

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 14<sup>th</sup> DAY OF DECEMBER IN THE YEAR TWO THOUSAND FIFTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

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IN RE: CALL TO ORDER

Chairman Tiller called the meeting to order.

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IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

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IN RE: APPOINTMENT OF JAMES H. BURRELL AS CHAIR OF THE DECEMBER 14, 2015 MEETING

In recognition and appreciation of Mr. Burrell's 24 years of service to the New Kent County Board of Supervisors, Mr. Tiller moved that Mr. James H. Burrell serve as Chairman and preside over tonight's meeting. The members were polled:

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

The motion carried. Mr. Burrell indicated he would consider it an honor to chair the meeting.

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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.

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IN RE: CONSENT AGENDA

1. Approval of Minutes
  - a. October 28, 2015 Work Session minutes
  - b. November 12, 2015 Business Meeting minutes
  
2. Miscellaneous
  - a. Recording of the Abstracts of Votes from the November 3, 2015 General Election in the Board of Supervisors minute book.
  - b. Authorize the County Administrator to execute the proposed contract with Curtis Contracting, Inc. for the New Kent County Airport Taxiway Rehabilitation Project.
  - c. Adopt Resolution R-38-15 to renew the Airport Advisory Commission charter until January 31, 2020.

- d. Adopt Resolution R-39-15 to renew the Parks and Recreation Advisory Commission charter until January 31, 2020.
  - e. Adopt Resolution R-40-15 to renew the Transportation Safety Commission charter until January 31, 2020.
  - f. Adopt Resolution R-41-15 to charter the New Kent County Broadband Advisory Committee.
  - g. Adopt Resolution R-42-15 setting the January 2016 meeting date for January 11, 2016.
3. FY16 Supplemental Appropriations
- a. Program Income Received for FY16 from CDBG Plum Point Grant Participants (November 2015), \$656.67
  - b. Donations for the Animal Shelter, \$528.29
  - c. Extension Program Sponsorship Revenue for Wreath Making Workshop, \$185.00, 2016 Ag Conference: Crabbe Aviation, \$100.00, Old Dominion Grain, \$100.00 and Renwood Farms, Inc., \$100.00.
  - d. Funds to Sheriff's Office for Security Sept. 2015 HS Football Game, \$855.82, Town of Urbanna, \$4,260.00, Ed Allen's Campgrounds, \$578.97, Metropolitan Richmond Sports Backers, \$5,123.88, Star Express Quinton, LLC, \$413.55, Maurice Alfred Gauthier – Winery, \$264.67 and Rockahock Campgrounds, Inc., \$703.04.
  - e. Gifts & Donations to New Kent Fire Rescue – Sara J. King, \$35.00, TRUIST, \$42.00, The Country Clipper, \$25.00 and Anne R. Betz, \$150.00.
  - f. Recovery – Special Events Funds to New Kent Fire-Rescue from Metropolitan Richmond Sports Backers – AMB Support Tour – Richmond, \$443.75.
  - g. Food & Serving Supplies – Sheriff, \$79.85 and County, \$415.73.
  - h. Additional Funds to Chickahominy Health District for FY2016 from Virginia Department of Health, \$9,948.00.
  - i. School Security Grant, \$14,622.00.

\$39,631.22	Total
\$(15,061.22)	Total In/Out – School Grant Fund
\$(14,622.00)	Total In/Out – General Fund (1)
\$(9,948.00)	From Fund Balance – Gen Fund (1)

4. FY16 Interdepartmental Budget Transfers
- a. School Board Office – from Appropriation of Funds from Prior Years (\$379,438.00) to:
    - Student Services Renovation, \$15,000.00
    - High School Track Repair, \$169,438.00
    - MS Bleachers/Sound System, \$176,000.00
    - NKHS Scoreboard Replacement, \$15,000.00
    - Security Doors, \$4,000.00

5. Treasurer's Report: Cash as of October 2015, \$24,567,978.70

Mr. Hathaway drew attention to Consent Agenda item 2.f. regarding the charter for the Broadband Advisory Committee. He indicated the formation of this committee was a requirement in connection to the broadband grant New Kent had recently been awarded. He further noted that membership of the committee was described in the proposed charter and each District Supervisor would be asked to appoint one member. The committee would be composed of seventeen total members and subcommittees could be appointed if needed.

Mr. Burrell asked how soon the names of appointees would be needed and if the Board could make appointments during its joint meeting with the New Kent County Economic Development Authority on December 17<sup>th</sup>. Mr. Hathaway indicated appointments should be in place by the Board's January 2016 meeting and could be made at the joint meeting. Mr. Davis asked who would appoint the three at large business owners. Mr. Hathaway indicated the Board would make those appointments and he planned to have recommendations at the December 17<sup>th</sup> meeting. He also noted individual Supervisor appointees did not have to reside in the Supervisors' respective districts. Mr. Stiers pointed out the proposed charter stated a New Kent County Chamber of Commerce Director would serve and asked if this should be the President or designee. Mr. Hathaway agreed this should be changed to President or designee. Mr. Davis asked for the length of committee service and how frequently the committee would meet. Mr. Hathaway indicated the broadband grant had a nine-month expiration date and, if adopted, the advisory committee charter and all appointments would expire on January 31, 2017. The first meeting would be a day meeting with the committee then setting the date and time for future meetings. More frequent meetings were expected early in the process and the committee would be tasked with selecting a broadband consultant.

Mr. Evelyn drew attention to Consent Agenda item 2.b. regarding the execution of a 1.5 million dollar contract for the New Kent County Airport Taxiway Rehabilitation Project and asked for funding details. Mr. Hathaway indicated New Kent County would be responsible for two percent (\$36,000) of the total cost, the federal government would pay ninety percent and the State would pay eight percent.

Mr. Evelyn moved to approve the Consent Agenda including amending Resolution R-41-15, item f. under Membership to read "New Kent County Chamber of Commerce President or designee" and that it be made a part of the record. The members were polled:

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

The motion carried.

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IN RE: SMALL BUSINESS CLOSE UP

There was no Small Business Close Up for the month of December.

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IN RE: PARENT CHILD DEVELOPMENT CORPORATION NEW KENT HEAD START PROGRAM PRESENTATION

County Administrator Rodney Hathaway indicated students from New Kent Head Start and their families were in the audience and wished to perform for the Supervisors.

Head Start representative Ms. Suzanne Brown noted it was because of the New Kent County Board of Supervisors that Head Start had a place in New Kent County and children in the program wished to perform several holiday selections for the Board to show their appreciation. The students, led by Head Start teacher Ms. Cassandra Strand, sang several songs and played bells as a part of their performance. They closed by singing "We Wish You Well" which Ms. Strand indicated was sung by the students as a part of their daily routine.

The program was currently serving fifteen students and ten were present for the performance.

Mr. Burrell thanked Ms. Brown, Ms. Strand and the students for the delightful performance.

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

Maintenance Operations Manager David Christoph pointed out Supervisors had been provided with a written report on maintenance items completed over the past thirty days as well as items scheduled for the next thirty days. He provided updates on the following concerns reported by Supervisors at previous meetings:

- Mr. Burrell had noted concerns regarding the placement of a “Left Lane Norfolk” sign at the Route 33 approach to I-64. Mr. Christoph reported that VDOT traffic engineers had been made aware of this concern and were working on better placement of this sign as well as several others in the area.
- Mr. Stiers had expressed concerns regarding the rough pavement at the Poindexter Road Park and Ride. Mr. Christoph agreed there were some rough areas but recommended that nothing be done at this time. He noted if there were any problems prior to spring, VDOT would be out to fix them. He also reported striping at the Park and Ride had been completed.
- Concerns reported by Mr. Burrell regarding sight distance at the intersection of Polish Town Road and Route 30 had been addressed.
- Mr. Burrell had also reported concerns regarding depressions in the right lane of westbound I-64. Paving engineers had been made aware of this and were working to address the concern.
- Mr. Davis had reported concerns regarding the road surface crown on Route 600 (Holly Fork Road) at the New Kent County and James City County line. Mr. Christoph suggested he would need to meet with Mr. Davis to determine the exact location. Mr. Davis indicated the area of concern was near Holly Pines.
- In response to Mr. Evelyn’s request regarding roundabout construction on Route 249 and Route 612 and its impact on Mr. Shiflett’s construction of a mini storage facility, Mr. Christoph reported that Residency Administrator Bruce McNabb had met with Mr. Shiflett and had provided him with contact information for the Construction Manager for the project.
- Low limbs reported by Mr. Evelyn on Route 640 (Quaker Road) just past Rose Cottage had been trimmed.
- VDOT continued to address the ongoing beaver dam concerns on Route 155 near the fire station.
- Sight distance issues at Henpeck and Sassafrass had been referred to traffic engineers, the placement of warning signage was being considered and broom straw would be cut back.

Board members reported the following additional road concerns:

- Mr. Davis noted an area on South Waterside Drive where a culvert pipe had washed out a year and a half ago. The area had been patched but the patch had begun to sink and needed additional repair.
- Mr. Tiller reported a seventy-five foot stretch of eastbound Route 60 between the Catholic Church and the veterinarian’s office was in poor condition. He also noted he had requested consideration be given to striping the Bottoms Bridge Park and Ride at the same time the striping work would be done at Poindexter but this had not been done. He also requested that Mr. Christoph take a look at the roads in Five Lakes and indicated these roads had been resurfaced a year and a half ago but were in

poor condition. He also reported that eastbound Route 60 near Jim and Scott's Auto Repair and Wood's Body Shop contained a number of rough asphalt patches.

- Mr. Stiers noted the Providence Forge Christmas Parade had been held the previous Sunday and thanked Mr. Christoph and VDOT for trimming branches and removing dead trees in the area. He asked Mr. Christoph for a status update on the Rockahock Road repaving that was originally scheduled for completion in October. Mr. Christoph noted the project had been delayed because a significant amount of prep work was needed including the replacement of cross pipes. The project would most likely not be completed until June. Mr. Stiers suggested it would be good if the work could be done prior to the camping season which would begin in March or April.
- Mr. Evelyn noted a sign had been placed at the Route 249/Route 612 roundabout project which indicated construction would begin on December 7<sup>th</sup> but there was no noticeable work in progress. He also asked if the speed limit would be dropped during construction. Mr. McNabb indicated work should be underway soon and he was not sure of plans for reducing the speed limit. Mr. Hathaway reported he had attended the preconstruction meeting in Colonial Heights and a speed limit reduction had been suggested at that meeting. Mr. Evelyn reminded Mr. Christoph of ongoing concerns regarding water runoff on a portion of Old River Road and noted, with cold weather on the way, he was concerned there could be ice in this area. He also reported the pavement was coming apart near 9701 Talleyville Road and there was a large pothole on Talleyville Road near White House Farms.
- Mr. Davis indicated there had been recent discussions regarding a possible shutdown of the bridge over Mill Creek on Farmer's Drive. He asked what could be done to extend the life of the bridge. Mr. Christoph noted truck traffic had been restricted on this road for a number of years and suggested he could discuss this with traffic engineers to see what more could be done. Mr. Davis noted that although Farmer's Drive was a shortcut distance wise, it was not a shortcut time wise and it carried a large volume of traffic.
- Mr. Burrell reported a leaning tree in the median on westbound I-64 near Exit 220. Mr. Burrell also noted that although more roads were constantly being added to those maintained by VDOT, staff had been reduced over the years. He suggested VDOT was taking care of more work with less people and thanked them for their attention to roads in the County.

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IN RE: CITIZENS COMMENT PERIOD

Hanover County Sheriff David R. Hines indicated the reason for his attendance was bitter sweet because he had come to say goodbye to a good friend, Sheriff Wakie Howard. Sheriff Hines noted that while Sheriff Howard had served the citizens of New Kent County for many years, he had also served the citizens of Hanover County. He indicated that Sheriff Howard had helped with his transition to his current position and the New Kent Sheriff's Office and the Hanover Sheriff's Office worked together daily for the citizens in both localities. Sheriff Hines and Major Allen Davidson presented several awards to Sheriff Howard including:

- a plaque of appreciation from the men and women of the Hanover County Sheriff's Office as well as the citizens of Hanover County,
- a trophy from the Hanover County Sheriff's Office thanking Sheriff Howard for his service and friendship and wishing him well in his retirement and
- a gift from the Sheriff of Hanover and the men and women of the department.

Sheriff Howard thanked Sheriff Hines and Major Davidson and he indicated that New Kent had enjoyed a very close working relationship with Hanover and that his successor, J.J. McLaughlin, Jr., would continue to foster that relationship.

Victoria Brame of 7391 Olivet Church Road, New Kent, Virginia addressed the Board in support of a new location for the Heritage Public Library. Ms. Brame indicated she was an Associate Professor of English at John Tyler Community College and knew the value of a library to student success. She noted there was strong interest in New Kent for the possible new library site at Maidstone and suggested its close proximity to three of the County's four schools and the Rappahannock Community College campus was a plus. She indicated the library could be the heart of the community and urged Supervisors to invest in the Maidstone site.

Jonathan Edmonds of 1101 Diascund Point, Lanexa, Virginia addressed the Board regarding the ban on skiing in Chickahominy Lake. Mr. Edmonds indicated the ordinance banning skiing in Chickahominy Lake had been put in place in 1979 and he reiterated many of the comments made at previous meetings regarding why the ban should be lifted. He noted he had come to the Board four times to speak on this subject and urged the Board to vote to put the issue to a public hearing.

Daniel Moore of 3001 New Kent Highway, Quinton, Virginia addressed the Board regarding Ordinance 46.52 banning skiing in Chickahominy Lake. He indicated he had shared a number of reasons for overturning the ban in previous addresses to the Board and he reiterated ten talking points from those addresses. He too urged to Board to put the issue to a public hearing.

Clara DiLandro of 13400 New Kent Highway, Lanexa, Virginia addressed the Board regarding a new location for the Heritage Public Library. She indicated she was a member of Girl Scout Troop 5318 and had recently completed the requirements for the "Inside Government" badge. She suggested earning the badge had helped her to understand the importance of being involved and she wished to express her support for moving Heritage Public Library to the shopping center at Maidstone.

Kim DiLandro of 13400 New Kent Highway, Lanexa, Virginia addressed the Board regarding a new location for the Heritage Public Library. She indicated she had just come from a Girl Scout meeting where the group had discussed why the Maidstone location would be a good place for the library. She noted girls had said it would be a good location because it was close to the schools, would be easier for students who could not afford books to have the opportunity to check them out and would make internet access available to more individuals. Ms. DiLandro noted internet access was especially important with students in New Kent County receiving Chromebooks® and many parts of the County having limited or no internet access. She felt the Maidstone location would benefit New Kent students and make the County better. Ms. DiLandro noted a part of the Girl Scout motto was "use resources wisely" and she loved that the Maidstone location would be using an existing building. She closed her remarks by stating she looked forward to going to a new library in a new building and she hoped it would be in the Maidstone development.

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IN RE: CHIEFS OF POLICE LAW ENFORCEMENT AWARDS

Executive Director of the Virginia Association of Chiefs of Police Dana Schrad noted she was extremely proud to be before the Board again to present awards to the New Kent Sheriff's Office. Awards included first place in the Virginia Law Enforcement Challenge, the Distracted Driving Awareness Prevention award, the Commonwealth's Award which was the top safety award in Virginia and a first place National Law Enforcement award. Ms. Schrad pointed out that the New Kent Sheriff's Office consistently demonstrated outstanding performance among law enforcement agencies with fifty or fewer personnel. She also noted the Sheriff's Office had worked closely with New Kent High School and MADD (Mothers

Against Destructive Decisions) in an effort to decrease the instances of impaired driving and that child safety seat and seat belt law compliance, at eighty-five percent, was far above the State average. She pointed out the New Kent Sheriff's Office was a standard bearer in the State and had been well groomed by Sheriff Wakie Howard. She noted her appreciation to Sheriff Howard for his leadership and thanked him for his service.

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IN RE: LIFESAVING AWARDS

Chief Deputy J.J. McLaughlin, Jr. indicated there had been a number of lifesaving instances over the past year involving both local law enforcement agencies as well as citizens. He recognized the following:

- New Kent Sheriff's Office Deputy Elizabeth McIntyre and Virginia State Trooper Stephanie McPhail were recognized for their response and quick action at a crash which occurred on December 20, 2014. The officers had performed CPR on the victim until Fire-Rescue arrived.
- Mr. Santos A. Florez and Mr. Donald Horner were recognized for having rendered aid to the victim of a domestic situation on January 20, 2015. They had remained with the victim until law enforcement and Fire-Rescue arrived.
- The Richmond Metro Aviation Unit was recognized for providing aid in the search for an individual who had attempted to elude police by going into the Chickahominy River. Patrol Officers D.A. Butcher and C.M. Lanham with the Henrico Police Department and Sgt. Donald Mehalko, Sgt. F.W. Howard, III and Lt. J.J. McLaughlin, III with the New Kent Sheriff's Office were also recognized for their involvement in the search and rescue of this individual.
- New Kent Sheriff's Office Deputy Scott Carnell was recognized for his quick response and action when responding to a medical emergency on February 10, 2015. Deputy Carnell had administered CPR and had used an AED until Fire-Rescue arrived.
- Part-time New Kent Sheriff's Office Deputy Christopher Bristow was recognized for the role he played in saving the life of a fourteen year old crash victim on June 26, 2015. Officer Bristow who also served as a Lieutenant with the Chesterfield Fire Department had applied pressure to the victim's brachial artery until he was transported to the VCU Trauma Center.

Chief Deputy McLaughlin noted that while these were some of the more obvious choices for lifesaving awards, law enforcement and fire and rescue personnel were dealing with situations such as these on a daily basis. He thanked Fire Chief Rick Opett and his staff for the role they had played in these rescues, Sheriff Howard for allowing the New Kent Sheriff's Office to be able to do the work they were doing and the citizens of New Kent County for allowing staff to continue receive ongoing training.

Mr. Burrell called for a brief recess at 7:15 p.m. The meeting was called back to order at 7:25 p.m.

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IN RE: PUBLIC HEARINGS – R-37-15 – LOVE'S TRAVEL STOPS AND COUNTRY STORES CONDITIONAL USE PERMIT (APPLICATION CUP-02-15)

Before the Board for consideration was Resolution R-37-15 approving Conditional Use Permit Application CUP-02-15, Theater Square LLC and Love's Travel Stops and Country Stores, Inc., to authorize the construction of a travel center located on a portion of Tax Map 21-88 (GPIN #J12-1740-0776).

Planning Manager Kelli LeDuc noted Love's Travel Stops and Country Stores, Inc., had applied for a Conditional Use Permit to develop a Travel Center on Emmaus Church Road, south of I-64 at Exit 211. The request covered approximately eighteen acres of a seventy-four acre parcel. The proposed project would consist of a 7,300 square foot convenience store and service center with twenty-two fueling stations, a 3,150 square foot fast food restaurant with a drive through, a 1,500 square foot interior fast food restaurant and an 8,000 square foot tire service facility. Approximately ninety tractor trailer parking spaces were proposed and the development would be open twenty-four hours a day 365 days a year. Ms. LeDuc noted the construction phase of the project would generate thirty to forty jobs and once open, the business would generate forty-five to fifty full-time positions. This business would also contribute to the County's tax base through real estate, business, meals and sales taxes without increasing the cost for school infrastructure and other residentially related County services. The New Kent Planning Commission had reviewed the application and conducted a public hearing at its November 16, 2015 meeting and had voted to forward a favorable recommendation to the Board of Supervisors.

Real Estate Project Manager Bill Gleason presented a brief overview of the company and the project and reminded the Board that a full presentation had been shared with them at a previous meeting (October 28, 2015 Work Session). He pointed out Love's had been founded in 1964 by Tom and Judy Love, was still owned and operated by the Love family and was the second largest travel stop company in the United States. He indicated if all approvals were received, the project would be on schedule for construction to begin in June.

President of Chipola Engineering Group Stacy Phippen provided the Board with an overview of features to be included in the Travel Stop's design and site plan including information on traffic flow, access and parking. He noted Love's proposal met or exceeded all required standards and a comprehensive safety and security plan would be in place. He indicated if all approvals were in place, the business could be in operation by the end of 2016.

Traffic Engineer John Riley reported the process of studying traffic flow in the area had been started two years ago. Since that time, there had been four studies conducted with the final study projecting traffic flows through 2021. VDOT had approved the final study and plans included the development of a new local access road from Emmaus Church Road with three access points to the property. A traffic signal on Emmaus Church Road at the entrance to Love's and the Pilot Station was also included in the plans. Mr. Riley provided a brief review of the traffic flow and noted the proposal included significant stacking space and high capacity fueling systems which would move trucks through quickly and alleviate some of the current traffic issues. He reminded the Board that the federal government required truck drivers to stop driving after a certain number of hours and the additional truck parking would help alleviate the 562 space shortfall noted in a recent VDOT report.

Mr. Gleason closed the Love's presentation by thanking the Board for their time and consideration. He noted Love's was proposing to make a ten to twelve million dollar investment in New Kent and the Travel Stop would generate fifty full-time positions with benefits which would not only be available now, but for future generations as well. He reminded everyone that everything in the boardroom had been delivered by a trucker.

Mr. Davis asked Mr. Riley if the traffic flow plans included a left turn lane on southbound Route 106 at the Pilot Station. Mr. Riley indicated a left turn lane would be included at this intersection.

Mr. Burrell opened the public hearing.

John Jay Schwartz, Managing Director of Have Site Will Travel, addressed the Board in support of the Love's Conditional Use Permit Application. Mr. Schwartz noted that Have Site Will Travel was a commercial real estate firm and a part of their job was to bring jobs, tax revenue and opportunities to New Kent County. He indicated it had been a pleasure working with Love's to bring this proposal to the County and he suggested the area to be developed was the future of the business and commercial corridor for jobs, businesses and tax revenues. He noted there was a great deal of interest in New Kent County and over the years his firm had worked to bring projects and services to the area. He suggested the Love's project would go a long way in bringing much needed services to the County and would help avoid the need for future tax increases. He closed his comments by suggesting Love's would generate \$260,000 to \$290,000 in additional tax revenue to the County and would provide fifty full-time jobs. He noted, with weather permitting, Love's planned to open in the fourth quarter of 2016. He urged the Supervisors to approve the application and noted this facility would send the message that New Kent was open for business. Mr. Schwartz thanked the Board for their time and thanked Mr. Burrell for all of his help and support over the years and wished him Godspeed and good luck in his retirement.

There being no others wishing to address the Board, Mr. Burrell closed the public hearing. He requested that the Board allow him to make the motion for this application. He noted the project would be in his district and this could be his last official act on the Board. He asked Board members if there was any discussion.

Mr. Evelyn indicated he felt this project would help with current traffic and safety concerns along the Route 106 corridor. He noted that although Mr. Gleason and others were indicating Love's wanted to start quickly, based on situations with previous proposals from other companies, he was concerned about the possibility of the project not coming to fruition. He indicated County ordinance gave the Board the ability to put a time limit on a Conditional Use Permit and suggested the Board consider setting a two or three year limit. If the project was not operational by that time, the Conditional Use Permit would expire. He asked Mr. Gleason for his thoughts on this suggestion. Mr. Gleason indicated if the application received a positive vote that evening, the VDOT driveway permit could be in hand quickly. Mr. Pippin noted approval at the current meeting would not allow them to start building but he was hopeful to have all permits in place within six months of the approval. Mr. Gleason suggested a reasonable time limit would be two and a half years after the last permit was issued. Mr. Evelyn suggested if a Certificate of Occupancy was not received within three years, the Conditional Use Permit would expire. Mr. Gleason noted he would be happy with a three-year limit and pointed out that in the last twelve years, Loves had a 99.99 percent success rate with proposed store openings.

Mr. Burrell asked County Attorney William Hefty if another public hearing would be necessary if the Board wished to add a three-year limit. Mr. Hefty indicated no additional public hearing would be necessary but recommended the Board set the time limit at three years from the date of approval rather than from the date of issuance of the last permit.

Mr. Stiers indicated he had received no complaints about Love's opening a location in New Kent. He did however note he had heard that Love's stores in the Texas and Oklahoma areas were not clean and were not good places to stop. Mr. Gleason indicated the Love's motto was "Clean Places, Friendly Faces" and that courtesy checks were performed on restroom facilities every thirty minutes. He did note it was sometimes difficult to maintain the company's standards for cleanliness especially following visits by buses carrying large numbers of passengers. Mr. Evelyn indicated he had stopped at many Love's Travel Stops and in almost every case had found facilities to be clean and well maintained.

Mr. Tiller pointed out that in his capacity as Board representative to the Planning Commission, he had heard the Love's presentation in November and the comments made by those who had spoken at the public hearing. He indicated Love's had adequately addressed all concerns expressed at that meeting.

There being no others wishing to address the Board, Mr. Burrell closed the public hearing.

Mr. Burrell moved to adopt Resolution R-37-15 approving a Conditional Use Permit Application (CUP-02-15), Theater Square, LLC and Loves Travel Stops and Country Stores, Inc., to authorize the construction of a travel center located on a portion of Tax Map 21-88 and that the permit be amended to state that Love's will obtain a Certificate of Occupancy within three years from the date of this approval. The members were polled:

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

The motion carried.

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IN RE: ELECTED OFFICIALS' REPORTS

Mr. Tiller noted that during the Citizens Comment Period two individuals had requested the Board conduct a public hearing to receive comments on repealing Ordinance 46-52 which banned water skiing on Chickahominy Lake. He suggested that based on the information received, this was the right thing to do. Mr. Burrell agreed and noted that some individuals were opposed to water skiing in areas where individuals were fishing. He suggested the Board had to be fair about what they did and the fact that someone did not want skiing in their back yard was not enough reason to keep the ban in place. He noted it would be a different matter if safety was a factor and stressed that the Board needed to do what was fair and within the guidelines of State and federal codes.

Mr. Tiller moved that the Board schedule a Public Hearing to discuss the question of whether to repeal an ordinance (46-52) against skiing on Chickahominy Lake. The members were polled:

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

The motion carried. The general consensus was to schedule this public hearing for the February regular meeting.

Mr. Tiller also thanked Mr. Burrell for his services and noted his appreciation for him serving as chairman during the night's long meeting.

Mr. Stiers reported that Mr. Hathaway, President of Colonial Downs Stan Guidros, the Colonial Downs attorney and he had attended the Virginia Racing Commission (VRC) meeting in Richmond on November 17<sup>th</sup>. Colonial Downs had presented a proposed 2016 racing schedule and the VRC had shot the schedule down. Mr. Stiers indicated he was

shocked by the personal attacks the VRC had made against Colonial Downs' owner Jeff Jacobs and noted that in a recent news release, the Governor had also made similar attacks. He indicated he did not blame Colonial Downs or the Horsemen's Association for the current situation and suggested the blame was with the VRC for not bringing the two entities together. He also reported approximately nine hundred meals had been served at the recent Thanksgiving Feast which was one hundred more than the previous year. In addition, he reported Mr. Burrell and he had attended the ribbon cutting of the Friendship Café at The New Generation of God's Children in Faith church in Providence Forge on December 8<sup>th</sup>. He reported the Friendship Café would offer activities for senior citizens on Tuesdays and Thursdays and those who may be interested could contact New Kent Social Services Senior Connections for details. Mr. Burrell pointed out that Becky Ringley, a previous Board member, had worked with Senior Connections for many years and had been instrumental in the opening of the Friendship Café. Mr. Stiers also thanked Mr. Burrell for his service and noted his appreciation for everything he had done for the County and the citizens.

Mr. Evelyn reported the County had hosted a Grand Illumination the last Sunday in November and there had been a great turnout despite the rain. He thanked staff for all they had done to make this event such a success. He also noted he had not been able to attend the staff holiday party earlier in the day but wished to express his appreciation to staff for all the work they had done over the year and indicated he was sorry he had missed the opportunity to share this comment in person. In closing, he wished all citizens of New Kent a Merry Christmas and thanked them for the input they had provided to Supervisors over the year. He pointed out that the Supervisors worked for the citizens and noted the importance of citizen input. Mr. Evelyn indicated it had been an honor to work with Mr. Burrell over the past eight years and thanked him for being a great mentor.

Mr. Davis noted he had served on the Board with Mr. Burrell for sixteen years and many things had changed in those years. He noted New Kent was still moving forward and suggested Mr. Burrell's conservative attitude had made a major impact on the County. He suggested having a conservative attitude was the way to move forward without getting burnt and he thanked Mr. Burrell for his leadership.

Mr. Burrell reported the Central Virginia Waste Management Authority (CVWMA) had been celebrating its 25<sup>th</sup> Anniversary this past year and pointed out the CVMWA jurisdiction had far outperformed many other jurisdictions and far exceeded the State mandates in regard to recycling rates.

Mr. Burrell noted that much had been said about what he had done during his years of service on the Board but gave credit to the staff, the County Administrators and other Supervisors he had worked with over the years. He expressed his gratitude to the residents of District Three for electing him to serve. He pointed out that Supervisors were elected by one district but in fact, served the citizens of the entire County. He stated it had been his honor to have the privilege of serving for the past twenty-four years and indicated his successor, Patricia A. Paige, had already asked him if he would accept if she appointed him to serve on a board or committee. He indicated he would like to continue to serve on the Richmond Regional Tourism Board, the Central Virginia Waste Management Authority Board and the Colonial Community Criminal Justice Board and suggested that other individuals be appointed to any other positions he currently held. He closed by saying to the citizens of New Kent County, "Feliz Navidad".

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IN RE: STAFF REPORTS

County Administrator Rodney Hathaway reported he had one request which required action. He apologized for the timing but indicated he had received the request the previous Friday, and because the Board would not be holding a December Work Session, wished to present the information for consideration. He reported Mr. Hayden Van Dyke had constructed a new residence at 7340 Davis Pond Road and was requesting to be added to the County's general permit for sewage pump and haul service. He noted that Mr. Van Dyke had a sewage construction permit which allowed for an alternative system but the specifications for the system required installation be performed in dry weather which had not been possible due to the recent rainy season. Mr. Van Dyke wished to join the County's pump and haul permit until his system could be installed in the spring or summer. Mr. Hathaway noted copies of correspondence from Director of Public Utilities Larry Dame and Chickahominy Environmental Health Manager Carol Lien had been provided and both supported the request. Mr. Hathaway pointed out the property owner would be responsible for all associated costs and recommended the Board allow Mr. Van Dyke to join the County's pump and haul permit and authorize the County Administrator to enter into an agreement with Mr. Van Dyke in a format approved by the County Attorney.

Mr. Stiers moved to include one residential lot owned by Mr. Hayden Van Dyke at 7340 Davis Pond Road in the County's general permit for pump and haul service. He further moved to authorize the County Administrator to enter into a pump and haul agreement with Mr. Van Dyke in a format approved by the County Attorney. The members were polled:

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

The motion carried.

Mr. Hathaway noted the Board was about to go into closed session and he wished to first make a few comments. He thanked Mr. Burrell for his service to the County and noted he had enjoyed working for him. He pointed out that Mr. Burrell had been a great mentor to him since he had come to work for the County in 2004 and, as a resident of District Three, he stated that Mr. Burrell had been a great Supervisor as well.

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IN RE: APPOINTMENTS – DELEGATED BY DISTRICT

Several Board members suggested that no appointments be made until the January meeting. Mr. Evelyn asked Community Development Director Matt Smolnik if the Wetlands Board would be meeting prior to the January Supervisors meeting. Mr. Smolnik indicated this board would hold its next meeting on January 7, 2016. Mr. Davis asked if there were any other boards that would hold meetings prior to the January Supervisors meeting. None were noted.

Mr. Evelyn indicated he would like to make an appointment to the District One seat on the Wetlands Board since the current term would expire on December 31, 2015. He moved to appoint John Bragg as District One's representative to the Wetlands Board/Chesapeake Bay Preservation Board and the Dunes & Beaches Board to serve a five-year term ending December 31, 2020.

Mr. Burrell pointed out that Patricia Paige, who had been elected District Three Supervisor effective January 1, 2016, was also a member of the Wetlands Board and asked if she could continue to serve during the January 7<sup>th</sup> meeting. There was some discussion among Board Members, the County Administrator and the County Attorney and County Attorney William Hefty indicated he would need to check into this and get back to Mr. Burrell.

Mr. Burrell indicated he also had several other appointment motions he wished to make. He moved to appoint Herman Burrell, Jr. as District Three's representative to the Transportation Safety Commission to serve a four-year term ending December 31, 2019.

Mr. Burrell moved to appoint James Moody, Sr. as District Three's representative to the Board of Road Viewers to serve a one-year term ending December 31, 2016.

The members were polled:

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

The motions carried.

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IN RE: APPOINTMENTS – NOT DELEGATED BY DISTRICT

There were none.

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IN RE: CLOSED SESSION

Mr. Tiller moved to go into Closed Session pursuant to Section 2.2-3711A.3 of the Code of Virginia for the following items:

- A. discussion and consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County involving the Heritage Public Library and
- B. discussion and consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County involving a property located in the Bottoms Bridge area of the County.

The members were polled:

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

The motion carried. The Board went into closed session.

Mr. Tiller moved to return to open session. The members were polled:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye

Ron Stiers	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye

The motion carried.

Mr. Tiller moved that the Board certify by roll call vote that to the best of each member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Freedom of Information Act and identified in the motion to go into closed session were heard, discussed or considered in the closed session.

The Chairman inquired whether there was any member who believed that there was a departure from the motion. Hearing none, the members were polled on the certification:

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

The motion carried.

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IN RE: MEETING SCHEDULE

Chairman Burrell announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, January 11, 2016, in the Boardroom of the County Administration Building. He also announced there would be no December work session and the next work session date would be set at the January regular meeting.

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IN RE: ADJOURNMENT/CONTINUATION

Mr. Tiller moved to continue the meeting until Thursday, December 17, 2015 at 8:30 a.m. at Aspen Burger Company located at 11833 Aspengraf Lane, New Kent, Virginia. The members were polled:

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

The motion carried.

The meeting was adjourned at 9:17 p.m.