

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 24TH DAY OF JUNE IN THE YEAR TWO THOUSAND NINE OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 3:00 P.M.

IN RE: CALL TO ORDER

Chairman Davis called the meeting to order.

IN RE: ROLL CALL

Thomas W. Evelyn	Present
David M. Sparks	Present
James H. Burrell	Present
Stran L. Trout	Present
W. R. Davis, Jr.	Present

All members were present.

IN RE: APPROPRIATIONS AND INTER-DEPARTMENTAL BUDGET TRANSFERS

Assistant Financial Services Director Amy Stonebraker requested that the Board approve the following:

1. FY08/09 Supplemental Appropriations:
 - a. Funds received to date for Fire-Rescue revenue recovery for Fire-Rescue personnel, \$18,849.00
 - b. Funds for security and ambulance coverage at Colonial Downs and various other events, \$12,657.00
 - c. Funds donated to the New Kent Animal Shelter, \$180.00
 - d. Fire-Rescue funds for court-order restitution, \$210.00
 - e. Funds for revenue recovered for insurance claims, \$1,211.00
 - f. Fund received from the Technology Trust Fund for permanent record expenditures for the Circuit Court Clerk's Office, \$17,284.00
 - g. Program income received to date for FY09 from CDBG Plum Point grant participants, \$548.71
 - h. Funds received for DMV stop fees in the Treasurer's Office, \$840.00
 - i. Recovered revenue for tax collection to cover the legal expenditures associated with tax collections, \$1,408.00
 - j. Reduce appropriation for Local Emergency Management performance grant; funds received were less than budgeted, \$60.00
 - k. School funds received for two SOL reimbursable technology expenditures, \$31,548.00
 - l. Charge card fees collected in excess of budget for offsetting expenditures associated with charge card fees, \$179.00

\$(84,854.71)	Total
\$ 84,854.71	Money In/Money Out

2. FY08/09 Inter-Departmental Budget Transfers
 - a. *Circuit Court Clerk*: \$1,677.00 from Contingency to Professional Services
 - b. *Registrar*: \$240 from Mileage and Officer Training to Meeting Compensation and Mileage
 - c. *Parks & Recreation*: \$13,700 from Cont Servc-Trips, Community Rentals and Before & After School to Part-time Wages and Summer Camp Wages

- d. *Utilities*: \$25,250 between various wage line items
- e. *Merit increases or shortfalls in budget*: \$37,760.00 between various wage line items
- f. *Training*: \$7,092 from Contingency to Clerk of the Board, Human Resources, Financial Services, Sheriffs Courts, E-911, Planning Commission, Planning, CSA and Social Services

Mr. Trout moved to approve the FY08/09 Appropriations and Inter-departmental Budget Transfers as presented, and that they be made a part of the record. The members were polled:

Thomas W. Evelyn	Aye
D. M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye

The motion carried.

IN RE: INTERSECTION IMPROVEMENTS AT ROUTE 612 AND ROUTE 249

Torrence Robinson and Walter Tribble from the Virginia Department of Transportation (VDOT) reviewed with the Board the options for improvements at the intersection of Routes 612 and 249 (New Kent Highway/Airport Road/Tunstall Road).

Mr. Robinson reported that a preliminary estimate for construction of a roundabout at that intersection was about \$1.9 million, which included \$27,000 for right-of-way acquisition. He indicated that the preliminary estimate to install turn lanes was \$1.7 million, which included \$71,000 for rights-of-way, but did not include the cost of any traffic signal that might be needed at some point in the future. However, it had been calculated that the turn lane option would only serve until the year 2032, but in that same year, a roundabout would still be providing the same level of service. He advised that VDOT had no preference over which option was selected.

There were questions regarding funding. Mr. Robinson indicated that some funding was already available and once a decision was made on the improvements, he did not anticipate any problems in obtaining the remaining funding, but added that the sooner a decision was made and funding applied for, the more likely that funding would be available.

Mr. Burrell noted that there were 70% less fatal accidents at roundabouts than at traditional intersections, and roundabouts were more environmentally friendly because there was less emissions from idling vehicles.

Mr. Tribble advised that the roundabout option would be a single lane roundabout to which a right turn lane could be added in the future, and would be 130 feet in diameter with the center circle being the same size as the other roundabouts in the County. Mr. Robinson advised that the right-of-way for the future right-turn lane would be obtained at the same time as the other rights-of-way.

Mr. Evelyn advised that he had heard from constituents who were concerned about the improvements and he suggested that the public be given an opportunity to meet and talk with VDOT officials which would also give him a chance to get some feedback before he made a decision. Mr. Tribble advised that he would be more than willing to meet with the residents and make a presentation. Mr. Burrell encouraged the use of a PowerPoint presentation which he felt would convince residents of the time savings and safety of

roundabouts. Mr. Tribble did supply some DVDs with information on roundabouts which could be distributed to those interested.

Mr. Sparks agreed with Mr. Evelyn about the need for a public meeting. Mr. Evelyn advised that he would work with Mr. Sparks to come up with a proposed date and then contact Mr. Robinson to schedule the meeting. Mr. Davis asked that this be accomplished before the next work session so that a decision could be made.

There was more discussion regarding funding. Mr. Robinson clarified that neither option was fully funded but that once there was a design commitment, then further funding would be sought and granted based on priority. He indicated that he would obtain further funding information for the Board.

Mr. Davis asked if the proposed options were based on a recent traffic study. Mr. Robinson advised that they had used information from the traffic study done at Deerlake.

Mr. Trout asked Community Development Director George Homewood to comment on the funding issue. Mr. Homewood advised that the project should be able to get funding because it was close to "shovel ready" and he did not anticipate funding would be a problem. He added that once a decision was made, the Metropolitan Planning Organization (MPO) should be able to be convinced to fully fund it while federal funding was still available.

IN RE: GREEN INFRASTRUCTURE PROJECT UPDATE

Karen Firehock, Executive Director of the Green Infrastructure Center, provided an update to the Board on the Green Infrastructure project in New Kent County.

She advised that the project was nearing its final stages and she wanted feedback from the Board as to whether there were any other issues or things to consider before the final report was written.

She reported that a public meeting was held the evening before, where there were a series of stations set up where people could comment on the maps, and she distributed a summary of the comments that had been received.

She reviewed that Green Infrastructure principles were to have an interconnected network of a wide range of landscape elements that supported native species, maintained natural ecological processes, sustained air and water resources, and contributed to the health and quality of life for communities and people.

She reminded that the project was to map strategically planned and managed networks of natural lands, working landscapes and other open spaces that conserved ecosystem values and functions and provided associated benefits to human populations. She added that the mapping showed how assets were connected across the County and spoke about how the popular sport of hunting required a connected network.

She reported that the impacts of poor or no planning included traffic congestion, reduced water quality and supply, decreased air quality, loss of critical habitat, declines in fisheries, loss of working lands and reduced revenues. She also reviewed the benefits of green infrastructure plans that included the cataloging and evaluating of natural assets, protecting and preserving agriculture and forestry, combating global warming (carbon sequestration) and improving air quality, protecting and preserving water quality and supply, providing cost-effective stormwater management and hazard mitigation, preserving biodiversity and wildlife habitat, and improving public health, quality of life and recreation networks.

Ms. Firehock advised that their natural asset base maps would help the County to identify and manage forested lands and agricultural soils, water resources and riparian habitat, ecological cores (intact landscapes), natural resource-based recreation, and heritage resources and rural character.

She spoke about natural asset cores which would include large areas of intact habitat that would protect native species and provide resources for forestry and might include critical wetland resources that cleaned and filtered water and provided wildlife habitat; and highest ranked cores, where there was a greater occurrence of rare, threatened or endangered species, and greater diversity of wetlands, all of which contribute to tourism, to include hunting, fishing, hiking.

Ms. Firehock explained that large, intact connected areas could meet multiple management goals for timber, wildlife and water, and provide fewer opportunities for invasive species to invade and more options for wildlife to live and forage. She advised that if species declined, animals and plants from other areas could repopulate the area through corridors or "stepping stones" of habitat. She indicated that there were multiple uses and values of these areas, such as recreation or protecting rural character and she noted that larger tracts did a better job of holding water and recharging the groundwater that residents relied on for drinking and irrigation.

She reviewed the various maps that had been created, which she confirmed were created in the County's Geographic Information System (GIS), using the County's base maps.

She commented about the importance of water resources, including the provision of drinking water and habitat for wildlife; preservation of water-based recreation which contributed to tourism; and wider stream corridors which provide riparian habitat and pathways for wildlife and hiking opportunities for people. She noted that New Kent had good, strong habitat, although the southwest part of the County was weakened where there had been development.

She spoke about the importance of forested lands, which included the infiltration of runoff, increased water quality and protection of streams; reduction of erosion and help in the conversion of leaves to soil; providing habitat for wildlife; sequestering of carbon and pollutants that contributed to climate change; and their contributions to the timber and recreation economies, as well as to scenic beauty. She reviewed the benefits of agricultural soils, which provide resources for crops and pastures, support of the local agricultural economy, and their contribution to rural lifestyle and character.

Ms. Firehock spoke about how intact forests were timber assets, and reviewed how the project had used local parcel data to identify those areas and determine their current and future intactness. She explained that they considered timber assets to be contiguous large forested parcels of 25 or more acres, and wildlife assets to be those of more than 100 acres. She reviewed several maps showing those assets, and reflected that New Kent was resource-rich with good soils and large parcels connected to forest land.

She commented on natural resource-based recreation, and how it promoted exercise and improved health, increased appreciation for conserving land resources, provided a tourism draw, and promoted rural character and scenic beauty. She noted that heritage resources promoted New Kent's rich cultural history, rural character and scenic beauty, and contributed to tourism, especially heritage tourism and place-based tourism. She added that heritage tourists spent two and a half times more than average tourists, and New Kent should want to have that kind of tourism.

She reviewed uses for the asset maps, which included comprehensive plans updates, park and open space planning, agricultural and forestal districts management, heritage tourism and scenic views, up-zoning or down-zoning, purchase or transfer of development rights, transportation planning, private sector options (proffers and easements), site development across parcels, and species protection. She advised that maps were necessary for developers so they would be aware of what the County wanted, what was important, and what made sense. She emphasized that the maps were not created to tell the County not to grow – but to be smart and intentional about where it put things.

Ms. Firehock advised that the next steps would be to take the information from the public meeting, conduct several more stakeholders' meetings, and thereafter provide a series of maps of different natural assets with ready-to-use data, and a report that summarized the findings. She indicated that it would be a good resource but it would be up to the County to decide how to use it.

She advised that the information would be in both electronic and paper format, and would be user-friendly for residents who want to access the maps on the County's website from their home computers.

Ms. Firehock reported that the project in New Kent was one of several pilot projects in the State and would be used as a model for other localities in the area to encourage them to develop a similar tool.

Mr. Davis asked about recent changes in legislation regarding transfer of development rights programs. He commented that New Kent had a good purchase of development rights program but had no funding. Mr. Homewood reported that currently the stature required that the same person had to hold the sending and receiving parcels, but changes would become effective on July 1, 2009, that would allow different ownership. He explained that once a conservation easement was established, development rights were severed and the easement would become permanent. Mr. Davis stated that he felt that a transfer program would be better for New Kent than a purchase program because it would be funded by developers rather than the taxpayers.

Ms. Firehock agreed, stating that when a farmer had no heirs to farm his land, he could sell his development rights and still realize a profit and New Kent could keep the land rural rather than have it be developed, and it would be less costly for the County.

Board members thanked Ms. Firehock for her presentation and work on the project.

IN RE: NATIONAL FISH AND WILDLIFE GRANT

Brian Noyes and Jim Wallace from the Colonial Soil and Water Conservation District (CSWCD) updated the Board on the National Fish and Wildlife grant and to advise on what neighborhoods would be participating.

It was confirmed that the grant had been received and the project was being sponsored by the County with the CSWCD providing technical services. They reported that there had been interest from five homeowners and/or community associations but only two, Brickshire and Woodhaven Shores, were eligible and there was sufficient grant funding for both. They explained that the CSWCD would be providing a conservation plan and would design and evaluate for Best Management Practices (BMPs) to be implemented. They advised that funds would be awarded to each association based on design and estimate, and would require a dollar-for-dollar match from the association. It was reported that the CSWCD would certify the practices and the County would make those payments.

Mr. Noyes and Mr. Wallace stated that they had done preliminary assessments in both neighborhoods. It was explained that the features had to be placed on common land, there had to be a maintenance agreement, and they had to be able to contract with an entity in the event the maintenance was not funded so that they would be able to recapture the funds.

They reviewed some of the problems found at Woodhaven Shores, which included a limited amount of common property for BMPs as well as issues with the lake and pollutants. They spoke about potential BMPs, to include stormwater filtration and infiltration practices (enhanced landscaping) around the two major culvert inlets at the ball field area, which would also add aesthetic value to the ball field; nutrient management on the ball field; storm water retention structures at locations with suitable relief and access; channeling armor and inlet/outlet protection (rip rap); and shoreline stabilization and stormwater filtration via emergent aquatic/riparian vegetation. It was noted that cost-effective BMPs and placement of the BMPs may not meet the recreation goals of the community association, and preliminary estimates were between \$10,000 and \$30,000.

They reported that problems in Brickshire included poor soils and steep slopes, pointing out that the success of vegetative survival was highly dependent on irrigation. They indicated that active development and regulatory process might impede the BMP implementation (developer bonds, permits). They identified potential BMPs to include storm water filtration and infiltration practices (enhanced landscaping); channel armor and inlet/outlet protection (rip rap), slopes and roadside stabilization; stormwater filtration via emergent aquatic/riparian vegetation; and use of alternative vegetation (Bermuda grass, wildflowers, and drought-resistant materials).

They explained that they had not as yet been able to do a detailed inspection of the Brickshire neighborhood but felt that there was plenty of work that needed to be done in terms of cost-effective BMPs. Mr. Noyes conceded there was an issue regarding available water for irrigation but they would encourage use of drought-resistant vegetation as well as increased use of stormwater for irrigation. He stated that in Brickshire, the soil condition was the problem for vegetation establishment and the real emphasis there would be to improve soil quality and plant the right type of vegetation. He talked about the advantages of using Bermuda grass rather than fescue and how important it was to change that mindset.

Mr. Noyes and Mr. Wallace reviewed photographs of some of the problem areas in both neighborhoods, as well as examples of some corrective measures.

Mr. Trout noted that this would be a good education opportunity for private property owners as well. Mr. Noyes agreed, and described the community education that resulted from a similar project in James City County. He indicated that they had been very impressed with the willingness and interest of the neighborhood associations to address these issues and felt that the practices would serve as a demonstration of what could be implemented on private properties.

IN RE: SHAIA REZONING APPLICATION

Planner Kelli Le Duc and rezoning applicant Alan Shaia were present to review a rezoning application coming to the Board for public hearing on July 13, 2009.

Mr. Sparks suggested that when the Board discussed applications at work sessions in advance of public hearings, it needed to limit its discussions during the work sessions and save the bulk of it for the regular meeting. Mr. Davis agreed, stating that items were reviewed at work sessions in order to give the Board advance information and prepare for

the public hearing, but that process could be shortchanging the public who might not be present during the discussions held at the work sessions. Mr. Evelyn agreed, especially as it pertained to some of the larger issues. Mr. Trout commented that the Board might want to consider the types of items and whether they were informational, and other factors such as whether they had been to the Planning Commission and broadcast on the government cable channel.

Mr. Burrell stated that if the Board members did not receive information until the public hearing, then they might not have enough time to deliberate, in which case they should delay a vote until the next meeting, and he felt there were advantages and disadvantages to both methods.

Mr. Evelyn commented that he felt there was nothing wrong with getting a briefing at a work session. Mr. Sparks agreed that a briefing was fine, but there should not be any "back and forth" discussions. He added that that he knew it was not the Board's intention to have those discussions at work sessions and citizens deserved to see that "back and forth" exchange. He asked that the Board just keep that in mind.

The Board's attention then returned to the application at hand. Mr. Davis stated that when the comprehensive rezoning was approved, he did not realize that property owners unhappy with the changes would have to go back through the rezoning process with the Planning Commission and Board within six months in order to return their parcels to the previous designations. County Attorney Jeff Summers advised that was the only way to rezone property and staff was not authorized to make those changes. He went on to explain that property owners were advised that the County would not charge any fees for those who appealed for a different category within six months so that the process would not spill over into the new fiscal year. It was reported that between three and four applications had been received within the six-month timeframe.

Ms. Le Duc reviewed that Alan Shaia of SPF Investments had applied to rezone around 1,188 acres from Economic Opportunity (EO) to Industrial. She noted that these parcels, located just to the south of Interstate 64, between State Route 106 (Emmaus Church Road) and State Route 618 (Olivet Church Road) were rezoned EO as part of the countywide comprehensive rezoning in January 2009, except for a strip of land adjacent to Route 618 which had been designated as Rural Lands in order to keep heavy traffic from utilizing that road which was not constructed to support heavy, industrial-type traffic. Before the comprehensive rezoning, all of the parcels (totaling 1,662 acres) were zoned M-1, and Mr. Shaia had applied to change almost 1,200 acres back to Industrial with the remaining 475 acres, mostly along Emmaus Church Road, to remain EO. She explained that the comprehensive rezoning changed M-1 properties to EO and M-2 to Industrial.

She noted that the applicant had proposed to split-zone several parcels, which had been discouraged by staff who recommended that either the properties be subdivided or the boundaries be adjusted to match the zoning lines with the property lines, and the applicant had submitted a proffer to do that.

She reported that the applicant had not provided any sketch or development plan as part of the rezoning application, so it was difficult to evaluate the potential traffic impacts; however, it was likely that once plans for development were known, a traffic impact study would be required. She advised that there was no water allocation for the property, except for Parcel No. 32-3 which had an allocation of 50,000 gallons per day, and the applicant would need to apply for any additional water allocation required for development.

She indicated that the streams, wetlands and steep slopes located on the parcels must be considered during development and may have protective buffers.

She advised that the Economic Development Director Rodney Hathaway had commented that these parcels were in a prime location for economic development, given their proximity to the interstate and given New Kent's prime location between two metropolitan areas. Mr. Hathaway had also noted that the availability of water, sewer and natural gas made it a prime location for warehousing and distribution-type uses, as well as manufacturing, and it was good that the applicant proposed to keep the parcels fronting Route 106 as EO because they were ideal locations for businesses that serve the traveler/tourist such as hotels, restaurants and retail.

Ms. Le Duc reported that there were several public comments made at the public hearing before the Planning Commission, most referencing the intention of the applicant to build a waste transfer station. She again stated that the applicant had not submitted any development plans, adding that any such facility would require a conditional use permit.

She indicated that although staff had found that the application was not consistent with the Comprehensive Plan, it would create a variety of opportunities for economic growth and would not affect neighboring properties as Mr. Shaia was the primary landowner in the area. She noted that the applicant had addressed staff's concerns with his proffers, and staff was recommending approval.

Ms. Le Duc reported that the Planning Commission recommended denial of the application based on the lack of a plan and because they felt that 1,200 acres was too large to rezone in this manner.

It was reported that a little over one-half of the property proposed for rezoning was "usable".

John Jay Schwartz, a commercial real estate consultant for SPF Investments, distributed a handout showing how projects similar to Short Pump Town Center or Innsbrook would fit on the subject property. He advised that commercial services that supported industrial uses would fit well into EO.

There were questions and comments regarding the road system within the parcels and the entranceways. Mr. Shaia admitted that they had not yet laid out the road system but he anticipated that one road would run through the EO and one through the Industrial parcels. Mr. Schwartz stated that they would probably have two or three points of entry from Route 106. He indicated that there was a number of ways to do that effectively with the least amount of impact on the area. It was reported that the area along Interstate 64 was a VDOT right-of-way.

It was reported that natural gas service would be available to these parcels. Mr. Schwartz advised that availability was a real asset, in that companies were looking for factors such as transportation and utilities.

Mr. Davis asked Mr. Shaia about his plans for the property. Mr. Shaia advised that he was trying to increase the marketability of the property. Mr. Schwartz talked about what was important to companies when they were searching for locations, which included state and local incentives, permitting processes, skilled labor, and major airports. He spoke about some of the projects they were working on that would fit comfortably on Industrial properties but not in EO. He admitted that they were not talking about anything near the scope of Innsbrook or Short Pump Town Center but were trying to convey that the subject property was an outstanding piece of industrial property. He went on to say that it would be complemented by the surrounding EO parcels and would not impact schools. He suggested that it could reduce the number of County residents who commuted elsewhere to

work, or could attract residents from other counties who might commute to New Kent to work, and would not increase the County's population.

Mr. Davis commented that New Kent needed businesses that paid good wages and asked whether the last employment profile had been updated. Mr. Homewood advised that he was not sure who performed the profile, but it was a resource used by many and showed that New Kent had one of the higher educated work forces in the region.

Mr. Shaia stated that most of the industrially-zone property in New Kent was on Route 33 and rezoning these parcels would provide industrial opportunities on I-64 closer to I-295. Mr. Schwartz stated that the privacy afforded by this property and the proximity to the interstate was what made these parcels attractive and what had spurred the interest from the Virginia Economic Development Partnership.

Mr. Trout asked about other developments where EO properties were adjacent to Industrial and were also close to high end housing. Mr. Shaia suggested Kings Charter and Airport Park, as well as White Oak. Mr. Trout expressed his concerns about trying to mix highway commercial with truck traffic, and with these things being built all at once, he felt there might be some conflicts. Mr. Schwartz stated that he believed that the Industrial property would develop before the EO and he felt that the mix of zonings should complement each other. Mr. Shaia added that if the rezoning was not approved, there would be a lot of EO-zoned property which, when built out, would result in a lot more traffic.

Mr. Homewood noted that both warehousing and light industrial were permitted in EO, adding that a good example was the Oyster Point development in Newport News, where 15,000 acres was expected to develop within four years.

Mr. Davis asked that staff provide the Board with a breakdown of what uses were permitted in both EO and Industrial.

IN RE: ALVIS/HORSLEY CONDITIONAL USE PERMIT APPLICATION

Planner Matt Ebinger and applicant Chester Alvis were present to review a conditional use permit (CUP) application scheduled for public hearing at the next Board meeting.

Mr. Ebinger advised that Mr. Alvis and David Horsley, Sr. had requested a conditional use permit for the purpose of constructing and operating a mini-storage facility on 6.78 acres at the southeast side of the intersection of Route 249 (New Kent Highway) and Route 612 (Airport Road/Tunstall Road). He reported that this vacant parcel was zoned Business, with properties to its north zoned Business and R-2/General Residential, to its east and south zoned A-1/Agricultural, and zoned Business to the west. He added that the majority of the property was designated as Hamlet in the Comprehensive Plan with the easternmost portion designated as Rural Lands. Mr. Ebinger reminded that the Hamlet designation referred to small scale office and retail centers designed primarily to draw patrons from the nearby local population and were located primarily at crossroads. He admitted that mini-storage facilities were not a specified use in Hamlet, but reminded that the property had been rezoned in July of 2005 from B-1 to B-2 and a mini-storage business had been discussed as a possibility. At that time, mini-storage use was not allowed in B-1 but allowed by right in B-2. With the recent comprehensive rezoning, the zoning classification of the property was changed to Business, under which a mini-storage facility was no longer allowed by right but required a CUP, and the Board's approval of the application would restore a right to the applicants that they had requested in 2005. He noted that the proposed mini-storage facility was proposed to be located as far from the intersection as possible, east of the Washington Store location, which would allow space for around 1,200 square feet of retail

space on the property closest to the intersection, which would be more in keeping with the Hamlet designation.

He reported that approval of the application had been recommended by staff and the Planning Commission had also recommended approval by a vote of 9:1:1.

Mr. Alvis advised that the number of road entrances had not yet been determined, as it would depend on the size of the units. He stated that they planned to offer open storage for Recreational Vehicles (RV) and boats belonging to residents who lived in developments where such vehicles were not permitted to be parked. He advised that prospective homebuyers in New Kent were looking for nearby storage for their large RVs, boats and antique cars, and he believed there was a genuine need for more storage unit options in the County.

He indicated that he had not previously moved forward with the mini-storage facility because when he transferred his interest in a mini-storage business in Quinton, he had signed a five-year non-compete agreement which would expire on January 1, 2010. He confirmed that he and Mr. Horsley owned property on the other side of Airport Road as well.

He advised that if there came a time when there was a better use for the site, then the mini-storage units could be easily removed and the site converted to a different use.

Mr. Davis asked about the potential problem of people living in the units. Mr. Alvis advised that they would not want that and there were ways to monitor for those kinds of things. He advised that the facility would be gated and only authorized users would be able to access the units, but law enforcement and fire-rescue would have the access codes. He indicated that the units would be climate-controlled and the facility would be attractive.

The Board members asked that the applicants provide photographs showing samples of the type of facility that they were planning, prior to the public hearing.

The Board took a short break and then resumed its meeting.

IN RE: BEACHES AND DUNES ORDINANCE

Environmental Planning Manager Amy Walker advised the Board that because of the presence of stretches of sandy shoreline along the Pamunkey and York Rivers, the State had added New Kent to the list of those localities that needed protection of its beaches, and staff was recommending that the Board consider adoption of a beaches and dunes ordinance to give the County's Wetlands Board jurisdiction over these areas. She explained that if New Kent did not have an ordinance in place, then any time landowners wanted to do any shoreline work, they would have to apply to the Virginia Marine Resources Commission (VMRC) which could double the length of the process.

Mr. Davis expressed his concerns that the VMRC would still have jurisdiction. Randy Owen, the VMRC liaison and a New Kent resident, confirmed that the VMRC was attempting to get all of the affected localities to adopt a beaches and dunes ordinance. He explained that in most instances, the ordinance would extend the jurisdiction of the local Wetlands Board who could serve as the Beaches and Dunes Board and issue permits; however, if there was no ordinance in place, then the VMRC served as a default Beaches and Dunes Board, which would prolong the process for the applicant. He confirmed that with the ordinance in place, the VMRC would no longer have jurisdiction and the process would stop with the Wetlands Board. He indicated that there would be no extra cost to the County to handle these applications but the applicant would have extra cost and time if the ordinance was not in place. He explained that most applications pertained to a six to eight foot section of beach

and that other localities were adopting the ordinance to protect their citizens. He reported that this would only apply to tidal waters in New Kent.

There was consensus among the Board to consider a proposed ordinance at a future meeting.

IN RE: CONSERVATION EASEMENTS IN CLUSTER SUBDIVISIONS

Community Development Director George Homewood reviewed that the Board had earlier discussed this issue and had reached consensus that open spaces in cluster subdivisions should be placed in conservation easements. He advised that a proposed ordinance had been drafted and sent to the Planning Commission who voted 10:0:1 to recommend approval, and that a public hearing before the Board was scheduled for the next regular business meeting. He indicated that the proposed ordinance did three things: it would establish a conservation easement requirement for open space in cluster subdivisions; would establish requirements for how the easements were set up; and would change the body that made the determination of appeals, from the Planning Commission to the Board of Supervisors. He explained that New Kent had adopted its subdivision ordinance in 2005, prior to the time that the 2006 General Assembly amended the Code of Virginia to provide that the governing body was the one to make those determinations.

Mr. Davis asked about the number of conservation easements in New Kent. Mr. Homewood replied that there were two held by the County and some others that were held by other entities. Mr. Davis asked if the County needed an advisory committee to help with the process. Mr. Homewood suggested that the Board could expand the authority of the Purchase of Development Rights Committee for that purpose.

Mr. Evelyn asked if a golf course could be put on a conservation easement. Mr. Homewood advised that some easements were more restrictive than others and there had been attempts to create some easements that wouldn't conserve anything, and a golf course certainly would not leave land in its natural environment.

Mr. Evelyn indicated that he had heard from individuals that they were having a hard time with the conservation easement process because of the high cost. Mr. Homewood surmised that the costs were not related to cluster subdivisions, but more likely to efforts by the developer to obtain some kind of tax advantage, which might have associated costs, such as appraisals, etc. He stated that the County did not charge to hold an easement and he was not aware of any land conservancy in the area that charged to accept a conservation easement. Mr. Davis reminded that a cluster subdivision was an option open to developers, where they would receive increased density on a portion of the land and lower development costs in exchange for severing development rights on the rest of the property.

Mr. Summers advised that a hearing and a formal vote would be needed by the Board in order to accept any easement, except utility easements on County property.

There was consensus to move forward with a public hearing on the proposed ordinance at the next business meeting.

IN RE: UPDATE ON EMERGENCY MANAGEMENT

Fire Chief Tommy Hicks distributed an update on the H1N1 (swine flu), reporting that there were no reported cases in New Kent, and providing a breakdown of the cases in other areas as well as a copy of a letter that had been sent out by the State Health Department.

He also distributed an update on the radio tower project on Polish Town Road, reporting that they had been able to secure public space on a new tower in order to relocate and upgrade existing emergency communications equipment. He reported that he was working with the County utilities department to assess their needs regarding tower space.

He advised that the three-month trial of an Automatic Mutual Aid partnership with Hanover County had ended and he asked the Board to continue the trial until January of 2010. He reported that the partnership of providing coverage for the Black Creek area of New Kent by staff from the Hanover Station 12 using a New Kent ambulance, had been successful and had resulted in responses to nine calls (three fire and six medical) in New Kent. He advised that there was still some fine-tuning that was needed regarding dispatching, but with the Board's approval, they would work on those issues with an end goal in January of developing an ISO service district to reduce insurance premiums for homeowners in that area. He confirmed that Hanover officials were pleased with the results as well, and were in agreement that there needed to be some more work on radio communication and longer term use of the ambulance.

There was consensus to extend the trial partnership until January of 2010.

Chief Hicks advised that work was concluding on the County's new Emergency Operations Plan (EOP). Mr. Burrell reported that he had reviewed the draft EOP with the Chief and found it to be more functional and effective, and he felt it would provide better communications. Chief Hicks indicated that the biggest difference was the basic plan would have 15 centrally supported functions that mirrored the State and federal plans, and it was his intention to ask the Board for adoption at its August business meeting. He added that the EOP also provided a mechanism for the County to create Memoranda of Understanding (MOUs) with surrounding jurisdictions on shelter, emergency response and the sharing of resources, and advised that MOUs were being drafted for Charles City County, Hanover County, Henrico County, James City County, King William County, City of Williamsburg, Town of West Point, and York County.

Mr. Trout asked about an expired MOU with a public radio station in Richmond. Chief Hicks advised that it was his understanding that a new MOU was being circulated for signatures.

Some of the Board members asked about the status of fireworks tents that had been set up in Quinton and Eltham. Chief Hicks advised that the tent in Quinton had been set up without a permit and the Fire Marshall was addressing that issue, but the vendor in Eltham had been permitted and inspected and found to be compliant with all guidelines.

IN RE: PARHAM LANDING SEWAGE TREATMENT PLANT EXPANSION

Under consideration by the Board was Resolution R-28-09 accepting the low bid for the expansion of the Parham Landing Sewage Treatment plant.

Present were Assistant County Administrator Bill Whitley, Public Utilities Director Larry Dame, Engineers Roger Hart and Kris Edelman from Royer/Malcolm Pirnie, and Allen Hamblen, Vice President of English Construction Company.

Mr. Whitley reviewed that the Board had previously authorized the project to be advertised for bids and nine responses had been received, with the lowest bid from English Construction Company of Lynchburg, Virginia, in the sum of \$22,789,800. He advised that most of the funding for the project would come from connection fees paid by the Farms of New Kent in the sum of \$22 million, with the remainder of about \$2.6 - \$2.7 million to be borrowed in the Spring of 2010 through Virginia Resource Authority. He reported that the Reclaimed Water project would be funded from the \$6.7 million federal stimulus funds

awarded, but the total cost of that project would not be known until those bids were received in mid-August. He reflected that the low bid on the expansion project was less than the \$27 million engineering estimate, and the amount that would need to be borrowed would be significantly less than what was originally anticipated. He added that by Spring of 2010, staff would have a better idea as to what the costs of the Reclaimed Water project would be and if the favorable construction climate continued, then contract contingency funds as well as the Utility fund balance could be used to reduce the amount of the borrowing or eliminate the need for borrowing. He indicated that as soon as that information was in hand, staff would come back to the Board for direction. He then asked that the Board award the Parham expansion project contract to English Construction for a project cost of \$22,789,800.

Mr. Davis asked about a timetable. Mr. Hamblen from English Construction advised that the contract called for substantial completion within 540 days.

Mr. Trout asked if, by adopting the proposed resolution, the Board was obligating itself to borrow money in the future. Mr. Davis commented that if the County waited, then the cost of the project and the amount of the borrowing would only increase.

Mr. Trout moved to adopt Resolution R-28-09 as presented. The members were polled:

David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
Thomas W. Evelyn	Aye
W. R. Davis, Jr.	Aye

The motion carried.

IN RE: VEHICLE DECALS

Staff presented a proposed ordinance that would change the County Code in order to implement a permanent vehicle decal in place of an annual decal.

Assistant County Administrator Bill Whitley advised that the ordinance, if adopted, would repeal and replace the current vehicle license tax with a vehicle license registration fee, and would eliminate the annual procedure of scraping and replacing decals. He indicated that the permanent decal would be the same size and be affixed in the same location as the current annual decal, and would provide an identification process for the refuse and recycling centers as well as address the concerns of the Sheriff's office. He reported that the ordinance and proposed process had been developed with the input of staff from the offices of the Treasurer and Commissioner of Revenue as well as the County Attorney. He confirmed that once the ordinance was adopted, all vehicles registered in the County and being charged a vehicle license tax, would be charged the new registration fee, and there should be no impact to revenue. He indicated that decals would not be required for any towed vehicles. He advised that the registration fee would be the same amount as the current decal fee, and decals would be provided at no charge. He stated that the permanent decals would be issued this year in the same way decals had been provided in the past, and vehicle owners would never need to obtain another one unless they purchased a new vehicle or had a broken windshield. He advised that the new process would not require any more administration than the current process. He added that the registration fee would apply to any vehicles owned on January 1 and there would be no partial refunds. He confirmed that the registration fee for one vehicle owned by a qualified public safety volunteer would be waived.

The Board reviewed three options for the new decal design and chose the one that contained the County seal.

There was consensus to move forward with a public hearing on July 13, 2009.

IN RE: POLICY ON MEMORIALS

County Administrator John Budesky reported back to the Board regarding guidelines for memorials on County property.

He advised that he had checked to see what policies were in effect in other jurisdictions and found a range of policies and/or prohibitions. He indicated that in the four years since he had been in New Kent, there had been only one request, and although no one would dispute the merits of the recent request to plant a memorial tree in the name of a deceased Planning Commission member, he predicted that once a plaque was allowed on County-owned property, there would likely be requests for others and he felt that a policy needed to be in place.

Following discussion, the Board was in agreement that memorial plaques on County property would not be permitted, but that trees could be planted under the guidance and approval of the County Administrator.

IN RE: NON-DISTRICT APPOINTMENTS

Mr. Burrell moved to appoint Linda Myers as New Kent's representative to the Charles City, New Kent, Henrico Mental Health & Retardation Board to serve a term ending December 31, 2011.

The members were polled:

James H. Burrell	Aye
Stran L. Trout	Aye
Thomas W. Evelyn	Aye
David M. Sparks	Aye
W. R. Davis, Jr.	Aye

The motion carried.

IN RE: DISTRICT APPOINTMENTS

Mr. Sparks moved to appoint Juanita Collins as District Two's representative to the Heritage Library Board of Trustees to serve a four-year term beginning July 1, 2009 and ending June 30, 2013.

The members were polled:

Stran L. Trout	Aye
Thomas W. Evelyn	Aye
David M. Sparks	Aye
James H. Burrell	Aye
W. R. Davis, Jr.	Aye

The motion carried.

IN RE: AUGUST MEETINGS

There was consensus to cancel the August 26 work session, with the understanding that should something develop that would need the Board's attention, a special meeting could be called. On Mr. Burrell's suggestion, the Board also agreed that all County boards and commissions be advised that it would be acceptable for them to cancel August meetings if they did not have any pressing business.

IN RE: MEETING SCHEDULE

Chairman Davis announced that the Board of Supervisors would hold its next regular meeting on July 13, 2009 at 6 p.m. in the Boardroom, and would be meeting with business owners and managers from the Bottoms Bridge and Talleyville area on June 25, 2009 between 3 p.m. and 5 p.m. at the Quinton Community Center.

IN RE: ADJOURNMENT

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

Thomas W. Evelyn	Aye
David M. Sparks	Aye
James H. Burrell	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye

The motion carried.

The meeting was adjourned at 6:17 p.m.