

A SPECIAL MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 11<sup>TH</sup> DAY OF JULY IN THE YEAR TWO THOUSAND TWELVE IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 4:00 P.M.

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IN RE: CALL TO ORDER

Chairman Burrell called the meeting to order.

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IN RE: FIRST ROLL CALL

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

Chairman Burrell announced that the Board would not be meeting on the Kentland Planned Unit Development as planned and that the meeting would be suspended until 6:00 p.m. when the Board would reconvene to work on the Comprehensive Plan. The meeting was suspended at 4:05 p.m.

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IN RE: RECONVENING AND SECOND ROLL CALL

Mr. Burrell called the meeting back to order at 6:00 p.m.

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

All members were present. Chairman Burrell reminded those in attendance that there would not be an opportunity for public comment at this meeting, unless a Board member asked an audience member a question.

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IN RE: COMPREHENSIVE PLAN

Staff member meeting with the Board to review the proposed update of the Comprehensive Plan (Plan) included County Administrator G. Cabell Lawton, IV, County Attorney Michelle Gowdy, Assistant County Administrator Rodney Hathaway, Planning Manager Kelli Le Duc, and Public Utilities Director Larry Dame. Also present was Scott Gagnon, Director of Transportation and Land Use, Virginia Department of Transportation (VDOT), whom Mr. Davis had invited to provide information on what was required from VDOT.

Mr. Gagnon confirmed that as of July 1, 2012, it was no longer mandated for a comprehensive plan to include requirements for an Urban Development Area (UDA), and explained that VDOT was not overly involved in comprehensive plans themselves, other than to review the sections on transportation. He indicated that New Kent's draft update had been reviewed and approved by VDOT in May of 2011, and that approval would normally remain in effect unless the Board had made significant changes; however, July 1, 2012 also brought the implementation of Chapter 729, a subset of 527, which required that VDOT review New Kent's Plan again to make sure it still complied. There was discussion whether the shoulder improvement project along Route 155 would be considered a

significant change and it was confirmed that project was already in the Plan. Mr. Gagnon also advised that VDOT's approval would not be affected if the Board deleted the sections on "rails and trails" under Multimodal Transportation. He suggested that once the Board had decided on the changes, to just let VDOT know what those changes were and VDOT would work with them, but he did not anticipate any problem. He did confirm that VDOT would need to review the Plan with the changes before it was formally adopted by the Board. Board members thanked Mr. Gagnon for his assistance and he departed.

The Board was given a working draft that contained all deletions that had been previously suggested, including those that had been accepted and rejected by the Planning Commission. Ms. Gowdy advised that if the Board made significant changes to the Plan, then it would have to be sent back to the Planning Commission for review and recommendation; however, the Board was not bound to follow that recommendation. She added that if no significant changes were made, the Board could vote for adoption tonight.

There was discussion regarding deleting the section on UDAs. Ms. Gowdy confirmed that deleting the section on UDAs would be a significant change and would require another review by the Planning Commission. Several Board members expressed concerns that if UDAs were left in the Plan, even though they were not mandated, they could be interpreted as being required by a future Board.

Mr. Stiers moved to remove the UDAs and all references to UDAs including maps and appendices, from the Comprehensive Plan. The members were polled:

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

The motion carried.

Mr. Evelyn commented that he did not see the point of going page by page through the working draft unless someone wanted to add something back in that had been proposed to be deleted. Mr. Stiers indicated that he had some more deletions to suggest. Ms. Gowdy advised that it would be best to review each proposed deletion and have any Board member who objected to the deletion speak up in order to make sure there was a consensus on what was being sent back to the Planning Commission.

The Board proceeded with that review and there were no objections noted to the following changes:

- Under Natural Resources, removal of the Green Infrastructure Inventory
- Under Natural Heritage Resources, retaining only the first paragraph and deleting the remainder
- Under Transportation, Multi-modal Transportation Facilities
  - *Bicycle and Pedestrian*: deleting all but the first four sentences
  - *Railways*: deleting language regarding rail through Providence Forge

The Board then reviewed proposed changes to Goals, Objectives and Implementation Strategies.

Under Resource Protection, Objective B, Storm Water Management Practices, Mr. Stiers asked about deleting #7 regarding management of roof runoff which he interpreted as discouraging the use of gutters. Staff explained that this was intended to encourage low impact development practices where runoff was absorbed into the ground rather than piped out into the roadway. Following discussion, there was consensus that the intent of that statement would be covered under #5 in that same section and #7 could be deleted.

Under Objective C, Erosion and Runoff Control, Mr. Stiers suggested deleting the word "regulate" from #3. Staff explained that directive was part of the Erosion & Sediment Control regulations and there was agreement that it needed to remain.

Mr. Evelyn asked about deleting #7 also under Objective C, since there were landscaping requirements in the County ordinance. Following discussion with staff, Mr. Evelyn abandoned his request for that deletion.

There were no objections to the suggested deletion of #6 under Objective D, Practical and Realistic Zoning Controls, in that same section.

Other suggested changes to which there were no objections were:

- Under Goal 2, Land Use Planning
  - Objective A, Incentives: deletion of #10 and #11
  - Objective B, Green Infrastructure Inventory: deleted in its entirety
  - Objective F, Sustainable Alternative Energy Sources: deletion of #4 and #5
  - Objective H, Climate Change: deletion of first sentence, along with strategies #1, and #5 – #9

Mr. Stiers asked about deleting #1 under Objective G, Environmental Impacts of Development, and it was explained that this was required by the State.

Other suggested changes to which there were no objections were:

- Under Goal 3, Water Resources
  - Objective B, Protection of Environment from Development: deletion of #2
  - Objective C, Protection of Groundwater Supply: deletion of #9

Under Transportation, there were no objections to the following changes:

- Goal 3, Traffic Calming - Objective A, Use of Roundabouts: delete #3 and #4
- Goal 7, Complete Streets - Objective A, Integrated Transportation System: delete #4

Mr. Stiers suggested also deleting #5 under that same section, but it was explained that the Sheriff's Office utilized grants for pedestrian and bicycle safety in some of its programs.

There were no objections to the following suggested changes, which staff advised had never been reviewed by the Planning Commission:

- Goal 8, Mass Transit Services:
  - Objective A, Passenger Rail Stop: delete Strategies #2 and #4 and replace "Providence Forge" with "New Kent County" at the end of Strategy #5

Under Public Utilities, Goal 2, Provision of Water and Sewer, both Mr. Stiers and Mr. Evelyn wanted to delete #4 under Objective B, *'Market the Route 33 Corridor to emerging "green"*

*industries*, indicating that the County should be marketing that corridor to all businesses. Public Utilities Director Larry Dame explained his concerns with water supply and how it was important for a prospective industry to understand that if its process produced a byproduct that would detrimentally impact the wastewater treatment plant, then it would have to have a pre-treatment process in place.

Mr. Evelyn moved to delete Objective B #4. The members were polled:

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

The motion failed.

Another change suggested by the Board and not seen by the Planning Commission was under Public Facilities, Goal 4, Level of Services Standards, deleting that proposed section and substituting the following language: *"Consider establishing Level of Service Standards for County facilities and services that coincide with current studies and development patterns, in direct cooperation with the specific agencies/department that provide these services"*. There were no objections expressed.

It was confirmed that the Planning Commission had agreed to remove the Plan's title "Vision for 2040".

Board members indicated that they did not need to see the revised draft before it was sent back to the Planning Commission. Staff explained that there would need to be a public hearing with the Planning Commission and one with the Board before the Plan could be adopted. Ms. Le Duc indicated that she would update the draft with 2010 population figures, etc.

Mr. Stiers asked about additional changes resulting from public input. Other Board members indicated that they were comfortable with the current draft, as amended, and asked that if any of the Board members had any concerns, they needed to bring them up now rather than later.

Mr. Evelyn asked about the ramification of voting to adopt the Plan at this meeting. Ms. Gowdy advised that she could not recommend that action as it would seriously affect the County's ability to defend any challenge to a rezoning denial based on a Plan that not had been properly adopted.

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IN RE:           ADJOURNMENT

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

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

The motion carried. The meeting was adjourned at 7:01 p.m.