

A REGULAR WORK SESSION WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 30<sup>TH</sup> DAY OF JANUARY IN THE YEAR TWO THOUSAND TWENTY-FOUR IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 9:00 A.M.

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IN RE: CALL TO ORDER

Chairman Thomas W. Evelyn called the meeting to order.

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IN RE: ROLL CALL

Thomas W. Evelyn	Present
John P. Moyer	Present
Amy M. Pearson	Present
Ron Stiers	Present
Jordan T. Stewart	Present

All members were present. Mr. Evelyn thanked everyone for attending. He turned the floor over to Vice Chair Ron Stiers.

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IN RE: REMARKS FROM VICE CHAIR RON STIERS AND MOTION TO APPOINT AMY PEARSON AS DISTRICT THREE SUPERVISOR

Vice Chair Ron Stiers said he wished to speak and make a motion prior to the scheduled agenda. He said the previous Board had appointed Amy Pearson in December to be the interim Board member after the passing of District Three Supervisor Patricia A. Paige. When the term of office had changed over after January 1, 2024, there had been talk that the new Board had an opportunity to appoint an interim member. When the Board had met on January 10, 2024, he had suggested new Board members be given time to review all applications to fill the interim seat and had said he had nothing against Ms. Pearson and thought she was very qualified. The new Board members had been given time to review the applications and he felt it was time for the current Board to make an appointment.

Mr. Stiers moved to appoint Amy Pearson to fill the vacancy on the Board of Supervisors and serve as its District Three representative, with a term of office beginning immediately and ending when a duly qualified successor is elected at the Special Election on November 5, 2024.

Ms. Stewart said she felt everyone knew she had been against the process to fill the seat in December and said it was possible to disagree with the process but agree with the person. From what she had come to know of Ms. Pearson, she knew she would lead with the best of her ability for the citizens of District Three until the special election in November. Because she still felt this was a "rubber stamp" (of the December action), she would abstain. Directing comments to Ms. Pearson, Ms. Stewart said her abstention was "with love."

The members were polled:

John P. Moyer	Aye
Amy M. Pearson	Abstain
Ron Stiers	Aye
Jordan T. Stewart	Abstain
Thomas W. Evelyn	Aye

The motion carried.

Mr. Evelyn congratulated Ms. Pearson. Ms. Pearson thanked everyone for their confidence in her. She stated she had something for Mr. Stiers and had planned to give them (a bag of donuts) to him on Sunday but had saved them for today. (This was in response to the following statement made by Mr. Stiers during the January 10, 2024 meeting – “I think we are going about it in the wrong way and if we get sued, we’re going to prison and I don’t think anybody is going to bring us donuts on Sunday.”) The gift was acknowledged with laughter and applause from the audience and Mr. Stiers thanked Ms. Pearson. He also noted this was the first time in New Kent County history when there had been two females serving simultaneously on the Board of Supervisors and he thought this was awesome.

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IN RE:           UPDATE ON PUD-01-22, LIBERTY LANDING

This update was regarding a request for approval of application PUD-01-22 to reclassify approximately 117.43 acres of land from A-1, Agricultural and from Business to PUD, Planned Unit Development, to establish the Liberty Landing Planned Unit Development. Jeff Geiger with Hirschler Fleischer was representing the applicant, Bridgewater Crossing, Inc. Mr. Geiger expressed appreciation for the opportunity to come back before the Board. He noted there were three new Board members, two of which had seen this presentation at the Planning Commission level. He included previously shared details for the benefit of the new members as well as highlighted changes since the last presentation. Referencing the staff report, Mr. Geiger said the proposal was in compliance with the Comprehensive Plan and furthered the Strategic Plan for the type of development desired for the County. They had used the County’s Strategic Plan to understand what businesses the County wanted to target as part of the development and had included a commercial area focused on creating opportunities for businesses wishing to sell general merchandise, clothing and accessories and restaurants. The Strategic Plan had also stressed the need to create opportunities for more daycare, medical and neighborhood offices and Liberty Landing would address those needs with the Business/Commercial portion along Route 60. The Strategic Plan had also noted the importance of creating middle-market housing and he reported new construction in New Kent was generally in the \$500,000 or above range, well above middle-market. Liberty Landing would include new housing opportunities for people in the middle-market range. Mr. Geiger reported the previous Board had asked them to help visualize the appearance of the commercial frontage along Route 60. He drew attention to a slide depicting commercial elevations which he described as providing a sense of place, socialization, activation and small shop retail along Route 60. He also shared a video depicting what a Route 60 traveler would see while driving past Liberty Landing. He noted open space had also been included in the commercial area and said they believed this was important for attracting restaurants as well as customers who would want to come in and visit the businesses, have a place for children to play or to walk off a big meal.

Mr. Geiger reported the prior Board had requested proffers which had been added since the Planning Commission considered the application. Those proffers included the addition of \$250,000 for land acquisition for a fire station and \$500,000 toward a traffic signal if it became warranted. He stated they believed the traffic signal would eventually be warranted as they moved through the development.

Mr. Geiger also reported there had been changes to the PUD Ordinance since the Planning Commission had considered the application. Those changes included:

- The addition of a requirement that any commercial buildings with a rear elevation facing Route 60 must construct that rear elevation with an architectural appearance of a front elevation. The prior Board had been concerned about the appearance along Route 60.

- Front yard building setbacks had been expanded to 65 feet (originally 30 feet). This change had also been made at the request of the prior Board.
- The addition of a requirement that private pavement shall be setback a minimum of 30 feet. These first three proffers would result in the vision shared in earlier illustrations.
- The addition of a phasing requirement for a minimum of 10,000 square-feet of the Commercial Area to be under construction prior to the 100<sup>th</sup> certificate of occupancy in the Residential Area. There had been continuing conversations with a daycare provider interested in locating within Liberty Landing and they felt comfortable making a commitment to build 10,000 square feet of commercial area to meet this need.
- The addition of a requirement for an architectural appearance, screening, and assembly requirements for sheds located in the Residential Area as accessory uses. These additional requirements for the construction of sheds had also been a request.
- The applicant must market homes in the Residential Area for sale as "owner-occupied." Mr. Geiger reported they had also received comments since the last presentation in regard to ensuring this did not become a rental community.
- "Nursing, convalescent, or rest home" up to 20,000 square-feet had been restored as a permitted use in the commercial area.

Mr. Geiger spoke more generally about the benefits to New Kent rather than the specifics of the case. He noted the Bottoms Bridge Service District had been created to pay for (water and sewer) infrastructure to serve businesses and communities. Bonds had been issued to pay for this infrastructure and businesses and residents in the area were to pay off the bonds (by collection of an ad valorem tax). The Board had elected to remove this tax the previous year even though the bonds had not been paid in full resulting in all of New Kent now paying these bonds. This project would benefit all of New Kent by removing this payment obligation and putting it on one property and one company. If the Board chose to do so, the bonds could be paid off with the connection and availability fees paid by Liberty Landing. Fees would equal almost \$19,000 per house totaling almost \$5.5 million to be paid to the enterprise fund for Public Utilities. In addition, cash proffers of \$8,000 per home for single-family detached and \$4,000 per home for townhomes would total approximately \$1.7 million paid to the County's general fund to be used at the Board's discretion.

He drew attention to a financial impact analysis over a ten-year period which was the expected time necessary to construct/buildout the development. In addition to the \$5 million to utilities previously mentioned, an additional \$4 million would be paid over time for a total of \$9 million. The County's general fund would also receive an additional \$5.7 million. Noting the biggest cost to a locality was the school system, he reported they had learned through their analysis that it would cost \$3,700 per home for schools. After this was paid, there would be a surplus (\$3,175 per home) coming into County revenue for every year after the initial ten. The previous Board had questioned the accuracy of student generation numbers and had suggested they should be higher and the reported surplus was not accurate. Projections based on their analysis were for a single-family detached home to generate .4 students and a townhome .32 students. They had used these numbers to estimate the total number of students generated and the educational cost to the County. They had since received information on comparable communities from New Kent County Public Schools (NKCPs) and had learned student generation from a single-family detached home was actually .36 students and for townhomes it was .17 students. They had previously estimated 103 students to be generated but based on NKCPs numbers, the number would be closer to 75. They had not changed anything in the financial impact numbers and had held to their 103 students but felt the number would be lower.

In closing, Mr. Geiger stated they were requesting approval of this PUD in order to create a community of controlled development meeting the County's Comprehensive Plan, providing

objectives sought in the Strategic Plan, paying off bonds, providing funds for a fire station and a traffic signal and expanding tax revenue. The project would create an economical and efficient use of the land through unified development and provide a community where people could live, work and visit. He also noted a large component of the property, 62.67 acres or 53%, would be preserved as open space. He entertained questions.

Ms. Stewart expressed appreciation to Mr. Justin Boyd for bring her up to speed on the project and noted it had been very helpful. She said they had discussed mitigation efforts for the Sheriff's Department and she had not seen anything about that in the presentation. She said it was an understanding that a Sheriff's Department need would be when the first tree was taken down and not when the first resident moved in and she did not see anything in the plan that would address this. Mr. Geiger said cash proffer payments of \$8,000 per single-family detached home and \$4,000 per townhouse would be provided and would be unrestricted with use being at the Board's discretion. If the Board wished to allocate those funds to the Sheriff's needs, they would be happy to support that. He said that when the process had been started on this particular request, the Sheriff's Department had provided comments similar to Ms. Stewart's. At the time when that comment had been received, no cash proffer payments had been included in the request and the Sheriff's Department comment had not been repeated with the last issued staff report. He hoped they had addressed the Sheriff's needs. Ms. Stewart thanked him for his reply.

Mr. Moyer stated he believed the first proffer would not be paid until a house was built. Mr. Geiger confirmed. Mr. Moyer suggested there would be a difference of approximately six months during which the property owner would want the property to be protected. He said land taxes paid on the Liberty Landing property was not the same as what would be needed to have deputies patrolling. They were asking if there would be any type of proffer before the first house for the safety/protection of the property. He noted a problem experienced at Patriots Landing had been that they had been promised a traffic light at Market Place Drive. East West (developer) had agreed to pay for the light and had given New Kent ten years to get the light in place. The tenth year had passed, the traffic light had not been put in and it was now VDOT's responsibility to pay. He questioned if there was a time limit on the Liberty Landing traffic light proffer? Mr. Geiger indicated he would be happy to talk with the applicant regarding the timing but would like to first provide additional information for the Board's consideration. The landowner had been paying taxes on commercial land and he asked the Board to recognize that they had been contributing without the use of their land for the request they would like and had already been paying for the services the Board was requesting. He again noted he would be happy to discuss this with the applicant. In regard to the traffic signal, Mr. Geiger said they were committing to paying the signal contribution through the end of the development. Noting this was not a specific time period, he indicated he appreciated the feedback and would have that conversation with the applicant. He believed State Code only allowed the cash promise to run for twelve years.

Referencing the Cloverfield development in Chesterfield which was also a Boyd Homes development, Mr. Moyer noted this was a townhouse community which he said had not initially sold well because there had been no commercial component. After a Kroger had been built, the townhouses began to sell. He was concerned about Liberty Landing going forward at the pricing previously discussed and suggested the attraction would probably be more if businesses were there first. He did not feel \$250 per square foot was a mid-market price. Using townhomes as an example, he said a \$300,000 townhouse of 1,000 square feet or \$300 per square foot did not exist in New Kent and was not mid-market. He believed a buyer seeing a \$250 to \$300 per square foot price would move on. Mr. Geiger said he was not familiar with the development mentioned but he would see if Joseph (Boyd) or Justin (Boyd) (in the audience) wanted to come up and respond. He stated they could

reconsider minimums if it would make the Board more comfortable with the proposed home size but noted the market would drive the price. He asked the Board consider three elements going into a house including cost of land, cost of labor and materials and cost of government regulation. He said that unfortunately, the current environment required them to address significant costs from government regulation and finding ways to lower the cost of housing was hard to do in labor and materials and the cost of land. He said a state-wide initiative was to find ways to create more affordable pricing for housing. They were committed to doing that and would provide housing they thought was in the middle-market range for the costs to produce it. They would not be able to build 3,000 square foot homes at that price and the price would be market based. They had a variety of product to offer and would build housing people needed with the choices they wanted on the inside. They would like to give New Kent the opportunity to meet its Strategic Plan goals by providing middle-market housing in the \$250,000 - \$400,000 range.

There being no other comments or questions, Mr. Evelyn thanked Mr. Geiger for the presentation and noted the Board would see him again next month (February 12, 2024). He announced that before moving on to the next agenda item, Commissioner of the Revenue Laura Ecimovic would provide a quick update on the recent reassessment.

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IN RE: REASSESSMENT UPDATE

Commissioner of the Revenue Laura Ecimovic provided copies of the 2024 Reassessment Report for Board members. The reassessment had been completed on December 22, 2023 and the first notices to property owners had been mailed the previous weekend. Remaining notices would go out by the middle of the week. She reported the total reassessment value had been \$6,283,550,756 with the taxable portion being \$5,607,248,756. This was a 1.4 billion or 24% increase in assessed value over the 2023 value of \$4,207,030,100 with most of the additional value being in new construction. She reminded everyone that as required by Virginia Code Section 58.1-3321, the Board had equalized the rate which was necessary when an increase in assessed value exceeded one percent. The prior tax rate had been \$0.67 and the equalized rate was now \$0.57. She posed the question, "What does that mean to your constituents?" She reported not all properties appreciated at the same rate and 63% of property owners could receive a bill that could be up to \$50 less compared to the previous year's bill. The majority of increases were new construction where the owner had either paid on a prorated home the previous year or they had recently built a new home. She reported 775 new homes had been built in New Kent since the last reassessment. Referencing the previous speaker's comments regarding affordable housing, she reported the average sale price in New Kent County was now \$435,000. The average sale price had been \$288,000 in 2021 and \$365,000 with the last general reassessment in 2022. At 736, an unprecedented number of new parcels had gone to record during the 2022-2023 years. There had been over \$138 million in new construction and over \$54 million in new parcels. She noted the objective had been to increase commercial and get away from roof top taxation and there had been a little success in this area. The value of commercial properties had been 10.4% in the last reassessment and was now 11.1%. Only 4% of all parcels in New Kent County were currently zoned for commercial and those parcels comprised 11.1% of the total value. She said the deadline to appeal would be March 4, 2024 and a series of online informational posts would be shared with the community with the first video scheduled to be posted later that day. Residents were urged to look for their reassessment notices and contact the Commissioner's office if they were not received by the middle of February. She noted the biennial reports provided included a better cross section and specifics and urged Board members to review the report and contact her with any questions. She entertained questions.



Referencing reported average home sales figures, Ms. Pearson asked if this was due to higher end homes or was it market driven? Ms. Ecimovic stated most of the increase was market driven and specifically noted increases in the cost of materials and land. She also noted this was not unique to New Kent and said prices had escalated due to low inventory and a high desire to locate here. A slight slowdown due to interest rates had been seen in 2023 but demand had remained greater than supply. Housing forecasts anticipated lower interest rates in the spring and commercial construction was expected to slow. Referencing commercial values, Ms. Pearson asked if AutoZone was included? Ms. Ecimovic stated the answer was yes and no and said AutoZone would be assessed as "under construction" for the first year. Much commercial construction was not be picked up until it was finalized but any building substantially completed as of the first of a reassessment would be assessed as it stood. Staff tried to keep up with new construction but staff numbers were small with each member having multiple responsibilities. New construction had been inspected through December 10<sup>th</sup> and at that time 110 new homes remained to be completed prior to December 22<sup>nd</sup>. AutoZone numbers were being finalized and would be a prorated amount.

Ms. Stewart asked for confirmation that the deadline to appeal would be March 4, 2024. Ms. Ecimovic confirmed.

Referencing Ms. Ecimovic's comment that many property owners could see a \$50 decrease, Mr. Evelyn stressed that would only be the case if the tax rate remained equalized at \$0.57. Ms. Ecimovic agreed. The final rate would be addressed in the budget process and she was hopeful enough information had been provided to assist with determining the needs. Noting that setting the tax rate was not her department, she reminded everyone that the Board had taken the proactive stance to equalize the rate and residents would start with a tax bill similar to what they had paid the previous year. If the Board's decision was to increase the rate, constituents could better experience what it would mean to them in terms of money.

Mr. Moyer said many residents were expressing a desire to be able to pay their taxes twice a year. He asked if residents could pay half in June. Ms. Ecimovic said collecting payments was not her department, their responsibility was only the assessment. She reported the Treasurer was very open to early payments and allowed payments to be made at any time throughout the year. Property owners would receive reassessment notices including what their bill would be if the rate remained at \$0.57 and they could use that information to pay half or make arrangements for monthly payments if they wished to do so.

Ms. Pearson reported she and Ms. Ecimovic had discussed the additional tax revenue to be generated at the \$0.57 rate for new construction and had learned that figure would be approximately \$1,000,000. Ms. Ecimovic confirmed.

County Administrator Rodney Hathaway announced the University of Virginia Weldon Cooper Center had released its annual population estimates the previous day and New Kent had led the Commonwealth with a growth rate of 11.9%. Goochland had been second at 7.7%. Ms. Ecimovic asked for the reported New Kent population estimate. Mr. Hathaway indicated he did not have the exact number but believed it was a little over 26,000.

Mr. Evelyn thanked Ms. Ecimovic for the report. He said it was important for Supervisors to know constituents would be receiving reassessment notices and although they would often call their Supervisor first, they should be directed to the Commissioner's office. Ms. Ecimovic agreed and noted they would help constituents through the process. She also said she had developed a course on reassessment and suggested new Board members may wish to participate in the next session. The course included information to guide a property owner through the appeal process. She didn't want anyone to be intimidated by the process.

and urged anyone who did not agree with their assessment to contact her office. She or her staff would share how they had arrived at the assessment and the property owner would have an opportunity to explain why they did not believe it was accurate. If the property owner was correct, the Commissioner's office would take care of it. Ms. Pearson noted she had served on the Board of Equalization and the majority of appeals had been resolved at the Commissioner's office level. Ms. Ecimovic noted this was their goal.

Mr. Hathaway reported he had checked the Weldon Cooper report and announced New Kent's population estimate had been listed at 25,675.

Mr. Evelyn thanked Ms. Ecimovic for the update. He called for a brief recess at 9:40 a.m. The meeting reconvened at 9:46 a.m.

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IN RE:            WOODHAVEN PROPERTY OWNERS ASSOCIATION (WPOA) REQUEST FOR  
                     ASSISTANCE WITH LAKESHORE DRIVE DAM REPAIRS

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County Administrator Rodney Hathaway reported a request regarding the Lakeshore Drive dam had been received from the Woodhaven Property Owners Association (WPOA). Members of the WPOA as well as Mr. David Krisnitski with AMT Engineering and hired by the WPOA were in the audience. Mr. David Smith who was in charge of the WPOA dam committee joined the meeting virtually. Mr. Hathaway began by providing background information on the issues surrounding the Lakeshore Drive dam. The WPOA had been notified by the DCR (Department of Conservation and Recreation) that the Lakeshore Drive spillway and dam were noncompliant. He did not believe a formal violation notice had been received but they had been told the spillway and dam under Lakeshore Drive at Woodhaven Shores Entrance #1 needed to be rebuilt. The WPOA had recently secured a \$250,000 grant with approximately \$80,000 of that being spent on developing plans to address the spillway and dam. The plans had been submitted and initially approved by DCR but DCR had recently notified them that the plans were now insufficient. Mr. Hathaway believed regulations regarding dams and spillways with roads built upon them had changed resulting in the need for redesign. The WPOA also had an opportunity to apply for a grant from DCR for up to \$500,000 that could be used for construction. This grant would require a dollar for dollar match making it necessary for the WPOA to have \$500,000 to secure the grant. The WPOA was asking the County to provide the matching funds. The redesign work was currently underway and the preliminary estimate for the construction work was \$1.5 million. The \$500,000 grant plus a \$500,000 match from the County would result in a total of \$1 million and anything above the grant maximum would be requested from the County. He noted this was his best understanding of the issue and offered to answer questions. He also noted the engineer and WPOA members were also available to answer questions.

Ms. Pearson asked if the grant match could come from another grant and suggested a community development block grant may be a possibility. Mr. Hathaway deferred to Mr. Krisnitski. Mr. Krisnitski reported he had been working with the Woodhaven community since he had been with Froehling and Robertson Inc. in 2014. His firm had done the original repair design accepted by DCR but DCR had since changed their position. The spillway had originally been designed to meet a 30% PMP (Probable Maximum Precipitation) requirement but that requirement was now 90% PMP. This was due to the road running across the dam which resulted in a spillway reduction not being allowed. He reported a grant program through the DCR which was administered by the VRA (Virginia Resources Authority) would pay up to 50% for engineering or construction and high-hazard dams were given priority. The grants were reimbursement-based which was the difficulty for most dam owners. If they had a \$1 million project, they would first need to have \$1 million and then get the funds back through reimbursement. Although the state was working on making this better,

the reimbursement process could currently take six or more months. Federal grants through FEMA (Federal Emergency Management Agency) were also available and they were hopeful FEMA grants would pay up to 65% of the cost. DCR had indicated the grants could be stacked and if both were received, the net cost for a \$1.5 million project would be about \$250,000. He stressed that all funds would need to be available up front and then reimbursed. He had not seen anything executed through the FEMA program which was new but they did have a significant amount of money available. Mr. Evelyn asked if private roads and spillways were eligible for these grants? Mr. Krisnitski indicated they were.

Addressing Mr. Hathaway, Ms. Stewart asked if the Board decided to fund this, were there any other dams or spillways in the County that could possibly ask for this after seeing funding approved for this project? Mr. Hathaway reported the dam and spillway in Patriots Landing had been inspected by DCR several years ago and there were some violations with those structures. This dam and spillway mainly impacted the third section of Patriots Landing which had a separate Homeowners Association (HOA) from the remainder of the community. That HOA had come to the County asking for assistance but because this was a private matter, they had been informed that the County usually did not participate in private matters. Mr. Evelyn noted he had been on the Board when this had been considered and said VDOT would not take control of the dam and had wanted the County to take responsibility. The Board had felt it was not their obligation and to do so would set a precedent. This was the reason this piece of road was still private. Ms. Stewart asked how many homes would be affected if there was no road? Mr. Hathaway suggested the whole Woodhaven Shores community would be affected. WPOA member Mary Kay Tasich of 7568 Lakeshore Drive reported 521 homes were in the community. Ms. Stewart asked if the WPOA had another plan for funding if the Board decided to not provide funding? Ms. Tasich reported there had been conversations with the bank regarding a large \$1 million plus loan and the bank had indicated they would be willing to work with them.

Mr. Stiers reported it had not been long after he had gotten on the Board twelve years ago that it had been said the DCR was requiring this spillway to be expanded. He suggested there was nothing wrong with the dam or the spillway and they had been there since the 1950s. He reported the WPOA had a great group of people managing the dam and working closely with the Fire Chief whenever a hurricane was in the forecast to lower water levels to prevent flow over the spillway. He also said that in most cases a HOA or POA would not have a million dollars readily available for such a project. He noted if the dam were to break, it would not only affect Woodhaven residents but also travelers along Route 60. Route 60 was an evacuation route and it and the CSX railroad would be washed out. He closed by saying they were a great group of people but suggested they were not getting many benefits from the County. They had private roads and a private water system and anything the Board could do to help would be appreciated.

Mr. Hathaway added that there seemed to be an opportunity to get another federal grant which would make the requested amount as little as \$175,000 up to \$1 million depending on grant opportunities. He also noted that because this dam impacted a roadway and would require a roadway to be rebuilt, they could also look into the possibility of using a portion of the County's local CVTA (Central Virginia Transportation Authority) funding.

Mr. Evelyn noted engineering work costing approximately \$80,000 had been done and DCR's recent decision that the work was not adequate meant that money had been wasted. He added that the frustrating part was how could the Board consider allocating funds without knowing what the project would cost. He suggested DCR should provide some help and stressed that the Board needed engineering plans to be able to make a decision. He noted the cost of the project had already gone up half a million dollars since they had



received the information and it would be hard to say what the cost would be in six to eight months. He was concerned about allocating money without more specific information. Mr. Hathaway reported Mr. Stiers and he had participated in a meeting with the DCR and the WPOA and the community members had voiced their frustration over this process. As a result of that meeting as well as other discussions, DCR was allowing a previous grant award received by the WPOA to pay for the redesign work currently in progress. He said there had been some concession but it had been frustrating. Mr. Moyer asked if they could wait for the study (engineering) to come in to make a decision?

WPOA member Wilbur Collins of 6035 Lakeside Drive reported one of the biggest problems was that they could not get contractors to bid until there was a commitment that they would have money to do the job. Mr. Evelyn stated the contractor wouldn't have anything to bid on without a set of plans. Mr. Collins agreed and stated that when the plans were received, if they had a commitment from the County to help, they could get contractors to bid. They wouldn't know the exact cost until contractors were able to bid.

Mr. Hathaway said part of the reason for the timing of this request was that the DCR grant application would be due the end of the next month. He had reviewed the application and a commitment of the matching funds was required in order to submit the application. Timing was of the essence to secure the DCR grant up to \$500,000. Ms. Stewart asked for the grant deadline. Mr. Krisnitski stated the deadline was March 15<sup>th</sup>. Ms. Pearson asked if a low interest loan from the County was an option? Mr. Hathaway indicated that was a possibility and if there was a will to obligate the funds, the County could do so in the form of a low interest loan. Ms. Pearson asked if there could be some form of assessment to recoup the funds? Mr. Hathaway indicated a conversation regarding collateral would be necessary.

Mr. Smith (virtually) said he felt it would be helpful if Mr. Krisnitski went over the grant process so the Board would understand what was required. Mr. Evelyn stated he felt they understood the process and deadline.

Referencing the comment about a discussion regarding collateral, Mr. Moyer said he did not believe the ability existed to hold the WPOA or the committee liable for the loan. He noted this was not an HOA with cash reserves or a bond already present. Mr. Hathaway agreed. He said that so far as collateral such as equipment, infrastructure and roads, these were things for which the County would typically not want ownership because they would be liabilities. He was not sure if there would be suitable collateral. Mr. Evelyn stated he felt it was a lot for the Board to look into and suggested they should get more information and bring it back to the February 12<sup>th</sup> meeting. Several Board members agreed.

Mr. Krisnitski asked if New Kent County ever did service districts for sewer, roadways and things along those lines? He noted this had been done successfully for dams in other counties in Virginia allowing a means for the payback to be collected through property taxes. He specifically noted Stafford County and suggested they had used the service district approach several times. The service district would provide a way for the money to be fronted so the work could proceed. Mr. Evelyn stated he felt they needed to look at all options. Mr. Hathaway added that this would be similar to the Bottoms Bridge ad valorem district and they could consider that. Mr. Evelyn asked how well the residents were currently paying the POA dues? Ms. Tasich reported approximately 20% of properties were past due. Mr. Stiers reported one issue faced was that the POA had been started several years after homes had been constructed and they could not legally force anyone to pay the dues. Ms. Tasich reported she had looked into this and noted because they were a POA vs and HOA, they did have the right to collect what was due and they were looking into details with the courts in regard to liens on specific properties. Mr. Moyer asked for the annual

dues assessment. Ms. Tasich reported the dues varied and the average was approximately \$400 a year. Some were higher because of the number of lots owned.

Mr. Evelyn stated there were some legal issues that needed to be looked into and suggested the discussion be tabled until the February 12, 2024 meeting. Board members concurred.

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IN RE: UPDATE ON PROPOSED ROUTE 249 WATERLINE DESIGN & CONSTRUCTION

Public Utilities Director Mike Lang provided a brief update on the Route 249 waterline project. An extensive written update had been included with the agenda request and he provide highlights. He reported the Virginia DEQ had been directing the County to find an alternative to groundwater for many years because their modeling suggested the growth of the County would exceed the groundwater available. New Kent had invested in alternative supply investigation over the past seven to eight years and had identified possibilities all of which would require interconnecting the County's largest water systems to ensure water from an alternative supply could be delivered to customers. The Route 249 interconnecting waterline would be a huge part of the process and would interconnect Bottoms Bridge to the Farms of New Kent water system. By doing so, a central water system which could be expanded to include some smaller water systems would be created. Smaller systems noted included Quinton Park, Minitree Glen and eventually New Kent Courthouse. Although this was the long term plan, there would still be some remaining groundwater-supplied systems in the rural areas which would not be accessible for water distribution. The waterline project would be on the south side of Route 249 between Quinton Elementary School and the new Food Lion at the Route 612 roundabout.

Mr. Lang reported this would be a phased project including:

- Pomeroy Park – Developer Rogers-Shenault would be building approximately 1.5 miles of waterline for their development which was currently under review.
- Bottoms Bridge Flow Control Valve – Since the Farms of New Kent and Bottoms Bridge storage tanks were at different elevations, an automated valve would be necessary in order to fill but not overflow the Bottoms Bridge tank.
- County's Phase of Route 249 Waterline – This phase would include approximately 2.1 miles of waterline between Quinton Elementary School and Clintwood Road to be constructed and funded by the County. Easement acquisition was currently in progress.

Mr. Lang provided an overview of project funding. The developer's portion of the project had been estimated at \$2,030,000 and the County had agreed to reimburse approximately \$479,000 of that cost for Rogers-Shenault to oversize their pipe to meet the County's predicted 20-year need. Once easement acquisition was complete, approximately \$985,000 would have been invested by the County in surveying, design, permitting and easement acquisition. Construction costs for the County's phases were currently estimated at \$7,850,000. Funding for construction was included in the proposed FY25 and FY26 Capital Improvement Plans. All funds would be derived from utility revenues. He reported Rogers-Shenault intended to begin construction in April 2024. The County was simultaneously acquiring easements with agreements expected to be completed by May 2024 and compensation completed by July 2024. Plans included putting the flow control valve out to bid by July 2024 and having that portion of the project completed by March 2025. The County's portion of the waterline construction was expected to begin by July 2025 and be completed by July 2026.

Project impacts involving traffic, land disturbance, utilities and environmental were noted. Periodic lane closures would be necessary and VDOT permits would be in place for this. Excavation and regrading along the pipeline route would impact property owners as well.

Asphalt and concrete driveways would be cut and patched and drainage and ditch line improvements would be made where warranted or requested by owners. He said these areas would be left in better condition than found. The waterline would also provide an alternative source of water for residents with dry or contaminated wells. Hydrants installed along Route 249 would help improve fire response. All permits had been obtained and they would drill under Old Pond (Lake Johnson) to avoid any impacts in that area. Approximately \$20,000 had also been invested in ground penetrating radar and soil borings at Providence United Methodist Church Cemetery to confirm no graves would be disturbed.

The County was working on the acquisition of 47 separate permanent or temporary easements necessary to complete the project. As of Monday, January 29<sup>th</sup>, 19 easements had been signed. He reported speaking personally with several property owners with questions or concerns and indicated they were on good terms with everyone. It was also important to note they were fully invested in the south side of Route 249 and would not be able to crisscross the roadway to avoid one or two properties. In the event there were properties where easements could not be obtained, condemnation or eminent domain would be the final resolution. He did not see it being necessary to go to this phase for any of the easements and reported a third party was working on easement acquisition. He also noted there would be no mandatory connections but individuals interested in connecting were being offered double the easement value toward connection fees.

Mr. Evelyn thanked Mr. Lang for the update and opened the floor for Board questions or comments.

Mr. Stiers asked for the County's current connection fee. Mr. Lang reported the total connection fee for residential water was approximately \$7,650 per house. Mr. Stiers asked if they would receive a discount for connecting now as opposed to waiting several years. Mr. Lang reported that as long as the owner committed to the connection now and did not take the cash offer, their service could be started whenever they were ready.

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IN RE:                PROPOSED FISCAL YEAR 2025-29 CAPITAL IMPROVEMENT PLAN & PROPOSED  
FEE CHANGES

County Administrator Rodney Hathaway provided a brief introduction to the proposed FY25-29 Capital Improvement Plan (CIP) as well as proposed fee changes. Detailed copies of the FY25-29 CIP had been provided to Board members prior to the meeting. The County's financial policy defined a capital expenditure as having a cost of \$25,000 or more and an estimated useful life of five years or more. A five-year Capital Improvements Plan was developed each year. Recommendations for FY25 through FY29 totaled over \$188 million. The recommended FY25 CIP starting July 1, 2024 included projects totaling \$9,446,440 in the general CIP. Proposed FY25 Public Utilities CIP projects totaled just over \$10 million. The two CIPs were separate because they had two different funding sources. Funding for Public Utilities projects was derived from Public Utility user and connection fees.

Each department was asked to annually evaluate fees collected, giving consideration to whether or not the cost of providing the service was covered and if the fee was consistent with the market. He drew attention to Page 13 which provided details on FY25 proposed fee changes for the Airport, Building and Public Safety – Fire Department. Proposed increases for Airport hangar space would still result in the New Kent Airport being the cheapest in the region. While this was a benefit, the low cost had resulted in all hangar space being filled. He pointed out the list of CIP projects for FY25 included funding to begin the design and engineering for additional hangars. It was his goal that the Airport would become self sufficient and in order to generate more revenue, more hangar space was needed. Most

proposed fee changes in the Building Department were in regard to amusement devices and rides such as carnival rides and inflatables (bounce houses). These all required inspections and the proposed increases would be in line with those charged in regional localities. An increase in the missed inspection fee was also noted. Public Safety-Fire Rescue recovery fee increases were the result of recent increases in the salaries of public safety workers.

Proposed projects for FY25 included:

- Airport - Funding for hangar design.
- New Community Center in the eastern end of the County. The center would be located on the Wahrani Trail property. The Quinton Community Center was booked throughout the year and there was demand for something similar in the eastern end of the County.
- Various Fire-Rescue projects – replacement of an ambulance, purchase of an additional ambulance and purchase of gear and equipment.
- IT projects –Valuable lessons had been learned when the County’s network had been compromised. Improvements had been recommended by consultants and some server and infrastructure had reached its life expectancy and should be replaced.
- Parks and Recreation – A splash pad at Quinton Park. Requests for a splash pad were frequently seen in the annual Parks and Recreation interest survey and had been second only to a pool. Parking lot improvements were also proposed for Quinton Park and a basketball court would be added to Pine Fork Park. He noted the installation of lights at Pine Fork Park was in the works and was expected to be completed soon.

These were the big ticket items but information on every request submitted by the departments was in the CIP. The CIP would be adopted along with the full budget in the April/May timeframe so no action was needed at this time. The recommended budget was scheduled for presentation at the Board’s March regular meeting. He entertained questions.

Mr. Evelyn thanked Mr. Hathaway for the presentation and opened the floor for questions and comments from the Board.

Ms. Pearson said she had not seen the Animal Control facility in the CIP and asked if that was because it had already been approved. Mr. Hathaway confirmed the Animal Control facility had been approved and funded. That project was moving forward and the design was approximately 40% complete. Referencing information supplied by New Kent County Public Schools (NKCPS) for New Kent Elementary School, Ms. Pearson asked if the funding request of \$55 million was for renovation or replacement of the existing school. Mr. Hathaway noted there were three projects submitted by NKCPS for which he had made no recommendations. Those projects included the construction of a new elementary school and demolition of the existing school (\$56 million), a \$3.5 million expansion at New Kent Middle School to add six classrooms and a \$2 million project to install an artificial turf field at the existing New Kent High School field. Because of the cost of these projects, the funding would not come from the Capital Fund. Financing options with associated debt service were being explored. Ms. Pearson asked if the \$55 million was a replacement or a renovation. Mr. Hathaway indicated it was a replacement. Ms. Pearson said if the school was renovated, it should not cost this much. Mr. Hathaway indicated he would hope that would be the case. Ms. Pearson noted additional revenue would be needed for recent Public Safety increases and asked for the annual cost of those increases. Mr. Hathaway indicated he could get that number. Financial Services Director Rebecca Guthrie reported the \$55 million New Kent Elementary project was a renovation figure.

Mr. Moyer asked if there was any way to calculate the additional operational costs incurred because of the capital costs? Mr. Hathaway confirmed and noted departments included operating costs associated with each request and this was considered for all projects.

Referencing the proposed Public Safety fee increases, Ms. Stewart asked Fire Chief Rick Opett how frequently they were able to recover fees such as those for ambulance transport. Chief Opett noted the proposed hourly rate increases for Public Safety were for when County staff performed duties for private functions. He specifically mentioned marathons which were hosted by outside agencies and not considered as County functions. Private institutions were invoiced for services received with most payments received in a timely manner. County functions were not usually billed because it would be "robbing Peter to pay Paul." Ms. Stewart asked if private entities included "Joe Smith" who was transported from his home to the hospital. Chief Opett noted the Public Safety-Fire Department fees included EMS transport fees. Total reimbursements for services such as this was at approximately \$600,000 for the current year. These reimbursements went back into the General Fund. This number was climbing annually and was included in Fire-Rescue revenue figures. He reported they had just been informed the previous week that the FDA (Food and Drug Administration) was pushing to eliminate drug boxes stocked by hospitals within the region. This would make localities responsible for purchasing their own drugs for the ALS (Advance Life Support) program which would result in the need for additional revenue. He believed this would begin around the November timeframe. He reported it was good that they currently had DEA (Drug Enforcement Administration) licenses in place that would make this easier. He suggested this would be a big component of cost recovery going forward.

Mr. Evelyn asked what the protocol was for transporting a New Kent resident who did not have insurance. Chief Opett reported New Kent had compassionate billing and this was handled through a third party biller. Medicare, Medicaid and insurance information was collected and anything these did not cover was billed to the resident. One bill was sent and if the recipient had the means to do so, they would send in the payment. No one was going after residents to collect payments. Mr. Stiers said he thought this was an awesome policy.

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IN RE: R-05-24, INITIATION OF TEXT AMENDMENT TO SECTION 91-10 OF THE NEW  
KENT COUNTY CODE

Before the Board for consideration was Resolution R-05-24 initiating an amendment to the Subdivision Ordinance to consider allowing Boundary Line Adjustments (BLA) and lot consolidations for properties within land use taxation programs. County Administrator Rodney Hathaway reported this was a request received from a property owner and the proposed language had been submitted by the property owner's attorney. He provided a brief overview of the situation and explained the reasoning for this request. The property owner currently had 150 acres in the Agricultural and Forestal District (AFD). This owner was considering buying 6.8 acres from an adjacent 22 acre parcel. New Kent County Code stated that in order to perform a BLA between the two parcels, both properties would need to be within the AFD program. In this case, only the 150 acres was in the AFD program. In order to perform this BLA, the property owner would have to remove the 150 acres from the AFD program and be subject to five years of back taxes. Once this was done, the BLA could then be performed and the owner could reapply to put the combined property into the AFD program. The owner felt there should be a simpler process and therefore had submitted the proposed language before the Board. He reported the question of why the 6.8 acre parcel could not be purchased, put into the AFD program and then the BLA performed had been raised. The 6.8 acres was a portion of a larger parcel and there was no provision in the current Subdivision Ordinance to subdivide and create a 6.8 acre parcel with the current zoning. The only thing the property owner could do to take ownership of the 6.8 acre parcel would be to adjust it within the boundaries of his current property.

The following was proposed for consideration:



When a property owner submitted a BLA Application and went through the review process (received letter from New Kent stating the BLA had been reviewed, there were no further comments and they could submit final plats for signature) prior to or with the submission of the final plats for signature, the property owner would also submit an application for the 6.8 acres to be included in the AFD program. The issue was that the BLA would have been signed prior to acceptance of the 6.8 acres into the AFD program. The property owner would take on the risk of all of the property in the AFD being kicked out of the program if the addition of the 6.8 acres was not approved. He stated this was not a perfect process and it still needed some consideration/revision by staff. If this was something the Board wished to consider, initiating Resolution R-05-24 would start that process with the Planning Commission. He reminded the Board that staff was in the process of finishing the rewrite of the Comprehensive Plan which was the second step in a three-step process. The first step had been the Strategic Plan and the third step would be the rewrite of the subdivision and zoning ordinances. The Board could take the stance that this should be looked at with a more comprehensive approach as a part of the rewrite or they could adopt this initiating resolution and consider this issue now. He entertained questions.

Ms. Pearson said she would prefer that the Planning Commission take a look at this prior to the Board taking any action. Mr. Hathaway noted the proposed resolution would initiate the process and send it to the Planning Commission for consideration. Ms. Stewart said she understood when a property was taken out of the AFD program, the property owner was required to pay back taxes. She asked for the time period for which back taxes were collected. Mr. Hathaway reported the County could collect up to five years and the pay back would be the tax break received. The time period would start from the date the property was accepted into the AFD program but if that was less than five years, the pay back would be only for the number of years in the program. Mr. Evelyn also noted the Board could suggest a property be included in the program but it was up to the Commissioner of the Revenue to determine if it qualified. He questioned if anyone had asked the Commissioner to review these proposed changes. Mr. Hathaway reported the Commissioner had been provided the language received from the property owner's attorney. Concerns that the County should be careful and be sure these changes would not create other issues while trying to address this one issue with this property owner had been voiced. Mr. Evelyn agreed and noted the AFD program was to keep rural lands in the County but they needed to be sure the changes would not impact something else. Commissioner of the Revenue Laura Ecimovic said the issue was the County's description of "subdivision" and she felt they should be very careful when considering these amendments. She noted that anytime an exception was made, it would make it necessary to make exceptions for others coming forward. The AFD program was the number one exemption program and most AFD properties were having 75% of their land taxes deferred for nondevelopment. She suggested that when changing a contract was considered, it would also be necessary to look at how it would affect the County's definition of subdivision. She had previously suggested that some AFD rules needed to be tightened and noted there were properties within actual subdivisions that should not qualify for the program. She had issues with setting a precedent based on one issue and suggested the Board needed to be careful and determine if this would change the County's definition of subdivision.

Mr. Evelyn thanked Ms. Ecimovic for her thoughts. He asked if a motion was needed to send this to the Planning Commission. County Attorney Joshua S. Everard indicated a motion would be appropriate if the Board wished to send this to the Planning Commission. Mr. Hathaway stated the motion provided with the agenda request would be sufficient to adopt Resolution R-05-24 and forward this request to the Planning Commission. Seeking clarification, Ms. Pearson asked if she was correct that adopting the resolution would send the request to the Planning Commission. Mr. Hathaway confirmed. Mr. Everard provided

additional details noting if Resolution R-05-24 was adopted, the matter would then go to the Planning Commission for consideration. Staff, including the Planning Department, the Commissioner's Office, Administration and the County Attorney's Office, would look at the language and make any recommendations or edits. After consideration by the Planning Commission, the issue would come back to the Board of Supervisors with an advertised public hearing and any changes would be approved by Ordinance. Mr. Hathaway also noted that because this would be an amendment to the Subdivision Ordinance, two public hearings would be required with the first before the Planning Commission and the second before the Board of Supervisors. Ms. Pearson said the resolution would send this to the Planning Commission but it would still have to go through all of the usual process. Mr. Everard confirmed and stated the resolution before the Board stated that if the resolution was adopted, "the Board of Supervisors of New Kent County, does hereby request the New Kent County Planning Commission to consider the proposed amendment of Chapter 91 of the New Kent County Code." The Planning Commission would consider the issue generally but would not necessarily give an up or down vote on the specific language requested by the property owner. Other amendments may be made and if the Board wished to take action after a public hearing, they could do so. Mr. Evelyn and Ms. Pearson both indicated they wanted to be sure this would come back to the Board. Mr. Everard confirmed and said the Board could adopt what was suggested, change the language or decline to do so.

Ms. Pearson moved to adopt Resolution R-05-24 to initiate a subdivision ordinance text amendment to Section 91-10 of the New Kent County Code regarding boundary line adjustments and lot consolidations for properties within land use taxation programs such as the Agricultural and Forestal District. The members were polled:

Amy M. Pearson	Aye
Ron Stiers	Aye
Jordan T. Stewart	Aye
John P. Moyer	Aye
Thomas W. Evelyn	Aye

The motion carried.

Mr. Moyer stated this would not go to the February Planning Commission meeting due to the need to advertise. Mr. Hathaway confirmed and also suggested that prior to going to public hearing, staff would probably do a work session presentation.

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IN RE:           NOMINATIONS – BOARD OF EQUALIZATION

Mr. Moyer moved to nominate Mathew Starr for Circuit Court appointment as a member of the Board of Equalization to serve a term ending December 31, 2024.

Ms. Pearson moved to nominate Meiling Qu for Circuit Court appointment as a member of the Board of Equalization to serve a term ending December 31, 2024.

Mr. Stiers moved to nominate Russell Beyer for Circuit Court appointment as a member of the Board of Equalization to serve a term ending December 31, 2024.

Ms. Stewart moved to nominate Lisa Remington for Circuit Court appointment as a member of the Board of Equalization to serve a term ending December 31, 2024.

The members were polled:

Ron Stiers	Aye
Jordan T. Stewart	Aye
John P. Moyer	Aye
Amy M. Pearson	Aye
Thomas W. Evelyn	Aye

The motions carried.

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IN RE: OTHER BUSINESS – SOCIAL SERVICES ADVISORY BOARD

Ms. Stewart moved to remove Beth Trivett as the Fifth District representative on the Social Services Advisory Board. The members were polled:

Jordan T. Stewart	Aye
John P. Moyer	Aye
Amy M. Pearson	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye

The motion carried.

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IN RE: OTHER BUSINESS – ANNOUNCEMENTS

Mr. Moyer announced he would be hosting a town hall meeting at the Patriots Landing Residents' Club on February 8<sup>th</sup> from 6:00 p.m. to 8:00 p.m.

Ms. Pearson announced February was Black History Month and there would be a wreath laying ceremony on February 3<sup>rd</sup> from 11:00 a.m. to 1:00 p.m. at the Historic Courthouse to honor New Kent African American patriots who served during the Revolutionary War. She would also be hosting a town hall meeting on February 6<sup>th</sup> from 6:00 p.m. to 8:00 p.m. at the New Kent Visitors and Commerce Center. A gala would be held at Rosie's on February 17<sup>th</sup> to benefit the Bridges of Change domestic violence shelter and tickets were still available. The New Kent Junior Woman's Club would be hosting Casino Night on February 24<sup>th</sup> with tickets available only through sponsorships.

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IN RE: ANNOUNCEMENT OF UPCOMING MEETINGS/ADJOURNMENT

The next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, February 12, 2024 and the next work session at 9:00 a.m. on Tuesday, February 27, 2024, both in the Boardroom of the County Administration Building.

Mr. Moyer moved to adjourn. The members were polled:

John P. Moyer	Aye
Amy M. Pearson	Aye
Ron Stiers	Aye
Jordan T. Stewart	Aye
Thomas W. Evelyn	Aye

The motion carried and the meeting was adjourned at 10:48 a.m.