

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 8th DAY OF AUGUST IN THE YEAR TWO THOUSAND ELEVEN OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

Chairman Evelyn called the meeting to order.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: ROLL CALL

Thomas W. Evelyn	Present
David M. Sparks	Present
James H. Burrell	Present
Stran L. Trout	Present
W. R. Davis, Jr.	Present

All members were present.

IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Approval of Minutes
 - a. July 20, 2011 business meeting
2. Miscellaneous
 - a. Resolution R-36-11 approving the FY12 Community Services Board Performance Contract
 - b. Request from the Department of Public Utilities that the County Administrator be authorized to execute a contract with Draper Aden Associates for engineering services
3. FY11 Refunds
 - a. \$57.75 to Rebecca Lambert for cancelled permit
 - b. \$66.00 to Wilton Construction for cancelled permit
4. FY12 Refunds
 - a. \$3,149.4 to Rite Aid Corporation for taxpayer error in calculation of business receipts
5. FY11 Supplemental Appropriations
 - a. Funds received for sale of surplus property and for reimbursement for Colonial Downs events, \$789.85
 - b. Funds for extra security detail, \$10,893.86
 - c. Additional Fire Program funds received for FY11, \$4,870.00

Total Supplemental Appropriation:
\$(16,553.71) Total

\$ 16,553.71 Money In / Money Out

6. FY12 Supplemental Appropriations
 - a. Funds received for gifts and donations, \$678.00
 - b. Funds received from insurance proceeds for various accidents, \$6,416.17
 - c. Program income received for FY11 from CDBG Plum Point grant, \$572.58
 - d. Funds received by Extension from outside sources for sponsorship of programs, \$11.00
 - e. Funds received from vending machine sales for Employee Christmas parties, \$165.72
 - f. Funds donated by Davenport for New Kent University, \$1,400.00

Total Supplemental Appropriation:
\$(7,843.47) Total
\$ 7,843.47 Money In / Money Out

7. FY12 Carry-Forward Appropriations
 - a. IT server replacement funds and computer funds, \$18,390.47
 - b. Parks & Rec scholarship program funds, \$8,197.86
 - c. Victim/Witness Assistance donated funds for operating supplies, \$264.57
 - d. Insurance funds to cover cost of vehicle repair completed in July, \$3,870.86
 - e. Maintenance service contract encumbered amount, \$3,994.00
 - f. Voting equipment funds, \$13,833.96

Total Carry Forward Appropriation:
\$ 48,551.72 Total
\$ (16,327.29) From Gen Fund fund balance
\$ (13,833.96) From Fund 7 fund balance
\$ (18,390.47) From Fund 800 fund balance

8. FY11 Interdepartmental Budget Transfers
 - a. *County Employee Bonuses*: \$44,997.7 to various salary line items
 - b. *Sheriff's Office*: \$10,514.00 to cover shortages in various budgets
9. Treasurer's Report: Cash as of June, 2011, \$35,258,781.59

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

David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

Chairman Evelyn opened the Citizens Comment Period.

Mark Daniel complained about this being his fourth trip to a Board meeting to speak about "a wrong being perpetrated on the citizens" by a Department of Public Utilities policy of withholding service for bills due from others. He spoke about his request for reimbursement having been pulled from previous agendas and conflicting information being conveyed to him. He cited several sections of the State Code which he indicated supported his position that the County's policy is not legal, and again asked that "something be done about it". He provided the County Attorney with the copies of the Code sections that he cited.

There being no one else signed up to speak, the Citizens Comment Period was closed.

IN RE: EXCELLENCE IN FINANCIAL REPORTING AWARD

Clarence C. Daniel, Henrico County Accounting Division Director and Past President of the Government Financial Officers Association (GFOA) presented a Certificate of Achievement for Excellence in Financial Reporting to New Kent County. He indicated that this was New Kent's seventh consecutive award, which reflected the County's commitment to the highest standard of accounting and reporting, as well as the expertise, professionalism and hard work of staff. Financial Services Director Mary Altemus accepted the award on behalf of the County, remarking that it was made possible by the hard work of her staff and other County departments. She introduced Assistant Financial Services Director Larry Clark and identified her other staff as Nichole Jonckheere, Margaret Jefferson, Andrea Finn and Maggie Harrell.

The Board congratulated staff on the award.

IN RE: JOAMARK REQUEST FOR REIMBURSEMENT

Before the Board for consideration was a previous request made by Joamark, Inc., through managing member Mark Daniel at the Board's work session on June 29, 2011, for a refund of \$269.20 paid to restore water service at 5920 Brickshire Drive.

County Attorney Michele Gowdy reported that the information received from Mr. Daniel during Citizen Comment Period was the same that had been included in her previous memorandum to the Board. She advised that County ordinance provided that water and sewer service could be discontinued at a location for non-payment at that location, a provision that was upheld by State Code. She indicated that a new provision had been added to the ordinance that a property owner could request notification from the County when a tenant had an unpaid bill, but prior to that addition, there was nothing in the County's Code to require notification.

Mr. Davis commented that the Board members had been "back and forth" on this request. He indicated that while he understood Mr. Daniel's position, he also understood that Mr. Daniel owned the property and had a certain responsibility. He added that to approve the request would unjustly shift the burden on to those who timely paid their accounts. He then moved to deny the request for a refund made by Joamark, Inc. to restore water service at 5920 Brickshire Drive, Providence Forge, Virginia. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye
Thomas W. Evelyn	Aye

The motion carried.

The Chairman apologized to Mr. Daniel for his having to attend so many Board meetings on this issue and offered to talk to him individually if he would call him.

IN RE: HISTORIC SCHOOL RENOVATION PROJECT

The Board continued discussions regarding the renovation of the Historic School and South Building.

County Administrator Cabell Lawton explained that the Board had been provided with three possible motions to consider – one to select the Public Private Education Act (PPEA) process to perform the renovations work, one to move forward with the project (after defining the scope), and the last one to schedule a public hearing on the PPEA proposals for the September 12 meeting. He indicated that the Board could not move forward with a comprehensive agreement with any of the bidders until 30 days after the public hearing.

It was clarified that approval of the first motion did not obligate any funding.

Mr. Trout moved to find that renovation of the Historic School and the South Building under the PPEA process is likely to be fiscally advantageous because of the probable scope, complexity or urgency of the project, or risk sharing, added value or an increase in funding or economic benefit from the project, and will result in timely delivery. The members were polled:

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Thomas W. Evelyn	Aye

The motion carried.

There was discussion whether defining the scope of the project and voting to move forward with the renovations should be deferred until after the public hearing proposed for September 12.

General Services Director Jim Tacosa explained that the requests for proposals and the bids that were received included renovations of both floors of the 1930s school, the front portion of the South Building, and the courtyard, and that the work could be done in phases if that was what the Board wanted to do.

Mr. Sparks advised that he was not comfortable with making a decision on the scope of the project or voting to move forward until after the public hearing. He spoke about continuing problems with the economy. He commented that although he knew the project needed to be done, the Board was talking about "spending a lot of money in very difficult times" and he wanted to hear from the public first.

There was discussion regarding the language for the notice of public hearing and it was confirmed that the Board could make a decision the night of the hearing that could include phasing the project.

Mr. Sparks moved that the Board hold a public hearing on the proposals received at its meeting on September 12, 2011.

Mr. Trout commented that he did not agree with holding the public hearing before defining the scope of the project.

The members were polled on Mr. Sparks' motion:

W. R. Davis, Jr.	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Nay
Thomas W. Evelyn	Aye

The motion carried.

Mr. Trout maintained that the Board could not make a decision before it defined the scope of the project, adding that the Board had heard from the public for the past two years.

Mr. Evelyn indicated that he also wanted to hear from the public first.

There was more discussion regarding the Board's ability to vote on the night of the public hearing. Ms. Gowdy clarified that the Board could authorize staff to draft an agreement but would have to wait 30 days after the public hearing before it could be entered into. She explained that the PPEA process required a public hearing, which could be held any time after the proposals were received, but it was vague as to exactly what the public hearing needed to be about.

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Trout spoke about recent meetings dealing with Jeb Stuart's ride through New Kent, the upcoming Civil War anniversary, and the John Smith Chickahominy Water Trails project, all of which could bring tourism dollars to the County. He also announced details of the upcoming County Fair.

Mr. Burrell cautioned residents to protect their health in the current heat wave and to protect their safety by wearing their seat belts.

Mr. Sparks welcomed a new restaurant to the Quinton area and wished them success.

IN RE: STAFF REPORTS

Mr. Lawton indicated that air conditioning work in the Boardroom might necessitate holding the Board's October work session in the Historic Courthouse old courtroom.

Mr. Burrell asked about reconfiguration of the dais. Mr. Lawton advised that staff had developed some drawings but a budget had not yet been established for the project.

IN RE: APPOINTMENTS

There were none.

The Board took a short recess and resumed its meeting at 7 p.m. for public hearings.

IN RE: BOYLE REALTY INVESTMENTS ADDITION TO THE CATTAIL SWAMP
AGRICULTURAL AND FORESTAL DISTRICT

Before the Board for consideration was Resolution R-22-11 approving application AFD-01-11 filed by Boyle Realty Investments to add 202 acres to the Cattail Swamp Agricultural and Forestal District (AFD).

Environmental Planning Manager Amy Walker explained that the applicant's request to add tax map parcels 8-1, approximately 190 acres, and 1-9, approximately 12 acres, to the Cattail Swamp AFD appeared to comply with the requirements of the state and local codes regulating AFDs. She reported that staff found that adding the subject property into the AFD program would conserve and protect commercially-viable forestal lands, and had therefore offered a favorable recommendation. She indicated that acceptance of the application would be consistent with the AFD requirements as outlined in State Code Sections 15.2 4300-4314 and the County Code *Chapter 62. Special Districts, Article II Agricultural and Forestal Districts*. She reported that the AFD Advisory Committee had considered the application on June 14, 2011, and voted 7:0:1 to forward a favorable recommendation and the Planning Commission had considered it on July 18, 2011 and voted 10:0:1 to forward the request with a favorable recommendation. She noted that the parcels listed were predominately forested with a total of 196 acres currently managed for timber, 11 in agriculture, and 44 in wetlands; the parcels were being actively managed for timber and agriculture; forestry was the predominant land use in the area; and there were large timber tracts in the general vicinity. She advised that the parcels were zoned *A1 Agriculture* and had a future land use designation of *Rural Lands*. She indicated that by placing the property into the AFD program, it could not be developed into a more intense use and would promote consistency with the intent of the future land use designation. She pointed out that there was a requirement in the proposed resolution that the applicant work with the Virginia Forestry Department (DOF) to develop a forestry stewardship plan within one year from the date of approval, or provide the Environmental Division Office with an equivalent plan for the forestal parcels.

The Chairman opened the Public Hearing. There being no one signed up to speak, the Public Hearing was closed.

Mr. Davis asked how the County would be following up on the requirement for a forestry stewardship plan. Ms. Walker explained that the DOF routinely provided the County with copies of the plans as they were developed and that each application had its own file that would be monitored for compliance.

Mr. Sparks moved to approve Resolution Number R-22-11 to accept the addition of tax map parcels 8-1 GPIN#006-0453-4802 and tax map parcel 1-9 GPIN#P05-3953-1417, consisting of approximately 202 total acres to the Cattail Swamp AFD. The members were polled:

David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: EVELYN ADDITION TO THE PAMUNKEY RIVER AFD

Before the Board for consideration was Resolution R-23-11 approving application AFD-02-11 filed by C. H. Evelyn, Jr. and Padgette S. Evelyn to add 29.37 acres to the Pamunkey River AFD.

Chairman Evelyn relinquished control of the meeting to Vice Chairman Trout and removed himself from discussion and vote for this item and the next because of a family relationship with the applicants.

Ms. Walker explained that the applicant's request to add tax map parcels 11-11F approximately 3.04 acres, 11-11H approximately 15.84 acres, 11-11L approximately 5.75 acres, and 11-11M approximately 4.74 acres to the Pamunkey River AFD appeared to comply with the requirements of the state and local codes regulating AFDs. She reported that staff found that adding the subject property into the AFD program would conserve and protect commercially-viable forestal lands, and had therefore offered a favorable recommendation. She indicated that acceptance of the application would be consistent with the AFD requirements as outlined in State Code Sections 15.2 4300-4314 and the County Code *Chapter 62 Special Districts, Article II Agricultural and Forestal Districts*. She reported that the AFD Advisory Committee had considered the application on June 14, 2011, and voted 7:0:1 to forward a favorable recommendation and the Planning Commission had considered it on July 18, 2011 and voted 10:0:1 to forward the request with a favorable recommendation. She noted that the parcels listed consisted of 19 acres of timber and 9 acres of agriculture; that forestry was the predominant land use in the area; and there were large timber tracts in the general vicinity. She reported that the agricultural acreage was historically in active agriculture and according to a letter enclosed with the application, would be actively farmed again. She indicated that the property had been in an estate which was recently settled. She advised that the parcels were zoned *A1 Agriculture* and had a future land use designation of *Rural Lands*. She indicated that by placing the property into the AFD program, it could not be developed into a more intense use and would promote consistency with the intent of the future land use designation. She pointed out that there was a requirement in the proposed resolution that the applicant work with the DOF to develop a forestry stewardship plan within one year from the date of approval, or provide the Environmental Division Office with an equivalent plan for the forestal parcels.

The Vice Chairman opened the Public Hearing. There being no one signed up to speak, the Public Hearing was closed.

Mr. Burrell moved to approve Resolution Number R-23-11 to accept the addition of tax map parcels 11-11F, 11-11H, 11-11L, and 11-11M, GPIN #s N13-1502-4227, N13-0999-1325, N13-0821-0846, and N13-1694-1544, consisting of approximately 29.37 total acres to the Pamunkey River AFD. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye
Thomas W. Evelyn	Abstain

The motion carried.

IN RE: WOODALL ADDITION TO THE PAMUNKEY RIVER AFD

Before the Board for consideration was Resolution R-24-11 approving application AFD-03-11 filed by James and Charlotte Woodall to add 50.3 acres to the Pamunkey River AFD.

Ms. Walker explained that the applicant's request to add tax map parcels 11-14 approximately 49.4 acres, and 11-1E approximately 0.9 acres to the Pamunkey River AFD appeared to comply with the requirements of the state and local codes regulating AFDs. She reported that staff found that adding the subject property into the AFD program would conserve and protect commercially-viable forestal lands, and had therefore offered a favorable recommendation. She indicated that acceptance of the application would be consistent with the AFD requirements as outlined in State Code Sections 15.2 4300-4314 and the County Code *Chapter 62 Special Districts, Article II Agricultural and Forestal Districts*. She reported that the AFD Advisory Committee had considered the application on June 14, 2011, and voted 7:0:1 to forward a favorable recommendation and the Planning Commission had considered it on July 18, 2011 and voted 10:0:1 to forward the request with a favorable recommendation. She noted that the parcels listed consisted of 41 acres of timber and a total of 14 acres of agriculture; forestry was the predominant land use in the area; and there were other large timber tracts in the general vicinity. She advised that the parcels were zoned *A1 Agriculture* and had a future land use designation of *Rural Lands*. She indicated that by placing the property into the AFD program, it could not be developed into a more intense use and would promote consistency with the intent of the future land use designation. She pointed out that there was a requirement in the proposed resolution that the applicant work with the DOF to develop a forestry stewardship plan within one year from the date of approval, or provide the Environmental Division Office with an equivalent plan for the forestal parcels.

The Vice Chairman opened the Public Hearing. There being no one signed up to speak, the Public Hearing was closed.

Mr. Sparks moved to approve Resolution Number R-24-11 to accept the addition of tax map parcels 11-14 and 11-1E, GPIN #s M14-0279-2404 and M13-4105-2362, totaling approximately 50.3 acres to the Pamunkey River AFD. The members were polled:

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Thomas W. Evelyn	Abstain

The motion carried.

Chairman Evelyn rejoined the Board and resumed control of the meeting.

IN RE: DIASCUND REACH FARMS LLC ADDITION TO THE DIASCUND CREEK AFD

Before the Board for consideration was Resolution R-25-11 approving application AFD-04-11 filed by Diascund Reach Farms LLC to add 66.22 acres to the Diascund Creek AFD.

Ms. Walker explained that the applicant's request to add tax map parcels 35-7 approximately 25.08 acres, 35-10A approximately 7.61 acres, 35-10B approximately 10.69 acres, and 35-10C approximately 22.84 acres, to the Diascund Creek AFD appeared to

comply with the requirements of the state and local codes regulating AFDs. She reported that staff found that adding the subject property into the AFD program would conserve and protect commercially-viable forestal lands, and had therefore offered a favorable recommendation. She indicated that acceptance of the application would be consistent with the AFD requirements as outlined in State Code Sections 15.2 4300-4314 and the County Code *Chapter 62 Special Districts, Article II Agricultural and Forestal Districts*. She reported that the AFD Advisory Committee had considered the application on June 14, 2011, and voted 7:0:1 to forward a favorable recommendation and the Planning Commission had considered it on July 18, 2011 and voted 10:0:1 to forward the request with a favorable recommendation. She noted that parcel 10A had 5 acres of agricultural, 10B had 7 acres of agricultural, 10C had 7 acres of agricultural, and parcel 35-7 had 20 acres of timber. She advised that the acreage totals for agriculture and forestal uses on the parcels as reported by the Extension Office and the DOF did not necessarily reflect the values provided on the Commissioner of Revenue's Assessment Value Summary report for the land assessments; however, based on the reports provided and the available GIS information, the request appeared to comply with the requirements of the State and County codes regulating AFDs. She indicated that the lots were created after the 1983 cut-off and must stand alone to meet the minimum acreages. She advised that parcels 35-10-A, -B, -C appeared to meet the 5-acre minimum requirements for agriculture and parcel 35-7 met the 20-acre minimum required for forestal tracts. She pointed out that there was a requirement in the proposed resolution that the applicant work with the DOF to develop a forestry stewardship plan within one year from the date of approval, or provide the Environmental Division Office with an equivalent plan for the forestal parcels.

The Chairman opened the Public Hearing. There being no one signed up to speak, the Public Hearing was closed.

Mr. Davis asked if the Commissioner of Revenue could fully tax one of these parcels because it did not have enough forestal land. Ms. Walker explained that would be up to the Commissioner to make that determination.

Mr. Trout moved to approve Resolution Number R-25-11 to accept the addition of tax map parcels 35-7, 35-10A, 35-10B, and 35-10C, GPIN #s H22-1020-2605, H22-1339-3686, H22-1074-3257, and H22-0783-2084, totaling approximately 66.22 acres to the Diascund Creek AFD. The members were polled:

W. R. Davis, Jr.	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: BRYANT ADDITION TO THE SCHIMINOE CREEK AFD

Before the Board for consideration was Resolution R-26-11 approving application AFD-05-11 filed by Mary F. Bryant to add 178 acres to the Schiminoe Creek AFD.

Ms. Walker explained that the applicant's request to add tax map parcels 32-42 approximately 158 acres and 32-34 approximately 20 acres to the Schiminoe Creek AFD appeared to comply with the requirements of the state and local codes regulating AFDs. She reported that staff found that adding the subject property into the AFD program would

conserve and protect commercially-viable forestal lands, and had therefore offered a favorable recommendation. She indicated that acceptance of the application would be consistent with the AFD requirements as outlined in State Code Sections 15.2 4300-4314 and the County Code *Chapter 62 Special Districts, Article II Agricultural and Forestal Districts*. She reported that the AFD Advisory Committee had considered the application on June 14, 2011, and voted 7:0:1 to forward a favorable recommendation and the Planning Commission had considered it on July 18, 2011 and voted 10:0:1 to forward the request with a favorable recommendation. She noted that the parcels listed were completely forested with a total of 178 acres currently actively managed for timber; forestry was the predominant land use in the area; and there were other large timber tracts in the general vicinity. She advised that the parcels were zoned *A1 Agriculture* and had a future land use designation of *Rural Lands*. She indicated that by placing the property into the AFD program, it could not be developed into a more intense use and would promote consistency with the intent of the future land use designation. She pointed out that there was a requirement in the proposed resolution that the applicant work with the DOF to develop a forestry stewardship plan within one year from the date of approval, or provide the Environmental Division Office with an equivalent plan for the forestal parcels.

The Chairman opened the Public Hearing. There being no one signed up to speak, the Public Hearing was closed.

Mr. Sparks moved to approve Resolution Number R-26-11 to accept the addition of tax map parcels 32-42 and 32-34, GPIN #s H14-4032-3860 and H15-1301-2614, totaling approximately 178 acres to the Schiminoe Creek AFD. The members were polled:

David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: STRAYER ADDITION TO THE BIG SWAMP AFD

Before the Board for consideration was Resolution R-27-11 approving application AFD-06-11 filed by Chad Strayer to add 54.8 acres to the Big Swamp AFD.

Ms. Walker explained that the applicant's request to add tax map parcels 43-4G approximately 28.24 acres and 43-4F approximately 26.56 acres to the Big Swamp Creek AFD appeared to comply with the requirements of the state and local codes regulating AFDs. She reported that staff found that adding the subject property into the AFD program would conserve and protect commercially-viable forestal lands, and had therefore offered a favorable recommendation. She indicated that acceptance of the application would be consistent with the AFD requirements as outlined in State Code Sections 15.2 4300-4314 and the County Code *Chapter 62 Special Districts, Article II Agricultural and Forestal Districts*. She reported that the AFD Advisory Committee had considered the application on June 14, 2011, and voted 7:0:1 to forward a favorable recommendation and the Planning Commission had considered it on July 18, 2011 and voted 10:0:1 to forward the request with a favorable recommendation. She noted that the parcels listed were forested with a house site; there was a total of 52.8 acres currently in standing timber; forestry and agriculture were the predominant land use in the area, with a large subdivision in the general vicinity (Kentland/Brickshire). She advised that both parcels 43-4G and 43-4F

appeared to meet the 20-acre minimum required for forestal tracts, and that the lots were created after the 1983 cut-off and must stand alone to meet the minimum acreages. She advised that the parcels were zoned *A1 Agriculture* and had a future land use designation of *Rural Lands*. She indicated that by placing the property into the AFD program, it could not be developed into a more intense use and would promote consistency with the intent of the future land use designation. She pointed out that there was a requirement in the proposed resolution that the applicant work with the DOF to develop a forestry stewardship plan within one year from the date of approval, or provide the Environmental Division Office with an equivalent plan for the forestal parcels.

The Chairman opened the Public Hearing. There being no one signed up to speak, the Public Hearing was closed.

Mr. Davis moved to approve Resolution Number R-27-11 to accept the addition of tax map parcels 43-4G and 43-4F, GPIN #s F19-1593-0270 and F19-1730-1417, totaling approximately 54.8 acres to the Big Swamp AFD. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: STOLZ FAMILY TRACT ADDITION TO THE DIASCUND CREEK AFD

Before the Board for consideration was Resolution R-28-11 approving application AFD-07-11 filed by Stolz Family Tract LLC to add 1,302.96 acres to the Diascund Creek AFD.

Ms. Walker explained that the applicant's request to add approximately 1,302.96 acres to the current Diascund Creek AFD appeared to comply with the requirements of the state and local codes regulating AFDs. She reported that staff found that adding the subject property into the AFD program would conserve and protect commercially-viable forestal lands, and had therefore offered a favorable recommendation. She indicated that acceptance of the application would be consistent with the AFD requirements as outlined in State Code Sections 15.2 4300-4314 and the County Code *Chapter 62 Special Districts, Article II Agricultural and Forestal Districts*. She reported that the AFD Advisory Committee had considered the application on June 14, 2011, and voted 7:0:1 to forward a favorable recommendation and the Planning Commission had considered it on July 18, 2011 and voted 10:0:1 to forward the request with a favorable recommendation. She noted that the parcels listed were completely forested with a total of 1,183 acres currently actively managed for timber and 100 acres of wetlands; the tracts were one of the larger contiguous timber tracts managed for forestry in the County; forestry was the predominant land use in the area; and there were other large timber tracts in the general vicinity as well as a residential subdivision (Kentland/Brickshire). She advised that the parcels were zoned *A1 Agriculture* and had a future land use designation of *Rural Lands*. She indicated that by placing the property into the AFD program, it could not be developed into a more intense use and would promote consistency with the intent of the future land use designation. She pointed out that there was a requirement in the proposed resolution that the applicant work with the DOF to develop a forestry stewardship plan within one year from the date of approval, or provide the Environmental Division Office with an equivalent plan for the forestal parcels.

Mr. Davis remarked that he did not like putting large lot subdivisions into the AFD but acknowledged that the application met the guidelines, this was one of the largest contiguous timber tracts, and it was well managed.

The Chairman opened the Public Hearing. There being no one signed up to speak, the Public Hearing was closed.

Mr. Davis asked if a home site would be deducted on each site for taxation purposes, and if that deduction would bring any of the parcels below the minimum acreage requirement. Ms. Walker advised that again would be up to the Commissioner of Revenue.

Mr. Sparks moved to approve Resolution Number R-28-11 to accept the listed tax map numbers consisting of approximately 1302.96 acres to the current Diascund Creek AFD, tax map numbers 43-7-1, 43-7-10, 43-7-11, 43-7-12, 43-7-13, 43-7-14, 43-7-15, 43-7-16, 43-7-17, 43-7-18, 43-7-19, 43-7-2, 43-7-20, 43-7-21, 43-7-22, 43-7-23, 43-7-24, 43-7-25, 43-7-26, 43-7-27, 43-7-28, 43-7-29, 43-7-3, 43-7-30, 43-7-31, 43-7-32, 43-7-33, 43-7-34, 43-7-35, 43-7-36, 43-7-37, 43-7-38, 43-7-39, 43-7-4, 43-7-40, 43-7-41, 43-7-42, 43-7-43, 43-7-44, 43-7-45, 43-7-46, 43-7-47, 43-7-48, 43-7-49, 43-7-5, 43-7-6, 43-7-7, 43-7-8, 43-7-9. The members were polled:

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: WINGSPREAD PARTNERS INVESTMENTS ADDITION TO THE DIASCUND CREEK AFD

Before the Board for consideration was Resolution R-29-11 approving application AFD-08-11 filed by Wingspread Partners Investments LTD add 872.12 acres to the Diascund Creek AFD.

Ms. Walker explained that the applicant's request to add approximately 872.12 acres to the current Diascund Creek AFD appeared to comply with the requirements of the state and local codes regulating AFDs. She reported that staff found that adding the subject property into the AFD program would conserve and protect commercially-viable forestal lands, and had therefore offered a favorable recommendation. She indicated that acceptance of the application would be consistent with the AFD requirements as outlined in State Code Sections 15.2 4300-4314 and the County Code *Chapter 62 Special Districts, Article II Agricultural and Forestal Districts*. She reported that the AFD Advisory Committee had considered the application on June 14, 2011, and voted 7:0:1 to forward a favorable recommendation and the Planning Commission had considered it on July 18, 2011 and voted 10:0:1 to forward the request with a favorable recommendation. She noted that the parcels were completely forested with a total of 732 acres currently actively managed for timber and 133 acres of wetlands; the tracts were one of the larger contiguous timber tracts managed for forestry in the County; forestry was the predominant land use in the area; and there were other large timber tracts in the general vicinity as well as a residential subdivision (Kentland/Brickshire). She advised that the parcels were zoned *A1 Agriculture* and had a future land use designation of *Rural Lands*. She indicated that by placing the property into the AFD program, it could not be developed into a more intense use and would

promote consistency with the intent of the future land use designation. She pointed out that there was a requirement in the proposed resolution that the applicant work with the DOF to develop a forestry stewardship plan within one year from the date of approval, or provide the Environmental Division Office with an equivalent plan for the forestal parcels.

The Chairman opened the Public Hearing. There being no one signed up to speak, the Public Hearing was closed.

Mr. Trout moved to approve Resolution Number R-29-11 to accept the listed tax map numbers 35-18, 35-9-10, 35-9-11, 35-9-12, 35-9-13, 35-9-14, 35-9-15, 35-9-16, 35-9-17, 35-9-18, 35-9-, 9, 35-9-20, 35-9-21, 35-9-22, 35-9-23, 35-9-24, 35-9-25, 35-9-26, 35-9-27, 35-9-28, 35-9-29, 35-9-, 35-9-7, 35-9-8, 35-9-9, 43-6-16, 43-6-17, 43-6-18, 43-6-2, and 43-6-5, consisting of approximately 872.12 acres to the current Diascund Creek AFD. The members were polled:

W. R. Davis, Jr.	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: JOHNSON/FISCHER ADDITIONS TO THE YORK RIVER AND TIMBER SWAMP
AFDS

Before the Board for consideration was Resolution R-30-11 approving application AFD-09-11 filed by Betty Johnson and Lynne Fischer to add 78 acres to the York River AFD and 190 acres to the Timber Swamp AFD.

Ms. Walker explained that the applicant's request to add tax map parcels 47-1 approximately 78 acres to the York River AFD and to add tax map parcels 36-10 approximately 100 acres, 45-1 approximately 60 acres, and 45-2 approximately 30 acres to the Timber Swamp AFD appeared to comply with the requirements of the state and local codes regulating AFDs. She reported that staff found that adding the subject property into the AFD program would conserve and protect commercially-viable forestal lands, and had therefore offered a favorable recommendation. She indicated that acceptance of the application would be consistent with the AFD requirements as outlined in State Code Sections 15.2 4300-4314 and the County Code *Chapter 62 Special Districts, Article II Agricultural and Forestal Districts*. She reported that the AFD Advisory Committee had considered the application on June 14, 2011, and voted 7:0:1 to forward a favorable recommendation and the Planning Commission had considered it on July 18, 2011 and voted 10:0:1 to forward the request with a favorable recommendation. She noted that the parcels listed were completely forested with a total of 236 acres currently in timber with 32 acres in wetlands; that forestry and agriculture were the predominant land uses in the area; and that the parcels were zoned *A1 Agriculture*. She indicated that parcel 47-1 had a future land use designation of *Suburban Housing Detached*, and parcels 36-10, 45-1 and 45-2 had a future land use designation of *Rural Lands*, and by placing parcel 47-1 into the AFD program, the property could not be developed into a more intense use and would retain its rural character, and placing the remainder of the parcels into the AFD program, that property could not be developed into a more intense use and would promote consistency with the intent of the *Rural Lands* future land use designation. She pointed out that there was a requirement in the proposed resolution that the applicant work with the DOF to

develop a forestry stewardship plan within one year from the date of approval, or provide the Environmental Division Office with an equivalent plan for the forestal parcels.

The Chairman opened the Public Hearing. There being no one signed up to speak, the Public Hearing was closed.

Mr. Sparks moved to approve Resolution Number R-30-11 to accept the addition of tax map parcel 47-1, GPIN #(s) F31-1719-1606, containing approximately 78 acres to the York River AFD and tax map parcels 36-10, 45-1, 45-2, GPIN #s F25-0349-4588, (45-1 and 45-2 do not currently have a gpin), totaling approximately 190 acres to the Timber Swamp AFD. The members were polled:

David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: MILLS ADDITION TO THE YORK RIVER AFD

Before the Board for consideration was Resolution R-28-11 approving application AFD-10-11 filed by Robert and Elizabeth Mills to add 22.3 acres to the York River AFD.

Mr. Davis removed himself from discussion and vote because he farmed the property.

Ms. Walker explained that the applicant's request to add tax map parcel 38-31 consisting of approximately 22.3 acres to the York River AFD appeared to comply with the requirements of the state and local codes regulating AFDs. She reported that staff found that adding the subject property into the AFD program would conserve and protect commercially-viable forestal lands, and had therefore offered a favorable recommendation. She indicated that acceptance of the application would be consistent with the AFD requirements as outlined in State Code Sections 15.2 4300-4314 and the County Code *Chapter 62 Special Districts, Article II Agricultural and Forestal Districts*. She reported that the AFD Advisory Committee had considered the application on June 14, 2011, and voted 7:0:1 to forward a favorable recommendation and the Planning Commission had considered it on July 18, 2011 and voted 10:0:1 to forward the request with a favorable recommendation. She noted that the parcels listed consisted of 15 acres of timber and a total of 5.4 acres of agriculture; that forestry and agriculture were the predominant land uses in the area; and that the parcel was currently in active agriculture and partially forested. She advised that the parcel was zoned *A1 Agriculture* and had a future land use designation of *Rural Lands*. She indicated that by placing the property into the AFD program, it could not be developed into a more intense use and would promote consistency with the intent of the future land use designation. She pointed out that there was a requirement in the proposed resolution that the applicant work with the DOF to develop a forestry stewardship plan within one year from the date of approval, or provide the Environmental Division Office with an equivalent plan for the forestal parcels.

The Chairman opened the Public Hearing. There being no one signed up to speak, the Public Hearing was closed.

Ms. Walker reported that the applicant also owned forestal land on an adjacent property.

Mr. Burrell moved to approve Resolution Number R-31-11 to accept the addition of tax map parcel 38-31, GPIN # I31-3228-1007, containing approximately 22.3 acres, to the York River AFD. The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Abstain
David M. Sparks	Aye
Thomas W. Evelyn	Aye

The motion carried. Mr. Davis rejoined the Board.

IN RE: AGRICULTURAL AND FORESTAL DISTRICTS AND RENEWAL SCHEDULE

Before the Board for consideration was Resolution R-32-11 (application AFD-11-11) approving the proposed District renewal schedule and the Agricultural and Forestal Districts as set forth in the schedule.

Ms. Walker explained that in order to complete the overhaul process, the districts were realigned and/or consolidated and new renewal dates set for each district. She advised that the request appeared to comply with the requirements of the state and local codes regulating AFDs, and that staff found that adding the subject property into the AFD program would conserve and protect commercially-viable forestal lands and had offered a favorable recommendation for application AFD-11-11. She indicated that acceptance of the application would be consistent with the AFD requirements as outlined in State Code Sections 15.2 4300-4314 and the County Code *Chapter 62 Special Districts, Article II Agricultural and Forestal Districts*. She reported that the AFD Advisory Committee had considered the application on June 14, 2011, and voted 7:0:1 to forward a favorable recommendation and the Planning Commission had considered it on July 18, 2011 and voted 10:0:1 to forward the request with a favorable recommendation.

She reported that staff had tried to keep the renewal dates as close as possible to the original renewal dates. She indicated that there were several parcels that were not renewing: tax map parcel 10-48C of the Black Creek AFD; tax map parcel 31-31 of the Schiminoe Creek AFD; and tax map parcels 22-62, 23-2, 22-63 of the Pelham Swamp AFD. She advised that despite staff's best efforts and multiple mailings, there was no replay from the owner of tax map parcel 11-11A and therefore it would not be renewing with the Pamunkey River AFD.

Mr. Davis remarked that the AFD Advisory Committee had worked hard, along with Ms. Walker, to realign and consolidate the districts so that they would be more manageable and less work for staff.

Mr. Sparks commented that the new districts "made sense".

Ms. Walker reported that a 2010 deferred AFD land value of \$72,348,650 and a total AFD tax deferred value of \$506,440.55.

The Chairman opened the Public Hearing. There being no one signed up to speak, the Public Hearing was closed.

Mr. Sparks moved to approve Resolution Number R-32-11 to approve the proposed District renewal schedule and renew the Agricultural and Forestal Districts as follows (the renewal date would be August 31 of the year stated): Pamunkey River 2014; Big Swamp 2014; Putney Creek 2015; Higgins Swamp 2015; Pelham Swamp 2015; Allens Run 2016; Cooks Mill 2016; Schiminoe Creek 2017; Crumps Swamp 2017; Black Creek 2017; Mill Creek 2018; Upper Chickahominy 2018; Lower Chickahominy 2018; Wahrani Swamp 2019; Cattail Swamp 2019; Timber Swamp 2019; Holts Creek 2019; Diascund Creek 2020; and York River 2020. The members were polled:

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: RODGERS ADDITION TO THE PUTNEY CREEK AFD

Before the Board for consideration was Resolution R-33-11 approving application AFD-12-11 filed by Janet Rogers to add 30 acres to the Putney Creek AFD.

Ms. Walker explained that the applicant's request to add tax map 2-46B approximately 30 acres to the Putney Creek AFD appeared to comply with the requirements of the state and local codes regulating AFDs. She reported that staff found that adding the subject property into the AFD program would conserve and protect commercially-viable forestal lands, and had therefore offered a favorable recommendation. She indicated that acceptance of the application would be consistent with the AFD requirements as outlined in State Code Sections 15.2 4300-4314 and the County Code *Chapter 62 Special Districts, Article II Agricultural and Forestal Districts*. She reported that the AFD Advisory Committee had considered the application on June 14, 2011, and voted 7:0:1 to forward a favorable recommendation and the Planning Commission had considered it on July 18, 2011 and voted 10:0:1 to forward the request with a favorable recommendation. She noted that the parcel was completely forested with a total of 30 acres currently managed for timber; that the parcel was actively managed for timber and had been recently harvested; forestry and agriculture were the predominant land uses in the area; and there were other large timber tracts in the general vicinity. She advised that the parcel was zoned *A1 Agriculture* and had a future land use designation of *Rural Lands*. She indicated that by placing the property into the AFD program, it could not be developed into a more intense use and would promote consistency with the intent of the future land use designation. She pointed out that there was a requirement in the proposed resolution that the applicant work with the DOF to develop a forestry stewardship plan within one year from the date of approval, or provide the Environmental Division Office with an equivalent plan for the forestal parcels.

The Chairman opened the Public Hearing. There being no one signed up to speak, the Public Hearing was closed.

Mr. Trout moved to approve Resolution Number R-33-11 to accept the addition of tax map parcel 2-46B, GPIN # P07-3234-1463, containing approximately 30 acres, to the Putney Creek AFD. The members were polled:

W. R. Davis, Jr.	Aye
David M. Sparks	Aye

James H. Burrell	Aye
Stran L. Trout	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: BAILEY ADDITIONS TO THE BIG SWAMP AND SCHIMINOE CREEK AFDS

Before the Board for consideration was Resolution R-34-11 approving application AFD-13-11 filed by Inez Bailey to add 35.04 acres to the Big Swamp AFD and 36 acres to the Schiminoe Creek AFD.

Ms. Walker explained that the applicant's request to add tax map parcel 47-1 approximately 78 acres to the York River AFD and to add tax map parcels 36-10 approximately 100 acres, 45-1 approximately 60 acres, and 45-2 approximately 30 acres to the Timber Swamp AFD appeared to comply with the requirements of the state and local codes regulating AFDs. She reported that staff found that adding the subject property into the AFD program would conserve and protect commercially-viable forestal lands, and had therefore offered a favorable recommendation. She indicated that acceptance of the application would be consistent with the AFD requirements as outlined in State Code Sections 15.2 4300-4314 and the County Code *Chapter 62 Special Districts, Article II Agricultural and Forestal Districts*. She reported that the AFD Advisory Committee had considered the application on June 14, 2011, and voted 7:0:1 to forward a favorable recommendation and the Planning Commission had considered it on July 18, 2011 and voted 10:0:1 to forward the request with a favorable recommendation. She noted that the parcels listed were forested with a total of 53 acres currently in timber and 18 acres in wetlands, and that forestry and agriculture were the predominant land uses in the area. She indicated that the parcels were zoned *A1 Agriculture* and were designated as *Suburban Housing Detached* in the Comprehensive Plan. She advised that by placing this property into the AFD program, the property could not be developed into a more intense use and would retain its rural character, and that staff found that adding the subject property into the AFD program would conserve and protect commercially-viable forestal lands. She pointed out that there was a requirement in the proposed resolution that the applicant work with the DOF to develop a forestry stewardship plan within one year from the date of approval, or provide the Environmental Division Office with an equivalent plan for the forestal parcels.

The Chairman opened the Public Hearing. There being no one signed up to speak, the Public Hearing was closed.

Mr. Burrell moved to approve Resolution Number R-34-11 to accept the addition of tax map parcel 41A2-2-1, GPIN # F16-4020-0169, containing approximately 35.04 acres to the Big Swamp AFD and tax map parcel 32-24, GPIN # H15-3117-0051, containing approximately 36 acres to the Schiminoe Creek AFD. The members were polled:

David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried.

Mr. Evelyn commended Ms. Walker and her staff for their effort and reported that he had received "good comments from citizens" on the process. The other Board members joined in expressing their appreciation. Ms. Walker thanked all of the AFD applicants for their attendance at the various meetings required in the process.

IN RE: LAND BAY I, FARMS OF NEW KENT PLANNED UNIT DEVELOPMENT –
ORDINANCE OF VACATION

Before the Board for consideration was Ordinance O-11-11 approving the vacation of a plat previously filed in the New Kent County Circuit Court consolidating lots in the Farms of New Kent Planned Unit Development, Land Bay I.

County Attorney Michele Gowdy explained that a previous plat consolidating more than 40 lots in the Farms of New Kent PUD had not "gone through the statutory process" and the Board was being requested to put the lots back to the way they were prior to the consolidation plat being filed. She indicated that Pete Johns was present, on behalf of the property owners, who were in agreement with the proposed ordinance of vacation.

The Chairman opened the Public Hearing. There being no one signed up to speak, the Public Hearing was closed.

Mr. Davis moved to adopt Ordinance O-11-11 entitled "An Ordinance of Vacation". The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: MEETING SCHEDULE

The Chairman announced that the next meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, September 12, 2011, in the Boardroom of the County Administration Building, New Kent, Virginia, and that the Board would hold a Special Meeting on Wednesday, August 17, 2011, at 3 p.m. to discuss the Comprehensive Plan.

IN RE: CONTINUATION OF MEETING

Mr. Burrell moved to continue the meeting until August 17, 2011 at 3 p.m. The members were polled:

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Thomas W. Evelyn	Aye

The motion carried.

The meeting was suspended at 7:57 p.m.