



NEW KENT COUNTY
 AGRICULTURAL & FORESTAL DISTRICT (AFD)
 ADVISORY COMMITTEE MEETING MINUTES
 JULY 18, 2019, AT 6:00 PM IN THE
 COUNTY ADMINISTRATION BLDG., BOARDROOM
APPROVED MINUTES

THE REGULAR MEETING OF THE NEW KENT COUNTY AGRICULTURAL AND FORESTAL DISTRICT ADVISORY COMMITTEE WAS HELD ON THE 18TH DAY OF JULY IN THE YEAR TWO THOUSAND NINETEEN OF OUR LORD, IN THE COUNTY ADMINISTRATION BUILDING BOARDROOM AT 6:00 PM.

IN RE: 7.1.1 CALL TO ORDER

The Chairman called the meeting to order at 6:00 pm

IN RE: 7.1.2 INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Talley gave the Invocation and the Chairman lead the Committee in the Pledge of Allegiance.

IN RE: 7.1.3 ROLL CALL

Attendance:

Mr. Tate	Present
Mr. Marks	Present
Mr. Wayne Davis	Present
Mr. Talley	Present
Mr. Randolph	Absent
Mr. Garthwright	Absent
Ms. McLaughlin	Present
Mr. Ray Davis	Absent
Mr. Mountcastle	Absent
Mr. Moss	Present

Also Attending: Mr. Joseph C. Davis, Applicant
 Ms. Sheri L. Adams, AFD Advisory Committee Secretary

IN RE: 7.1.4 DETERMINATION OF A QUORUM

The Chairman established a quorum.

IN RE: 7.1.5 APPROVAL OF MINUTES

A. MAY 16, 2019 MINUTES

The Chairman asked if there were any questions, corrections or a motion to accept the minutes.

A motion was made by Mr. Wayne Davis and seconded by Mr. Talley to approve the minutes of the May 16, 2019 meeting as presented.

The Chairman asked for the roll call vote and the secretary polled the members:

Mr. Marks	Aye
Mr. Tate	Aye
Mr. Wayne Davis	Aye
Mr. Talley	Aye
Ms. McLaughlin	Aye
Mr. Moss	Aye
Mr. Randolph	Absent
Mr. Garthwright	Absent
Mr. Ray Davis	Absent
Mr. Mountcastle	Absent

The motion to approved the May 16, 2019 minutes as presented carried with a 6:0:0 vote.

IN RE: 7.1.6 UNFINISHED BUSINESS

A. July 8, 2019 Board of Supervisor Results

Ms. Adams stated the Board of Supervisors approved the re-creation of the Cattail Swamp, Holts Creek, Timber Swamp and Wahrani Swamp Agricultural and Forestal Districts and noted the Criss Cross property, tax map 24-35A was removed from the Holts Creek District due to lack of agricultural product. She also noted tax map parcel 22-30, which the Harrisons were trying to add to the Pelham Swamp District was denied since the old Polo Field was not adequate to support agricultural production yet. She said they also allowed Mrs. Owens parcel, 37-66, to expire from the Wahrani Swamp District as requested. She explained the ordinances, O-05-19 through O-14-19, could be found on the New Kent County website under "Your Government, Board of Supervisors and Ordinances".

Mr. Wayne Davis asked if the Board actions were in agreement with the Advisory Committee recommendations and Ms. Adams stated they were.

Mr. Moss asked how the Planning Commissioners voted and Ms. Adams stated eight Planning Commissioners voted in favor of denial, one new Planning Commissioner voted not to deny and the Board member, Mr. Tiller, had to abstain regarding the Criss Cross parcel and the total vote was 8:0:1. She said the vote to deny the Harrison Polo Field was 9:0:1 and the vote to allow Ms. Owens to expire was also 9:0:1. She stated both the Planning Commission and the Board of Supervisors took the Advisory Committee recommendations very seriously.

In other unfinished business, Ms. Adams reported the AFD Subcommittee was still researching and reviewing information about the AFD Program and Ms. Townsend had provided recommended changes to the AFD Application form which the Planning Commission would review at their next meeting in August. She stated it suggested stronger language about the owners' responsibilities and included specific items required of them during the application process. She recommended the Advisory Committee members follow the Planning Commission and Board of Supervisor meetings regarding any AFD Program items and she would provide updates to the Advisory Committee if anything changed.

Mr. Moss asked if the September 3rd Board meeting was a daytime meeting and Ms. Adams stated it was at 6:00 PM in the evening.

Mr. Wayne Davis asked if he could submit ideas about the AFD Applications and Ms. Adams stated she would be happy to pass along any information they wanted to contribute to the AFD Subcommittee.

With no other unfinished business, the Chairman decided to hear application AFD-12-19 first since Mr. Joseph C. Davis was present. He opened the public meeting for application AFD-12-19, a withdrawal from the York River AFD by Joseph C. Davis and asked Ms. Adams for her staff report.

IN RE: 7.1.7 PUBLIC MEETINGS

A. APPLICATION AFD-12-19, A WITHDRAWAL FROM YORK RIVER AFD:

Ms. Adams stated Mr. Joe Davis submitted an application to withdraw 16.28 acres from the York River Agricultural and Forestal District as a result of selling a portion of the tax map parcel number 47-8 to the general public and outside of his immediate family members. She reported Mr. Joe Davis had submitted a Boundary Line Adjustment to the Planning Department which would be treated as a subdivision under current County Code Section 91-5 and would not be allowed under the current AFD Program code section 62-44. She provided the Committee a meeting packet showing details of the parcel along private road, Windy Knoll Road and at the address of 19801 Tabernacle Road along with the subdivision plat. She recommended approval of the withdrawal and gave the floor over to Mr. Joseph Davis to give his own comments.

Mr. Joseph Davis stated he lived at 4220 Windy Knoll Road which was part of the Boundary Line Adjustment and said the 19801 Tabernacle Road address was the house he actually grew up in. He explained the family history of Windy Knoll Farm and said it was his intension to sell to someone outside the family. He acknowledged his need to withdraw but did so reluctantly because there would be no change in the acreage of tilled crop and the boundary line would just be moved to around the house yard space. He stated if he withdrew this and re-applied to add the remaining parcel back in, the agricultural acreage would not change at all. He felt there should be a more practical solution to this scenario since he wasn't cut off part of a field to develop it. He acknowledged he was aware of the rollback taxes but felt this was no more than an address change. He wanted to suggest a policy change no matter what happened with his applications but he understood the current regulatory codes. He was only asking for practical solutions to practical problems and while he was against the withdrawal, he suggested some type of administrative change to this process. He presented the Committee with a written copy of his comments along with photos which outlined the proposed boundaries and they were made part of the record.

Ms. McLaughlin wanted to talk to Ms. Ecimovic because she felt Ms. Ecimovic thought a new lot was being created and Mr. Joseph Davis indicated there were two lots before and there would be two lots after and only the boundary line would be moved. Mr. Joseph Davis stated there would be no change in use now but hoped to keep the land and put future generations of his family members on the property.

The Chairman thanked Mr. Joseph Davis for his presentation and with no one from the public to give comments on the application he closed the public meeting and asked the Committee members if they had any further questions or concerns.

Mr. Talley stated he agreed with the applicant, a boundary line adjustment should not be considered a subdivision.

Mr. Marks stated if Mr. Joseph Davis sold it to an immediate family member, he would have been allowed to do so under the current AFD Program and Ms. Adams stated that was true.

Mr. Talley stated it was very costly to follow this withdrawal process since the applicant would have application fees, more real estate taxes, the administration would have advertising costs and the staff would have expenses preparing the meeting packets, and the like. He believed the statute was wrong.

Ms. McLaughlin said if the two pieces were both in the AFD it would be less of a problem but this was taking acreage from an AFD piece, which made it unqualified, and giving it to a non-AFD piece. She felt the bigger issue was that not both of these pieces were AFD. She said the piece they were taking acreage from, with the house, was going to become a two-acre piece and it would no longer qualify under AFD and the other piece they were putting the AFD acreage on has not an AFD piece.

Mr. Talley asked what the acreage was on the little triangle piece and Mr. Joseph Davis stated was 4.2 acres and he did not farm it and Ms. McLaughlin's point was taken. Mr. Talley also pointed out the homesite where the house was sitting didn't qualify either and Ms. McLaughlin agreed that was correct. Mr. Talley then agreed the withdrawal process, according to statute, had to take place even though he didn't like it. Mr. Talley wanted it to be on the record that the Board of Supervisors should do something about this process.

Mr. Joseph Davis said he would mention the same thing to the Planning Commission and the Board of Supervisors and Ms. Adams stated it was a three-hearing process. Mr. Joseph Davis did speak with Mr. Ray Davis about it.

Mr. Talley stated he felt the code allowed the family members to receive it but didn't think the County restricted the sale to outside the family. Ms. Adams and Mr. Marks disputed Mr. Talley's statement and said that was not what the code read.

Mr. Joseph Davis argued he was still the owner of both pieces at the time of the Boundary Line Adjustment and he had not sold anything yet at the time of the Boundary Line Adjustment but that was not to say he wasn't going to sell it as soon as possible.

Mr. Talley agreed they really had no other choice than to recommend the withdrawal since there was no other process in place to deal with it other than the current statute and if they denied it, the applicant could take it right to the Circuit Court.

Ms. McLaughlin stated, from her perspective, tax map parcel number 47-8 would no longer meet the acreage requirement and again, Mr. Joseph Davis felt it should just be an address change or parcel number change process. Ms. Adams stated she and Ms. McLaughlin had to look at these as "parcels" not addresses.

Ms. McLaughlin also pointed out if he had waited until next year when the district was set to expire, he could have avoided the rollback tax and Mr. Joseph Davis acknowledged he knew about the expiration date but that wasn't a workable option.

Mr. Marks said the only issue they were tasked with was to allow the withdrawal application or to deny the withdrawal application and he felt it was left for other powers that be to deal with any zoning ordinances, code changes and/or administrative processes.

Mr. Marks made a motion to forward a favorable recommendation of withdrawal application AFD-12-19, a request by Mr. Joseph Davis to withdraw tax map parcel 47-8 from the York River AFD and the motion was seconded by Ms. McLaughlin.

The Chairman acknowledged the motion and asked for a roll call vote.

The members were polled on application AFD-12-19:

Mr. Tate	Aye
Mr. Marks	Aye
Mr. Wayne Davis	Aye
Ms. McLaughlin	Aye
Mr. Talley	Nay
Mr. Moss	Aye
Mr. Randolph	Absent
Mr. Garthwright	Absent
Mr. Ray Davis, Jr.	Absent
Mr. Mountcastle	Absent

The motion carried with a majority of the quorum roll call vote of 5:1:0.

Mr. Wayne Davis said they would all benefit with some additional guidance on this matter.

Mr. Talley again pointed out he voted no so it could be taken up with the powers that be and he had nothing against the applicant.

Mr. Moss asked if the Board of Supervisors should be notified of these discussions and Ms. Adams said she would relay the Advisory Committee's comments in her staff reports to the Planning Commission and the Board of Supervisors.

The Advisory Committee members and staff thanked Mr. Joseph Davis for coming and sharing his concerns.

The Chairman proceeded by opening the public meeting for application AFD-11-19, a withdrawal from the Mill Creek AFD by Rebecca & Timothy K. Salavejus and asked Ms. Adams for her presentation.

B. APPLICATION AFD-11-19, WITHDRAWAL FROM MILL CREEK AFD:

Before Ms. Adams gave her overview of the application, Ms. McLaughlin stated a correction needed to be made to her presentation data and the current assessed value of tax map parcel number 37-18A was actually \$73,200.00 and not the \$583,900.00; that figure was accidentally picked up from an adjacent parcel. She also noted no rollback tax would be collected from the Salavejus since they never submitted their annual land use reports to her so no reduced land use tax rates were given to the Salavejus family.

Ms. Adams acknowledge the correction to the current assessed value and would update her reporting about the rollback taxes as well. She stated the Salavejus family also wished to sell their parcel to the general public and outside of the immediate family which required the need for withdrawal from the AFD Program. She reported the property as being tax map parcel number 37-18A consisting of approximately eleven acres, about half of which was open pasture. She stated realtors were calling the Planning Department wanting to know when they could close on the property which prompted a call to Timothy Salavejus to request verification of a sale and to request the required withdrawal application. She recommended approval of the withdrawal and asked if she could answer any questions they had about the application.

Mr. Marks asked if they paid their application fees and Ms. Adams said they did pay their application fee to put it in the AFD and they also paid \$52.75 for the withdrawal application.

Mr. Talley noted they received no benefit by paying the two applications fees since they failed to report to the Commissioner of Revenue and Ms. McLaughlin agreed.

Mr. Marks made a motion to forward a favorable recommendation of application AFD-11-19, a request to withdraw tax map parcel 37-18A from the Mill Creek AFD, and Mr. Moss seconded the motion.

The Chairman acknowledged the motion and asked for a roll call vote.

The members were polled on application AFD-11-19:

Mr. Marks	Aye
Mr. Wayne Davis	Aye
Ms. McLaughlin	Aye
Mr. Talley	Aye
Mr. Tate	Aye
Mr. Moss	Aye
Mr. Randolph	Absent
Mr. Garthwright	Absent
Mr. Ray Davis, Jr.	Absent
Mr. Mountcastle	Absent

The motion carried with a roll call vote of 6:0:0.

Mr. Wayne Davis asked about the total number of a parcels and total acreage in the Mill Creek District and wanted to know if the Salavejus eleven acres were included in the figures stated in the staff report to which Ms. Adams reply they were included in the figures and said those figures included everyone in the AFD Program regardless of whether or not they were receiving reduce land use tax rates. She went on to say once the Board fully executes their ordinances, they go to GIS to have the maps updated, to Ms. McLaughlin to adjust her tax database and to the Virginia Department of Agriculture and Consumer Services for State Reporting.

Mr. Talley asked everyone to sing Happy Birthday to Ms. Shannon McLaughlin and all the Committee and staff obliged. Everyone thanked her for all her hard work.

IN RE: 7.1.8 NEW BUSINESS

Ms. Adams thanked everyone for their continued service and coming to this second meeting of the year. She had no other new business to report.

IN RE: 7.1.9 ADJOURNMENT

A motion was made by Mr. Marks to adjourn and Mr. Wayne Davis seconded the motion. All agreed by proclamation and the meeting was adjourned at 6:48 PM.

Respectfully, Sheri L. Adams, AFD Advisory Committee Secretary