

JOINT MEETING OF THE NEW KENT COUNTY
BOARD OF SUPERVISORS AND PLANNING COMMISSION

MINUTES

A SPECIAL JOINT MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS AND PLANNING COMMISSION WAS HELD ON THE 19th DAY OF DECEMBER IN THE YEAR TWO THOUSAND FIVE OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:30 P.M.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: ROLL CALL

Planning Commission:

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| Jack Chalmers | Present |
| Thomas Evelyn | Present |
| Howard Gammon | Present |
| Sylvia Godsey | Present |
| Mark Hill | Present |
| Jay Hubbard | Present |
| Charna Moss | Present |
| Edward Pollard | Present |
| Sam Snyder | Present |
| Tommy Tiller | Present |
| Patricia Townsend | Present |

Chairman Hubbard called the Planning Commission meeting to order.

Board of Supervisors:

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| Mark E. Hill | Present |
| D. M. Sparks | Present |
| James H. Burrell | Present |
| Stran L. Trout | Present |
| W. R. Davis, Jr. | Present |

Chairman Davis called the Board of Supervisors' meeting to order and yielded chairmanship of the meeting to Mr. Hubbard.

IN RE: LAND CONSERVATION PRACTICES

Mr. Hubbard introduced Lisa Guthrie, Executive Director of the Virginia League of Conservation Voters, as the facilitator of the Conservation Forum. Ms. Guthrie briefly explained the

priorities of the Virginia League of Conservation Voters, acknowledged that New Kent is located in a growth corridor in the State, and stressed the importance of determining how to preserve the County's resources while accommodating growth.

Questionnaire cards were distributed to the audience so that questions could be collected and addressed by the members of the panel later in the evening.

Ms. Guthrie introduced Mike Towns, Director of the Virginia Chapter of the Sierra Club, who presented a "Tale of Two Counties" which compared and contrasted the impacts that growth had on two very similar localities, Stafford and Clarke Counties. It was reported that Stafford adopted a pro-growth stance in the 1970s and is now ranked as the third fastest growing county in the State. Stafford operated under the belief that unfettered development was necessary to increase the tax base and as a result made the decision to stimulate low-density sprawl development at the outer edges of the urban centers and made a commitment to business expansion. Today Stafford is faced with problems of uncontrolled, poorly planned development, and has had to raise taxes in order to deal with the increased cost of higher demand for public services. Local farms and forests have been consumed and businesses have become depressed. To deal with these problems, Stafford had chosen to attract even more businesses, raise taxes and encourage more growth, resulting in what was described as a "never ending cycle".

In contrast, Clarke County utilized smart growth concepts by revitalizing existing business centers while at the same time managing growth. Development was channeled to areas with existing infrastructure, thus preserving farms and allowing them to save money while protecting the environment. It has managed to avoid the problems that are now affecting once-rural Stafford County. The small-town appeal has been preserved, and Clarke's residents are able to enjoy a better quality of life at less expense. Mr. Towns pointed out that the per capita income in Clarke County is greater than that in Stafford County, while the real property taxes in Clarke are less than those in Stafford.

Mr. Towns identified important principles for building better communities to include reconnecting communities by mixing land uses; developing responsibly by using sustainable designs that are clustered and more compact, which reduces the need for public infrastructure; offering a range of housing choices so that a person can live in the same neighborhood for a lifetime; creating "walkable" neighborhoods; fostering distinctive, attractive communities that contribute to a strong sense of place; preserving and protecting the natural resources, open space, farmlands and scenic vistas that connect a community to its history and roots; strengthening existing communities by rehabilitating older buildings for new uses; providing a variety of transportation options and reducing dependency on automobiles; making development decisions fair, predictable and cost effective and creating incentives for builders to build responsibly; and including residents and other stakeholders in the process of making decisions on how the community will grow and change.

Mr. Town emphasized that it was up to New Kent to determine what it wants to be in the future.

The next presenter was Bob Lee, Executive Director of the Virginia Outdoors Foundation (VOF), formerly a county administrator in Fauquier, Clarke and Southampton Counties. Mr. Lee

indicated that in 1978 he helped write the zoning ordinance for Clarke County that is still in effect which was based on "sliding scale" zoning. He explained that the VOF was created in 1996 and charged with the protection of Virginia's open spaces. Its primary mission is to preserve and steward the State's natural and cultural heritages. He explained the use of conservation easements, which are voluntary legal agreements between landowners and a public body which protect in perpetuity and conserve the open space value and purpose of land. He reported that VOF holds 1,800 easements on 352,000 acres of land, and that 90% of the conservation easements in Virginia are held by VOF. Although VOF has been operating for 39 years, more than half of its easements have been recorded in the last five years, which he attributed to the Virginia Land Conservation Incentive Act adopted in 2002 which made the easements transferable. He indicated that Virginia has the most generous plan and offers inducements for landowners. He reported that according to the Open-Space Land Act in Virginia Code Section 10.1-1701, the proposed use must conform to the Comprehensive Plan for the locality, a decision best made by the local government. He stated that VOF works with private landowners and assists local governments. The easement property stays on local tax roles and the public is not burdened with the cost of maintenance. VOF easements are recorded in the Circuit Court.

He reviewed some of the challenges. Virginia is one of the fastest growing states in the nation and its economic base is grounded in its natural and cultural resources. It ranks 16th in the loss of prime farm land, and the conversion rate of family farms is increasing. He spoke about the "suburbanization" of rural Virginia, and the loss of tree canopies which should represent more than 40% of an area for environmental health. He also addressed the continued deterioration of the Chesapeake Bay and the call to action for clean air and clean water.

The next presenter was Caren Schumacher, Executive Director of the Williamsburg Land Conservancy (WLC), which is dedicated to protecting and preserving significant natural, scenic and historic lands in the Historic Triangle area, which covers James City County, Williamsburg and Upper York County. She reported that their success is measured by the number of acres that are protected and that they support all measures of protecting land and work by shaping public policy. The number of protected acres has increased from 600 to over 2,500 and she spoke about the York River Preserve which is located in New Kent County which covers 3 miles of shoreline along the York River that is protected in perpetuity. She indicated that WLC was partners with *Builders for the Bay* that is encouraging more environmentally sensitive site designs. She described some of their programs in the community and schools, which included the Walks & Talks Program, a partnership with the Jamestown Campground & Marina, and the Virginia Capital Trail.

Ms. Schumacher described James City County's Purchase of Development Rights (PDR) program where owners voluntarily subject their property to permanent protection and in return, receive payments that are based upon the difference between the cost of their land and its potential development. James City County dedicates 1¢ of its real estate tax dollar towards its PDR program and another 1¢ for green space funding, which totals between \$800,000 and \$900,000 per year. Additionally, James City County voters approved a bond issue to support the program. She indicated that WLC would be glad to assist New Kent in implementing a program and urged the County leaders to plan now for a vision before it is too late.

The remaining panelists were introduced, which included Adele MacLean representing Partnership for Smarter Growth, and Phyllis Katz, Attorney with Sands Anderson Marks & Miller. Ms. McLean explained that the Partnership for Smarter Growth helps citizens have a voice. Ms. Katz complimented New Kent for its current Agricultural & Forestal District program as well as the conservation portion of the Comp Plan, and the agreement reached with Farms of New Kent for contributions toward a PDR program. She also provided a model PDR program created by the Virginia Department of Agriculture and Consumer Services, but emphasized that New Kent could create its own program.

Information supplied by the panelists in response to questions from the audience included:

- the importance of working with a competent organization
- an easement under consideration must have a conservation purpose, benefit or value
- although there is no absolute minimum acreage, the typical easement is more than 50 acres
- local governments may be the best holder of certain easements
- "smart growth" consists of growth in one place; mixed uses; multipurpose buildings; transportation options and consideration of impact on existing roads
- Ways to build better communities
 - Identify valuable assets and those that need to be preserved
 - Take advantage of planning tools
 - Think regionally
 - Get citizens involved
- Ways to create a PDR program

Chairman Hubbard declared a break.

IN RE: PROPOSED AMENDMENTS TO SEC. 98-745 (16) AND (17) OF THE NEW KENT COUNTY CODE WHICH RELATES TO RADIO, TELEVISION OR COMMUNICATION STATIONS AND/OR TOWERS WHICH EXCEED 50 FEET IN HEIGHT ON CONSERVATION, AGRICULTURAL, B-1, B-2, B-3, M-1 AND M-2 ZONED PROPERTIES

Under consideration by the Planning Commission and the Board of Supervisors was Application Z0-01-05 regarding a zoning text amendment to Section 98-745 (16) and (17) and Ordinance O-33-05R.

Planning Manager Rodney Hathaway related that during recent consideration of a conditional use permit, inconsistencies were discovered among various sections of the Code that relate to setback requirements and some other issues relating to towers. He indicated that it appeared that the inconsistencies resulted from re-codification and various amendments. He stated that adoption of the proposed amendment would require that communications towers of a height greater than 50 feet be located at least 750 feet from any existing residential structures. The current ordinance provides a setback of 125% of the height of the tower or 500 feet from residential structures on the on the same parcel, but does not address setbacks from structures on adjacent parcels. He indicated that the ordinance would also permit the Board to grant a variance to the setback requirement under certain conditions.

Mr. Hathaway reported that another change was the requirement that the applicant submit verifiable evidence of the lack of antenna space on existing towers, buildings or other structures in the County or within two miles of the County line, and/or evidence that the available co-locations would not provide adequate service. Also included would be the requirement that the tower owner provide space at no cost for the County to install receiving and transmitting equipment. He indicated that applicants would also be required to conduct a balloon test or other similar demonstration of visibility, obtain a building permit and provide the County with information on the costs of construction and equipment (to assist in County assessments), and to submit documentation establishing clear legal rights to access the proposed tower site. He reported that applicants would also be required to pay any costs the County may incur for evaluation of its technical evidence.

Mr. Hathaway called attention to the maps that had been distributed to the Board, one which reflected the location of all communication towers in the County and the other which identified locations where communication towers would be excluded under the proposed conditions.

Mr. Hathaway indicated that staff had found the proposed amendments to be consistent with the Comprehensive Plan, and was recommending approval and adoption.

Mr. Chalmers announced that he was engaged in antenna installations and although he did not feel it was a conflict to participate in general discussion, he would be happy to abstain if others felt it necessary. He also reported that he had been approached to locate a tower on his property and would recuse himself at the time that was considered. Ms. Katz advised that it would not be a conflict for him to participate in general discussion.

Mr. Chalmers expressed his concerns about increasing the setback distance to 750 feet, stating that he felt 500 feet to be sufficient. Mr. Hathaway indicated that the distance was increased in an effort to limit visual impact of the structures, and that setback requirements in other localities vary. He reminded that an applicant can ask for a lesser setback distance during the review process for the use permit.

There was a difference of opinions among some of the Board and Commission members regarding the requirement for a balloon or visibility test, some stating that it was a burdensome expense for some of the shorter towers; others believed it to be necessary information for citizens and officials alike to determine what visual impacts might be—if any. Mr. Burrell noted that the visual impacts of towers are often not apparent to properties in close proximity, but far more noticeable at greater distance. Mr. Trout indicated that the views from historic properties could be affected by a tower some distance away and that the members of the planning commission, board and the public should know if that were to happen before making a decision on a tower application.

Chairman Davis recommended that in sections 16 (p) and 17 (o) the word "county" should be replaced with "Commissioner of the Revenue". Mr. Hathaway agreed that was an appropriate change.

Planning Commission Public Hearing Chair Brenda Snyder opened the Public Hearing. There being no one voicing a wish to speak, the Public Hearing was closed.

The members continued to debate the increase in the setback distance and the requirement for the visibility tests. It was reported that, considering the changes in technology, the tower industry anticipates that in about 10 years, existing towers will be replaced with satellite dishes. Mr. Hathaway confirmed that the proposed changes would not affect an existing tower unless it remained out of use for 2 years, or if an application was made to increase its height.

Mr. Chalmers made a motion in order to address, protect and promote public convenience, necessity, general welfare and good zoning practices in the county, to recommend that section 98-745 (16) and 98-745 (17) be repealed and enacted as stated in Resolution PC-30-05 with three exceptions: that the setback remain at 500 feet; that the balloon test not be mandatory, and that the word "county" be replaced with "commissioner of the revenue" in sections 16 (p) and 17 (o).

Ms. Snyder offered a friendly amendment that the balloon test would not be necessary if the landowners within 500 feet agreed that it was not needed. Mr. Chalmers agreed to accept that amendment to his motion.

A motion was made by Mr. Chalmers and second by Mr. Pollard to approve Resolution PC-30-05 to forward application ZO-01-05 to the New Kent County Board of Supervisors with a favorable recommendation with the exception of three conditions stated as following: (16) "*f. A tower structure shall not be located within 500'...*" not "*...750'...*". (16) "*o. The applicant shall not be required to conduct a balloon test if all of the property owners within 500' of the tower site agree that such a test is unnecessary...*" not "The applicant shall conduct a balloon test..." (16) "*p. The communication tower owner shall notify the Commissioner of Revenue...*" not "...shall notify the County...", (17) "*e. All communication tower structures shall not be erected within 500' of an existing...*" not "...within 750'...", (17) "*o. The communication tower owner shall notify the Commission of Revenue...*" not "...shall notify the County..." and (17) "*q. The applicant shall not be required to conduct a balloon test if all of the property owners within 500' of the tower site agree that such a test is unnecessary...*" not "...The applicant shall conduct a balloon test..." The motion carried 10:0:1, Mr. Hill abstaining.

The members were polled:

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|-------------------|---------|
| Jack Chalmers | Aye |
| Thomas Evelyn | Aye |
| Howard Gammon | Aye |
| Sylvia Godsey | Aye |
| Mark Hill | Abstain |
| Jay Hubbard | Aye |
| Charna Moss | Aye |
| Edward Pollard | Aye |
| Sam Snyder | Aye |
| Tommy Tiller | Aye |
| Patricia Townsend | Aye |

Motion carried 10:0:1.

Chairman Hubbard declared the Planning Commission to be in recess.

There was additional discussion among the Board of Supervisors regarding the balloon test requirement. Mr. Trout suggested that the recommended three amendments to the advertised ordinance be considered separately. Ms. Katz confirmed that the Board could vote on the ordinance as advertised, or on the proposed amendments.

Mr. Trout moved to adopt revised ordinance O-33-05R as presented.

Mr. Trout moved to amend ordinance O-33-05R by changing the word "county" in paragraphs 16 (p) and 17 (o) to "Commissioner of the Revenue". The members were polled:

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| Mark E. Hill | Aye |
| D. M. Sparks | Aye |
| James H. Burrell | Aye |
| Stran L. Trout | Aye |
| W. R. Davis, Jr. | Aye |

The motion carried.

Mr. Sparks moved to amend sections 16 (o) and 17 (q) of the ordinance to reflect that the balloon test would not be necessary if all property owners with structures within 500 feet of the tower were notified and were in agreement. The members were polled:

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| D. M. Sparks | Aye |
| James H. Burrell | Aye |
| Stran L. Trout | Nay |
| Mark E. Hill | Aye |
| W. R. Davis, Jr. | Nay |

The motion carried.

Mr. Sparks suggested that the Board adopt Ordinance O-33-05 (R) with the two amendments. Mr. Trout commented that property owners that were between 500 and 750 feet of a tower would have no say.

Mr. Hill then moved to amend the ordinance in sections 16 (f) and 17 (e) to change the setback from 750 feet to 500 feet. The members were polled:

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| Stran L. Trout | Nay |
| Mark E. Hill | Aye |
| D. M. Sparks | Nay |
| James H. Burrell | Nay |
| W. R. Davis, Jr. | Nay |

The motion failed.

Mr. Sparks moved to amend his previous motion to reflect in sections 16 (o) and 17 (q) of the ordinance that the balloon test would not be necessary if all property owners with structures within 750 feet of the tower, were notified and were in agreement. The members were polled:

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| Mark E. Hill | Aye |
| D. M. Sparks | Aye |
| James H. Burrell | Aye |
| Stran L. Trout | Aye |
| W. R. Davis, Jr. | Nay |

The motion carried.

There was additional discussion among the Board members as to whether the previous motions reflected their intent.

Mr. Trout moved to amend the motion to replace the wording previously added to sections 16 (o) and 17 (q) of the ordinance so that it read "The applicant shall conduct a balloon test or similar demonstration of visibility as part of any application". The members were polled:

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| D. M. Sparks | Nay |
| James H. Burrell | Aye |
| Stran L. Trout | Aye |
| Mark E. Hill | Nay |
| W. R. Davis, Jr. | Aye |

The motion carried.

Mr. Trout moved to adopt Ordinance O-33-05R with one amendment, replacing "county" with "Commissioner of the Revenue" in paragraphs 16 (p) and 17 (o). The members were polled:

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| James H. Burrell | Aye |
| Stran L. Trout | Aye |
| Mark E. Hill | Nay |
| D. M. Sparks | Nay |
| W. R. Davis, Jr. | Aye |

The motion carried.

IN RE: FARMS OF NEW KENT AREA PLANS

Pete Johns was present to review the most recent area plans for Farms of New Kent.

Mr. Johns' presentation included the introduction of the new project name "New Kent Vineyards" which he indicated would be used in their marketing and promotional programs, and would carry over into an overall theme in the project.

Mr. Johns pointed out several elements on the General Development and Area Plan Sheet including the redesigning of Route 106 into a "parkway"; expansion of the buffers along the

parkway to restrict visibility of the homes and to help retain the area's rural character; the incorporation of walking and biking trails to connect existing and new residential areas with the commercial and recreational areas; the design of the internal roadways so that they connect the commercial/retail areas to the residential areas to eliminate the need for residents to venture out onto County roads to shop; the re-establishment of the corner of Routes 249 and 106 (Village) as a commerce center; and retail and commercial opportunities near the interstate and in the Village.

Mr. Johns reviewed the plans for Land Bay I, which contains many of the larger amenities. Those plans include 300 estate homes (values ranging between \$500,000 and \$2+ million) and 100 resort cottages; golf course with teaching facilities; winery built from antique materials; vineyards; country inn/spa with adjoining restaurant; equestrian center with a high-goal polo complex, bridle paths and carriage trails; and a bed and breakfast.

He reported that Land Bay II will remain green, containing additional vineyards, pastures, bridle and carriage trails, and polo complex.

Mr. Johns reported that Land Bay III, or the Village, will be a neo-traditional village center that will contain boutiques, shops and offices along a pedestrian way. The Farmers Market will be the cornerstone, offering a year round opportunity to purchase fresh produce, baked goods and meats. There will also be residential elements including flats, apartments, town homes and quadruplexes, totaling 200 units. He reported that the village will host forty affordable units designed to meet the needs of teachers, deputies and citizens of the County for quality but affordable housing.

He represented that Land Bay IV would contain 450 traditional residential units, consisting of single family homes on large and small lots, as well as large and "affordable" villas. Prices of homes in this area are expected to be in the range of \$350,000 to \$500,000. There will also be a clubhouse, swimming pool, tot lots, tennis complex and park areas with lakes and picnic areas. He reported that there will be a commercial element to offer retail support for the project and for the central part of the County, as well as available office space. The County's Visitor's Center and a remote fire/rescue complex and sheriff's annex will also be located in Land Bay IV.

Mr. Johns indicated that Land Bay V will be K. Hovnanian's Four Seasons at New Kent Vineyards, a gated lifestyle community featuring 1,450 maintenance-free one-story homes for those 55 years and older. Included in this section will be a clubhouse with indoor and outdoor pools, library, ballroom, tennis and bocce-ball courts, picnic areas, and lakes linked by sidewalks and bike paths. Also planned for this area is a commercial component (which he compared to the Short Pump Town Center) with sites for restaurants, regional stores and office buildings.

IN RE: PROPOSED COMPREHENSIVE REVISION OF THE ZONING ORDINANCE

Community Development Director George Homewood presented an overview of the comprehensive re-write of the Zoning Ordinance.

Mr. Homewood indicated that the Comprehensive Plan called for a complete revision in order to implement Comprehensive Plan strategies, establish mixed-use districts, collapse the number of

single category districts, and to create visual protection areas and buffers. He pointed out that the ordinance was originally written in the 1960s and although there have been some “tweaks” during the past 40 years, it had not been comprehensively revised since then. He stated that some of the provisions in the current ordinance are difficult to find and understand, and that some of the additions that have been made have created problems.

Mr. Homewood commented that the proposed revision is intended to correct internal inconsistencies; improve the format; be easier to use; will make use of diagrams, tables and pictures rather than text; will stipulate processes (including deadlines); and contain many more definitions. He pointed out that the current ordinance is missing some of the required provisions mandated by the State Code, including replacement of the term “mobile homes” with “manufactured homes”, and the provision for in-home day care, group homes and transitional housing. Also missing in the County’s current ordinance are optional provisions authorized by the State Code including as Historic Preservation, Tourist Corridor Protection, Development Agreements and off-site improvement requirements. Mr. Homewood stated that the revision will bring New Kent’s zoning ordinance into the 21st century and prepare the County for the onslaught of development that has already begun, by establishing “smart growth” principles, managing development processes fair to all, eliminating “hidden regulation”, guiding development to designated growth areas, and ensuring that appearance was compatible with “rural character”.

Mr. Homewood reviewed the new classifications contained in the revision, which included hamlet (rural crossroads), village, economic opportunity, commercial (will replace current B-1, B-2 and B-3) and industrial (will replace current M-1 and M-2). He indicated that there was also a new zoning map and a broader categorization of uses.

He stated that the performance standards in the current ordinance were not consistent, and that the revisions will set forth performance standards for all uses with generic standards that will apply to all general uses and some specific standards that will apply to many of the specific uses. He indicated that the net result will be to reduce the number of CUPs needed and will “level the playing field” and “impose certainty in the rules”.

Mr. Homewood represented that the revision will permit mixed use districts that will allow for natural development patterns that were found in successful towns and villages before 20th century zoning, provide more by-right options, and would result in developers having an opportunity to make quicker and more efficient responses to market forces and changes. There will be more flexibility and options, less discretionary decision-making, fewer gray areas, and an emphasis on location and curb appeal.

He indicated that there will be no change to the PUD provisions within the ordinance, other than to coordinate the format. Regarding residential districts, he reported that the current districts will be retained; there will be no changes in density or lot sizes; performance standards may impact development but not the number of by-right conditions. He did comment that the district regulations are being reformatted to match the draft and there were no intentional changes being made.

Mr. Homewood conceded that the revised ordinance is much larger in that it has over 60 pages of definitions and over 110 pages devoted to performance standards. He stated that the redundancy was intentional to increase the ease of use.

Mr. Homewood reported that the Planning Commission had referred the proposed revisions to the Zoning Ordinance Review Committee in July 2005, which performed a section-by-section, word-by-word review between August and December of 2005, making dozens of modifications. He indicated that it is now time to solicit public support and suggested the scheduling of a series of six joint public hearings during January and February, followed by work sessions, Planning Commission consideration, and action by the Board of Supervisors, hopefully with a completion of the process during the summer of 2006. He reported that the revised ordinance is available for review online and in County offices, and public outreach is planned through advertisements, mailings to every property owner of record, and presentations to clubs, organizations and associations.

The Board and Commission members reviewed the proposed public hearing dates, which were, except for one, scheduled on dates when there was already a meeting scheduled for either the Planning Commission or the Board of Supervisors.

Some of the members of both bodies expressed their concerns about adding public hearings on something so complicated to meetings that are already full, and that the process did not need to proceed so quickly. Others expressed their opinions that the process needs to move along and be in place in order to better manage the increasing development.

Mr. Homewood reported that it was being recommended that a separate public hearing be scheduled on each of the five articles, and a sixth hearing on the zoning map. He indicated that he anticipated that each would consist of a short presentation, discussion and public hearing. He stated that he did not think it would take but about one hour each for the hearings on Article I (dictionary) and Article IV (taken straight out of the Code of Virginia) as there was nothing very controversial in either. He conceded that Articles II, III and IV would engender a lot more discussion. He anticipated that the hearing on Article II (Zoning Matrix) would take about 2 hours. Article III (Performance Standards) would likely take about 3 hours as there are between 12 – 18 controversial issues, but those can be identified in advance. He indicated that for Article IV (Site Plans & Development Standards), some will not be happy with the proposals for landscaping and buffering requirements, and he anticipated that was the one that would produce the most comments, and would also likely take about 3 hours.

The Board of Supervisor members asked about their upcoming schedules. Mr. Budesky reported that agendas in January and February were light, but March and April would bring budget meetings.

It was suggested that the first two hearings be scheduled as proposed, and if it became too much, the others could be spread out a little more. County Attorney Phyllis Katz advised on the advertising requirements, pointing out that the ads must contain specific information and will be quite large. If advertised meetings are later rescheduled, it could be quite costly to re-advertise. Additionally, every property owner will need to be given written notice. There ensued a discussion regarding hearings that might have to be cancelled because of bad

weather – Ms. Katz recommended that alternate dates be included so that there will be no need for re-advertising.

The Planning Commission asked about its upcoming schedule. Mr. Hathaway reported that its January meeting is extensive.

There was a discussion regarding the cost to advertise and send out written notices. Mr. Homewood reported that he had a preliminary budget for this of \$11,500.

Both Mr. Hill and Mr. Evelyn reported that they had received numerous comments from citizens with concerns about this process and neither thought that rushing through hearings in January and February was being diligent or fair to the landowners.

Ms. Snyder disagreed, stating that due diligence would be served by moving this process forward, and that it would not be in the best interests of the citizens to put it off.

Mr. Hill rebutted, stating that the current zoning ordinance had worked since the mid 1960s and would continue to work for the next six months. He stated that the County owed the citizens not to rush through it and he did not think that one night was enough for each article.

It was pointed out that although there would be public hearings during January and February and possibly debate, no voting would be taking place. Mr. Homewood indicated that this was the juncture where public input was needed. Thereafter, the revisions will go to the Planning Commission and Board of Supervisors for additional work and then back to the public. He stressed that this was only the beginning of the dialogue with the public, and it was the intent to receive information for use at work sessions and discussions, not to take action on any of the articles. It would be up to the Board whether or not to schedule any additional public hearings.

Ms. Katz stated that the Planning Commission will have to make its recommendation to the Board of Supervisors and she suspected that there would be enough changes that another public hearing would have to be scheduled.

There was discussion about how to best accommodate the citizens who might not be able to attend the public hearing on a specific article and how to otherwise manage the hearings. There was emphasis that all debate and discussion on these revisions would be in the public. Mr. Homewood also stressed that staff was prepared to receive and distribute written comments received via e-mail, regular mail or hand delivered (provided that the author's name, address and telephone number are provided) and is working on a way for folks to comment directly from the web site where all of the documents are posted.

There was additional discussion about the proposed hearing schedule, and possible alternatives. There was also discussion as to whether to move forward the starting times of the meetings in order to cover all of the business and accommodate the public hearings. Some of the members indicated that they would not be able to be available earlier than normal. Mr. Trout suggested that any motion state that the public hearing would start at 7 p.m. and then each body could determine a starting time for their business meetings.

It was noted that one of the suggested dates, February 20, was a County holiday and should be moved to February 21.

A motion was made by Ms. Snyder and seconded by Mr. Tiller to approve the meeting dates as set forth with one correction that the February 20, 2006 meeting be scheduled for February 21, 2006 and that all public hearings will be held at 7:00 p.m. or as soon thereafter as possible.

The members were polled:

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|-------------------|-----|
| Jack Chalmers | Aye |
| Thomas Evelyn | Nay |
| Howard Gammon | Aye |
| Sylvia Godsey | Aye |
| Mark Hill | Nay |
| Jay Hubbard | Aye |
| Charna Moss | Aye |
| Edward Pollard | Aye |
| Sam Snyder | Aye |
| Tommy Tiller | Aye |
| Patricia Townsend | Aye |

The motion carried, 9:2:0.

Chairman Hubbard yielded the chairmanship of the meeting to Chairman Davis.

Mr. Trout moved that public hearings be scheduled as requested by the Community Development Department with the exception that the one proposed for February 20 be changed to February 21, and that the public hearings be scheduled to begin at 7 p.m.

The members were polled:

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|------------------|-----|
| Stran L. Trout | Aye |
| Mark E. Hill | Nay |
| D. M. Sparks | Aye |
| James H. Burrell | Aye |
| W. R. Davis, Jr. | Aye |

The motion carried.

IN RE: PRESENTATIONS

Chairman Davis presented to Chairman Hubbard a framed copy of Board Resolution R-125-05, recognizing his service to the County and to the Planning Commission.

Chairman Davis also acknowledged New Kent's receipt of the Rural Planning Caucus of Virginia Excellence in Rural Planning Award.

IN RE: DISTRICT APPOINTMENTS

Mr. Trout moved to appoint Julian T. Ward, Jr. as District Four's representative to the Parks and Recreation Advisory Commission to serve a three-year term beginning January 1, 2006 and ending December 31, 2008.

Mr. Hill moved to appoint Martha Martin as District One's representative to the Historic Commission to serve a four-year term beginning January 1, 2006 and ending December 31, 2009.

Mr. Hill moved to appoint Raymond Bassetti as District One's representative to the Parks and Recreation Advisory Commission to serve a three-year term beginning January 1, 2006 and ending December 31, 2008.

Mr. Hill moved to appoint Larry Haislip as District One's representative to the Economic Development Authority to serve a four-year term beginning January 1, 2006 and ending December 31, 2009.

The members were polled:

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|------------------|-----|
| Mark E. Hill | Aye |
| D. M. Sparks | Aye |
| James H. Burrell | Aye |
| Stran L. Trout | Aye |
| W. R. Davis, Jr. | Aye |

The motion carried.

IN RE: APPOINTMENTS TO BOARDS AND COMMISSIONS NOT DELEGATED BY DISTRICT

Mr. Trout resigned as a member of the Farms of New Kent Community Development Authority Board.

Mr. Trout moved to appoint Alan Files as a member of the Farms of New Kent Community Development Authority Board, to complete a one-year term.

The members were polled on the motions:

| | |
|------------------|-----|
| D. M. Sparks | Aye |
| James H. Burrell | Aye |
| Stran L. Trout | Aye |
| Mark E. Hill | Aye |
| W. R. Davis, Jr. | Aye |

The motions carried.

IN RE: MEETING SCHEDULE

Chairman Davis announced that the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, January 9, 2006, in the Boardroom of the County Administration Building.

IN RE: ADJOURNMENT

There being no further business, Mr. Sparks moved to adjourn the meeting. The members were polled:

| | |
|------------------|-----|
| James H. Burrell | Aye |
| Stran L. Trout | Aye |
| Mark E. Hill | Aye |
| D. M. Sparks | Aye |
| W. R. Davis, Jr. | Aye |

The motion carried.

IN RE: PLANNING COMMISSION MEETING SCHEDULE

Chairman Hubbard announced that the next regularly scheduled meeting of the Planning Commission would be held at 6:30 p.m. on Tuesday, January 17, 2006, in the Boardroom of the County Administration Building.

IN RE: ADJOURNMENT

A motion to adjourn was made and seconded by all.

The meeting was adjourned at 10:50 p.m.

Respectfully submitted:

Pam Crosby
Recording Secretary