

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 28TH DAY OF OCTOBER 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. FOLLOWING THE CEREMONIAL GROUNDBREAKING OF THE PARHAM LANDING WASTEWATER TREATMENT PLANT EXPANSION PROJECT AND THE RECLAIMED WATER LINE PROJECT HELD AT 1:30 P.M. AT THE PARHAM PLANT IN ELTHAM.

IN RE: CALL TO ORDER

Chairman Davis called the meeting to order.

IN RE: ROLL CALL

Thomas W. Evelyn	Present
David M. Sparks	Absent (arrived at 3:05 p.m.)
James H. Burrell	Present
Stran L. Trout	Present
W. R. Davis, Jr.	Present

All members were present after Mr. Sparks' arrival.

IN RE: REQUEST FOR UTILITY RIGHT-OF-WAY ON HENPECK ROAD

Before the Board for consideration was a request made by Pete Sweet for a utility right-of-way across County property at Quinton Community Park.

Interim County Administrator Bill Whitley explained that Mr. Sweet, the developer of a townhouse project adjacent to Quinton Community Park, had requested an easement across County-owned property in order to provide electric service to his project. It was reported that the requested easement was in an area that would not impact the Park and confirmed that all utility lines would be underground.

Mr. Trout moved to approve execution of the Right-of-Way Agreement with Virginia Electric and Power Company granting a 15-foot easement across County property along Henpeck Road at its intersection with Quinton Park Trail. 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.

IN RE: REPORT FROM THE AFFORDABLE HOUSING ADVISORY COMMITTEE

Karen Cameron, Chair of the Affordable Housing Advisory Committee (Committee), and Planner Matthew Ebinger were present to report on the work of the Committee.

Ms. Cameron advised that there had been a "quick learning curve" since most of the members of the newly-chartered group had been involved in the pre-charter work. She did report some problems with quorum resulting from an inactive member from District 4 as well as the unavailability of the Social Services Director. There was discussion regarding the

necessity of representation from Social Services and Board members remained steadfast that a representative from Social Services be a member of the Committee.

Ms. Cameron advised that the Committee was committed to staying ahead of the deadlines set forth in the Charter and her report would fulfill those duties regarding defining the term "affordable housing" and identifying the population to be targeted.

She reported that the Committee was suggesting the targeted population should be entry-level County employees such as teachers, firefighters, deputies and administration staff, as well as adult children of New Kent residents who would like to live in or return to the County. Regarding incomes, she noted that the entry-level pay scale for firefighters, deputies and administrative staff began at \$35,178 and for teachers at \$36,000. She advised that the 2008 Median Household Income (MHI) in the Richmond Metropolitan Statistical Area (RMSA) was \$58,662, and that 50% to 80% of the RMSA's MHI would be \$29,331 to \$46,930, which was within the level of salaries for employees. She added that 50% to 80% of the MHI was often equated with the term "workforce housing" and very low income housing needs could be addressed through other alternatives, including Habitat for Humanity.

She advised that the Committee had proposed defining "workforce housing" as *"decent, safe and sanitary housing that was affordable for purchase or for rental by households whose income is at least 50% and no more than 80% of the median household income for the RMSA."* She indicated that rather than develop a separate income threshold for renters, the Committee felt that having only one income eligibility criteria would promote administrative simplicity and housing options.

Regarding incomes and affordability, Ms. Cameron advised that County staff entry-level salaries were approximately 60% of the RMSA's median household income, and assuming a figure of 30% to 35% of gross salary for housing costs, those entry-level employees could afford monthly mortgage or rental payments of \$880 to \$1,050. The proposed definition would encompass monthly housing costs of \$733 - \$1,369 (at 30% - 35%). Mr. Ebinger added that assuming a 5% down payment and a 35% figure for housing costs and relatively little debt, entry-level County staff could afford a home that cost in the neighborhood of \$127,000 to \$135,000 -- well below the \$206,000 median sales price for a home in the RMSA during the second quarter of 2009.

Ms. Cameron advised that the Committee intended to keep moving ahead and had already identified preliminary methods and tools for collecting workforce housing supply and demand information in order to report back to the Board by the June 2010 deadline; however, it would like the Board's feedback on the recommendations for the proposed definition and targeted population. She advised that the Committee would continue to meet monthly and she would continue as Chair until someone else would accept the position.

Board members complimented Ms. Cameron and the Committee for their work and expressed their agreement with the recommendations.

Mr. Burrell moved to accept the term and definition of "workforce housing" recommended by the Affordable Housing Advisory Committee. 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: REQUEST FROM THE HISTORIC COMMISSION (COMMISSION)

Commission Chair Deb Downs, as well as members Martha Martin and Jean Street met with the Board to discuss plans for the Historic Courthouse.

Ms. Downs reviewed that one of the mission statements of the Commission was to raise awareness of historic resources in the County, and they had been successful with their historic lecture series, and also had arranged for the framing of some prints of local historic places. She spoke about the importance of tourism and how renovations being planned for the Historic Courthouse could provide an opportunity to display and house some historic resources. She advised that the County had been offered a number of historic resources which had been declined because there was no secure, climate-controlled area in which to store them. She described how the small offices in which the Voter Registration Office was formerly located could be dedicated for display and storage of historic resources, and the walls in the areas to be renovated as meeting rooms could be used for displays as well. She offered the services of the Commission to assist in the planning and designing of those areas.

General Services Director Jim Tacosa confirmed that the former offices of the Registrar were not suitable for meeting rooms because of their small size.

Ms. Martin suggested that using the walls in the meeting rooms as display areas would call attention to the historic resources and help promote awareness of New Kent's history.

There was discussion regarding security and if the Historic Commission intended the building to be open at times when the meeting rooms weren't being used. Mr. Trout clarified that there were occasions or scheduled events where the building could be opened but it was not the Commission's intention that it be operated as a museum.

Ms. Downs advised that the Commission had not developed a budget or obtained cost estimates, but had hoped that their suggestions could be included in whatever budget there was for renovating the building.

Board members agreed that the suggestions made by the Historic Commission would be a good use of some of the areas in the Historic Courthouse.

Mr. Burrell spoke about some activities taking place in recognition of James Armistead Lafayette, a New Kent slave whose espionage work during the American Revolutionary War contributed to the defeat of Cornwallis at Yorktown, and he asked the Deputy Clerk to check the Board's records to see if a resolution recognizing him had been adopted. Mr. Trout advised that there was an effort to erect a monument in Washington D.C. honoring African-Americans who fought in the American Revolutionary War and that New Kent should make sure that James Armistead Lafayette was included.

IN RE: WASTE TRANSFER SITE ACCESS

General Services Director James Tacosa and Maintenance Supervisor David Bednarczyk reviewed problems at the transfer sites. Mr. Tacosa explained that before the current process was instituted, only about 30 authorization slips were issued each and they were good for only 90 days. However, when the ordinance was revised and closer scrutiny began of those disposing of their trash, the number of applications increased dramatically to over 1,100 and the time period for permits was extended until the end of the year. He indicated that the authorizations would expire at the end of December 2009 and there expectations that requests for renewals would start to be received.

Mr. Whitley advised that he wanted the Board to have an opportunity to make any changes and have sufficient time to get word out to the public before the end of the year.

Mr. Tacosa reported that only around 25% of the authorizations had been issued to those who fit into one of the following "exception" categories: persons who lived out of state but owned property in New Kent; residents who drove company vehicles home each night that were registered in another locality; and relatives or helpers of elderly or disabled residents who were not able to dispose of their trash on their own. The remaining 75% were issued to individuals who simply did not have a decal. He noted that with the institution of the permanent decal for 2009, someone living in New Kent and paying taxes should have a decal, and it was being recommended that the ordinance be amended to require decals in order to use the trash transfer sites, unless one of the exceptions applied.

Mr. Trout stated that if a vehicle was garaged in New Kent overnight, even if it belonged to a business in another locality, then it should be registered in New Kent and subject to taxes. Mr. Summers reminded that an employee had no control as to where a business vehicle was registered, and that the only remedy would be to deny services when using that vehicle.

Mr. Evelyn disagreed, stating that if someone had a drivers' license showing that he lived in New Kent, then more than likely he was paying some kind of taxes and should be able to dump his trash in New Kent. He also noted that problems at the transfer sites had decreased. Mr. Tacosa agreed that because of concentrated efforts, tonnage for each pull had increased from 4.9 tons per container three years earlier to 7.3 tons and was on track to reach 8 tons. He also noted that the problem with construction debris had been greatly reduced. However, the administration of handling 1,100 paper authorizations was becoming time-consuming for both the site staff and those in the office of the Commissioner of Revenue who were often asked to verify information on applications.

Mr. Bednarczyk advised that it appears that many of the permit holders hadn't paid their taxes or decal fees because it was easier to obtain a paper authorization.

Mr. Tacosa advised that the new permanent decal may solve many of the problems but previous efforts to make the sites more "user friendly" had resulted in more problems for staff.

Mr. Sparks expressed his concern that 75% out of 1,100 residents didn't have decals and he felt some follow up was needed to determine why. Mr. Summer stated that over 800 people were avoided paying for a decal and the rest of the taxpayers had to support them in their fraud.

Mr. Evelyn disagreed, stating that he didn't think non-payment of taxes was a problem in light of the County's 98% tax collection rate.

Mr. Burrell noted that New Kent had the unique problem with some of its sites being convenient to those from other localities. Mr. Evelyn stated that he felt that anyone with a license showing New Kent residency should be allowed to use the site, whether they had a decal or not, and the County had ways to collect from those who were delinquent in paying their taxes.

There was discussion regarding how the County could not require a State-owned vehicle to display a County decal. There was also discussion about how other localities were handling these issues. Mr. Whitley pointed out that it wasn't as much of an issue in other places because of geography.

Mr. Davis stated that New Kent was spending about \$1 million from taxpayer money per year to dispose of trash and did not charge residents for trash disposal. He indicated that he felt the number of those without decals would decrease with the new permanent decal.

Mr. Tacosa advised that he hoped they would. He stated that once everyone learned that, hopefully they would get their decal and then the County could do away with authorization slips except for the exceptions.

Mr. Burrell stated that the County was doing justice to the citizens by being vigilant.

Mr. Sparks stated that he felt it was a good time to re-evaluate the process and find out why so many people who should have decals had authorizations instead, and he wasn't talking about those who drove their work trucks home.

Mr. Tacosa stated that if Board members had the opportunity to encourage people to get their sticker, it would help with the administrative burden currently being born by staff at the sites and in the Commissioner's office.

Mr. Whitley summarized that the Board did not want to make any changes at the present time but instead wanted to wait and see how the new permanent decal process would affect the situation. It was pointed out that by the date of the January work session, there should be three weeks' worth of data to analyze. It was agreed that the next time the issue was brought up for discussion, it would be best to have the Commissioner of Revenue and Treasurer present.

IN RE: DUNHAM REZONING APPLICATION

Planner Kelli Le Duc reviewed the application filed by Godsey Properties LLC to rezone approximately 131 acres from *A-1* to *R-1, Single Family Residential (cluster)*. She reported that the Planning Commission had previously tabled the application after a public hearing at its September meeting, and following another public hearing in October, had forwarded an unfavorable recommendation by a vote of 8:1:1, based on what it deemed to be insufficient proffers and impacts to traffic and schools. She noted that there was significant public comment at both hearings.

Mr. Trout stated that he had concerns about the proffers, noting that New Kent Vineyards had paid \$8,000 per residence for each non age-restricted unit and, in this case, the taxpayers would have to subsidize the impacts to the schools because the proposed proffers would not cover the cost for the "bricks and mortar". Ms. Le Duc advised that staff had

unsuccessfully tried to obtain updated data from the School Board office, but the last data received reflected a per-student cost of between \$7,000 and \$8,000. It was suggested that it appeared that the proffers submitted with the subject application had been based on teacher costs alone.

Ms. Le Duc indicated that one issue the residents from adjacent subdivisions were displeased about were stub roads being extended, which included two stub roads in Kenwood Farms and one in Deer Lake. Mr. Davis commented that was a "non issue" because it was required by VDOT.

It was also noted that some neighbors were resistant to the proposed "workforce housing" units in the development. It was pointed out that although those units were sized and priced to be marketed to individuals in that targeted group, they were not restricted to that population. Ms. Le Duc noted that figures offered by the developer for those units were based on a dual income of \$72,000 and in the \$200,000 price range, but that the Affordable Housing Advisory Committee reported earlier that those targeted populations would qualify for mortgages on homes in a lower range of \$132,000 to \$150,000.

She advised that the application would be on the Board's November agenda and they could expect to receive a lot of comment.

IN RE: CEDAR HILL REZONING APPLICATION

Planner Kelli Le Duc advised that this rezoning application pertained to the rezoning of a 2.7-acre piece of a large tract and was previously zoned *Business* but changed to *Rural Lands* during the recent countywide rezoning. She reported that the Planning Commission had voted 7:2 to forward a favorable recommendation to approve the application to change the zoning back to *Business*. She noted that there had been no public comment at the October public hearing held by the Planning Commission, and the application would come to the Board at its November meeting.

She advised that staff had recommended denial of the application because it did not comply with the Comprehensive Plan, but the argument had been made that the property would one day become part of a hamlet at that intersection.

Mr. Trout noted that the subject property was adjacent to commercial property and the owner also had a parcel across the street that was zoned *Business* and was also a part of the same large tract.

Ms. Le Duc reported that the owner did submit a proffer that when the property was sold or developed, both parcels would be subdivided so that the large tract would no longer be split-zoned.

IN RE: PHILBATES REZONING APPLICAITON

Planner Kelli Le Duc reviewed this application to rezone eight acres at the intersection of Route 33 and Route 249. She reported that three parcels with different zonings had been consolidated into one parcel and the owner was requesting that it be rezoned as *Economic Opportunity*. She advised that the Planning Commission, by unanimous vote, had recommended approval. She indicated that the subject parcel was surrounded by parcels that were zoned *Economic Opportunity* and the application complied with the Comprehensive Plan.

She noted that the owner reported that he had an interested buyer but there were no specific plans for development.

She indicated that this would come to the Board at its November meeting for public hearing.

IN RE: CONSERVATION EASEMENT FROM DR. DUANE SCHULTZ

Planner Kelli Le Duc and County Attorney Jeff Summers reviewed a request from Dr. Duane Schultz for the donation of a conservation easement on 97 acres.

Ms. Le Duc advised that Dr. Shultz was not asking for a purchase of development rights but just the donation of an easement. She reported that the proposed conservation easement complied with the Comprehensive Plan and fulfilled some of the goals and objections in the County's conservation management plan and staff was recommending approval of the request. She indicated that the County would hold the easement and that the land was home to some endangered species.

Mr. Summers added that it was a matter of urgency for Dr. Schultz because he was competing for some State tax credits. He confirmed that no public hearing was required and the Board could accept the easement at this meeting or on its next Consent Agenda. He confirmed that he had thoroughly reviewed the documents.

Mr. Burrell moved that the Board accept the proposed Conservation Easement from Duane Schultz on parcel 25-33, and authorize the Interim County Administrator to sign the easement on the Board's behalf. 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.

The Board took a short recess then resumed the meeting.

IN RE: GRANT APPLICATIONS FOR WATER STUDY PROJECTS

Before the Board for consideration was Resolution R-62-09 authorizing the County to apply for grant funding for multiple water projects through the Virginia Department of Health – Office of Drinking Water.

Assistant Public Utilities Director Mike Lang advised that applications required a resolution from the Board and having a broad resolution would allow staff to proceed without having to come back to the Board for each application.

Staff confirmed that these applications would be for grants similar to the water study project grant received for The Colonies. The Board reviewed the list of potential projects, which included a Hydraulic Modeling and Preliminary Engineering Report (PER) for Sherwood Estates and Whitehouse Farms; a Water System Audit and Leak Detection study; a Water System Energy Audit; and Ground Water Exploratory Drilling. It was noted that the Leak Detection study was required by the Department of Environmental Quality as a part of the

County's Water Conservation and Management Plan, and although the Audit was not required, it could save the County some money on operating and energy costs.

Staff advised that having a PER in hand was the first step in having a "shovel ready" project for which grant funding could be sought.

It was advised that some of the grants might be available for privately-owned water systems as well, and that Woodhaven Shores would have a "good shot" at a Leak Detection grant.

Mr. Evelyn moved to adopt Resolution R-62-09 as presented. 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: ANIMAL SHELTER DONATIONS

County Administrator Bill Whitley reported on a suggestion from Animal Shelter staff to provide residents an opportunity to make voluntary donations at the time that they purchased their dog licenses. He indicated that the suggestion had been reviewed by both the County Attorney and the Treasurer's Office and there had been no objections. He indicated that no specific action was required by the Board but he wanted to make sure that the Board was aware of the request.

Board members approved of the suggestion.

Mr. Burrell asked about having increased dog license fees for unsprayed and unneutered dogs. Staff reported that was the practice in some of the other localities and could be examined as part of the upcoming budget process.

There was also discussion about the effect that the economy was having on the number of animals at the shelter.

IN RE: BOARD OF EQUALIZATION FOR 2010

County Attorney Jeff Summers reminded the Board that with the upcoming General Reassessment and the new two-year assessment cycle, the Board would soon need to determine whether it wanted a temporary or permanent Board of Equalization (BOE). He indicated that there were advantages and disadvantages to each and the main issue was cost. He noted that a permanent BOE would need staff, office space and equipment, and a temporary BOE would need the same things but for a shorter period of time. He reminded that in the last Reassessment, staff from the office of the Commissioner of Revenue served as staff support to the BOE but would be "conflicted out" during the upcoming cycle since they were actually performing the reassessment. He indicated that the County could hire temporary help or could "borrow" staff from one of the departments. He advised that he was just trying to get a sense of the Board before preparing an ordinance for adoption at a future meeting.

There was discussion regarding the previous reassessment. Commissioner of Revenue Laura Ecimovic stated that in 2008 the assessment notices were mailed out in March. Mr. Summers reminded that the reassessment was to have been completed by January 1 but the Board gave had given an extension until the end of March. Ms. Ecimovic stated that when the 2008 BOE was appointed, the Board did not adopt an ordinance establishing a finite end date, and the process automatically defaulted to State statute which was the end of December. She advised that if the Board wanted to reduce the length of time that the BOE worked, it would have to adopt an ordinance that established start and stop dates. It was reported that all of the 2008 BOE members agreed that a year-long process was too long. Ms. Ecimovic stated that she had reviewed information from other localities and many of them only provided a three-month period once the preliminary review was completed by the Commissioner of Revenue.

Mr. Trout commented that he didn't think a permanent BOE was necessary since there was nothing to appeal during non-assessment years. Ms. Ecimovic agreed, noting that there were already some office space issues and it made more sense and would be more effective to have a temporary BOE because appointees would be more likely to commit for a shorter duration rather than for an entire year, and it may result in some better-qualified candidates.

Mr. Burrell predicted that with the Commissioner of Revenue performing the Reassessment there should not be as many problems. Ms. Ecimovic stated that she hoped not and that if property owners would take the opportunity to appeal with her office first, corrections could be made before going to the BOE. She stated that she felt there still would be a volume of appeals because of the economy, but by now being the assessor, she would be able to change some things that she was not able to before.

There was discussion regarding the dates to be established. Ms. Ecimovic stated that the notices would be mailed out in the middle of January, and property owners would have 30 days to appeal to her and after that could start filing appeals with the BOE. She encouraged the Board to set a deadline for appeals and a deadline for the BOE to conclude its work. She also advised that the County needed to adopt a form for the appeal -- otherwise appeals could be in any form. She advised that her office could provide property record information to the BOE but could not provide staff support since she may have to appear at BOE hearings on behalf of the County.

Ms. Ecimovic stated that in the last reassessment, she found that about 90% of the problems resulted from factual errors. She indicated that her goal was to inspect at least one-third of the parcels each year and that it would take two to three cycles to clear up all of those errors. She advised that areas inspected to date included those where many of the errors were made, as well as parcels in other areas that had been brought to her attention. She advised that she continued to meet with various community and homeowners associations and was planning a class on reassessment in November to help educate interested property owners about the process.

Mr. Summers indicated that if it was the Board's preference to have a temporary BOE, he would suggest that the BOE complete its work by June 30, 2010, to coincide with the end of the fiscal year and then count backwards 120 days from June 30 for a start date. Ms. Ecimovic agreed, stating that schedule would make it easier to budget.

Mr. Summers advised that he would prepare a draft ordinance for the Board's review at its next work session that would provide an application deadline of March 1.

There was discussion regarding the process of nominating BOE members. Mr. Summers advised that he would check the State statutes to see if it would be a conflict for the Commissioner's office to physically accept the applications prior to the time that the BOE began its work. He reminded that property owners were not compelled to appeal to either the BOE or the assessing officer. Ms. Ecimovic stated that once all of the errors had been corrected, the values would be more acceptable and, for the first time, record cards would be included with the assessment notices and property owners would see the details and be able to notify her office of factual errors.

IN RE: PARKING IN A FIRE LANE

County Attorney Jeff Summers reminded the Board that when changes were made to the County Code and Chapter 34 was deleted and rolled into Chapter 30, the County had adopted the International Fire Code. He indicated that as an unintended consequence, parking in a fire lane became a Class I Misdemeanor punishable by a fine of up to a \$2,500 and one year in jail. He reported that had caused a "couple of ripples" and offenders were required to have an attorney because it became a jailable offense. He recommended that the Board add an article to the County Code that brought parking in a fire lane back to the way it was in Chapter 34, lessening the penalty to a \$150 fine and making it simpler to enforce. He advised that if there was a circumstance where someone was parked in a fire lane and interfered with the response to a fire, then the International Fire Code would still be "in the books" and the County could chose to prosecute it as a Class I Misdemeanor.

There were comments about some residual fire lane markings in front of some older buildings that should be removed. Fire Chief Tommy Hicks advised that they were trying to take a "common sense" approach by addressing those areas as resurfacing work was done. He explained that it was more of an access issue than physically parking emergency apparatus in those spaces.

Mr. Summers advised that he had reviewed the proposed ordinance changes with the Sheriff's Office, Commonwealth Attorney's Office, and the Fire Chief, and that it would require a public hearing at a future meeting.

IN RE: NOISE ORDINANCE

County Attorney Jeff Summers reported that the Virginia Supreme Court had struck down the "reasonable person" standard of noise in a Virginia Beach case, which had affected the noise ordinances in nearly 98% of the localities in the State. He indicated that the Supreme Court basically decided in that case that officers were acting without guidance from the governing body.

He advised that a proposed change in New Kent's ordinance would set up some definitions and other guidance, but still would give the officers some discretion, and the noise would have to be deemed to be "painful" and not just "unpleasant" and would be based on duration.

Mr. Evelyn asked if law enforcement officers would have to measure the noise. Mr. Summers clarified that he wanted to avoid that and the cost of purchasing and maintaining that kind of equipment.

Mr. Evelyn stated that he hadn't received any noise complaints. Mr. Burrell noted that he had one or two, but they involved situations with disgruntled neighbors. Mr. Summers noted that was usually the case, and that the "reasonable person" standard that was

recently struck down used to work. Mr. Davis commented that "common sense wasn't so common any more".

Mr. Summers advised that the proposed changes would give the "guidance" without having to buy the gear.

Mr. Trout expressed his concerns as to the whether the proposed distances would be appropriate for condominiums or in neighborhoods with small lots. Mr. Summers stated that the distances were deliberately chosen in order to provide a "very bright line" for the Court. He noted that most complaints were about music, barking dogs, or weapons firing.

He indicated that the Board's options were to keep what it had, knowing that it was problematic and that the County would probably lose any cases, or it could make the recommended changes and let the Court tell the County whether it "had it right".

Mr. Trout stated that he felt Mr. Summers was "going in the right direction" but it was his opinion that there should be higher standards in areas zoned *Residential* as opposed to *Agricultural*, especially those with multi-family housing.

Mr. Sparks asked how the proposed restrictions would affect an ice cream truck playing its music as it drove through the neighborhoods, as well as the noise generated by events such as the County Fair.

Mr. Evelyn asked about residents complaining about the mooing of cows. Mr. Summers noted that the ordinance referenced companion animals, which cows were not. Mr. Evelyn stated that he did not see where it pertained only to companion animals.

Mr. Summers stated that he was trying to keep it simple as possible without having to invent a very costly system, and he would take the Board's comments under review and bring back another draft in a few months.

IN RE: CLOSED SESSION

Staff advised that there was no need for a closed session.

IN RE: SEARCH FOR NEW COUNTY ADMININSTRATOR

Interim County Administrator Bill Whitley advised that the process was moving forward and that information on the candidates should be delivered to the Board by the end of the week. There was discussion regarding when to schedule interviews but no dates were set.

IN RE: MEETING SCHEDULE

The Chairman announced that the next regular meeting of the New Kent County Board of Supervisors would be held Thursday, November 12, 2009, at 6:00 p.m. in the Boardroom of the County Admin Building, and that three or more Board members might attend a community meeting on October 29, 2009, at 7 p.m. at the New Kent Forestry Center regarding establishing a fire station in the Lanexa area, as well as the Virginia Association of Counties Annual Conference in Hot Springs, Virginia, November 8 through 10, 2009.

IN RE: ADJOURNMENT

Mr. Burrell 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 5:37 p.m.