

A SPECIAL WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 21ST DAY OF OCTOBER IN THE YEAR TWO THOUSAND EIGHT OF OUR LORD IN THE HISTORIC COURTHOUSE IN NEW KENT, VIRGINIA, AT 3:00 P.M.

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

Chairman Burrell called the meeting to order.

IN RE: SETTLEMENT OF SPF LITIGATION

County Attorney Jeff Summers reviewed that over the past year, there had been settlement discussions with SPF Investments, Inc. and Theatre Square, L.C. over a lawsuit regarding a proposed landfill on Route 106. He announced that in accordance with the Board's guidance, a settlement agreement had been reached which called for an end to the litigation, with the County extending its public water system lines to a point near the SPF property, and with SPF agreeing not to pursue development of a landfill and instead to develop the property in accordance with the Comprehensive Plan. He commented that the settlement was a "win/win" for both parties and he encouraged the Board to give its approval.

Mr. Davis moved to approve and ratify the settlement agreement in the matter of SPF Investments, Inc. and Theatre Square, L.C. v. Board of Supervisors of New Kent County and Rodney A. Hathaway, in his official capacity as Planning Manager, Case No. CL06-167. The members were polled:

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

The motion carried.

IN RE: ZONING ORDINANCE AND MAP AMENDMENT

Planning Manager Rodney Hathaway advised that in order to complete the first phase of the zoning ordinance rewrite process, the Board was being asked to establish new zoning classifications whereby the existing five business and industrial classifications were being combined into three new classifications that would provide more flexibility. He indicated that certain lot requirements would be established, which would include setbacks, lot size and height requirements. He advised that the Comprehensive Plan would need to be amended to incorporate the new districts in the zoning map as well as the Table of Uses recommended by the Zoning Ordinance Rewrite Committee (ZORC). He stated that there was also a list of proposed definitions that would define each land use as well as make current definitions consistent with the State Code.

There was a review of the Staff Memo which set forth the changes in the general lot requirements. He noted that there were decreased setback requirements in instances where there was side or rear parking. He remarked that there were expanded height restrictions and advised that those could be increased with the approval of the Fire Chief.

He indicated that there was no public water or sewer when the existing ordinance was adopted, and that the proposed changes would allow for smaller lots sizes for those served by public water and sewer since there would be no need for wells or septic fields. Mr. Evelyn remarked that the minimum lot area for the new Business classification, with public water and sewer, was 20,000 square feet, when B-1 had been 15,000 square feet and B-2 30,000 square feet. Mr. Hathaway responded that it was felt that 20,000 square feet was more realistic and would be easily reached with landscaping, parking and driveway.

Mr. Hathaway confirmed that the proposed changes did not pertain to Villages, which would hopefully soon be addressed by the ZORC. Mr. Davis asked how Village requirements would impact those under Business – whether there would be an overlay or a separate set of requirements. Mr. Summers advised that was something that would have to be worked out. He indicated that it was staff's intention not to prejudice the process but to approach ZORC with a "blank page mentality", explore their concerns, set up some outer boundaries, and then decide whether there would be an overlay or a separate zoning class.

There was discussion regarding whether the County was making more work for itself by adopting these new classifications before the section on Villages and Hamlets was completed. Mr. Summers explained that this was a necessary interim step until it was decided whether there would be a separate zoning category or an overlay for Villages and Hamlets, or even a direct set of requirements or relief from requirements. Mr. Hathaway agreed and commented that there might be some situations, especially in Providence Forge, where there could be some perceived conflicts involving the Village concept. Mr. Summers added that there could actually be an industrial village or economic opportunity village, depending on the area.

It was noted that there were some instances where, with the proposed changes to the classifications, an existing use would become a non-conforming use, but that it would be protected until it ceased operations, expanded or changed operations.

There was discussion regarding uses that were proposed for each classification.

Mr. Hathaway advised that the next step would be to advertise for public hearing, with the earliest opportunity being at the Board's December business meeting. Mr. Summers explained that date would give staff enough time to advertise and to send out the estimated 11,000 notices to the owners of the 450 – 460 affected parcels and all adjacent property owners.

Mr. Davis expressed his concern that there would not be as much public attention or comments to a "mass" rezoning as compared to an individual rezoning. Mr. Summers described the efforts of staff to discuss the proposal with the individual property owners and other citizens so that they could understand what was happening. It was reported that most of the concerns expressed at the public hearing held by the Planning Commission dealt with non-conforming concerns. Mr. Summers explained that there were two issues, the first being a non-conforming structure, many of which were built before zoning was in place and were actually on the property lines and had no room for setback. He commented that those structures would always be non-conforming, and would be no worse off under the new classifications than they were now, and in fact might be closer to conforming when Village

standards were adopted. Regarding the second issue, non-conforming uses, it was reported that staff had found eleven parcels that would become non-conforming, the majority of which were rezoned at the property owners' request. Mr. Hathaway advised that staff had spoken with owners of all of the parcels involved, and there had been no negative feedback or opposition. He advised that there were some current non-conforming uses that would become conforming uses with the reclassifications.

It was reported that the owner of one affected parcel had never replied to County communications, but everyone else was in favor of or neutral to the reclassifications.

Mr. Davis asked if the requests for down-zoning would be included in the upcoming public hearing and Mr. Hathaway advised that they would.

The Board was advised that it would not be required to take action on the night of the public hearing in December and Mr. Summers requested specifically that they do not. He suggested that it would be best to have the public hearing and then give staff time to work on whatever issues were brought up that night and come back to the Board with suggested revisions. It was noted that thousands of hours had already been spent on this process by staff, members of ZORC and the Planning Commission, but that it wasn't a "perfect" document and there might be some good suggestions made by the public at the hearing.

Mr. Evelyn noted that mining had been removed as a use. Mr. Hathaway pointed out that the name had been changed to "resource extraction" in order to conform with State definitions as there might be methods of extraction other than mining and the thought was to make it broad enough to allow a connection to a particular kind of permit. It was noted that resource extraction would be permitted in both the Industrial and Economic Opportunity zones with a conditional use permit.

The Board reviewed the proposed Zoning Map and there was discussion regarding a parcel owned by Cedar Hill at the intersection of Rt. 155 and Rt. 249. Mr. Hathaway advised that ZORC had proposed that the subject property, currently zoned B-1 Business, be down-zoned to Agricultural because the Comprehensive Plan showed the area as Rural Lands and because there was no immediate plans for development. He added that did not mean that a business could not be placed there if the owner decided to come to the Board and make that request. He indicated that current development in the area (Rick's Deli) did not exist at the time the Comprehensive Plan was adopted but admitted that with the commercial development, it would make more sense for the area to be zoned as a Hamlet, and that would be discussed in the update of the Plan. He confirmed that the County had been contacted by the owner of the subject property who had expressed interest in the parcel remaining zoned as Business. Following discussion, it was agreed that the property should remain Business and Mr. Hathaway advised that he would make that change and advertise it accordingly. It was noted that property to the east of Rick's Deli was also owned by Cedar Hill but had not been the subject of any conversation.

The Board then reviewed and discussed proposed land uses at the Rt. 155 interstate interchange and the Rt. 33 interstate interchange, as well as further down Rt. 33. Mr. Hathaway noted that the zoning classification for Wahrani Nature Trail was proposed to be changed from M-2 to Conservation.

Mr. Hathaway advised that the only opposition that County staff had received had been from Cedar Hill and that staff had tried to work with everyone and be flexible. He advised that he and Mr. Summers had contacted all nine people who made comments at the Planning Commission's public hearing and he felt that they were all satisfied.

There was consensus among the Board members to move forward with a public hearing in December. Mr. Summers suggested that the public notice set forth that it would only be a public hearing and that no decision would be made that night so that citizens would understand that there would be a lengthy period of conversation and analysis to make sure that the Board was satisfied with the impact of the ordinance.

IN RE: CHARTERING OF THE ZONING ORDINANCE REWRITE COMMITTEE (ZORC)

Mr. Summers reviewed with the Board a proposal to charter the ZORC which would give that committee some goals, a timetable, and a set of deliverables regarding Villages and Hamlets. He indicated that they would have the latitude to set their own schedule but would have a deadline of June 30, 2009 to coincide with the end of the fiscal year.

Board members commented that the charter was well-written. Following discussion, it was suggested that since the charter called for the initial meeting to be held on November 13, 2008, it was best that the Board take action.

Mr. Sparks moved to adopt Resolution R-39-08 as presented. The members were polled:

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

The motion carried.

IN RE: COMPREHENSIVE PLAN UPDATE

Planner Kelli Le Duc reviewed a PowerPoint presentation that was previously prepared for the Planning Commission regarding update of the Comprehensive Plan ("Plan").

She described the two parallel efforts required for the process: public participation through meetings and technical planning data collection. She reported that since the Plan was adopted in 2003, they had continually updated the sections regarding population and building practices, but that it was time to review the Plan, as required by the Code of Virginia. She reminded that the Plan should be considered as a guide and should remain a flexible "living document" subject to change.

She reviewed the directives received from the citizens prior to adoption of the Plan, which included a need for managed growth; that there should be distinct villages surrounded by rural lands; a need for public utilities; that two lane roads should remain two lane roads; and that economic growth should not proceed at the expense of the environment or the rural quality of life.

Ms. Le Duc went over the elements of the Plan, which included an overview of existing conditions, goals, objectives, implementation strategies and maps including the Future Land Use Map.

She reviewed the overarching goals, which included preservation of the existing rural character, protection of the natural environment, responsible economic development, and maintaining a low real property tax rate.

She reviewed the key factors considered, reminding that they could be changed or new ones added.

Regarding natural resources, she noted that there would be some changes needed in response to new regulations in the Chesapeake Bay Act and items identified in the Green Infrastructure Project. She also indicated that there would be changes needed as a result of the existence of public water and sewer.

She noted that key findings on population included rapid growth on a percentage basis, with population having increased from 13,500 in 2000 to 18,000 as of October 1, 2008, close to a 34% increase. She added that the increasing population was resulting in an increased demand for public services, including police, fire-rescue, and schools. She pointed out that New Kent had relatively high income levels – in 2004 a median household income of \$61,000 and per capita income of \$30,000.

She reported key findings on the economy confirmed that residential construction was outpacing non-residential, resulting in a greater share of the tax burden falling on homeowners. In retail sales, New Kent trailed regional and state averages and ranked near the bottom in the region. She also noted that agricultural and forestry industries were in decline, and economic changes continued to affect their viability.

Regarding natural resources, she noted a dependence on ground water and septic systems (with 80% of soils in the County being unsuitable for septic systems), and a significant percentage of the land in steep slopes and environmentally-sensitive areas.

Under transportation, Ms. Le Duc noted that findings showed New Kent residents to be entirely dependent on vehicles and that the County was not suitable for pedestrian activities; I-64 congestion; and a long-range hope of commuter/passenger rail service with a stop in Providence Forge.

She indicated that at the time that the Plan was adopted, there was no master plan for utilities, but that there were now identified utility service areas and work was progressing on a master plan. She noted that utility development remained largely reactive, but noted that there was under consideration a creative use for wastewater which had the potential of being a solution for regional and local issues with water and wastewater treatment.

Ms. Le Duc stated that the current Plan made no mention of the many public facilities under construction and that section would need to be updated.

Regarding land use, she noted findings that rural lands and small villages were beginning to give way to non-traditional land use forms, including suburban subdivisions, strip residential, and strip commercial.

Ms. Le Duc noted that regarding fiscal impact, there continued to be an imbalance between residential and non-residential development, but noted that there were new economic development locations.

She reviewed the ten major goals of the Plan, and advised that they could be amended or expanded.

She went over the key implementation strategies as they related to goals, which included adoption of flexible zoning to maximize the economic potential of villages and interstate

interchanges and the enactment of development standards with input from the business community, on which the County already had a good start.

Ms. Le Duc advised that in both 2006 and 2007, a spreadsheet of the goals and implementation strategies had been distributed to all departments, and that it would again be done in 2008 to see how far the County had come and add that into the Plan. She indicated that the information produced by the Green Infrastructure survey would greatly enhance the process when adding new maps and updating the environmental chapter.

She noted that the 20 current maps needed to be updated and expanded. She commented that the Future Land Use Map was not intended to be parcel specific, pointing out that ZORC had prepared an updated draft zoning map for the economic development areas.

She advised that available options open to the Board was to start over; expand on the existing Plan; or update the Plan, adding new actions, goals and maps. She reported that the Planning Commission and staff were recommending that the County work with what it had and make it better. She indicated that the only option that was not available was to do nothing.

She reviewed the proposed tentative schedule, noting that it would be a long process of two to three years.

Mr. Homewood reported on some changes of which the Board needed to be aware. He indicated that because of changes in the Chesapeake Bay Act regulations, the Plan would have to be reviewed by the Chesapeake Bay Local Advisory Board. He advised that it would also have to be reviewed by the Virginia Department of Transportation (VDOT) prior to adoption, clarifying that VDOT did not have to approve it but might give a list of suggested improvements that the Board could accept or not. He stated that both the House of Delegates and the State Senate had committees that were seriously considering regulations that would require the Virginia Department of Housing and Community Development to review comprehensive plans every five years to make sure they included all mandated things in the Code, and if they didn't, there could be significant impacts in terms of State funding.

He also reported that the Governor had appointed a subcabinet and commission that was looking at sustainability, green house gas reduction and climate change, and some of the resulting draft policy recommendations could have a major impact on all land use decisions. He indicated that the idea was to establish a policy administratively, outside of the legislature, that would have no net loss of carbon sequestration culpability, which would mean that in order to develop it would be necessary to find some place else and reforest it, which would have a huge impact on the ways things were done. He added that these were things on the horizon that would need to be addressed by the Plan, and he felt that the existing Plan was a solid foundation upon which to build.

It was confirmed that the designated utility service areas was a part of the Plan. Mr. Trout commented that having those areas in place would influence where development occurred. Mr. Homewood spoke about the requirements for Urban Development Areas that were now a part of the State Code.

Mr. Evelyn asked about the status of scenic byways. Mr. Homewood indicated that the Planning Commission subcommittee had not been meeting regularly during the illness of its Chair and it was probably best to wait until the Green Infrastructure project was finished

rather than try to do something in the short term, reminding that the Plan called for action to keep the County scenic.

There was discussion regarding roads in the County. Mr. Davis noted that currently, roads in larger lot subdivisions needed to be built to State standards but would not be accepted by the State for maintenance until at least three houses were built, and he now understood that the State might stop accepting the roads, and asked how that would impact New Kent. Mr. Homewood confirmed that the new regulations would have something different, and referenced the dramatic cutbacks recently announced by VDOT. He agreed that there was a dilemma as to who would be responsible for maintaining the roads, including those that were public, those that were not part of the system, and those that had yet to be built. Mr. Summers advised that one of the consequences of those changes would be that when the Board was presented with requests for development, the question about responsibility for maintenance would have to be asked and satisfactorily answered before the development was approved.

Mr. Budesky predicted that it was likely that once developments were built out and the developer no longer around, residents would look to the County for road maintenance.

Mr. Burrell suggested that would certainly slow down residential development.

Mr. Davis indicated that he was not as concerned about new roads as he was about those that already existed and were on the plan for improvement, such as Mt. Pleasant Road. He inquired if the remainder of Mt. Pleasant Road could be paved under the Rural Rustic Road program rather than waiting for funding under the Secondary System Six Year Plan. Mr. Homewood reported that the problems on Mt. Pleasant Road were being exacerbated by the improper use of the gate at the rear of the Brickshire subdivision, which was supposed to remain closed and be used only by emergency vehicles, and VDOT was looking to the County to control access to that shortcut. There was discussion as to whether that portion of Kentland Trail was ever accepted into the State system, and Mr. Homewood indicated that he would check into that. Mr. Summers advised that if that section had been accepted, then it would be VDOT's problem, and if not, the responsibility would fall to either the homeowners association or to the developer.

Mr. Homewood commented that one of the problems with the transportation crisis was that there was insufficient funding being provided by the State to pay for secondary projects, and that in order to perform secondary road work, the State was using federal dollars from the Department of Transportation. He advised that Federal law prohibited spending federal dollars on any road that was not a major collector or a higher order road – which in New Kent would limit projects to the interstate and primaries roads, and only four or five secondary roads, which did not include Mt. Pleasant Road.

Mr. Budesky expressed uncertainty about the status of funds for the Rural Rustic Road program, indicating that there was talk about moving everything over into maintenance.

Mr. Homewood indicated that all of this would have a huge impact on the Plan. He stressed the importance of making sure that roads were being constructed to the highest standards so that maintenance would become an issue later rather than sooner. He agreed that citizens would naturally look to the County before they personally paid for road maintenance and he predicted that it would only get worse, especially if the County were to begin maintaining existing public roads.

Mr. Summers spoke about the issue with Shooter Run Road, and how the Judge had ruled that it was a privately maintained road that was open to the public.

There was consensus that the Board was comfortable with the proposed plans and tentative schedule to update the Comprehensive Plan.

IN RE: AGREEMENT WITH G & G LTD.

Mr. Summers reviewed with the Board a proposed settlement agreement that he advised would resolve some longstanding issues regarding provision of water services in the Deer Lake subdivision. He advised that a series of agreements would be collapsed into and superseded by the proposed new agreement. He reported that the proposed agreement had been reviewed by the County Administrator, Assistant County Administrator and Public Utilities Director, and the Board was being urged to approve it.

Mr. Davis moved to approve the proposed settlement agreement with G & G Ltd. The members were polled:

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

The motion carried.

IN RE: AGRICULTURAL AND FORESTAL DISTRICT (AFD) ORDINANCE

Planning Manager Rodney Hathaway reviewed the concerns about the AFD ordinance that had been expressed by both the Board and the AFD Advisory Board regarding parcels in subdivisions and minimum lot size requirements.

He clarified that there was no minimum lot size requirement in the County Code but that the State Tax Code did require a minimum of 20 acres for forestry and open space and 5 acres for agriculture and horticulture uses in order to qualify for tax relief.

Mr. Davis explained that the County had been using the figures from the Tax Code and didn't realize that the County Code did not have minimum lot size requirements. He expressed his concern that parcels that were in large lot subdivisions had been added to the AFD program and he did not feel that they should have. He explained that the AFD Board only considered whether an application met the requirements and not if the property should be added. Although he agreed that 25 acres was a "good size piece of land", he felt that parcels in large lots subdivisions were mainly being purchased for home sites and if they were added to the AFD, they would be taken off the tax roles.

Mr. Trout asked if such parcels could be further subdivided, and staff indicated that they could be subdivided only under Family Subdivision.

Mr. Burrell commented that the purpose of the program was to slow down development but it appeared that people were receiving tax breaks on property that wouldn't be developed anyway for a long time. Mr. Davis reminded that they could still build a house on AFD property.

Mr. Hathaway reported that about 20% of the property in New Kent was in AFDs.

Mr. Evelyn commented that with increasing real estate taxes, he predicted more people would apply. He indicated that he felt that the program should help the large landowners hold on to their property rather than selling it for development.

Mr. Budesky stated that the issue was whether the Board wanted to give tax breaks to applicants who didn't fit the purpose of the program, and end up having to be subsidized by the rest of the tax base. He wanted to get a sense of what the Board wanted to do to tighten up eligibility requirements.

Mr. Davis expressed his concerns about the lack of follow-up by the State Forestry Department. Mr. Hathaway confirmed that there was a requirement that each property have a forestry management plan but agreed that there was little follow up to see if the plans were being followed.

There was discussion regarding what changes the Board wanted, and it was agreed that staff would bring a recommendation to the Board that would address the areas of concern.

IN RE: AFFORDABLE HOUSING ADVISORY COMMITTEE

Mr. Budesky recounted that there had been interest in trying to address affordable housing needs for the County. He noted that the Affordable Housing Advisory Committee (AHAC) had been created to help develop a program and had recommended an urban authority model that was not well-received by the Board. He advised that the AHAC had since stopped meeting because of a perceived lack of outcome expectations and direction as to their deliverables.

He recognized that there had been a struggle with defining affordable housing for New Kent - whether it was housing for seniors or those on fixed income, workforce housing, or housing for the unemployed or underemployed. He confirmed that there were needs at all levels and the funds that were budgeted would not meet that demand. He suggested that perhaps it would be best if the Board asked AHAC to develop an array of services to meet the needs of the County's current population that would maximize the limited amount of funds budgeted, which could include a one-time distribution, revolving loans, or any number of programs. He reminded that the Board could decide not to spend the budgeted funds on an affordable housing program and reallocate it, but needed to understand that there was probably no "silver bullet". He agreed that a charter would be a good way to approach the problem and if the Board was comfortable with his suggestions, he would work with the County Attorney to draft it and meet with the AHAC.

Mr. Trout mentioned that there was a presentation on Affordable Housing at a recent planning conference in Williamsburg, and the presenter might be willing to meet with AHAC. Mr. Hathaway advised that presentation had focused on financing programs, down payment assistance, rehab programs, indoor plumbing assistance programs, funding and grant options, and how to partner with other programs, the building community, and financial institutions.

Following discussion, it was agreed that since there were some resources, the Board needed to go back to the AHAC with some clearer direction and ask them to bring back some options. Mr. Budesky indicated that there were a number of experts who could help, but noted that most of the successful programs were in urban areas, and that New Kent did not have the same housing stock as other areas. Mr. Summers added that every rural

community was struggling with the issue of affordable housing, that financial programs were not in place because of the economy, and that problems were not uniform from place to place. He suggested that it be emphasized to the AHAC that they would need to "go off the printed map" in their efforts.

There was consensus that the County Administrator and County Attorney would work together on developing a charter which would be brought back to the Board for review at a work session prior to being placed on a Consent Agenda for adoption.

IN RE: SWEET REZONING APPLICATION

Planner Kelli Le Duc reviewed a pending rezoning application scheduled for public hearing before the Board on November 12. She advised that Pete Sweet had applied to rezone approximately 1.9 acres from A-1 to R-3 in order to construct a five-unit townhouse project, with two of the units being handicapped accessible. She reported that the Planning Commission had reviewed the application on the previous evening and had voted to forward it to the Board with a favorable recommendation.

She indicated that the subject property was located south of the intersection of Quinton Park Trail and North Henpeck Road, and adjacent to Quinton Community Park. She reported that the proposal fulfilled several goals and objectives of the Comprehensive Plan in that it would "increase and enhance recreational opportunities" (being adjacent to the Park) and would help "provide safe and sanitary housing opportunities for all citizens" by providing some affordable and handicapped-accessible housing. She noted that the proposed use was entirely compatible with the designation of Suburban Housing in the Comprehensive Plan, adding that the proposed density of three units per acre was slightly higher than the density called for in Suburban Housing but less than the density in the Village classification. She indicated that the surrounding area was primarily residential - adjacent to a mobile home park zoned B1 and Quinton Park zoned R-2.

Ms. Le Duc reported that the project called for only one access point onto Henpeck Road that would be 30 feet wide, and was projected to create 30 vehicle trips per day, a level well below the threshold for a traffic study, and that VDOT had voiced no concerns or comments.

She indicated that the development would be served by well and septic, and there was a letter from an AOSE certifying that the site would accommodate a seven-bedroom septic system.

She noted that based upon a formula of .5 children per three bedrooms, it was projected that the development would produce two to three children, and Mr. Sweet had proffered a cash payment of \$1,500 for each certificate of occupancy issued in order to help mitigate any impact on the County's schools.

Ms. Le Duc advised that that staff joined the Planning Commission in recommending approval.

It was confirmed that even though the entranceway would be 30-foot wide, there would still be a 50-foot right of way.

Mr. Sweet advised that the units would be between 800 and 1,200 square feet, and his current concept was to have three two-story units and two one-story handicapped accessible units; however, he would like the flexibility to do any combination of one- and

two-story units. He mentioned that he was looking into Section 8 grants but had not been able to get any information from the Virginia Housing and Development Authority.

He reported that he would be enhancing the evergreen tree buffer that was being installed by the County so that there would be vegetation every five feet.

There was discussion regarding construction. Mr. Sweet advised that the walls between the units would be thick ones like the ones being built in Brickshire.

He indicated that he was leaning towards a condominium development rather than a townhouse concept, as he felt it would be a better way to handle maintenance of the common areas. He advised that construction would take between a year and a year and a half to complete, and he predicted that most of the units would be pre-sold as there was a demand for this kind of housing. He stated that he felt that the development would be attractive to senior citizens but he did not want to exclude those in need by making it age-restricted.

Mr. Trout spoke about proffers and his concerns that the amount proffered by Mr. Sweet did not address the impact on services. Mr. Sweet advised that he was not opposed to proffers and agreed that developments should pay their own way, and he was open to any suggestions. However, he emphasized that he was trying to provide some affordable housing and estimated that the units would sell for less than \$150,000, something that was not available anywhere else in New Kent.

Mr. Sparks expressed his concern about maintenance of things like the roof, and how funds for that would be provided. Mr. Summers explained that the condo association would have to have a reserve set aside based upon replacement factors. Mr. Sweet advised that it was his understanding that there would likely be a company to manage it and that there would be association dues involved. Mr. Sparks was concerned about how association dues would impact affordability. Mr. Summers reminded the Board that the risk was to Mr. Sweet and that the County should not get too far into property management issues.

Mr. Sparks advised that he liked the concept but would like a "few more details" from Mr. Sweet.

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

IN RE: BLIGHT AND NUISANCE ORDINANCE

County Attorney Jeff Summers and Legal Intern Brandi Law reviewed with the Board the information in the Staff Memo prepared regarding blight and nuisance ordinances in surrounding localities, as well as a proposed ordinance for New Kent. Mr. Summers advised that the proposed ordinance was primarily modeled after ordinances in King & Queen and Hanover Counties. He indicated that they had included everything possible that was permitted, with the thought that it was better to be over-inclusive and then take things out that the Board did not want.

He talked about the problems that were becoming more prevalent with the failing economy, which included homes under foreclosure or in bankruptcy with high weeds as well as partially constructed home sites abandoned by builders. He noted that sometimes there were no homeowners associations (HOAs) or a lack of action on the part of the HOA. He indicated that the Board could establish the County's powers to act and then decide on a case-by-case basis as to when to wield those powers.

There was discussion regarding drug blight and vagrancy. Mr. Summers predicted that New Kent would have more of those problems as the economy worsened.

There was a review of the provision regarding noxious weeds. Mr. Davis noted that Johnson grass was mostly on VDOT rights-of way, and Mr. Summers confirmed that the County ordinances would not be enforceable against the State.

Mr. Evelyn questioned how the provision regarding trailers being kept in fully enclosed buildings would affect farm trailers. It was pointed out that the Inoperable Vehicle section in the new proposal was identical to what was in the County Code, but Ms. Law advised that the term "agricultural" could be eliminated, thereby removing any effect on agricultural vehicles.

There was discussion regarding problems with inoperable vehicle around the County.

Board members asked who would be responsible for enforcement. Mr. Summers advised that the Zoning Administrator would likely continue to issue violations for inoperable vehicles and the building inspectors for blight and in cases of unsafe buildings, the Building Official would make that determination.

Mr. Evelyn expressed his concern that the County was adding an ordinance when there wasn't much of a problem. Mr. Summers agreed that most zoning violations were addressed by the property owners once they received a notice, but he predicted that sooner or later someone would realize the weaknesses in the County's ordinance and he was suggesting that the County "give itself a better set of tools" to handle those situations. He admitted that he did not think that it would be used often, except for cases of inoperable vehicles, but without it the County would not have any power.

There was consensus among the Board members that they wanted more time to go through the proposal "line by line" and would get back with Mr. Summers to review their concerns.

IN RE: RESOLUTION FOR JUDGE JOHN SOWDER

Under consideration by the Board was a resolution recognizing a local resident, retired Judge John Sowder, who would soon be celebrating his 90th birthday.

Mr. Davis moved to adopt Resolution R-40-08 honoring John J. Sowder on the occasion of his 90th birthday, as presented. The members were polled:

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

The motion carried.

IN RE: HUMAN SERVICES BUILDING

Mr. Budesky reported that construction on the Human Services Building was back on schedule after a slow start, and that there were some changes that needed to be considered before much more interior work was done.

He indicated that design for the second floor of the courthouse was finishing up and that it was evident that with the space required by the Commonwealth's Attorney's Office, the Juvenile & Domestic Relations Court Clerk's Office, a Courtroom and the hallways, there was little space for Court Services, and certainly no room for growth. He advised that it had been suggested that Court Services be located in part of the vacant wing of the Human Services Building, which was a secure facility with a shared reception area. He stated that this made sense because Court Services and Social Services served many of the same clients.

He further advised that discussions with the Fire Chief had revealed that Fire Station One did not have enough space for fire administration and there had been a suggestion to move those offices into the Human Services Building as well. He indicated that an advantage would be that an ambulance could be stationed in the Courthouse area and be available to respond to calls during the work day, and it would also provide more convenient access to the Fire Marshall.

Mr. Evelyn advised that when he had taken a "walk through" of the building earlier in the week, General Services Director Jim Tacosa has mentioned the possibility of leasing the extra space to private individuals. Mr. Budesky reminded that the extra space was originally intended for Mental Health and that he would not recommend that the County rent space to private companies as it would put it in competition with private developers. He stated that if the Board did not agree with his recommendations, then he would encourage that the extra space would be better suited for some other non-profit.

Mr. Budesky advised that it would not cost any more money to make the suggested changes but that there was a potential for increased costs if the changes were made at a later date.

Mr. Davis asked what plans had been made for the Historic Courthouse. Mr. Budesky advised that some limited funding had been budgeted for a history museum, but those funds would not meet those needs, and there were no plans for any offices to be located there in the near future. He suggested that the building would be best used for community meetings in order to curtail community use of the Boardroom for evening meeting space.

There was discussion about State funding for the agencies to be located in the Human Services Building. Mr. Budesky advised that the funding remained intact through the most recent State budget cuts but that a cut of \$50,000 had been projected and it was unknown what funding would be available for next year.

Mr. Davis suggested that with the placement of an ambulance in the Courthouse complex, there may be some interest by employees in serving as EMTs. Mr. Budesky advised that Charles City County had given its public works employees some EMT training but it didn't work out. He conceded that some County employees were EMT certified and might be interested in serving in a back-up capacity.

There was consensus among the Board members to accept Mr. Budesky's recommendations regarding putting Court Services and Fire Administration into the Human Services Building.

IN RE: NON-DISTRICT APPOINTMENTS

Mr. Trout moved to appoint Pat Bell as at-large representative of the New Kent County Economic Development Authority to complete a term ending December 31, 2008. The members were polled:

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

The motion carried.

IN RE: ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 6:10 p.m.