

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 11th DAY OF JULY IN THE YEAR TWO THOUSAND SIXTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

Chairman Ron Stiers called the meeting to order.

IN RE: INVOCATION, PLEDGE OF ALLEGIANCE AND WELCOME

Ms. Paige gave the invocation and led the Pledge of Allegiance. Mr. Stiers welcomed citizens and staff to the meeting and thanked them for their presence.

IN RE: ROLL CALL

Thomas W. Evelyn	Present
C. Thomas Tiller, Jr.	Present
Patricia A. Paige	Present
Ron Stiers	Present
W. R. Davis, Jr.	Present

All members were present.

IN RE: CONSENT AGENDA

1. Approval of Minutes
 - a. June 13, 2016 Business Meeting minutes
2. Miscellaneous
 - a. Approval of Contracts for engineering on-call services
 - i. Arcadis U.S., Inc.
 - ii. Draper Aden Associates
 - iii. CDM Smith
3. Refunds
 - a. Refund due to BASIC Construction Co, Overpayment of Business License Tax, \$3,517.88.
 - b. Refund due to K. Hovnanian Homes, Customer Canceled Permit; BP# 20206-2015, \$498.75.
 - c. Refund due to Superior Plumbing, Heating & Air Inc., Customer Canceled Permit; BP# 19955-2015, \$136.88.
 - d. Refund due to Ryan Homes, Customer Canceled Permit; BP# 20427-2016, \$417.38.
 - e. Refund due to Ryan Homes, Customer Canceled Permit; BP# 20425-2016, \$594.57.
 - f. Refund due to Ryan Homes, Customer Canceled Permit; BP# 19955-2015, \$396.38.
4. FY16 Carry Forward Appropriations
 - a. To Carry Forward FY15 Hazardous Materials Emergency Preparedness Funds, \$6,500.00.
 - b. To Carry Forward FY15 Historical BMP Data Cleanup Grant, \$4,350.00.

5. FY16 Supplemental Appropriations
- a. Program income received for FY16 from CDBG Plum Point Grant Participants, \$1,141.67.
 - b. Donations for the Animal Shelter, \$1,233.85.
 - c. Extension Program Sponsorship Revenue for the Safe New Kent Event, \$170.35.
 - d. VML Insurance – Sheriff’s Dept. (Veh #249) - Date of Loss 5/23/16, \$1,782.85.
 - e. Gifts & Donations to New Kent Fire Rescue –TRUIST (\$42.50) and Nan R. Pointer (\$50.00), \$92.50.
 - f. Funds Received from Vending Machine Sales – Sheriff’s Office (\$52.79) and Administration (\$205.17), \$257.96.
 - g. Security Detail: Chickahominy Recreational Park Inc. T/A Ed Allen’s Campground and Cottages – 6/6/2016 Concert (\$385.98), New Kent High School – Prom and After Prom (\$468.28), Saude Creek Vineyards, LLC – Wine Festival (\$289.49) and New Kent Chamber of Commerce – New Kent Wine Festival, (\$2,034.67) \$3,178.42.
 - h. Funds for Ambulance Services at the EMS Rodeo for Quinton Vol Fire & EMS Inc. (\$237.50) and the New Kent Chamber of Commerce Taste of New Kent (\$570.00) \$807.50.
 - i. FY17 Grand Illumination – Safe & Sound LLC, \$100.00.
 - j. Four For Life Funds for Fire/Rescue, \$22,968.40.
 - k. Additional Allocation to the Social Services Department for Family Preservation, \$243.00.
 - l. Virginia Telecommunications Planning Initiative Grant, \$75,000.00.
 - m. Funds to the Treasurer’s Budget for Minor & Associates, \$15,000.00.
 - n. State Funds for Postage for Juvenile & Domestic Relations Court, \$1,000.00.
 - o. Insurance recovery Funds Received from VACORP for Damages done to a NKCPS School Bus, \$62,605.00.
 - p. Funds for State Fire Programs Grant, \$5,841.00.

\$191,422.50	Total
\$(38,574.50)	Total In/Out – General Fund (1)
\$(243.00)	Total In/Out – Social Services (2)
\$(75,000.00)	Total In/Out – Grant Fund (6)
\$(62,605.00)	Total In/Out – Capital Improvement Fund (7)
\$(15,000.00)	From Fund Balance – Gen Fund (1)

6. FY17 Supplemental Appropriations
- a. Additional FY 17 Funds Received from the Commonwealth for Victim Witness, \$48,693.00.
\$48,693.00 Total
\$(48,693.00) Total In/Out – General Fund (1)

7. FY16 Interdepartmental Budget Transfers
- a. Registrar/Electoral Board – From Travel (Convention & Education) to Office Supplies, \$170.75.
 - b. School Board – From Other Operating Supplies to Meals, \$138.22 and From Fuel to Maintenance Service Contract, \$19,000.00.

- ~~c. Sheriff's Office/Administration — From Reserved for Contingency to Selective Enforcement, \$4,500.00 and From Reserved for Contingency to FICA/MEDICARE, \$345.00.~~
- ~~d. Financial Services — From Reserved for Contingency to EDP Equipment, \$5,692.00.~~
- 8. FY17 Interdepartmental Budget Transfers
 - a. Sheriff's Office/Administration – From Reserved for Contingency to Selective Enforcement, \$4,500.00 and From Reserved for Contingency to FICA/MEDICARE, \$345.00.
 - b. Financial Services – From Reserved for Contingency to EDP Equipment, \$5,692.00.
- 9. Treasurer's Report: Cash as of May 2016, \$36,395,908.58

County Administrator Rodney Hathaway noted items 7.c. and 7.d. had been listed as FY16 Interdepartmental Budget Transfers when in fact, they were FY17 transfers. He asked the Board to consider adoption of an amended Consent Agenda which reflected items 7.c. and 7.d. as being FY17 transfers. Mr. Davis moved to approve the Consent Agenda, as amended, and that it be made a part of the record. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
W. R. Davis, Jr.	Aye
Ron Stiers	Aye

The motion carried.

IN RE: SMALL BUSINESS CLOSE UP

Mr. Tiller announced that a representative of Third Base Grill had planned to present information on the business but unfortunately had not been able to attend. He noted Third Base Grill was located at 3215 Rock Creek Villa Drive in Quinton and had opened for business in February of 2012. The business, owned by Scott Motley and Owen Berry, had recently received the New Kent Chamber of Commerce Small Business of the Year award. Mr. Tiller noted Third Base Grill was a very active part of the community and had hosted a number of fundraisers in support of local sports teams, the animal shelter and the family of State Police Officer Chad Dermeyer who had died in the line of duty in March. Mr. Tiller suggested that based on their community support, you would never know that the owners were not New Kent residents. He encouraged residents to visit this restaurant and thank them for their ongoing community support.

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

Assistant Residency Administrator for Incident Management David Christoph presented the Residency Administrator's Report and noted 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. The focus for the next thirty days would be on mowing secondary routes, ongoing patching and pothole repairs and ditch regrading.

Updates were provided on the following concerns:

- In response to Ms. Paige's concerns regarding high water at the intersection of Route 249 and Stage Road, Mr. Christoph indicated VDOT was working with the property owner to correct this problem and a drainage pipe in the area may need to be replaced to fully address this concern. VDOT was also working on drainage problems at Olivet Church Road and Route 60.
- In response to Mr. Tiller's questions regarding a traffic study at the intersection of Route 249 and Dispatch Road, Mr. Christoph reported a study had been done several years ago and he would be providing Mr. Tiller with a copy of those results.
- In response to Mr. Evelyn's request for a timetable on the Route 249/Route 612 roundabout project, Mr. Christoph reported he had forwarded the information received from the contractor. He also noted information received at a recent progress meeting indicated Branscome Paving would be working at the site in about a week. The project was expected to be completed in the fall.
- In response to Mr. Stiers' request for an update on work at the intersection of Route 60 and Route 155, Mr. Christoph reported one of the two concrete boxes had been installed and the metal grate for the top of this box had been received but had been the incorrect size. A new grate had been ordered and work continued on the second box.

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

Ms. Paige and Mr. Tiller had no new concerns to report.

Mr. Evelyn reported he had received a call regarding an area on Steel Trap Road (Route 607) at the bottom of a hill where debris had filled a culvert causing drainage issues. He would forward the name and contact information of the individual who had reported this concern to Mr. Christoph for follow up.

Mr. Davis asked for an update on the scheduled replacement of a culvert on North Waterside Drive. Mr. Christoph indicated plans were to have this work completed before school opened in September. Mr. Davis reported that the dead tree on Cooks Mill Road which he had reported at the previous meeting had fallen soon after that meeting. He noted there was another dead tree closer to the east end of Cooks Mill Road that should also be removed. In addition, he reported the surface of Polish Town Road from Route 273 (Farmers Drive) to Mount Nebo Road was in very poor condition.

Mr. Stiers reported several cedar trees hanging over the roadway at the southern end of Courthouse Road were making it difficult for large vehicles to pass without hitting the branches. He praised Maintenance Superintendent Jay Fread for his quick response to several recent requests and noted he would share additional items at the County Transportation Safety Committee meeting scheduled for Wednesday.

Mr. Christoph reported VDOT had selected an individual to fill the Maintenance Operations Manager position which he held prior to being named Assistant Residency Administrator for Incident Management. He indicated this would most likely be his last Supervisors meeting report with New Kent and noted he had enjoyed working for all of the Board members. Board members thanked Mr. Christoph for his service.

IN RE: CITIZENS COMMENT PERIOD

There were no citizen comments.

IN RE: NEW KENT PARKS AND RECREATION PRESENTATION

This item had been moved to the July 27, 2016 work session.

IN RE: EXCEPTION REQUEST BY CHESTER A. ALVIS TO SECTION 91-128(1) – OF
 THE NEW KENT COUNTY SUBDIVISION ORDINANCE

Before the Board for consideration was Resolution R-19-16 to approve an exception to Section 91-128(1) of the New Kent County Code to allow commercial lots to front on a private road. The request for this exception had been submitted by Chester A. Alvis, owner of property along Business Park Road.

Community Development Director Matthew Smolnik reported a plat had been approved for a commercial subdivision which had created Business Park Road off of Route 106. This plat, containing a notation indicating that Business Park Road would be built to VDOT standards and subsequently turned over to VDOT for inclusion into their roadway system, had been recorded in the Circuit Court Clerk's Office in April 2009. Mr. Smolnik pointed out the County Code had been amended on February 9, 2015 to include a provision for applicants to request exceptions. A Performance Agreement between New Kent County and Mr. Alvis had been signed on June 5, 2008 and a \$253,515 surety by Letter of Credit had been established for the completion of the road. The County Attorney had written to Mr. Alvis in July 2011 indicating the Letter of Credit had expired and requesting that an updated Performance Agreement and associated surety be submitted. The letter also indicated failure to renew or replace the security would result in default under the agreement. Without a renewed agreement and surety in place, the County had not approved any new development along Business Park Road. Mr. Alvis was requesting an exception to keep Business Park Road a gravel road that would not be built to VDOT standards and turned over to the State for maintenance. Mr. Smolnik indicated staff had concerns with this request which would result in the only means of ingress/egress being subject to the road maintenance (snow removal and road surface repair/maintenance) of a private entity. This item had been presented to the Planning Commission at their June 20th meeting and the Commission was forwarding an unfavorable recommendation to the Board of Supervisors.

Mr. Alvis addressed the Board indicating he believed they were familiar with this situation. He drew attention to New Kent Code Section 98-1028, a copy of which he had placed at each Board member's seat, and suggested it clearly stated an exception could be granted in the case of a hardship. Mr. Alvis indicated Business Park Road was a short road which had been intended to provide access to six lots. He suggested the road would only be used by employees of businesses located on those lots and future lot sales in the development would be made with the understanding the road would remain private. Mr. Alvis suggested he had willingly given the County a right-of-way over Business Park Road. Mr. Davis indicated he remembered when Mr. Alvis had said he would give the County the right-of-way and asked if this had ever been recorded. County Administrator Rodney Hathaway indicated when the plat was subdivided, it had contained language stating the right-of-way would be dedicated to public use which was the standard language used for any right-of-way intended to be included in the State system for maintenance. Mr. Davis suggested Mr. Alvis was referring to access to the Fisher tract which was owned by the County. Mr. Alvis indicated he was referring to his property and not the Fisher tract. Mr. Hathaway noted the County's access to the Fisher tract had been established through an agreement with David Horsley and not with Mr. Alvis. Mr. Alvis suggested the best access to the Fisher tract was by way of Business Park Road and the County would gain nothing by denying his request. He further suggested if his request was approved, some new businesses and additional jobs could be brought into the County which would generate additional revenue. Mr. Alvis stated, "I'm between a rock and a hard spot." and indicated he clearly could not build a road to VDOT standards. He thanked the Board for their time and consideration.

Mr. Davis asked if the Board had the authority to grant the exception requested by Mr. Alvis. County Attorney Bill Hefty indicated that under subdivision ordinance an exception could be granted for a hardship relative to a paved road in a commercial subdivision. Mr. Davis pointed out that if the road was not paved, the State would never take over the responsibility for maintenance. He asked Mr. Smolnik how much work had been done on the road and suggested some ditches had been established and culverts installed when Cobb Lumber located to the subdivision. Mr. Smolnik noted the subdivision plat indicated the presence of a fifty foot right-of-way but he was not sure of what work had been completed. Mr. Hathaway indicated storm water management would be a big part of the improvements needed to bring the road up to VDOT standards and noted the road appeared to be in good shape. Mr. Davis asked how Cobb Lumber had been allowed to build on the road if it had not been up to VDOT standards. Mr. Hathaway indicated Cobb was the only use on the road and, according to County Code, the road was only considered to be a drive way. Mr. Smolnik noted the surety had been in effect when Cobb Lumber had been approved. He pointed out the surety had since expired and, without any guarantee the road would ever be built, Community Development was not approving site plans for any of the other lots. Mr. Smolnik suggested two options; Mr. Alvis could bond the completion of the road and move forward with selling the lots or he could pave the road.

Mr. Evelyn indicated he understood this had taken place prior to Mr. Smolnik's employment with the County but he hoped improvements were being made to keep better track of Letters of Credit. He suggested there may be other outstanding Letters of Credit which had been allowed to expire. Mr. Hathaway noted staff had communicated with Mr. Alvis prior to the expiration of the Letter of Credit and he had been informed that a renewal would be needed in order to do any further development. Mr. Evelyn indicated he had spoken with the County Administrator and had been seeking additional information on the right-of-way to the Fisher tract. He indicated he would like additional time to consider Mr. Alvis' request.

Mr. Evelyn moved to defer action on the request from Chester A. Alvis for an exception to Section 91-128(1) of the New Kent County Subdivision Ordinance until the next regular Board meeting. The members were polled:

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
Ron Stiers	Aye

The motion carried. Mr. Alvis thanked the Board and indicated he would be happy to meet with them in the interim if he could provide additional information.

Mr. Stiers indicated public hearings could not begin prior to 7:00 p.m., and announced the Board would skip over agenda items three through twenty-two and address other agenda items until such time as the public hearings could begin.

IN RE: ELECTED OFFICIALS' REPORTS

Ms. Paige reported Tire Recyclers, Inc., located at 2640 Roxbury Road in Charles City, would be accepting tires from New Kent County residents until September 30, 2016. The business would receive tires from 8:30 a.m. to 4:00 p.m., Monday through Friday and from 9:00 a.m. to 1:00 p.m., Saturday. Passenger, SUV and truck tires would be accepted and there would be no limit on the number of tires a resident could bring for recycling. Proper

identification verifying New Kent County residency would be required. Mr. Evelyn asked if this program was open to businesses. Ms. Paige indicated it would not be open to businesses. She also reported the New Kent Clean County Committee would be sponsoring a recycling fair in conjunction with the County Fair in August. Shredding services would be available and electronic devices could be dropped off for recycling. In addition, Ms. Paige announced the New Kent Sheriff's Office, Fire-Rescue and the Department of Social Services had been working together to form a Triad organization. This program was focused on protecting senior citizens from fraud and other criminal activities. The next Triad meeting would be held at 2:00 p.m. on July 20th in the New Kent Sheriff's Office and seniors, their children and care givers were encouraged to attend. She reported there had been a recent prayer gathering at New Covenant Community Church with prayers focusing on the New Kent Sheriff's Office members as well as their families.

Mr. Tiller congratulated the members of New Kent's eight and under baseball team who were on their way to Martin, Tennessee for the Southeast Regional Baseball Tournament. Approximately twenty teams from Virginia to Florida would be competing.

Mr. Evelyn had nothing to report at this time.

Mr. Davis indicated it was great to see so many people coming to visit New Kent County wineries on the weekends.

Mr. Stiers reported the Library Committee had met several weeks ago and would be meeting again the following week. He indicated he believed construction would begin within the next thirty to forty-five days. He also announced there would be a prayer circle at 11:50 a.m. on Wednesday, July 13th in front of the Sheriff's Office. This had been organized in response to recent tragedies in other states and would be an opportunity for those attending to ask for God's protection of our Sheriff's Office staff and first responders. Mr. Stiers suggested this would be a way for citizens to let our law enforcement officers know they supported them and were praying for them.

IN RE: STAFF REPORTS – BROADBAND ADVISORY COMMITTEE SURVEY

County Administrator Rodney Hathaway reported County residents should have received a letter including a survey from the Broadband Advisory Committee. He noted the importance of responding to the survey either by returning the paper survey or by online response. The information collected would be vital as the County moved to the next stage of broadband planning; seeking federal and state grant funding. Survey responses would assist with showing the level of need and interest in the community which would be required information for grant applications. Responses would also provide valuable input into the design process of a county-wide broadband system that would adequately meet the needs of citizens and businesses. Surveys were due by Friday, July 15th.

IN RE: STAFF REPORTS – PUMP AND HAUL PERMIT ADDITION

County Administrator Rodney Hathaway reported his office had been contacted regarding a new business in the County, Jab's Grill, which was located at 9101 Pocahontas Trail in Providence Forge. Some issues with the septic system serving the facility had arisen and the property owner, Collins Run, LLC, had made a request to be added to the County's Pump and Haul permit. The Health Department had issued a temporary permit pending the Board's action. If approved, the County would draft a Pump and Haul agreement with Collins Run, LLC and provide that agreement to the Health Department.

Ms. Paige asked if this would be a temporary permit. Mr. Stiers noted this would be a temporary permit and would be in place until the issues with the septic system could be addressed. Mr. Evelyn also noted the Board had previously approved similar requests for other businesses and residents. Mr. Hathaway indicated the agreement would include language stating that Providence Forge was a service area and, at such time as services were extended to the area, the property would be required to connect to the public utilities system. Mr. Stiers reported he had begun working with Public Utilities Director Larry Dame to determine the cost of extending public utilities to Providence Forge. The cost had been estimated to be 14.7 million dollars and the next step would be exploring funding options. Mr. Stiers reported he had been in communication with Congressman Rob Wittman and had learned grants could be available for certain rural communities.

Mr. Evelyn asked if the owner was planning to get the septic system back on line. Mr. Hathaway indicated he believed from his conversations with the owner, they would be trying to get the system working again and pointed out the pump and haul option was expensive.

Mr. Davis moved to approve the addition of the building at 9101 Pocahontas Trail, Providence Forge to the County's Pump and Haul Permit and to further authorize the County Administrator to enter into a Pump and Haul agreement with Collins Run, LLC, owner of the above reference address, in a format approved by the County Attorney. The members were polled:

Patricia A. Paige	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye

The motion carried.

IN RE: OTHER BUSINESS

There was no other business to be discussed.

IN RE: DISTRICT APPOINTMENTS

Mr. Evelyn moved to appoint Margaret "Peg" Noctor as District One representative to the Heritage Library Board of Trustees to serve a four-year term ending June 30, 2020. The members were polled:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye

The motion carried.

IN RE: NON-DISTRICT APPOINTMENTS

Mr. Evelyn moved to appoint Michelle Gowdy as a member of the Farms of New Kent County Community Development Authority Board to complete a four-year term ending December 30, 2016.

Mr. Davis moved to appoint Larry Clark as the New Kent County representative to the Community Policy and Management Team to serve a one-year term ending June 30, 2017.

Mr. Davis moved to appoint Sandy Brudvig as the private service provider representative to the Community Policy and Management Team to serve a one-year term ending June 30, 2017.

Mr. Davis moved to appoint Dr. Dianne B. Pollard as the New Kent County School representative to the Community Policy and Management Team to serve a one-year term ending June 30, 2017.

Mr. Davis moved to appoint Jon Martz as the Department of Social Services representative to the Community Policy and Management Team to serve a one-year term ending June 30, 2017.

Mr. Davis moved to appoint Aida Zayas as the Department of Health representative to the Community Policy and Management Team to serve a one-year term ending June 30, 2017.

Mr. Davis moved to appoint Bruce Call as the Juvenile Court Service Unit representative to the Community Policy and Management Team to serve a one-year term ending June 30, 2017.

Mr. Davis moved to appoint Daniel Rigsby as the Community Services Board representative to the Community Policy and Management Team to serve a one-year term ending June 30, 2017.

Mr. Davis moved to appoint Jennie Stolarski as the parent representative to the Community Policy and Management Team to serve a one-year term ending June 30, 2017.

The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
W. R. Davis, Jr.	Aye
Ron Stiers	Aye

The motions carried.

IN RE: ADDITIONAL NON-DISTRICT APPOINTMENTS

Mr. Tiller moved to appoint Rebecca Ringley as New Kent's representative to the Senior Connections and The Capital Area Agency on Aging Board of Directors to serve a three-year term ending June 30, 2019. The members were polled:

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
Ron Stiers	Aye

The motion carried.

Mr. Stiers called for a brief recess at 6:47 p.m. to allow time to lapse until the start of the 7:00 p.m. public hearings. The Board reconvened at 7:03 p.m.

IN RE: PUBLIC HEARING – RIVER CITY AVIATION, LLC

Before the Board for consideration was a proposed lease between New Kent County and River City Aviation, LLC for a portion of the property located at 6901 Terminal Road, Quinton, Virginia for the operation of a flight school.

Airport Manager Duane B. Goss reported River City Aviation, LLC was owned by Andrew Jones, a commercial pilot with over five thousand flight hours, and his partner, Todd Kallenbach, an airline transport pilot with over ten thousand flight hours. Both were FAA certified flight instructors and wished to start a new flight school at the New Kent County Airport. Mr. Goss asked the Board for their consideration and approval of the proposed lease for office space and a flight school.

Mr. Davis asked how long it had been since the previous flight school had ceased operation and why had they closed. Mr. Goss indicated the previous school had closed approximately ten months ago. He reported the school had a good client base but had not been able to maintain adequate flight instructor staffing. Mr. Davis asked Mr. Goss if he believed the new school would be able to maintain staffing. Mr. Goss reported he believed the owners were ambitious and motivated and he did not believe adequate staffing would be an issue. Mr. Davis questioned the length of the lease. Mr. Goss pointed out the initial term of the lease would be one year and it could be renewed annually for up to four additional years. Mr. Evelyn asked if the lease included an escalator clause. County Attorney Bill Hefty indicated it did not but noted it could be added if the Board wished. Mr. Davis asked if having a flight school would enhance the County's status in regard to FAA funding for improvements. Mr. Goss indicated the flight school could positively impact future FAA funding. Mr. Evelyn asked how soon the flight school would be ready to open if the Board approved the proposed lease. Mr. Goss indicated the business had acquired a County business license, had satisfied minimum liability requirements and was ready to begin operation now.

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

Mr. Tiller moved to approve the proposed lease between New Kent County and River City Aviation, LLC for the purpose of operating a business providing general aviation flight training services in the specified facility located at the New Kent County Airport. The members were polled:

Patricia A. Paige	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye

The motion carried.

IN RE: PUBLIC HEARING – GOLDEN AGE AERO, LLC

Before the Board for consideration was a proposed lease between New Kent County and Golden Age Aero, LLC for a portion of the property located at 6901 Terminal Road, Quinton, Virginia for the operation of a general aviation aircraft maintenance service business.

Airport Manager Duane B. Goss reported that Golden Age Aero, LLC was owned by Stuart N. Reynolds who had worked as the full-time mechanic for the former flight school. He indicated Mr. Reynolds wished to lease an office and half of the main hangar to operate a general aviation aircraft maintenance service business. The initial lease would be for one year with the option for four one-year extensions. Mr. Goss indicated he highly recommended Mr. Reynolds and asked the Board for their consideration and approval of the proposed lease for office space and an aircraft maintenance service business.

Mr. Davis asked if a license was required to perform maintenance work on airplanes and if it was, did Mr. Reynolds hold such a license. Mr. Goss indicated a license was required and Mr. Reynolds was licensed. He also pointed out a business plan had been provided and minimum liability requirements had also been met.

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

Mr. Evelyn moved to approve the proposed lease between New Kent County and Golden Age Aero, LLC for the purpose of operating a business providing general aviation aircraft maintenance services in the specified facility located at the New Kent County Airport. The members were polled:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye

The motion carried.

IN RE: PUBLIC HEARING – RESOLUTION R-20-16 – RENEWAL OF ALLEN’S RUN
AGRICULTURAL AND FORESTAL DISTRICT (AFD)

Community Development Director Matthew Smolnik reported that Community Development Assistant Sheri L. Wood had taken over the responsibility for coordinating the AFD process the previous year when the department had been going through some transition. He indicated she had gone above and beyond the call of duty and had presented the AFD proposals at the Planning Commission meeting in June. She had done such a great job with those presentations that he had asked her to present the information to the Board of Supervisors. He indicated work on the AFD proposal had been a team effort of which Ms. Wood had taken the lead and he commended her for her efforts.

Before the Board for consideration was Resolution R-20-16 to approve AFD Application AFD-001-16, requesting a proposed renewal date of August 31, 2016 for the Allen’s Run AFD.

Ms. Wood indicated staff was recommending approval of AFD-001-16 requesting a renewal of the Allen’s Run AFD which included twenty-three parcels totaling 768 acres. All members of the district had been notified and all had indicated an interest in renewing the district. The AFD Advisory Committee had met on April 21, 2016 and had forwarded a favorable recommendation to the Planning Commission. The Planning Commission had met on June

20, 2016 and had forwarded a favorable recommendation to the Board of Supervisors. Ms. Wood asked the Board for their consideration and approval of Resolution R-20-16 renewing the Allen's Run AFD.

Mr. Davis questioned the small acreages listed for several properties held by Ruffin Development LLC. Ms. Wood noted these properties met the minimum five acre requirement for agricultural properties and were contiguous to other properties within the district. Mr. Davis noted copies of Resolution R-20-16 (R1) had been placed at each Board member's seat and asked why the acreage numbers were different from those contained in R-20-16. Deputy Board Clerk Wanda Watkins noted the acreages contained in R-20-16 (R1) reflected the actual eligible acreages noted on the individual parcel applications. Mr. Smolnik noted the Board would be voting on whether or not the parcels qualified for the AFD and the Commissioner of Revenue would qualify the acreage. County Administrator Rodney Hathaway pointed out that Resolution R-20-16, contained in the meeting packet, contained the total acreage of each parcel and R-20-16 (R1) reflected the actual acreage devoted to agriculture and timber use. Mr. Davis suggested the Board members had been confused by the presentation of two versions of the resolution. Mr. Hathaway indicated the Board could move forward with conducting a public hearing on the renewal of the Allen's Run AFD and defer action until additional information could be provided for clarification. Mr. Davis asked which of the two resolutions the Board should adopt. Mr. Hathaway suggested R-20-16 (R1) was more accurate than the resolution contained in the packet because it reflected the acreage upon which the tax breaks would be based. Mr. Davis noted the total acreage of these parcels had been presented to the AFD Board and the Planning Commission and suggested the Board of Supervisors should approve the resolution reflecting the information on which these two bodies had given a favorable recommendation. Mr. Smolnik again stated it was the Board's responsibility to approve the gross acreage of the parcels as qualifying for the AFD program and the Commissioner of Revenue would be responsible for qualifying the acreage. Mr. Davis suggested that for consistency, the Board of Supervisors should act upon the same information given to the AFD Advisory Committee and Planning Commission.

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

Mr. Davis moved to approve Resolution R-20-16, AFD-001-16, to recreate the Allen's Run Agricultural and Forestal District consisting of twenty-three parcels totaling approximately 768 acres. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
W. R. Davis, Jr.	Aye
Ron Stiers	Aye

The motion carried.

IN RE: PUBLIC HEARING – RESOLUTION R-21-16 – BROYHILL FOUNDATION, INC.
ADDITION TO THE BLACK CREEK AGRICULTURAL AND FORESTAL DISTRICT
(AFD)

Before the Board for consideration was Resolution R-21-16 to approve AFD Application AFD-002-16, filed by Broyhill Foundation, Inc. to add tax map parcel 9-37, approximately 977 acres, to the Black Creek AFD.

Mr. Evelyn announced he wished to recuse himself from any involvement in the consideration of this application. He reported the presence of a business relationship with the Broyhill Foundation and his involvement would be a conflict of interest. Mr. Evelyn stepped down from the dais.

Community Development Assistant Sheri L. Wood indicated staff was recommending approval of AFD-002-16 requesting the addition of tax map parcel 9-37, approximately 977 acres, to the Black Creek AFD. A forestry report provided by a licensed forester as well as a survey of the active farming production provided by the Virginia Cooperative Extension Office had been provided. The AFD Advisory Committee had met on April 21, 2016 and had forwarded a favorable recommendation to the Planning Commission. The Planning Commission had met on June 20, 2016 and had forwarded a favorable recommendation to the Board of Supervisors. Ms. Wood asked the Board for their consideration and approval of Resolution R-21-16 as presented.

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

Mr. Davis moved to approve Resolution R-21-16, AFD-002-16, addition of tax map parcel 9-37 to the Black Creek Agricultural and Forestal District. The members were polled:

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Abstain
Ron Stiers	Aye

The motion carried.

IN RE: PUBLIC HEARING – RESOLUTION R-22-16 – PEARSON ADDITION TO BLACK CREEK AGRICULTURAL AND FORESTAL DISTRICT (AFD)

Before the Board for consideration was Resolution R-22-16 to approve AFD Application AFD-003-16, filed by William C. Pearson, Jr. to add tax map parcel 10-47, approximately 170 acres, to the Black Creek AFD.

Community Development Assistant Sheri L. Wood indicated staff was recommending approval of AFD-003-16 requesting the addition of tax map parcel 10-47, approximately 170 acres, to the Black Creek AFD. Forestry and agricultural reports from outside agencies had been provided. The AFD Advisory Committee had met on April 21, 2016 and had forwarded a favorable recommendation to the Planning Commission. The Planning Commission had met on June 20, 2016 and had forwarded a favorable recommendation to the Board of Supervisors. Ms. Wood asked the Board for their consideration and approval of Resolution R-22-16 as presented.

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

Mr. Davis moved to approve Resolution R-22-16, AFD-003-16, addition of tax map parcel 10-47 to the Black Creek Agricultural and Forestal District. The members were polled:

Patricia A. Paige	Aye
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W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye

The motion carried.

IN RE: PUBLIC HEARING – RESOLUTION R-23-16 – BOYLE ADDITION TO CATTAIL SWAMP AGRICULTURAL AND FORESTAL DISTRICT (AFD)

Before the Board for consideration was Resolution R-23-16 to approve AFD Application AFD-004-16, filed by John P. Boyle, III to add tax map parcel 1-5, approximately 57 acres, to the Cattail Swamp AFD.

Community Development Assistant Sheri L. Wood indicated staff was recommending approval of AFD-004-16 requesting the addition of tax map parcel 1-5, approximately 57 acres, to the Cattail Swamp AFD. Approximately 53 acres were devoted to timber and some wetlands were present. A representative of the Virginia Cooperative Extension Office had visited the site and determined no farming was present and a report from the Virginia Department of Forestry was provided. The AFD Advisory Committee had met on April 21, 2016 and had forwarded a favorable recommendation to the Planning Commission. The Planning Commission had met on June 20, 2016 and had forwarded a favorable recommendation to the Board of Supervisors. Neighboring property owners had expressed concerns regarding the use of the private road for timbering the Boyle property. Ms. Wood suggested an alternate access to the property was possible from the Hanover County side. Community Development Director Matthew Smolnik indicated this was a private matter to be worked out by the property owners. Ms. Wood asked the Board for their consideration and approval of Resolution R-23-16 as presented.

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

Mr. Evelyn moved to approve Resolution R-23-16, AFD-004-16, addition of tax map parcel 1-5 to the Cattail Swamp Agricultural and Forestal District. The members were polled:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye

The motion carried.

IN RE: PUBLIC HEARING – RESOLUTION R-24-16 – RENEWAL OF COOKS MILL AGRICULTURAL AND FORESTAL DISTRICT (AFD)

Before the Board for consideration was Resolution R-24-16 to approve AFD Application AFD-005-16, requesting a proposed renewal date of August 31, 2016 for the Cooks Mill AFD.

Mr. Davis announced he wished to recuse himself from any involvement in the consideration of this application. He indicated he had a personal interest in some of the subject properties and his involvement would be a conflict of interest. Mr. Davis stepped down from the dais.

Community Development Assistant Sheri L. Wood indicated staff was recommending approval of AFD-005-16 requesting a renewal of the Cooks Mill AFD which included thirty-five parcels totaling 4,484 acres. All members of the district had been notified and all with the exception of Bernard J. Canterbury and Stitzer-Ingo Company had indicated an interest in renewing the district prior to the renewal going before the AFD Advisory Committee for consideration. The AFD Advisory Committee had met on April 21, 2016 and had forwarded a favorable recommendation to the Planning Commission on all properties with the exception of those owned by Bernard J. Canterbury and Stitzer-Ingo Company. The Planning Commission had met on June 20, 2016 and had forwarded a favorable recommendation to the Board of Supervisors on all properties with the exception of those owned by Bernard J. Canterbury and Stitzer-Ingo Company. Ms. Wood reported public notices sent out on June 30th included a provision allowing for the receipt of applications up to the date the Board of Supervisors held its public hearing. Stitzer-Ingo Company had submitted an application after the Planning Commission had met and staff was recommending that the following properties also be included in the renewal: tax map parcels 14-2, 14-3A, 14-8, 26-1, 26-1A, 26-63 and 26-64. No renewal application had been received for the Canterbury property which remained as an exception to the requested renewal. Ms. Wood asked the Board for their consideration and approval of Resolution R-24-16 renewing the Cooks Mill AFD with the exception of the Canterbury property.

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

Mr. Evelyn moved to approve Resolution R-24-16, AFD-005-16, to recreate the Cooks Mill Agricultural and Forestal District with the exception of tax map parcel 25-31 belonging to Mr. Bernard J. Canterbury. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
W. R. Davis, Jr.	Abstain
Ron Stiers	Aye

The motion carried.

IN RE: PUBLIC HEARING – RESOLUTION R-25-16 – WALLS ADDITION TO DIASCUND CREEK AGRICULTURAL AND FORESTAL DISTRICT (AFD)

Before the Board for consideration was Resolution R-25-16 to approve AFD Application AFD-006-16, filed by R. Edgar Walls, II to add tax map parcels 45-19, 45-80 and 45-81, approximately 85 acres, to the Diascund Creek AFD.

Community Development Assistant Sheri L. Wood indicated staff was recommending approval of AFD-006-16 requesting the addition of tax map parcels 45-19, 45-80 and 45-81, approximately 85 acres, to the Diascund Creek AFD. Ms. Wood indicated the 85 acre property, which was mostly timber, had been in the Walls family for many years and it was their intention to continue ownership of the property. A forestry report had been provided. The AFD Advisory Committee had met on April 21, 2016 and had forwarded a favorable recommendation to the Planning Commission. The Planning Commission had met on June 20, 2016 and had forwarded a favorable recommendation to the Board of Supervisors. Ms. Wood asked the Board for their consideration and approval of Resolution R-25-16 as presented.

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

Mr. Evelyn moved to approve Resolution R-25-16, AFD-006-16, addition of tax map parcels 45-19, 45-80 and 45-81 to the Diascund Creek Agricultural and Forestal District. The members were polled:

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
Ron Stiers	Aye

The motion carried.

IN RE: PUBLIC HEARING – RESOLUTION R-26-16 – VRANIAN ADDITION TO MILL CREEK AGRICULTURAL AND FORESTAL DISTRICT (AFD)

Before the Board for consideration was Resolution R-26-16 denying AFD Application AFD-007-16, filed by Elizabeth W. and Henry Vranian, Jr., et al to add tax map parcels 28-22E, 28-22H, 28-22M, 28B-3-74, 28B-3-77, 28B-3-78, 28B-3-79, 28B-3-80, and 28B-3-81, approximately 33 acres, to the Mill Creek AFD.

Community Development Assistant Sheri L. Wood indicated staff was recommending denial of AFD-007-16 requesting the addition of tax map parcels 28-22E, 28-22H, 28-22M, 28B-3-74, 28B-3-77, 28B-3-78, 28B-3-79, 28B-3-80, and 28B-3-81, approximately 33 acres, to the Mill Creek AFD. Staff had met with the Vranians and had advised them this request was not in line with the County's Comprehensive Plan as the properties were designated as "village" and zoned R-1 (residential). The AFD Advisory Committee had met on April 21, 2016 and had forwarded a favorable recommendation to the Planning Commission. The Planning Commission had met on June 20, 2016 and had forwarded an unfavorable recommendation to the Board of Supervisors. Ms. Wood noted several larger maps had been provided to clearly depict access to the properties over Piper Drive and Brown Avenue which were streets within the Brown Subdivision. She asked the Board for their consideration and approval of Resolution R-26-16 as presented.

Mr. Evelyn requested clarification regarding the boundaries of parcel 28-22H as well as its acreage and Mr. Davis asked if the properties were a part of the Brown Subdivision. Community Development Director Matthew Smolnik indicated parcel 28-22H was listed as 18.46 acres and a map depicting this parcel was attached to the AFD application. He noted the parcel appeared to be in two pieces on the map but in fact was one parcel with a right-of-way through the center. Mr. Smolnik noted he did not have a copy of the 1975 Brown Subdivision plat and indicated the smaller parcels contained in this application were a part of that plat but he did not believe the larger parcels were a part of the platted subdivision.

Mr. Stiers asked if there were any immediate plans to develop the property. Mr. Smolnik noted no plans had been submitted to the Community Development Office. Mr. Stiers asked why the property could not be included in the AFD until plans for development were submitted. Mr. Smolnik noted the properties were designated as "village" in the Comprehensive Plan and were zoned R-1 and to approve the request would result in residential properties being added to an agricultural and forestal district program. The Planning Commission had discussed this and was recommending the County not start the practice of allowing residential property to be added to AFDs to receive tax breaks until such

time as it was developed. Mr. Evelyn suggested the owners could also consider a request for rezoning back to A-1 (agriculture) so that it could be considered for future addition to an AFD. Mr. Davis expressed concerns that if this request was approved, there would be more requests like this in the future.

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

Mr. Davis moved to approve Resolution R-26-16, denying application AFD-007-16, addition of tax map parcels 28-22E, 28-22H, 28-22M, 28B-3-74, 28B-3-77, 28B-3-78, 28B-3-79, 28B-3-80 and 28B-3-81 to the Mill Creek Agricultural and Forestal District. The members were polled:

Patricia A. Paige	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye

The motion carried.

IN RE: PUBLIC HEARING – RESOLUTION R-27-16 – CRISS CROSS PROPERTIES, LLC
ADDITION TO PELHAM SWAMP AGRICULTURAL AND FORESTAL DISTRICT
(AFD)

Before the Board for consideration was Resolution R-27-16 to approve AFD Application AFD-008-16, filed by Criss Cross Properties, LLC to add tax map parcels 22-62, 22-63, 23-15A, 23-1-5, 23A-1-49, 23-41A and 24-32, approximately 659 acres, to the Pelham Swamp AFD.

Community Development Assistant Sheri L. Wood indicated staff was recommending approval of AFD-008-16 requesting the addition of tax map parcels 22-62, 22-63, 23-15A, 23-1-5, 23A-1-49, 23-41A and 24-32, approximately 659 acres to the Pelham Swamp AFD. Reports from the Virginia Cooperative Extension Office and Virginia Department of Forestry Forest Management Plans were provided. The AFD Advisory Committee had met on April 21, 2016 and had forwarded a favorable recommendation to the Planning Commission. The Planning Commission had met on June 20, 2016 and had forwarded a favorable recommendation to the Board of Supervisors. Ms. Wood asked the Board for their consideration and approval of Resolution R-23-16 as presented.

Mr. Davis indicated he believed some of the timber property had been cut and it appeared the owner was clearing the property. He asked how this acreage could be included as forestry. Ms. Wood indicated the Forestry Department would dictate what the owner could do as a part of their forestry management plan. Mr. Smolnik further indicated forestry management plans often included cutting, clearing and replanting. Mr. Davis reported a "tiltavor" had been used to till the property and questioned if replanting was what was being planned. Mr. Evelyn suggested maybe the owner was switching from forestry to cropland. Mr. Davis agreed that could be the plan but noted nothing was currently growing on some of the subject property. Mr. Smolnik noted the land owner was responsible for annually reporting any changes. Commissioner of Revenue Office Deputy Commissioner Shannon McLaughlin concurred and noted the land owner was required to annually certify the use of the property with the Commissioner of Revenue and report any changes.

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

Ms. Paige moved to approve Resolution R-27-16, AFD-008-16, addition of tax map parcels 22-62, 22-63, 23-15A, 13-1-5, 23A-1-49, 23-41A and 24-32 to the Pelham Swamp Agricultural and Forestal District. The members were polled:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye

The motion carried.

IN RE: PUBLIC HEARING – RESOLUTION R-28-16 – CRISS CROSS PROPERTIES, LLC
ADDITION TO SCHIMINOE CREEK AGRICULTURAL AND FORESTAL DISTRICT
(AFD)

Before the Board for consideration was Resolution R-28-16 to approve AFD Application AFD-009-16, filed by Criss Cross Properties, LLC to add tax map parcels 32-5A, 32-37, 32-38, 32-39, 32-41, 32-45, 33-1A, and 33-8, approximately 1,065 acres, to the Schiminoe Creek AFD.

Community Development Assistant Sheri L. Wood indicated staff was recommending approval of AFD-009-16 requesting the addition of tax map parcels 32-5A, 32-37, 32-38, 32-39, 32-41, 32-45, 33-1A, and 33-8, approximately 1,065 acres to the Schiminoe Creek AFD. Approximately 84 acres of the properties were in marsh and wetlands and the remaining 980 acres were in timber. A report from the Virginia Department of Forestry was provided. The AFD Advisory Committee had met on April 21, 2016 and had forwarded a favorable recommendation to the Planning Commission. The Planning Commission had met on June 20, 2016 and had forwarded a favorable recommendation to the Board of Supervisors. Ms. Wood asked the Board for their consideration and approval of Resolution R-28-16 as presented.

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

Mr. Tiller moved to approve Resolution R-28-16, AFD-009-16, addition of tax map parcels 32-5A, 32-37, 32-38, 32-39, 32-41, 32-45, 33-1A and 33-8 to the Schiminoe Creek Agricultural and Forestal District. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
W. R. Davis, Jr.	Aye
Ron Stiers	Aye

The motion carried.

IN RE: PUBLIC HEARING – RESOLUTION R-29-16 – PROVIDENCE FORGE HUNT &
FISH CLUB ADDITION TO SCHIMINOE CREEK AGRICULTURAL AND FORESTAL
DISTRICT (AFD)

Before the Board for consideration was Resolution R-29-16 to approve AFD Application AFD-010-16, filed by Providence Forge Hunt & Fish Club to add tax map parcels 41-18, 41A1-2-4, and 41A1-2-39, approximately 130 acres, to the Schiminoe Creek AFD.

Community Development Assistant Sheri L. Wood indicated staff was recommending approval of AFD-010-16, filed by Providence Forge Hunt & Fish Club to add tax map parcels 41-18, 41A1-2-4, and 41A1-2-39, approximately 130 acres to the Schiminoe Creek AFD. Ms. Wood noted the future land use of these properties, which were located in the Old Forge Pond vicinity, was designated as "village" in the County's Comprehensive Plan but pointed out these properties were zoned A-1 (agricultural). A report from the Virginia Department of Forestry was provided. The AFD Advisory Committee had met on April 21, 2016 and had forwarded a favorable recommendation to the Planning Commission. The Planning Commission had met on June 20, 2016 and had forwarded a favorable recommendation to the Board of Supervisors. Ms. Wood asked the Board for their consideration and approval of Resolution R-29-16 as presented.

Mr. Davis asked if anyone had explained to the property owners that a conservation easement could result in less tax liability. Ms. Wood indicated she was not aware of that information. Commissioner of Revenue Office Deputy Commissioner Shannon McLaughlin indicated a lower tax liability was not always the case with a conservation easement. She noted the restrictions imposed by the easement would impact the tax liability. Mr. Davis asked if the pond would be included in this AFD. Ms. Wood indicated that decision would be made by the Commissioner of Revenue.

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

Mr. Davis moved to approve Resolution R-29-16, AFD-010-16, addition of tax map parcels 41-18, 41A1-2-4 and 41A1-2-39 to the Schiminoe Creek Agricultural and Forestal District. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
W. R. Davis, Jr.	Aye
Ron Stiers	Aye

The motion carried.

IN RE: PUBLIC HEARING – RESOLUTION R-30-16 – HARWOOD ADDITION TO WAHRANI SWAMP AGRICULTURAL AND FORESTAL DISTRICT (AFD)

Before the Board for consideration was Resolution R-30-16 to approve AFD Application AFD-011-16, filed by Susan O. Harwood to add tax map parcel 36-37, approximately 84 acres to the Wahrani Swamp AFD.

Community Development Assistant Sheri L. Wood indicated staff was recommending approval of AFD-011-16, filed by Susan O. Harwood to add tax map parcel 36-37, approximately 84 acres, to the Wahrani Swamp AFD. The future land use of this property was designated as "economic opportunity" in the County's Comprehensive Plan. Ms. Wood pointed out staff had taken issue with this designation when Ms. Harwood had previously made application for this parcel's inclusion in the AFD program in 2015. A forestry plan

was in place and the owner had expressed there was no intent to develop the property. The AFD Advisory Committee had met on April 21, 2016 and had forwarded a favorable recommendation to the Planning Commission. The Planning Commission had met on June 20, 2016 and had forwarded a favorable recommendation to the Board of Supervisors. Ms. Wood asked the Board to take into consideration the "economic opportunity" designation for the properties surrounding this interchange.

Community Development Director Matthew Smolnik provided additional information on properties within the County which were zoned and designated as "economic opportunity" in the Comprehensive Plan. He indicated properties with this designation were generally situated around the I-64 interchanges at 205, 211, 214 and 220 as well as the Route 33 interchange in the Eltham area. He reported the County GIS Department had determined there were 4,097 acres located adjacent to or in close proximity to other AFDs within the County with the same zoning and designation as the Harwood property. Mr. Smolnik indicated he had discussed the property with Ms. Harwood and noted that although the property was not developed now and a forestry management plan was in place, it was intended to be developed. Ms. Harwood had indicated she would like this property to be included in the AFD for tax relief and noted she may consider development in the future. Mr. Smolnik suggested if the Board approved this request, there would be the potential for similar properties to also seek shelter. He indicated Ms. Harwood did have the option to down zone the property to agriculture if she wished but pointed out signs offering the property for sale as commercial were currently located on the property. This property had been a part of the County's comprehensive rezoning in 2008-2009 and the owner had not exercised the option to revert the property back to its previous zoning. Mr. Smolnik asked the Board to keep these factors in mind when considering Resolution R-29-16.

Mr. Davis indicated he could support the Harwood request for inclusion in the AFD if the property was not zoned commercial and had not been marketed as commercial for the past eight years.

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

Mr. Davis moved to deny Resolution R-30-16, AFD-011-16, addition of tax map parcel 36-37 to the Wahrani Swamp Agricultural and Forestal District. The members were polled:

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
Ron Stiers	Aye

The motion carried.

IN RE: PUBLIC HEARING – RESOLUTION R-31-16 – CLARK ADDITION TO YORK RIVER AGRICULTURAL AND FORESTAL DISTRICT (AFD)

Before the Board for consideration was Resolution R-31-16 to approve AFD Application AFD-012-16, filed by Alice B. Clark to add tax map parcels 48A-1-3 and 48A-1-5, approximately 11.55 acres, to the York River AFD.

Community Development Assistant Sheri L. Wood indicated staff was recommending approval of AFD-012-16, filed by Alice B. Clark to add tax map parcels 48A-1-3 and 48A-1-

5, approximately 11.55 acres to the York River AFD. The property was actively being farmed and a report from the Virginia Cooperative Extension Office had been provided. The AFD Advisory Committee had met on April 21, 2016 and had forwarded a favorable recommendation to the Planning Commission. The Planning Commission had met on June 20, 2016 and had forwarded a favorable recommendation to the Board of Supervisors. Ms. Wood asked the Board for their consideration and approval of Resolution R-31-16 as presented.

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

Mr. Tiller moved to approve Resolution R-31-16, AFD-012-16, addition of tax map parcels 48A-1-3 and 48A-1-5 to the York River Agricultural and Forestal District. The members were polled:

Patricia A. Paige	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye

The motion carried.

IN RE: PUBLIC HEARING – RESOLUTION R-32-16 – CALDWELL ADDITION TO BIG SWAMP AGRICULTURAL AND FORESTAL DISTRICT (AFD)

Before the Board for consideration was Resolution R-32-16 to approve AFD Application AFD-013-16, filed by Denise M. & William C. Caldwell to add tax map parcel 42-12L, approximately 16 acres, to the Big Swamp AFD.

Community Development Assistant Sheri L. Wood indicated staff was recommending approval of AFD-013-16, filed by Denise M. & William C. Caldwell to add tax map parcel 42-12L, approximately 16 acres to the Big Swamp AFD. This application was an administrative correction which was necessary to correct an error which occurred when tax map 42-12 had been divided as a family subdivision in 2007. This transaction had not been captured by the Environmental Division but the property had been given the proper tax relief by the Commissioner of Revenue. The AFD Advisory Committee had met on April 21, 2016 and had forwarded a favorable recommendation to the Planning Commission. The Planning Commission had met on June 20, 2016 and had forwarded a favorable recommendation to the Board of Supervisors. Ms. Wood asked the Board for their consideration and approval of Resolution R-32-16 as presented.

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

Mr. Davis moved to approve Resolution R-32-16, AFD-013-16, addition of tax map parcel 42-12L to the Big Swamp Agricultural and Forestal District. The members were polled:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye

The motion carried.

IN RE: PUBLIC HEARING – RESOLUTION R-33-16 – WHITE ADDITION TO COOKS
MILL AGRICULTURAL AND FORESTAL DISTRICT (AFD)

Before the Board for consideration was Resolution R-33-16 to approve AFD Application AFD-014-16, filed by Alexander E. White to add tax map parcel 27-1-6, approximately 28 acres to the Cooks Mill AFD.

Community Development Assistant Sheri L. Wood indicated staff was recommending approval of AFD-014-16, filed by Alexander E. White to add tax map parcel 27-1-6, approximately 28 acres of timber to the Cooks Mill AFD. A Virginia Department of Forestry forest management plan had been provided. The AFD Advisory Committee had met on April 21, 2016 and had forwarded a favorable recommendation to the Planning Commission. The Planning Commission had met on June 20, 2016 and had forwarded a favorable recommendation to the Board of Supervisors. Ms. Wood asked the Board for their consideration and approval of Resolution R-33-16 as presented.

Mr. Davis asked if any of this property was within the Lee's Reach Subdivision. Ms. Wood indicated the property was within the Lee's Reach Subdivision and noted there was currently another property within this community which had previously been added to the Cooks Mill AFD. Mr. Davis pointed out the other Lee's Reach parcel included in the AFD was a much larger parcel (almost 90 acres) and was not waterfront. He noted this community had been subdivided as a high-end, large-lot (25 or more acres) waterfront community and he had previously argued against the addition of large-lot subdivision properties into the AFD program. He suggested if the White application was approved, there would be more applications coming from this community next year.

Mr. Davis moved to deny Resolution R-33-16, AFD-014-16, addition of tax map parcel 27-1-6 to the Cooks Mill Agricultural and Forestal District. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
W. R. Davis, Jr.	Aye
Ron Stiers	Aye

The motion carried.

IN RE: PUBLIC HEARING – RESOLUTION R-34-16 – STITZER-INGO ADDITION TO
COOKS MILL AGRICULTURAL AND FORESTAL DISTRICT (AFD)

Before the Board for consideration was Resolution R-34-16 to approve AFD Application AFD-015-16, filed by Stitzer-Ingo Company to add tax map parcel 26-57, approximately 34 acres to the Cooks Mill AFD.

Community Development Assistant Sheri L. Wood indicated application AFD-015-16, filed by Stitzer-Ingo Company to add tax map parcel 26-57, approximately 34 acres to the Cooks Mill AFD, had been received by Community Development on June 29, 2016. This was after the AFD Advisory Committee and the Planning Commission had held their review meetings and, a result, there had been no reviews by either of these bodies and therefore, no recommendations. The property was zoned A-1 (agriculture) and was designated as

“conservation” in the Comprehensive Plan. A forestry plan had been provided and staff was providing a favorable recommendation. Ms. Wood asked the Board for their consideration and approval of Resolution R-34-16 as presented.

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

Mr. Evelyn moved to approve Resolution R-34-16, AFD-015-16, addition of tax map parcel 26-57 to the Cooks Mill Agricultural and Forestal District. The members were polled:

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
Ron Stiers	Aye

The motion carried.

IN RE: PUBLIC HEARING – RESOLUTION R-35-16 – DIASCUND REACH FARMS
ADDITION TO DIASCUND CREEK AGRICULTURAL AND FORESTAL DISTRICT
(AFD)

Before the Board for consideration was Resolution R-35-16 to approve AFD Application AFD-016-16, filed by Diascund Reach Farms, LLC to add tax map parcels 35-10-1, 35-10-2, 35-10-3, 35-10-D and 35-10-E, approximately 43 acres to the Diascund Creek AFD.

Community Development Assistant Sheri L. Wood indicated application AFD-016-16, filed by Diascund Reach Farms, LLC to add tax map parcels 35-10-1, 35-10-2, 35-10-3, 35-10-D and 35-10-E, approximately 43 acres to the Diascund Creek AFD, had been received by Community Development on June 3, 2016. This was after the AFD Advisory Committee and the Planning Commission had held their review meetings and, as a result, there had been no reviews by either of these bodies and therefore, no recommendations. Ms. Wood indicated these were relatively small parcels but were held by one owner and collectively met the minimum acreage requirement. She provided a copy of a forestry report which had been received after the meeting materials had been assembled. Staff had found these parcels to meet the criteria of the AFD program and was providing a favorable recommendation. Ms. Wood asked the Board for their consideration and approval of Resolution R-35-16 as presented.

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

Mr. Tiller moved to approve Resolution R-35-16, AFD-016-16, addition of tax map parcels 35-10-1, 35-10-2, 35-10-3, 35-10-D and 35-10-E to the Diascund Creek Agricultural and Forestal District.

Mr. Evelyn asked for clarification prior to a vote being taken. He questioned the process for addressing applications which did not meet the deadline for review by the AFD Advisory Committee and the Planning Commission. Ms. Wood noted Virginia Code 15.2-4307 allowed for the Board of Supervisors to consider applications received at any time prior to the local governing board conducting its public hearings. County Attorney Bill Hefty concurred.

The members were polled:

Patricia A. Paige	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Nay
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye

The motion carried.

IN RE: PUBLIC HEARING – RESOLUTION R-36-16 – KINNEY, TRUSTEE ADDITION TO YORK RIVER AGRICULTURAL AND FORESTAL DISTRICT (AFD)

Before the Board for consideration was Resolution R-36-16 to approve AFD Application AFD-017-16, filed by Jonathan C Kinney, Trustee to add tax map parcel 48-9, approximately 95 acres to the York River AFD.

Community Development Assistant Sheri L. Wood indicated application AFD-017-16, filed by Jonathan C Kinney, Trustee to add tax map parcel 48-9, approximately 95 acres to the York River AFD, had been received after the AFD Advisory Committee and the Planning Commission had held their review meetings. As a result, there had been no reviews by either of these bodies and therefore, no recommendations. The property was zoned A-1 (agriculture) and the Comprehensive Plan future land use was designated as "rural lands". A forestry management plan and soil report had been provided and staff was providing a favorable recommendation. Ms. Wood asked the Board for their consideration and approval of Resolution R-36-16 as presented.

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

Mr. Davis moved to approve Resolution R-36-16, AFD-017-16, addition of tax map parcel 48-9 to the York River Agricultural and Forestal District. The members were polled:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye

The motion carried.

IN RE: PUBLIC HEARING – RESOLUTION R-37-16 – KINNEY, TRUSTEE ADDITION TO SCHIMINOE CREEK AGRICULTURAL AND FORESTAL DISTRICT (AFD)

Before the Board for consideration was Resolution R-37-16 to approve AFD Application AFD-018-16 filed by Jonathan C Kinney, Trustee to add tax map parcel 31-31, approximately 213 acres to the Schiminoe Creek AFD.

Community Development Assistant Sheri L. Wood indicated application AFD-017-16, filed by Jonathan C Kinney, Trustee to add tax map parcel 31-31, approximately 213 acres to the Schiminoe Creek AFD, had been received after the AFD Advisory Committee and the Planning Commission had held their review meetings. As a result, there had been no reviews by either of these bodies and therefore, no recommendations. A forestry management plan and soil report had been provided and staff was providing a favorable

recommendation. Ms. Wood asked the Board for their consideration and approval of Resolution R-37-16 as presented.

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

Mr. Evelyn moved to approve Resolution R-37-16, AFD-018-16, addition of tax map parcel 31-31 to the Schimineo Creek Agricultural and Forestal District. The members were polled:

Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
W. R. Davis, Jr.	Aye
Ron Stiers	Aye

The motion carried.

IN RE: ADJOURNMENT

Chairman Stiers announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, August 8, 2016, and the next work session would be at 9:00 a.m. on Wednesday, July 27, 2016. Both meetings would be held in the Boardroom of the County Administration Building.

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

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
Ron Stiers	Aye

The motion carried. The meeting was adjourned at 9:20 p.m.