555.84, 7/6/21 to 7/31/21 \$32,392.32 and 8/1/21 to 8/31/21 \$53,086.40), \$93,034.56.
  - e. Sheriff Extra Duty - (Colonial Downs 8/23/21 to 8/28/21 \$2,631.33, 8/2/21 to 8/21/21 \$8,579.46 & 8/30/21 to 9/18/21 \$5,306.88), \$16,517.67.
  - f. Henrico County Reimbursement for Inmate Transport, \$175.89.
  - g. Sheriff Extra Duty - (Colonial Downs 9/24/21 to 10/1/21 \$1,630.76, NKHS 9/25/21 to 9/29/21 \$645.90 & NKHS 8/31/21 to 9/10/21 \$688.96), \$2,965.62.
  - h. Farmers Market Registration Fees - (K. Marie Fashion \$15 & Lighter Moments \$15), \$30.
  - i. Additional Funds From DSS, \$11,170.
  - j. State Fire Programs Grant Funds, \$74,591.
  - k. Capital Fund Balance - Purchase of a New Vehicle - Building Inspections - FY22 New Position Not Reflected in Adopted FY22 Budget, \$24,307.  
  
\$228,930.77 - Total  
(\$193,453.77) - Total In/Out - General Fund (1101)  
(\$11,170.00) - Total In/Out - Social Services (1201)  
(\$24,307.00) - Total In/Out - Capital (1302)
6. FY 22 Interdepartmental Budget Transfers
  - a. Administration - From Reserved for Contingency to New Courthouse Roof Repair, \$2,062.50.
7. Treasurer's Report: Cash as of September 30, 2021, \$62,010,950.76 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.

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IN RE: SPECIAL PRESENTATIONS – NEW KENT UNIVERSITY CLASS OF 2021

2021 New Kent University (NKU) graduates, identified as Eve Alfonso, Shannon Belvin, William Dismore, Dolores Hiles, Christine Mason, Holly Naggy, Nancy Nolan, Ruth

Piotrowski, Yvadne Robinson, Judy Schwartz, Andrew Shine and Karen Tomlin had completed the ten-week citizen engagement program. Mr. Evelyn noted he considered it a highlight of the year to recognize the graduates of each NKU class. The program had been very successful and this was the fifteenth class. He thanked Public Relations Specialist Krista Eutsey, Deputy Board Clerk Wanda Watkins, Deputy Commissioner of Real Estate Shannon McLaughlin, Assistant County Administrator Justin Stauder and County Administrator Rodney Hathaway for their involvement in this program. He also expressed appreciation to NKU sponsor Davenport and Company.

Ms. Paige apologized for her absence from an earlier reception held in honor of the graduates and for her inability to attend more weekly sessions. She thanked students for taking time to learn more about their great county and noted she was proud of them.

Mr. Evelyn asked class member Karen Tomlin to share comments she had made earlier at the reception. Ms. Tomlin stated she felt this was such a good program and departments were being good stewards of taxpayer dollars. Staff were energetic, enthusiastic, loved the County and loved their jobs and she expressed appreciation for the program. Mr. Evelyn opened the floor to others wishing to speak. There being none, he thanked Ms. Tomlin for her comments. He reported the Board had recently held a budget retreat where he had stated the County had an excellent staff and the Board as well as staff realized they worked for the citizens of New Kent. He turned the floor over to Ms. Eutsey for the presentation of diplomas. After all graduates were recognized, Mr. Evelyn jokingly stated, "by the power vested in me as Chairman of the Board of Supervisors for New Kent County, I declare you graduates of New Kent University" which was followed by a round of applause.

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IN RE:                   CITIZENS COMMENT PERIOD

Mr. Evelyn opened the citizens comment period and provided brief instructions. He called Patrick Horsley of 7247 Blanc Street to the podium. Mr. Horsley reported he was here to support the proposed Farms of New Kent PUD amendment. It was his understanding homes in this section would be \$600,000 to \$800,000 semicustom homes with the same design standards as The Estates with the exception of there being some form of repetition. He further stated most homebuyers could not visualize building a totally custom home and needed some type of visualization and standard pricing package to understand what they would be receiving. Whether The Reserve section remained as one acre lots or was approved to have half acre lots, it was his understanding some form of repetition would be present to meet market conditions. Not approving the proposal would not only keep the development moving at a slower pace but would also result in seventy fewer homes at buildout than approved by the County. This would mean fewer homes to help with costs for maintenance of amenities and roads. He stated that diversifying the product would help spur development growth and stressed that this proposal would not result in any changes to The Estates section as well as the two undeveloped Estate parcels. He noted a petition previously submitted contained over thirty signatures which were all land owners in The Estates and Villas sections who were in favor of the proposal and he hoped this and emails Board members had received from over fifteen households would prove this point. In closing he stated New Kent Farms LLC was trying to protect and develop all values while strategically adding diversity of product to further spur development. He respectfully requested the Board approve the proposal and thanked the Board for their time.

Mr. Evelyn thanked him for his comments.

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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, erosion control, pipe repair/replacement, shoulder repairs, ditching, tree removal/pruning/cleanup, grass mowing, debris removal and litter pickup. Thirty-seven work orders had been received and 40 completed. Four emergency after hours call outs involving trash in the roadway, signs down and a leaning tree were reported. October was the month VDOT began focusing on preparing equipment and stocking supplies for snow removal and they were now ready for snow. He noted a recent weather prediction had suggested a warmer than normal winter with less precipitation. Secondary mowing was about 80% complete and work had started on primary mowing. Pavement marking on Route 249 had been started and should be completed by the end of the week. He stated this work was long overdue and he was not sure what the problem had been with the pavement marking crew. Corridor studies on Route 33 in Eltham and Route 60 in Bottoms Bridge were underway and the findings of a recent speed study conducted on Route 610 (Pine Fork Road) had resulted in the speed limit being reduced to 45. Ditching work at the pallet plant would be completed in another week. Crews would then begin ditching in Plum Point as well as do some signage upgrades and maintenance in that community.

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

Mr. Stiers reported he had recently held a town hall meeting in Brickshire and one of the biggest concerns residents voiced was the speed on Kentland Trail. A speed study had previously been conducted in this area but over 100 new homes had been added this year. There were numerous curves with crosswalks nearby and it was difficult for pedestrians to cross streets safely. He asked if another study could be conducted in the hopes of reducing the speed below 45. Mr. Winn indicated he would put in a request for another study.

Mr. Tiller noted it had previously been reported that turn lanes/stop bars could not be marked at the intersection of Market Place Drive and Route 60 because the area was not wide enough. He asked if double yellow lines could be marked down the middle to help drivers better understand where to drive. It was sometimes difficult to turn east on Route 60 when cars were backing up in the intersection. Mr. Winn stated he would look into this.

Referencing the bridge at Goddin’s Pond (Rt. 600 Holly Fork Road), Mr. Lockwood noted a steel plate had been in place for several years and asked when the final work would be completed. Mr. Winn reported the plans had been finalized and work was scheduled for the spring. He would provide notice of a more specific timeframe as soon as it was available.

Ms. Paige reported everyone was excited about the work that had been done at one end of Cooks Mill Road and asked when the other end would be completed. Mr. Winn indicated he would have to ask Superintendent Joe Tarry and noted Cooks Mill was on the coming year’s schedule for a modified double seal for the entire length of the road. Ms. Paige noted the section of Stage Road between Ropers Church Road and Polish Town Road had been a rural rustic project. She did not feel anyone had gotten their money’s worth out of this project and the road was in poor condition due to the way the ditches had been dragged and the limited base. She stated there had been promise after promise that VDOT would take care of this road. Mr. Winn reported Mr. Tarry had a plan to go in and do ditching work once the grass was cut. He would have Mr. Tarry get with Ms. Paige to discuss plans beyond that. Ms. Paige also reported a speed limit sign at the Airport Road roundabout was missing and

suggested it may have come down during construction of the new Food Lion. She also asked if a speed limit sign could be placed on Route 249 east of the Food Lion and at Quinton Estates. Mr. Winn indicated he would look into this. Ms. Paige also reported a dead limb hanging in a tree about a quarter of a mile east of the roundabout.

Mr. Evelyn asked when the last traffic study had been conducted in the area of Rick's and on through the roundabout and the new Food Lion area. Mr. Winn indicated he would have to check. Mr. Evelyn stated he had been receiving complaints since the new Food Lion had opened and suggested the additional traffic would warrant reducing the speed to 45. Mr. Winn indicated another study was warranted with the new Food Lion. He also noted the pavement marking in this area remained to be completed. Mr. Evelyn noted a traffic study at Route 106 and Jimmy Burrell Lane had been listed on the monthly report and asked Mr. Winn for more information on this. Mr. Winn reported this was an ongoing study and was in regard to trucks parking on the side of the road in front of the Virginia Natural Gas facility. Mr. Evelyn thanked him for his report and for attending the meeting.

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IN RE: RICHMOND REGIONAL TOURISM ANNUAL PRESENTATION

Richmond Regional Tourism (RRT) representatives including President and CEO Jack Berry, Executive Vice President Katherine O'Donnell and Vice President of Community Relations J.C. Poma provided an annual report on RRT. Mr. Berry thanked the Board for the opportunity to speak and noted it was great to be back in New Kent. His colleagues and he would be providing an update on RRT and how the pandemic was affecting tourism in the region but noted things had improved tremendously since last year. The New York Times had put out a report some months ago which had listed the top 52 places to go in 2020. Richmond, Virginia had been listed as #39 behind Paris at #31. Hotel occupancy rates had hit rock bottom in April of 2020 but tourism was coming back strong. 2019 had been a record year with 7.7 million visitors. That number had dropped to 4.9 million in 2020. Projected travel was looking positive with the Delta variant numbers steadily declining. 2021 occupancy rates were outpacing those of 2019 with many coming to the area for sports tourism, visiting with family and friends and leisure travel. Meetings and conventions were projected to come back strong in 2022 and business travel in 2023. A short promotional video describing some of the many reasons travelers were returning to the area was shared. He turned the floor over to Ms. O'Donnell for an update on tourism recovery.

Ms. O'Donnell reported the video had been made while the pandemic was in progress with the focus being to keep Richmond in the top of everyone's mind. People had not been traveling but they had been dreaming about travel and it was important to remind them that the Richmond Region and New Kent County were wonderful places to visit. The area continued to receive great accolades and reports from Condé Nast Traveler, Travel and Leisure magazine, Departures magazine and TripSavvy were a few where the Richmond Region had been featured. American travelers were becoming more vaccinated with over 63% being vaccinated and over 90% having plans to travel in the next six months. She reported "revenge travel" was real and some were so angry that they had not been able to travel in 2020 that they were planning to travel even more in 2021 and 2022. Only 28% were likely to visit an area that did not have clear COVID safety protocols in place and 81% had indicated they felt safe welcoming visitors to their communities. Looking to where tourism and travel were headed, she reported the traveler of the future would be spending 20% more and would be looking for transformational and relaxation experiences. Over 60% were selecting destinations that would support local businesses, city travel was expected to be up 25% and they were more safety conscious. The four pillars of travel included: Business Travelers, Meetings, Conventions and Sports, Friends and Family, and

Tourists/Leisure and the Richmond region was attracting travelers in all areas. They were working to recruit business events and had launched a program called Meaningful Meetings to align meeting recruitment with economic development. Several new air services including new JetBlue and Breeze Airways flights had been launched at the Richmond Airport. Statistics on marketing and visitor insights indicated investing in tourism was paying off and bringing travelers to the region. She noted New Kent was a long standing member of RRT and had a robust presence on the RRT website. All tourism related businesses in the County were given the opportunity to advertise their business free of charge and there were currently 54 listed. RRT also had a robust social media presence promoting activities and events. An image perception study had been conducted in which visitors/potential visitors had been asked what they thought of the Richmond region in light of the events of 2020 including COVID, safety perceptions, the removal of Confederate statues and social justice. The findings had been very positive and Richmond had ranked in line with destinations such as Charleston, Raleigh, Nashville and Baltimore. The awareness of the social justice movements and the removal of Confederate statues was high but had invoked a more positive perception of Richmond being a welcoming place to visit.

Ms. O'Donnell noted they had brought Board members copies of the ten-year tourism master plan when they had last presented in 2020. The information had been based on input from stakeholders and visitor and resident surveys and workshop participants. RRT had been working on a number of priorities over the past year and had narrowed the focus down to three things including:

- A motel next to the Convention Center to aid in drawing more regional conventions.
- A high investment image campaign in partnership with economic development and
- Workforce Development.

Everyone was aware of the challenges in workforce development and shortages currently being seen and the hospitality industry may be suffering the most in this regard because of COVID. Efforts would also include promoting careers in the hospitality industry in area schools. She turned the floor over to Mr. Pomo for an update on sports tourism.

Mr. Poma noted it was hard to believe it had been a year since he had last reported and stated sports tourism continued to be vital for the regional economy. Close to 80% of all events booked by RRT had been sports related and RRT was looking at organizations such as golf courses and youth organizations that drove sports tourism in the region. They also focused on marketing local attractions sports parents may have an interest in visiting while in town for sporting events. A sports award program had been developed approximately a year ago and would involve fundraising to support local organizations that were creating sports tourism opportunities. He also reported the RRT foundation was raising money for a scholarship program with Virginia State University's Hospitality Management Program. They were also looking forward to offering a similar program to students in Virginia Union University's new Hospitality Management Program. They continued investing in ensuring the Richmond Region was a welcoming destination for all. They had created the Black RVA program in 2019 to support black-owned businesses and had followed that with Out RVA to support the LGBTQ business owners. RRT also believed the region's constituents were vital to sharing what was available in their own back yard and had created the "I Am Tourism" program. This program provided participants an opportunity to learn more about the region and to become ambassadors. He added COVID had taught us that we have so much we can do in our own backyard and our region has something for everyone. RRT staff were passionate about what they were doing, had a love for the region and the tools necessary to tell the story of what the region had to offer. He closed by noting they were excited about the rebound from COVID-19 and all the visitors that would be welcomed to the region in the

coming year. He thanked the Board for the opportunity to speak and entertained questions. There being none, Mr. Evelyn thanked RRT staff for the update.

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IN RE:            CONSIDERATION OF 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. A public hearing had been held at the Board's October 12, 2021 meeting and the Board had deferred action. Planning Director Kelli Le Duc reported the only update since then was that a revised area plan removing the wording for an additional entrance off of Old Church Road had been provided. She noted Doug Anderson representing the developer (New Kent Farms LLC) and Jeff Tunstall with Reese Brooks Land Company were present and would like to address the Board. She turned the floor over to Mr. Anderson.

Mr. Anderson thanked the Board and County Administration for allowing the applicants to bring the proposed amendment for consideration. He stated he felt the amendment as proposed was the best alternative for the residents, best use of the land, most economical and would result in less environmental impact. He stated he hoped the Board would approve the amendment but noted that regardless, the developer would do their best to make Viniterra the best community in New Kent County. This would include amenities and a quality builder that would be hard to replace. He again stated he hoped the Board would approve the amendment so they could move forward with closing. This would mean they would have the funds necessary for the amenities. He noted there had been many requirements in the PUD including paying for two wells and the welcome center, all of which they had been glad to do. They had built the fire station with Preston Hollow Capital and because plans for a polo field had not worked out, were in the process of returning Land Bay II to its original state. He noted all of this had required a lot of money but they had always met their duties to the County in regard to proffers and would continue to do so. He added that they would build the amenities as soon as they could but noted without approval of the amendment they would not have as much available funding as they would like. He thanked the Board for their consideration and turned the floor over to Mr. Tunstall.

Mr. Tunstall stated he felt with Veterans' Day approaching he would be doing a disrespect if he did not acknowledge the servicemen and servicewomen in attendance who had stood in harm's way and defended our country to allow us to have the freedom to have this type of meeting. He asked if servicemen and servicewomen would stand. A number of individuals stood and received a round of applause.

Mr. Tunstall noted the proposed amendment had been discussed for many months and he suggested it all came down to something Ms. Paige had pointed out in a recent town hall meeting and that was what was the best use of the land. The 145 half-acre lots would get them closer to the 455 approved home sites. He noted this not only included what was the best use of the land but also what was the best use for the community, the best use for the County and the best use for the vision. With new regulations (environmental), he felt the half acre lots known as The Reserve would be the best use. He stated he had stopped counting after reaching seven the number of times he had seen Viniterra in the earlier presentation by RRT. This was humbling and he hoped with the plans for Viniterra there would be even more included in the 2022 RRT video. He reported he had met with several Board members individually and would be happy to answer any questions.

Ms. Paige reported she had recently been approached by someone in Powhatan County who had proceeded to tell her about the proposed amendment and had suggested if the Board approved it there would be fewer homes. She indicated she had clarified that was not the case. She did not believe there was any question that Mr. Tunstall and his company would produce a great product and she thanked him for that.

Mr. Evelyn raised questions about the environmental issues. He asked Zoning Administrator Kenneth Vaughan who was working the sound room to display a map of the Viniterra community. He noted there were two specific areas where he would like clarification and stated that according to the proposal, it appeared there would be nothing in those areas. Mr. Tunstall confirmed and noted those areas would be left in their natural state. Mr. Evelyn also noted the last Army Corps of Engineers delineation had been done in 2017 and was valid into 2022. He questioned what environmental conditions had changed since then. He also suggested there was another way to get to one of the two areas noted that would involve crossing a small wetland area. Mr. Tunstall reported a bridge as well as wetland credits would be needed to cross this area and they were trying to eliminate environmental impact as much as possible. Mr. Evelyn stated the environmental regulations had not changed much and asked if it was fair to say the cost of getting across the area to do the development was significant. Mr. Tunstall agreed and suggested the cost of a bridge would be several million dollars. Mr. Evelyn asked what would be proposed for this area. Mr. Tunstall stated it would be left natural and would become part of the common area. Mr. Evelyn stated if they put in the infrastructure, they would be able to squeeze in 45 more lots. Mr. Tunstall agreed if the lots were half acre.

Ms. Paige stated she had thought about this proposal and had listened to the concerns of Boddie-Noell and the residents in regard to the effect half acre lots would have on the community. She had received numerous calls and emails and stated she had been elected to serve all of the citizens of New Kent and she had to do things with a clear conscience. She had attended the Planning Commission meeting when this had been discussed and had listened to the Commissioners as they had worked to make a recommendation. She stated that based on the Planning Commission recommendation and the impacts on the community, she was unable to support the request to change the lots to half acre.

Mr. Stiers indicated he agreed with Ms. Paige and asked what about the people who had bought into the neighborhood and were promised the community would be one acre lots. He noted Mr. Tunstall seemed like a nice guy and also stated Patrick Horsley had been a friend of his too, but suggested you had to go back to the beginning. He noted when a developer set out a plan and asked people to buy into it, you couldn't come back and change plans in midstream.

There being no further comments, Mr. Evelyn entertained a motion.

Ms. Paige moved to not accept the proposed amendment to the Farms of New Kent PUD Ordinance for Land Bay I, Ordinance O-33-21. 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.

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IN RE: LEASE REVENUE REFUNDING BOND, SERIES 2021 – RESOLUTION R-27-21

Jesse Bausch with Sands Anderson was present as bond counsel to the County and Ben Wilson was present representing Davenport and Company. Mr. Bausch reported Davenport and Company Senior Vice President Ted Cole had discussed the results of an RFP for refunding several of the County’s outstanding bonds at the Board’s October meeting. He was here to walk through the resolution and the documents to memorialize the transactions. One of the bonds to be restructured was from 2016 and the collateral had been the Health and Human Services Building. Other bonds to be restructured were listed in the resolution. This would be an EDA (Economic Development Authority) lease revenue refunding bond issued by the EDA and secured by County collateral and the County’s obligation to make the payments. Mr. Cole had gone over the refunding analysis and the County would be saving a significant amount by consolidating these bonds. Approval of the resolution would approve the C&F Bank bid and all related documents. Once approved by the Board, similar documents would be presented to the EDA for approval. He entertained questions.

Mr. Tiller moved to adopt Resolution R-27-21 to approve the lease revenue refunding bond, series 2021. 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 7:00 p.m. The meeting reconvened at 7:08 p.m.

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IN RE: PUBLIC HEARING – ORDINANCE O-34-21 – NEW KENT COUNTY CODE AMENDMENT, CHAPTER 38, SECTION 38-15(b) DELINQUENT UTILITY BILL ORDINANCE

Before the Board for consideration was Ordinance O-34-21 amending New Kent County Code Chapter 38, Section 38-15(b) – Delinquent Utility Bill ordinance. Public Utilities Director Larry Dame reported this was a housekeeping item pointed out by County Attorney Brendan Hefty. Mr. Hefty had noted the Code of Virginia had been amended in regard to delinquent utility bills in 2016 and New Kent’s Code was not in compliance. Proposed changes would bring New Kent’s Code into compliance and would give customers with delinquent accounts additional time in which to pay bills. He entertained questions.

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

Ms. Paige moved to approve Ordinance O-34-21 amending New Kent County Code Chapter 38, Section 38-15(b) – Delinquent Utility Bill Ordinance, as presented. 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.

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IN RE: PUBLIC HEARING – ORDINANCE O-35-21 – DIVISION 3, ARTICLE VI OF CHAPTER 38 AMENDING AND READOPTING PRETREATMENT STANDARDS FOR WASTEWATER

Before the Board for consideration was Ordinance O-35-21 amending and readopting pretreatment standards for wastewater effective January 1, 2022. Public Utilities Director Larry Dame stressed the importance of this ordinance to clearly establish standards for discharges into the County’s wastewater system. He referenced a previous case in which a business considering locating in New Kent had raised concerns about the absence of a pretreatment ordinance. They had been concerned about the potential impact of standards adopted after investing in the County. The pretreatment ordinance would make discharge standards clear, would protect the wastewater plant, the County’s permit and the waters of the Pamunkey River. Mr. Dame entertained questions.

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

Mr. Lockwood moved to adopt Ordinance O-35-21 amending and readopting pretreatment standards for wastewater as presented effective January 1, 2022. 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.

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IN RE: PUBLIC HEARING – RESOLUTION R-24-21 – FY 2021-2022 BUDGET AMENDMENT – AMERICAN RESCUE PLAN ACT (ARPA)

Before the Board for consideration was Resolution R-24-21 amending the fiscal year 2021-2022 budget and appropriating Federal American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds. Assistant County Administrator Justin Stauder reported New Kent had received \$2,242,578 in ARPA funding. State Code required conducting a public hearing for budget amendments exceeding one percent. The proposed appropriation would be to the Capital Fund for the broadband project. He entertained questions.

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

Ms. Paige moved to adopt Resolution R-24-21 amending the fiscal year 2021-2022 budget, appropriating funds received from the Federal American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds. The members were polled:

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

The motion carried.

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IN RE: PUBLIC HEARING – RESOLUTION R-25-21 – FY 2020-2021 BUDGET  
AMENDMENT

Before the Board for consideration was Resolution R-25-21 amending the fiscal year 2020-2021 budget and appropriating Colonial Downs revenue to the Capital Fund. Assistant County Administrator Justin Stauder reported the amendment would appropriate revenue in the amount of \$7,298,249.59 to the Capital Fund. State Code required conducting a public hearing for budget amendments exceeding one percent. The proposed appropriation would be to the Capital Fund for one time expenditures. He entertained questions.

Mr. Lockwood stated this funding had been allocated for broadband and asked if this was correct. Financial Services Director Rebeca Guthrie reported the ARPA funding (see previous agenda item) was appropriated to the broadband project but the Colonial Downs revenue would go to one time expenditures yet to be appropriated. Mr. Lockwood stated this was the money the Board had discussed allocating to broadband but it had not actually been allocated. Ms. Guthrie and Mr. Stauder agreed.

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

Mr. Tiller moved to adopt Resolution R-25-21 amending the fiscal year 2020-2021 budget, appropriating revenue received from Colonial Downs to the Capital Fund. 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.

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IN RE: PUBLIC HEARING – RESOLUTION R-26-21 – FY 2021-2022 BUDGET  
AMENDMENT

Before the Board for consideration was Resolution R-26-21 amending the fiscal year 2021-2022 budget by approving supplementary carry forward appropriations in the amount of \$10,705,402.43. Assistant County Administrator Justin Stauder reported the carry forward appropriations from the previous year were for ongoing Capital projects, programs and services the County was already performing. State Code required conducting a public hearing for budget amendments exceeding one percent. He entertained questions.

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

Mr. Tiller moved to adopt Resolution R-26-21 amending the fiscal year 2021-2022 budget by approving supplementary carry forward appropriations in the amount of \$10,705,402.43. 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.

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IN RE: ELECTED OFFICIALS REPORTS

Mr. Stiers reported on the following:

- He had hosted a well-attended town hall meeting in Brickshire the previous week. A number of New Kent County staff including Public Utilities Director Larry Dame and Sheriff Joe McLaughlin as well as School Superintendent Dr. Brian Nichols and District Four School Board Member Sarah Barber were also in attendance. Mr. Stiers stated it had been a great meeting and a lot had been accomplished.
- He had recently attended the New Kent Educational Foundation's annual Bowl-A-Thon which had been greatly attended. He had found the number of principals, teachers and school officials attending without masks "astonishing." He noted these principals and teachers would have to wear a mask when they went back to school "because COVID-19 will zap them and kill them if they don't have the mask on in school but if they are bowling, it's okay." He stated he found this interesting.
- The Forge Foundation would be hosting its annual Thanksgiving Feast from 12:00 p.m. to 4:00 p.m. on Thanksgiving Day at the Providence Forge Recreation Center. This would be all you can eat for \$0.99.

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

Ms. Paige reported on the following:

- New Kent would be hosting a COVID vaccine clinic on November 20<sup>th</sup> from 8:00 a.m. to 1:00 p.m. at New Kent High School. This would be by appointment only and the hours may be extended until 5:00 p.m. if needed. Those seeking booster vaccines as well as first and second doses were encouraged to contact the call center for an appointment.
- Second Liberty Baptist Church had hosted a booster and vaccine clinic earlier in the day with approximately sixty individuals receiving vaccines.
- The New Kent Rotary Club had recently hosted a car show at Colonial Downs with over fifty participants. She thanked Colonial Downs for always being a gracious partner with the County and she thanked the community for participating.

Mr. Tiller reported he had received an email about the upcoming New Kent County COVID vaccine clinic where three vaccines would be available (Johnson & Johnson, Moderna and Pfizer). He asked if this clinic would be free. Ms. Paige confirmed the vaccines would be free and recipients would be able to choose from three available medications.

Mr. Evelyn noted he had not seen anything on the New Kent Middle School annual Veterans' Day program and asked staff if they would be hosting this again this year. No one was able to provide any information. On behalf of the Board of Supervisors, Mr. Evelyn thanked men

and women currently serving and who had served in order to give us the freedom to be here today. He encouraged everyone to remember to thank a veteran on November 11<sup>th</sup>.

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IN RE: STAFF REPORTS

There were no staff reports.

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IN RE: OTHER BUSINESS – RESOLUTION R-28-21 OPPOSING MANDATE FROM  
FEDERAL GOVERNMENT FOR MANDATORY VACCINATIONS

Before the Board for consideration was Resolution R-28-21 opposing an emergency temporary standard requiring all employers with 100 or more employees to require full vaccination or submission to weekly COVID-19 testing. This mandate had been issued by the federal Occupational Safety and Health Administration and would be effective January 4, 2022. Assistant County Administrator Justin Stauder reported New Kent would fall under this criteria and as such, all employees would be required to be fully vaccinated or submit to weekly testing. A number of lawsuits had been filed in this regard and it remained uncertain if the January 4, 2022 timeline would remain in place. The Resolution opposing this mandate had been prepared by County Administrator Rodney Hathaway and County Attorney Brendan Hefty and if approved, would be forwarded to the federal government and state government. Mr. Stauder entertained questions.

On behalf of the Board, Mr. Evelyn noted this Resolution was in no way an indication that the Board was "anti-vaccination" but they were "anti-mandate." They wished to make a statement and felt each individual should be able to choose whether or not to be vaccinated. There would continue to be changes regarding this and they would stay on top of any new developments. He asked if someone would read the contents of the Resolution for the public to hear. Mr. Stiers read the following:

"Whereas, the federal Occupational Safety and Health Administration (OSHA) issued an emergency temporary standard requiring all employers with 100 or more employees to require their employees to be fully vaccinated by January 4, 2022 or to submit to weekly COVID-19 testing; and

Whereas, the County of New Kent has more than 100 employees and would be subject to this emergency temporary standard from OSHA; and

Whereas, the Board is the employer of County personnel and would be charged with enforcing the vaccination/testing mandate, and while it encourages its employees to get vaccinated, it also supports their choice on whether or not to be vaccinated and opposes the federal government mandating that they be fully vaccinated or weekly tested; and

Whereas, the Board is concerned that mandatory vaccinations of employees will cause employees to quit rather than be vaccinated and New Kent County cannot afford to lose a significant number of employees, especially law enforcement officers as a result of a mandate.

Now, therefore be it resolved that the Board of Supervisors for the County of New Kent opposes a mandate from the federal government to require all employees to be fully vaccinated or be subject to weekly testing."

Mr. Stiers moved to adopt Resolution R-28-21 opposing the mandate from the Federal Government for mandatory vaccinations. 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. Lockwood stated he felt they should forward this resolution to other Virginia Counties urging them to join with New Kent in a similar resolution. Mr. Evelyn agreed. Mr. Stiers asked when the VACo (Virginia Association of Counties) Conference would be held. Mr. Evelyn noted that conference would be the following weekend. Mr. Stiers suggested VACo should get behind this and noted they were representing Counties in Virginia. Mr. Evelyn agreed and noted VML (Virginia Municipal League) should also be involved. Mr. Stiers also read a news headline from the previous Saturday reporting the "U.S. Federal Appeals Court Issues a Stay Temporarily Halting Democratic President Joe Biden's Vaccine Mandate." He read excerpts from the article one of which suggested this was a "vast overstep of authority by the federal government" and stated he was in total agreement.

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IN RE: OTHER BUSINESS – UTILITY EASEMENT FOR JOURNEY CHRISTIAN  
FELLOWSHIP

Mr. Stiers reported he had been contacted by Journey Christian Fellowship's Project Manager Randy Caldwell about a utility easement on County property adjacent to Journey's property on Route 249. He asked if County Administrator Rodney Hathaway or Public Utilities Director Larry Dame would like to address this request. Mr. Hathaway reported he had also received an email from Mr. Caldwell in which he provided information on an alternative plan to avoid some wetlands disturbances on their property which would involve the County granting Journey Christian Fellowship an easement across County property. This proposed easement would be on the southern end of the school site and would allow for the installation of a 1.5 inch line across the property. He had spoken with Environmental Director Josh Airaghi and Mr. Airaghi had indicated he believed this was doable but documentation indicating they would be boring under the wetlands and that no wetlands would be disturbed would be needed. There had been no conversation with the schools but the information had been forwarded to Mr. Dame and School Maintenance Director Tim Pollock. Journey Christian Fellowship would need to have an easement plat and agreement prepared for approval and signature by the County followed by recording in the Circuit Court Clerk's Office. Documents had not been prepared but he noted if the Board was comfortable granting him authority to execute the easement, they could move forward with a motion at this meeting or they could wait until a plat and easement agreement were in hand and take action at their first available meeting.

Ms. Paige asked why the documents were not prepared if Journey was requesting this. Mr. Hathaway noted this was a new concept Journey had just decided to pursue and he believed they were in the process of having documents prepared. Mr. Evelyn asked if the County had been granted an easement previously requested from Journey. Mr. Hathaway reported they had not been given that easement (for an acceleration lane on Quaker Road) and that should be a part of the conversation. The County had provided documents to be signed but Journey had not done so. Several Board members agreed the easement requested by the

County should be a part of the discussion. Mr. Evelyn stated he would prefer to wait for documents to be prepared. Mr. Hathaway turned the floor over to Mr. Dame.

Mr. Dame reported Public Utilities had one concern and that was that the pump station had been designed for the school and Journey's request would add an additional pump station to the force main. It would be necessary for an engineer to sign off indicating the pump station from Journey would not interfere with the Quinton Elementary pump station and Public Utilities would have to be sure it would work before they could sign off. Mr. Hathaway also noted all of this was a part of the site plan process and if the Board wanted Journey to have an approved site plan in place prior to granting the easement, that could also be an option. Public Utilities would need to see the engineering which would be a part of the site plan. County Attorney Brendan Hefty suggested it may be necessary to hold a public hearing. Mr. Hathaway agreed. Mr. Hefty noted there was an exception for an easement when developing the County's own property but noted there appeared to be more to be determined about this request. He would look more into the public hearing requirement. The general consensus was to wait for more guidance.

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IN RE: APPOINTMENTS – DELEGATED BY DISTRICT

Ms. Paige moved to appoint Larry O. Christian as District Three representative to the Board of Road Viewers to serve a two-year term beginning January 1, 2021 and ending December 31, 2022. 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.

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IN RE: APPOINTMENTS – NOT DELEGATED BY DISTRICT

Mr. Lockwood moved to appoint Charles Karow as a member of the Comprehensive Plan Steering Committee.

Mr. Lockwood moved to appoint Victoria Carey 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 Mathew Starr as the Economic Development Authority representative to the Comprehensive Plan Steering Committee.

Mr. Evelyn moved to appoint Kenneth Eades as a member of 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 motions carried.

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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, December 13, 2021 and the next work session would be held at 9:00 a.m. on Wednesday, November 24, 2021, both in the Boardroom of the County Administration Building. On behalf of the Board, Mr. Evelyn wished all New Kent citizens a very Happy Thanksgiving.

Mr. Tiller 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 7:40 p.m.