

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 12th DAY OF JANUARY IN THE YEAR TWO THOUSAND FIFTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

2014 Chairman Thomas W. 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
C. Thomas Tiller, Jr.	Present
James H. Burrell	Present
Ron Stiers	Present
W. R. Davis, Jr.	Present

All members were present.

IN RE: ANNUAL REORGANIZATION – ELECTION OF OFFICERS FOR 2015

The Board's first meeting of the year is designated as the annual reorganization meeting.

Nominations were opened for the office of 2015 Chairman.

Mr. Davis nominated Mr. Tiller for Chairman of the Board of Supervisors for a term of one year. There were no other nominations.

Mr. Burrell moved to close nominations for Chairman of the Board of Supervisors. There being no discussion, the members were polled:

C. Thomas Tiller, Jr.	Abstain
James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried.

Mr. Davis moved to elect Mr. Tiller as Chairman of the Board of Supervisors for a term of one year. There was no discussion and the members were polled:

James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Abstain

The motion carried.

Mr. Tiller assumed the chair position.

Nominations were opened for the office of Vice Chairman.

Mr. Davis nominated Mr. Stiers for Vice Chairman of the Board of Supervisors for a term of one year. There were no other nominations.

Mr. Burrell moved to close nominations for Vice Chairman of the Board of Supervisors. There was no discussion and the members were polled:

James H. Burrell	Aye
Ron Stiers	Abstain
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

Mr. Davis moved to elect Mr. Stiers as Vice Chairman of the Board of Supervisors for a term of one year. There was no discussion and the members were polled:

Ron Stiers	Abstain
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

IN RE: ANNUAL REORGANIZATION – 2015 MEETING SCHEDULE

Before the Board for consideration was Resolution R-01-15 setting the Board's 2015 Meeting Schedule.

Chairman Tiller indicated he had a conflict with the proposed July 13th business meeting date and asked the Board to consider moving the meeting to July 21st. After some discussion, July 6th was chosen as an alternate date.

Mr. Burrell moved to adopt Resolution R-01-15 setting the 2015 Meeting Schedule, as presented with one amendment; that being that the July 13th business meeting be moved to July 6th. The members were polled:

Ron Stiers	Aye
W. R. Davis, Jr.	Aye
James H. Burrell	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

IN RE: ANNUAL REORGANIZATION – BYLAWS

Before the Board for consideration were its Bylaws, with no recommendations for change. It was clarified that if there were no changes, the Board could move to adopt the Bylaws at this meeting.

Mr. Davis moved that the Bylaws be adopted as presented. The members were polled:

W. R. Davis, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

IN RE: CONSENT AGENDA

1. Approval of Minutes
 - a. December 8, 2014 Business Meeting minutes
2. Miscellaneous
 - a. Resolution R-02-15 Appointing the Zoning Administrator
 - b. Resolution R-03-15 Appointing the Subdivision Agent
 - c. Resolution R-04-15 Acceptance of Tucker's Ridge Lane into the Secondary System of State Highways
 - d. Resolution R-05-15 to honor Ms. Josephine Pemberton, Heritage Public Library Volunteer
 - e. Change order of \$8,089.28 for the Parks and Recreation Department's contract with Canaan Printing, Inc. for printing "Inside New Kent" for the remainder of FY15
 - f. Proclamation to recognize Mr. Gil Arich Ploppert on having attained the rank of Eagle Scout
 - g. Consent Order to resolve New Kent Airport Obstruction Removal Project issues
3. Supplemental Appropriations
 - a. Program income received for FY15 from CDBG Plum Point Grant Participants (December 2014), \$419.00
 - b. Donations for the Animal Shelter, \$2,464.00
 - c. Recovered Miscellaneous Revenue – Sheriff's Department, \$5,084.18
 - Blended Events LLC – 2/15/14 (\$501.77)
 - New Kent High School – Oct 10 & Oct 31 games (\$484.43)
 - Colonial Downs Harness Racing – October 2014 (\$2,363.29)
 - New Kent High School – Oct 20 Homecoming (\$322.95)
 - New Kent High School – Nov 14 football game (\$217.99)
 - New Kent High School basketball game (\$193.77)
 - Colonial Downs Harness Racing – October 2014 - Supplemental (\$297.75)
 - Benjamin Ward – Ed Allen's Campground 9-27-14 (\$702.23)
 - d. Extension program sponsorship revenue, \$700.00
 - e. Donations received from TRUIST (\$75.66), St. Lukes Baptist Church (\$100.00) and Nena Manoylovich (\$1,000.00) to New Kent County Fire Department, \$1,175.66
 - f. State funds for postage for Juvenile & Domestic Relations Court, \$1,000.00
 - g. 2014 VDEM LEMPG Grant, \$27,932.00
 - h. Funds from VML Insurance for damage and expenses related to 11/7/14 accident involving Fire/Rescue pick-up, \$27,856.65
 - i. State Homeland Security Program grant funds for two Mini Emergency Response Vehicles, \$40,000.00
 - j. State Homeland Security Program grant funds to contract with a vendor to develop, print, bind, and deliver a Threat and Hazard Identification and Risk Assessment, \$12,500.00

- k. To correct November 12, 2014 FY14 Carry Forward Appropriation – school funds taken from Fund 7 should have come from Fund 1, \$144,535.15
- l. Funds received from VML Insurance for supplemental repairs due to a lightning strike on 6/20/2014 – water/sewer, \$13,791.59

\$132,923.08	Total
\$(66,631.29)	Total In/Out – General Fund
\$(52,500.00)	Total In/Out – Grant Fund
\$(13,791.59)	Total In/Out – Water/Sewer Fund
\$(144,535.15)	From General Operating (1) fund balance
\$144,535.15	From Capital (7) fund balance

- 4. Interdepartmental Budget Transfers
 - a. *Fire-Rescue*: \$75.22 from Workers' Compensation (Fire & Emergency Management) to Workers' Compensation (Tower/Radio Repairs & Maint)
 - b. *Information Technology*: \$1.50 from Workers' Compensation (Information Technology) to Workers' Compensation (Tower/Radio Repairs & Maint)
 - c. *Administration*: \$334.00 from Printing & Binding to Printing & Binding (Parks and Recreation)
- 5. Treasurer's Report: Cash as of November 2014, \$33,710,892.26

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

James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

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

Chad Baker, Maintenance Superintendent with the Virginia Department of Transportation (VDOT), reported on maintenance activities and construction projects on New Kent roads from the past thirty days as well as those planned for the next thirty days.

Mr. Baker reported that a contract for the Route 249 and Route 612 roundabout project had been awarded to Fastbreak General Contractors LLC from Hampton and the expected start date for the project would be February 23, 2015. He also reported that surface treatment on Route 607, Route 619, Route 628 and Route 647 would begin when weather conditions were more favorable. He provided an update on the Route 638 (Cosby Mill) project and noted that installation of the cofferdam was 65% complete and should be completed by Tuesday, January 13th if weather permitted. He also noted that once the cofferdam installation was complete, excavation of the existing structure would begin. Mr. Baker also reported that a speed study had been completed on Route 629 (Carriage Road) and recommendations included keeping the existing 40 mph zone and adding warning signs at two curves.

Mr. Davis noted that VDOT had been working hard at his end of the County. He had no new areas of concern to report.

Mr. Stiers reported that the Transportation Safety Commission would be meeting on Wednesday, January 14th and indicated he would reserve his comments until then.

Mr. Burrell had no areas of concern to report.

Mr. Evelyn noted that Mr. Baker's report on Cosby Mill Road had indicated that the work was 65% complete and he asked that he be provided with a status update by email on this project. Mr. Baker indicated that Marshall Winn should be sending an email update on the 13th. Mr. Evelyn noted his ongoing commitment to provide timely information to the community and indicated that he would like to have current information to be printed in the Chronicle.

Mr. Tiller had no areas of concern to report and thanked Mr. Baker for his report.

IN RE: 2014 TRAFFIC SAFETY AWARDS

Dana Shrad, Executive Director of the Virginia Association of Chiefs of Police, presented "Saved by the Belt and Bag" awards to New Kent resident Andrew Williams and his family members. Ms. Shrad explained that this award program had been in existence for more than 20 years and was designed to recognize citizens who escaped injuries in motor vehicle collisions because they were obeying the traffic laws and were wearing their seatbelts. She indicated that Mr. Williams and his family were all properly restrained when they were involved in a three-vehicle accident at the intersection of Rt. 612 and Rt. 249 in 2013. All five members of the family were transported to the hospital and had since recovered from their injuries. Ms. Shrad indicated that the proper use of seatbelts, airbags and safety seats had most likely protected them from sustaining more serious injuries.

Ms. Shrad then presented Law Enforcement Challenge awards to Sheriff F. W. Howard, Jr., Lt. Jamie Hamby, Lt. Lee Bailey and Deputy Gerry Simpson and announced that the New Kent Sheriff's Office had received a first place award in the State competition and a third place award in the national competition. She explained that New Kent had competed against agencies of similar size (1-25 deputies), and had won based upon its policies and training, enforcement, and child safety seat programs. The Sheriff's Office also received a national honorable mention award for its efforts in the area of commercial motor vehicle enforcement. Ms. Shrad commended both the Sheriff and the Sheriff's Office staff for their long-time leadership in traffic safety and for being a model for other communities across the nation.

Board members congratulated the Sheriff and his office staff for having received these awards.

Sheriff Howard congratulated Mr. Tiller on his appointment as Chair. He remarked that these accomplishments and awards were a result of the collaborative efforts of his entire department. He thanked Ms. Shrad for taking time out of her busy schedule to be present to make the presentations.

IN RE: GOVERNMENT FINANCE OFFICERS ASSOCIATION AWARDS

Jon McCubbin, Controller for the Virginia Resources Authority, presented the Government Finance Officers Association (GFOA) Distinguished Budget Award for FY14 and the Certificate of Achievement for Excellence in Financial Reporting for FY13 to New Kent County.

Mr. McCubbin noted this was New Kent's third Distinguished Budget Presentation award and the tenth consecutive Certificate of Achievement for Excellence in Financial Reporting (CAFR), and referred to both awards as being very prestigious. He explained that applications for these awards were rigorously reviewed by a panel of government accounting officials, and receiving these awards reflected professionalism, a good knowledge of accounting, hard work and good financial statements. He remarked that New Kent had created an example for other localities in the State of Virginia and the nation. He then presented the awards to Finance Director Mary Altemus and Assistant Finance Director Larry Clark.

Board members voiced their congratulations to staff and expressed their appreciation for these accomplishments.

Ms. Altemus remarked that she was honored to accept the awards on behalf of New Kent County and noted these awards were made possible due to a culmination of work performed not only by finance staff but also many other individuals and departments. She reported that Accountant Shannon Walton had worked to compile information and assemble a Popular Annual Financial Report (PAFR) which had recently been submitted to the GFOA for review and possible recognition. She noted that the PAFR had been posted on the website and that hard copies were available upon request. Ms. Altemus closed her remarks by thanking the Board for their ongoing support.

IN RE: CITIZENS COMMENT PERIOD

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

IN RE: ELECTED OFFICIALS' REPORTS

Mr. Stiers reminded everyone of the upcoming Town Hall Meeting scheduled for 6:30 p.m. on January 22, 2015 in the New Kent High School auditorium.

Chairman Tiller reported that Mr. Hathaway, Mr. Edward Pollard and he had attended the Richmond Regional Planning District Commission meeting on January 8th. He indicated that it had been a very informative meeting focusing on the topic of biosolids and industrial sludge.

IN RE: STAFF REPORTS - PERMANENT DMV SELECT SITE

County Attorney Michelle Gowdy reported that the Office of the Commissioner of Revenue had forwarded a request from the Department of Motor Vehicles (DMV) asking that the County consider entering into a contract for a permanent DMV Select site. She indicated that, if approved, DMV Select operations would continue as currently in place with one exception, the County would begin to receive revenue from operations. She noted that DMV had asked that this not be advertised until a contract was signed. She asked that the Board consider taking action to authorize the County Administrator to enter into a contract for a permanent DMV Select site in New Kent.

Mr. Burrell moved to authorize the County Administrator to enter into a contract for a permanent DMV Select site in New Kent. The members were polled:

James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye

IN RE: DISTRICT APPOINTMENTS

Mr. Evelyn moved to appoint W.O. Isgett, Sr. as District One's representative to the Economic Development Authority to serve a four-year term beginning January 1, 2015 and ending December 31, 2018.

Mr. Evelyn moved to appoint Alan Files as District One's representative to the Farms of New Kent Community Development Authority Board to serve a four-year term beginning January 1, 2015 and ending December 31, 2018.

Mr. Evelyn moved to appoint Daniel Williams as District One representative to the Purchase of Development Rights Committee to serve a three-year term beginning January 1, 2015 and ending December 31, 2017.

Mr. Evelyn moved to appoint Larry Gallaher as a District One representative to the Transportation Safety Commission to serve a four-year term beginning January 1, 2015 and ending December 31, 2018.

Mr. Evelyn moved to nominate David Frank for Circuit Court appointment as District One's representative to the Board of Zoning Appeals to serve a five-year term beginning January 1, 2015 and ending December 31, 2019.

Mr. Burrell moved to appoint Joyce Williams as District Three's representative to the Planning Commission to serve a four-year term beginning January 1, 2015 and ending December 31, 2018.

Mr. Stiers moved to appoint Joanne Schmit as District Four's representative to the Planning Commission to serve a four-year term beginning January 1, 2015 and ending December 31, 2018.

Mr. Stiers moved to appoint Kenneth Hislop as District Four's representative to the Transportation Safety Commission Board to serve a four-year term beginning January 1, 2015 and ending December 31, 2018.

Mr. Davis moved to appoint Connie Nalls as District Five's representative to the Heritage Library Board of Trustees to complete a four-year term ending June 30, 2015.

The members were polled:

Ron Stiers	Aye
W. R. Davis, Jr.	Aye
James H. Burrell	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye

The motions carried.

IN RE: NON-DISTRICT APPOINTMENTS

Mr. Evelyn moved to appoint Martha Martin as an at-large representative to the Historic Commission to serve a four-year term beginning January 1, 2015 and ending December 31, 2018. Mr. Evelyn rescinded this appointment.

Mr. Davis moved to appoint Stephanie Dean Ripchick as an at-large representative to the Historic Commission to serve a four-year term beginning January 1, 2015 and ending December 31, 2018.

The members were polled:

W. R. Davis, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye

The motions carried.

IN RE: REGIONAL BOARD CITIZEN APPOINTMENTS

Mr. Burrell moved to appoint Lynne Szewczyk as New Kent's representative to the Henrico Area Mental Health & Developmental Services Board to serve a three-year term beginning January 1, 2015 and ending December 31, 2017.

The members were polled:

James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

IN RE: BOARD MEMBER AND STAFF APPOINTMENTS

Mr. Stiers moved to appoint W.R. Davis, Jr. as the Board representative to the Agricultural and Forestal District Advisory Committee to serve a one year term beginning January 1, 2015 and ending December 31, 2015.

Mr. Evelyn moved to appoint Ron Stiers as the Board representative to the Airport Advisory Commission to serve a one year term beginning January 1, 2015 and ending December 31, 2015.

Mr. Burrell moved to appoint Thomas W. Evelyn as the Board representative to the Parks and Recreation Advisory Commission to serve a one year term beginning January 1, 2015 and ending December 31, 2015.

Mr. Davis move to appoint C. Thomas Tiller as the Board representative to the Planning Commission to serve a one year term beginning January 1, 2015 and ending December 31, 2015.

Mr. Evelyn moved to appoint W.R. Davis, Jr. as the Board representative to the Social Services Advisory Board to serve a one year term beginning January 1, 2015 and ending December 31, 2015.

Mr. Davis moved to appoint Ron Stiers as the Board representative to the Transportation Safety Commission to serve a one year term beginning January 1, 2015 and ending December 31, 2015.

Mr. Davis moved to appoint Thomas W. Evelyn as New Kent's Board representative to the Capital Region Policy Board to serve a one-year term beginning January 1, 2015 and ending December 31, 2015.

Mr. Evelyn moved to appoint Rodney Hathaway as New Kent's Board alternate representative to the Capital Region Policy Board to serve a one-year term beginning January 1, 2015 and ending December 31, 2015.

Mr. Evelyn moved to appoint James H. Burrell as New Kent's Board representative to the Central Virginia Waste Management Authority Board to serve a four-year term beginning January 1, 2015 and ending December 31, 2018.

Mr. Burrell moved to appoint David Bednarczyk as New Kent's alternate staff representative to the Central Virginia Waste Management Authority Board to serve a four-year term beginning January 1, 2015 and ending December 31, 2018.

Mr. Davis moved to appoint James H. Burrell as New Kent's Board representative to the Richmond Regional Transportation Planning Organization to serve a four-year term beginning January 1, 2015 and ending December 31, 2018.

Mr. Burrell moved to appoint Thomas W. Evelyn as New Kent's alternate Board representative to the Richmond Regional Transportation Planning Organization to serve a four-year term beginning January 1, 2015 and ending December 31, 2018.

Mr. Evelyn moved to appoint W.R. Davis, Jr. as New Kent's second alternate Board representative to the Richmond Regional Transportation Planning Organization to serve a four-year term beginning January 1, 2015 and ending December 31, 2018.

Mr. Burrell moved to appoint Edward Pollard as New Kent's representative to the Richmond Regional Planning District Commission to serve a one-year term beginning January 1, 2015 and ending December 31, 2015.

Mr. Evelyn moved to appoint C. Thomas Tiller as New Kent's representative to the Smart Beginnings Leadership Council to serve a one year term beginning January 1, 2015 and ending December 31, 2015.

Mr. Burrell moved to appoint Kelli Le Duc as New Kent's representative to the STIR (Sustainable Transportation Initiative of Richmond) Advisory Board to serve a one year term beginning January 1, 2015 and ending December 31, 2015.

The members were polled:

James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye

The motions carried.

IN RE: EMERGENCY MANAGEMENT APPOINTMENTS

Mr. Davis moved to appoint Mr. Tiller as the Director of Emergency Management pursuant to Code of Virginia Section 44-146-19 and as the Director of Emergency Services pursuant to County Code Chapter 30-161.

Chairman Tiller moved to appoint Fire Chief Rick Opett as the Coordinator of Emergency Management pursuant to Code of Virginia Section 44-146-19 and as Coordinator of Emergency Services pursuant to County Code Chapter 30-162.

The members were polled:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye
Ron Stiers	Aye
C. Thomas Tiller, Jr.	Aye

The motions carried.

Chairman Tiller called for a recess at 6:52 p.m. to allow time to lapse until the 7:00 p.m. Public Hearings were called. The meeting reconvened at 7:00 p.m.

IN RE: COLONIAL DOWNS 2015 MOTORCYCLE EVENT

Before the Board for consideration was Resolution R-06-15 approving a conditional use permit application (CUP-02-14) to allow Colonial Downs to hold a one-day motorcycle race event in 2015.

Planning Manager Kelli Le Duc provided an overview of the application which sought to add an additional use by authorizing a one-day motorcycle event in 2015 on a "date to be determined" tentatively identified as May 16. She reported that the property was subject to a 1993 conditional use permit (CUP) as a "horse racing facility" and a subsequent CUP from 2002 that allowed various ancillary uses, as well as subsequent CUPs in 2013 and 2014 permitting a single motorcycle race event during each of those years. She explained that the County Code required all changes to uses be approved in the same manner as the original application, to include review and public hearing by the Planning Commission as well as the Board, and confirmed that the subject CUP had been reviewed in the same manner as the original PUD application and the other CUPs.

Ms. Le Duc reported that the application had been reviewed by all County-reviewing agencies and that most had provided no comments, with the Sheriff's Office commenting that they had no issues with the event and would again provide coverage for traffic and safety as needed. She indicated that staff had also reviewed the application and found that the eight proposed conditions in Resolution R-06-15 would assist in addressing, protecting and promoting the health, safety and general welfare of New Kent County citizens. She noted that the Planning Commission had considered the application at its December 15, 2014 meeting and had voted 7:1:1 to forward the application to the Board of Supervisors with a recommendation for approval.

Jeff Geiger, an attorney representing Colonial Downs, introduced Stan Guidroz who had been selected as Interim President of Colonial Downs following the retirement of Ian Stewart, and noted that Mr. Guidroz was looking forward to working with the County. Mr. Geiger also introduced Colonial Downs Vice President of Operations Jeanna Bouzek and Director of Marketing Darrell Wood.

Mr. Geiger, advised that Colonial Downs had applied for the CUP to hold a one-day American Motorcyclist Association (AMA) racing circuit event to be held tentatively on Saturday, May 16 with a rain date on Sunday, May 17. He advised that the AMA was the "premier professional motorcycle racing organization in North America" and that Colonial Downs had the largest flat track oval in the country. Mr. Geiger talked about how the event attracted many out-of-town visitors to New Kent and provided an opportunity to showcase the County as well as bring direct tax revenue and revenue to area businesses. He noted that "people visit, they spend money and then they go home and tell their friends what a good time they had."

Mr. Stiers asked if last year's later starting time had impacted attendance in any way. Mr. Geiger reported that he did not have exact figures but thought there had been several hundred more guests in attendance in 2014 than the previous year even though it had rained. He indicated that the AMA believed the later starting time was more attractive to spectators and expected attendance to be even greater this year.

Mr. Davis asked about plans for any future carnivals or festivals to be held at the facility. Mr. Geiger noted that there were several future events in the planning stages and that it was still Colonial Downs' plan to operate the facility as a high quality horse racing facility.

Mr. Evelyn added that he hoped the facility would not become a motorcycle track and that Colonial Downs would continue to work to bring horse racing back to the County. Mr. Geiger indicated that Colonial Downs was in fact working diligently to do just that.

Mr. Stiers noted that the event had been held in August the previous year and asked why it was being moved to May in 2015. Mr. Geiger reported that the date had been suggested by the AMA and was not finalized and that several possible dates were being considered with final determination to be based on track and AMA schedules. Mr. Stiers asked Mr. Geiger if he could tell the Supervisors that Colonial Downs would not be back asking to run a second race in August. Mr. Geiger assured the Supervisors that Colonial Downs would not be requesting a second race in 2015. Mr. Stiers questioned the proposed starting time. Mr. Geiger indicated that the AMA believed the proposed time would bring in a better crowd. Mr. Stiers noted that in previous years citizens had reported that the loudest part of the event had been at the end of the event. Mr. Geiger reported that all race bikes were taken from the track in trailers and that the noise mentioned had been caused by guests who had come to the event by motorcycle.

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

Mr. Tiller asked if it was correct that if the event were moved to Sunday due to rain, the start time would be moved up to 6:00 p.m. Mr. Geiger confirmed.

Mr. Burrell moved to adopt Resolution R-06-15 as presented. The members were polled:

Ron Stiers	Aye
W. R. Davis, Jr.	Aye

James H. Burrell	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

IN RE: PATRIOTS LANDING REQUEST FOR A PUD AMENDMENT

Before the Board for consideration was Ordinance O-01-15 amending O-16-03 "An Ordinance to Approve Application PUD-2-03 and Reclassify Approximately 253 Acres of Land to Planned Unit Generally Referred to as 'Patriots Landing'" and to amend the statement of proffers.

Planning Manager Kelli Le Duc provided an overview of the application which sought to make several amendments to the Patriots Landing Management Corporation PUD Ordinance and Proffer Statement. She indicated that the PUD had originally been approved on December 8, 2003 and was assigned Ordinance number O-16-03. Proposed amendments would allow the roads in the 36 acre parcel designated as Phase 2 to be private roads with the primary access to Phase 2 being across an existing dam. She indicated that the proposed amendments would relieve New Kent and VDOT of any liability associated with crossing the dam into Phase 2 of Patriots Landing. She reported that the Planning Commission had considered the application at its December 15, 2014 meeting and had voted 6:1:2 to forward the application to the Board of Supervisors with a recommendation for approval.

Ms. Le Duc introduced Clem Carlisle III and Attorney Brennen Keene, representing Patriots Landing.

Mr. Keene thanked Ms. Le Duc and County Attorney Michelle Gowdy for working diligently with them on this project. He noted that even though this access into Phase 2 had been planned for some time, this request had become necessary as a result of VDOT's refusal to take ownership of the road due to its construction over a dam. Mr. Keene also reported that concerns expressed by the Patriots Landing Homeowners Association regarding the liability associated with access to Phase 2 had been resolved.

Mr. Davis asked what arrangements would be in place for the owners of the 38 parcels in Phase 2 to assume responsibility for the maintenance of the dam and the roads. Mr. Keene indicated that a reserve fund would be established by Patriots Landing with Patriots Landing contributing fifteen percent of the total replacement cost as determined by County staff and the owners of properties in Phase 2 also being required to contribute. Phase 2 property owners could be expected to pay annual assessments estimated to be in the \$100 to \$125 range per lot for road and dam maintenance. Mr. Davis asked if there was any other access to the Phase 2 property. Mr. Keene indicated that a secondary access into Five Lakes was available in the event of the need for emergency access.

Mr. Evelyn asked for a cost estimate for the one and one-half miles of roads in Phase 2. Mr. Carlisle indicated that he did not have those figures with him but believed it to be approximately \$200,000. Mr. Keene reminded the Board that County staff would have to approve the reserve fund contribution expected from Patriots Landing.

Mr. Stiers asked for confirmation that the road and dam maintenance assessment would not impact owners in other portions of Patriots Landing. Mr. Keene confirmed.

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

Mr. Davis thanked staff and the developer for working through this to reach a solution that all could live with.

Mr. Evelyn asked if a bond would be required and who would be responsible if the road or dam failed. He expressed his concerns with the \$200,000 estimate and indicated that he felt this figure was too low. County Attorney Michelle Gowdy reported that a very robust agreement would be in place between the Homeowners Association and the owners and that the reserve fund would contain sufficient funds to cover the roads. She stated that the goal had always been to come to an agreement in which the County would have no liability in this regard and the proposed amendments in Ordinance O-01-15 addressed this. Mr. Evelyn noted, that if he were a developer, he would be frustrated by VDOT's decision to not take the roads as originally planned. He again asked if the County would be free and clear of all liability. Ms. Gowdy responded that all parties involved had done their best to assure that the County's interests were protected.

Mr. Stiers moved to adopt Ordinance O-01-15 as presented. The members were polled:

W. R. Davis, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Nay
C. Thomas Tiller, Jr.	Aye

The motion carried, 4:1.

IN RE: ADJOURNMENT

Chairman Tiller announced that the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on February 9, 2015, and the next work session would be at 9:00 a.m. on January 28, 2015. Both meetings would be held in the Boardroom of the County Admin Building. Mr. Tiller also announced that the Board would be hosting a Town Hall Meeting at 6:30 p.m. on January 22, 2015 in the New Kent High School auditorium.

Mr. Burrell moved to adjourn the meeting. The members were polled:

James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried. The meeting was adjourned at 7:31 p.m.