

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 24th DAY OF SEPTEMBER IN THE YEAR TWO THOUSAND SEVEN OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 4:00 P.M.

IN RE: ROLL CALL

Mark E. Hill	Absent (arrived at 4:01 p.m.)
David M. Sparks	Present
James H. Burrell	Present
Stran L. Trout	Present
W. R. Davis, Jr.	Present

The Chairman called the meeting to order and reviewed the agenda, including some additions that had requested since the agenda was published.

IN RE: AFFORDABLE HOUSING

Present on behalf of the Affordable Housing Advisory Committee (AHAC) was its Co-Chairman Chuck Emmons, as well as Planner Jeremiah Christopher and Planning Manager Rodney Hathaway, to review affordable housing and to obtain direction from the Board.

Mr. Emmons reminded that a proposed ordinance had been previously developed by the AHAC that the Board had considered "too urbanized" for New Kent and the Committee had been requested to research and recommend other options.

By PowerPoint, he reviewed the advantages of having an ordinance in place, which included allowing for integration of affordable units with other developments, encouraging those who work in the County to live in the County, and enticing businesses to locate in New Kent because there was work force housing available. He noted that challenges included zoning and subdivision requirements, land cost, infrastructure and utility costs, limited resources, and general attitudes toward affordable housing.

Mr. Emmons advised that the term "work force housing" had most recently been adopted to clarify who was targeted by such an ordinance – working men, women and families whose incomes fell short of home prices in the area in which they work.

He reported that the median household income (MHI) in the Richmond Petersburg area was \$52,468, with 50% to 80% of the range falling between \$26,234 and \$41,974. He noted that the MHI in New Kent was higher at \$58,204 with ranges of \$29,102 to \$46,563. He reported that on average firefighters in New Kent earned \$34,498 per year (66% of the MHI), deputies \$33,486 (64%), administrative staff \$33,486 (64%) and teachers \$33,174 (63%).

He indicated that based on a 5% down payment, a 35% housing debt ratio and no personal debt, a firefighter would qualify for a mortgage of \$132,332; a deputy \$138,451; administrative staff \$128,451; and a teacher \$127,254. He pointed out that the average home sale price in New Kent between June 2006 and May 2007 was \$313,805.

Mr. Emmons reported that the average sales price on residential land in New Kent was \$40,000 per acre, which would leave \$70,000 - \$80,000 available to build on one acre of land and still fall under the maximum allowable mortgage (at \$75 - \$100 per square foot, that would be about a 1,000 square foot home).

He advised that any ordinance adopted by the Board would need to set forth purpose, intent, findings and definitions, as well as contain applicability (which types of developments were affected and the associated triggers), developer incentives (which could include density bonuses, faster plan review, fee deferrals and lot size reductions), and compliance and administration (procedures, prices, controls and alternatives).

It was noted that someone making the median household income in New Kent could not afford to purchase a home in New Kent at the average sale price. Mr. Trout commented that he felt that the figures were skewed because the "median" household income was used but the "average" home sales price, noting that a large sale could significantly affect the "average".

Mr. Trout asked what percentage of homes in New Kent actually fell into the \$127,000 - \$132,000 range. Mr. Emmons indicated that he did not have that information. He agreed that affordable homes did exist in New Kent but it was debatable as to whether they were "available".

It was explained that the income figures had been obtained from census data, which were the most accurate figures available.

Mr. Emmons noted that with the appreciation of home values, many current New Kent residents would not be able to afford their existing home if they had to buy it today.

Mr. Burrell surmised that most of the people who had recently bought homes in New Kent were moving from somewhere else.

There was discussion regarding how to best address the demand for affordable housing for employees of the County. Mr. Emmons reviewed some of those methods which included holding a set of units by location for the work force. However, he cautioned that anything that the Board did to create work force housing would have a limited effect, as the market forces and demand would continue to increase, and supply would continue to be an issue.

Mr. Emmons advised that the committee was looking for some guidance and framework from the Board as to what kind of program they would like.

Mr. Sparks commented that he felt that the first step would be to determine the demand. He also reminded that the County needed to look beyond just single family homes and consider townhouses and apartments in the mix, which might be more practical for young teachers.

There was discussion about whether and how the County could reserve its affordable housing supply for those working in New Kent rather than for those working in adjacent localities.

County Attorney Jeff Summers indicated that some other localities made affordable housing a part of employee compensation packages, using equity sharing, low interest loans, down payment assistance, and even held silent second mortgages that were not paid off until the property was sold. It was pointed out that home prices were the problems and not the down payments.

Mr. Emmons advised that he was not aware of any grants for affordable housing programs. Mr. Hill noted that some localities worked with non-profits and community development block grants.

The Board asked Mr. Emmons and his committee to explore the options, identify the advantages and disadvantages of each, determine demand, and then bring a recommendation on what would work best in New Kent.

Mr. Trout suggested that one of the options could be to use available funds to upgrade existing homes or provide low interest loans.

Mr. Budesky indicated that it would be difficult to determine how many non-resident employees would take advantage of local affordable housing without knowing what options were available, but that staff would work with the County Attorney on the legalities of the options.

Mr. Davis commented that it would make sense to determine the need among County employees and teachers first, estimating that less than 10% of New Kent's teachers lived in New Kent and only about 50% of County employees. Mr. Trout surmised that 50% of employees of any locality lived elsewhere.

Mr. Sparks suggested that Mr. Emmons return and give his presentation at a future Board meeting that would be taped and broadcast to the community. Mr. Budesky suggested instead that a recording could be made of Mr. Emmons' presentation and aired on the County's cable channel as its own program.

IN RE: TRAFFIC IMPACT ANALYSIS REGULATIONS

Appearing before the Board was Virginia Department of Transportation (VDOT) staff including Richmond District Transportation Planning Engineer Mark Riblett, Interim Residency Administrator Lezlie Ellis, and Residency Engineer Keith Rider, to review how Traffic Impact Analysis (TIA) regulations recently adopted in the State would affect New Kent.

By PowerPoint presentation, Mr. Riblett reported that the legislation, which was adopted by a unanimous vote of the 2006 General Assembly, directed localities to submit to VDOT for review and comment all development proposals that would significantly impact the transportation system, with the objective being to improve coordination between land use and transportation planning and to provide consistent traffic impact information to local decision-makers before land use decisions were made.

He noted that the legislation also established uniform standards for TIAs as well as deadlines and fees. He confirmed that the applicant would bear the cost of the TIA. He also clarified that the fee would be paid by the applicant and collected by the County and forwarded with the TIA to VDOT. He advised that the fees were not anticipated to cover VDOT's costs and he could not speculate as to whether they would change. However, he did stress that it was important that they keep track of staff time involved to make sure that the program did not make a profit and so that decisions could be made at a future time as to whether the fee needed to be adjusted.

He emphasized that localities would not be charged fees for reviews of TIAs submitted on their own behalf, but he could not guarantee that would not change. He advised that although they could adjust fees during the first year without approval of the General

Assembly, he did not anticipate that to happen. He also reported that VDOT would not charge a fee for reviews of applications where the impact did not reach the legislative threshold.

Mr. Riblett emphasized that the legislation did not increase or decrease the authority of either VDOT or the localities to require improvements and was not a direction for, control of, support of, or opposition to local land use decisions. He stressed that VDOT comments would be advisory and that land use planning would continue to be a local prerogative.

He indicated that localities were required to submit TIAs to VDOT for review at three key stages of land use: comprehensive plans and amendments; re-zonings; and site plans. VDOT would then have a fixed time frame in which to review and comment on the proposed change.

He advised that the objectives of the TIAs, similar to past objectives, would be to identify traffic issues associated with vehicle trips generated by the proposal on existing roads; identify potential impacts to existing or proposed bicycle, pedestrian or mass transit accommodations; determine the need for signal additions or adjustments; and present potential improvements that may be incorporated to mitigate the adverse transportation impacts.

Mr. Riblett stated that during VDOT's review, they would be checking on completeness, assumptions, calculations and conclusions. He emphasized that one TIA could be used for many purposes and to cover all stages of development, as well as to meet the requirements of the locality and the State. Mr. Homewood reported that the County had amended its ordinance so that the TIA for VDOT became the TIA for the County. Mr. Riblett advised that they were encouraging one submission and applauded New Kent for having taken steps to do that ahead of time.

He indicated that "substantial impact" was defined as one that would result in the generation of 5,000 additional vehicle trips per day on a state-controlled highway, which he advised could be a 690,000 square foot light industrial center, a 500 home subdivision, or a 460,000 square foot general office. He advised that a "substantial change" would be a proposal that would alter future transportation infrastructure, travel patterns, or the ability to improve future transportation facilities on state-controlled highways, which could be a new county artery or thoroughfare or the major widening or relocation of an existing highway.

He advised that an example of a "substantial impact" resulting from a residential rezoning and/or plan review would be a residential site that would generate an additional 100 vehicles per hour, which might be a 100-home subdivision or a 150-unit apartment complex. He added that a non-residential substantial impact would be a project that would generate 250 vehicles per hour, which might be a 60,000-square foot home improvement store or a 16 pump gas station/convenience store. Community Development Director George Homewood reminded the Board that it had adopted a 100-vehicle threshold for both residential and commercial development when it previously adopted amendments to its zoning and subdivision ordinances.

Mr. Riblett noted that substantial impacts on a low volume road would be a residential site that generated 200 vehicles per day or double the existing volume, which could be a 20-lot subdivision on a road carrying 150 vehicles per day.

He emphasized that the need for a TIA would remain with the locality, but that VDOT staff could assist in making that determination.

He reviewed the required elements of a TIA, which included background information, analysis of existing conditions as well as future conditions without the proposed development, site trip generation, site traffic distribution and assignment, analysis of future conditions with the proposed development, recommended improvements, and conclusions.

He pointed out that in order to satisfy Chapter 527 requirements, it was only necessary to analyze the impacts, not to solve them. He noted that it was up to VDOT and to the locality to decide on solutions, but that applicants could propose fixes or recommendations.

Mr. Riblett spoke about scoping meetings which would be required for proposals generating more than 1,000 peak hour site trips but optional for those with less trips, and could be recommended any time there was a variation from standard assumptions and methodologies.

Regarding timelines, he reported that for Comprehensive Plans, once a complete package (fee and TIA) had been delivered to VDOT, they could request a meeting within 30 days, and their comments would be due in 90 days. In a rezoning, he advised that a locality had to submit an application to them within 10 business days of receipt of a complete application (locality to make determination of "completeness"), and that VDOT comments were due in 45 days, or within 120 days if a meeting was requested. For a site plan, he advised that again the locality had 10 business days to submit the application to them, and VDOT had 30 days to either comment or request a meeting (comments due within 90 days if a meeting was requested).

Mr. Homewood indicated that staff would encourage applicants to submit their TIA early in the process.

There was a discussion regarding the impact on timelines when meetings were requested. Mr. Riblett explained that when there was an issue that warranted asking for a meeting, VDOT staff would be encouraged to request a meeting at the beginning of the process and that if the reason for the meeting was because a TIA was not understandable, then VDOT should not wait until Day 44 to request the meeting. He emphasized that VDOT's goal would be to meet the localities' needs.

Mr. Summers commented that the 120-day period that VDOT would have to respond could impact the County's ability to meet the one year period in which it had to act upon a rezoning request. Mr. Riblett repeated that it was important to them to meet the locality's requested turn-around times.

Mr. Riblett spoke about the importance of VDOT's comments being included in the public record for the sake of transparency and education, and to comply with the regulation. He advised that all comments would be posted on VDOT's website and should also be included in the locality's records of decisions and case files.

He described LandTrack, a web-based tracking system being developed by VDOT, expected to be available for external users in about six months.

He compared the new process to the old methods, indicating that the things that were different were the thresholds for determining the need for submissions, no action being taken by the locality until either VDOT commented or the deadlines for response had

passed, baseline geographic scope (may require off-site as well), and the tracking and utilization of previously approved TIAs. He indicated that the most significant change was that TIAs must now address the short and the longer term impacts, both on and off site. He advised that TIAs must use nationally recognized methodology and calculation methods.

He indicated that their administrative guidelines would help the consulting firms understand what was being required.

He noted that the VDOT review checked completeness, satisfaction of the requirements of the regulations, assumptions, correctness of the calculations and whether the conclusions were reasonable and findings accurate.

Mr. Riblett reported that implementation of the new regulations was being phased in across the State, with the Richmond District (of which New Kent was a part) being in Phase I which began on July 1, 2007, with all areas implemented within one year. He advised that the first six months would be a phased implementation, with only large projects that generated at least 500 more vehicles during a peak hour, and that thereafter the lower thresholds would apply. He indicated that during the first year, they had the ability to propose changes to the regulations if they found them not as effective as intended, or if there were better ways to put the regulations together, without going back through the legislative process. He remarked that there was a benefit to being in the first implementation stage, where they are looking for input, and he stressed the importance of the localities sharing their comments on the program.

Mr. Riblett clarified that VDOT intended to honor any commitments in reports that they issued, but warned that if there was a substantial time interval between the time of the report and the time that development took place and during that time conditions changed, then they may well ask an applicant for an updated analysis. He advised that they would hesitate to ask a developer to change what was "already on the ground". It was recognized that there would be more challenges where development had already been given approval, such as Brickshire, Patriot's Landing, and Farms of New Kent.

He admitted that he was unaware of what the average cost of a TIA would be.

There was discussion regarding the deadlines. Mr. Riblett reported that VDOT would do everything it could to meet the locality's turnaround time, even if it was not the same as that required by the legislation. He urged in instances where the County was under a deadline to make a decision, that it submit its traffic information at least 100 days out. He advised that generally speaking, TIAs dealing with amendment of the Comprehensive Plan needed to be submitted to them as early as possible.

He noted that if VDOT missed a deadline, then the County could act and would not be held accountable. He also indicated that if a locality did not submit a study, VDOT would not be in a position to tell them they didn't comply and impose a penalty. He pointed out that the risk to a locality in that instance would be that those who did not support an action taken by a locality could file an appeal because the County failed to submit a study.

Mr. Riblett distributed a one page "quick reference guide" which he invited the County to distribute to applicants. He also invited the public to visit their website which had more detailed information about the regulations.

Mr. Budesky pointed out that County and VDOT staff had started to meet on a regular monthly basis, which would be helpful in addressing some of the concerns that might

develop. Ms. Ellis advised that the monthly meeting practice would continue with the new Residency Administrator.

Mr. Davis alluded to some concerns that he had about overruns and delays in some of the projects, and it was agreed that those would be addressed at the October monthly meeting with VDOT staff.

The Board took a short break.

IN RE: UPDATE ON NATURAL GAS SERVICES

Risa Durrett, Manager of Market Development & Construction Operations with Virginia Natural Gas (VNG), brought the Board up to date on the New Kent Expansion Project (NKX).

She reported that they would be tapping the main transmission line to run natural gas service lines west down Route 60 to Patriot's Landing (Phase II) and east down Route 60 to Rock Creek Villas (Phase I), and then further east down Route 60 to go north on Route 106, and bore under I-64 to New Kent Vineyards (Phase III).

Mr. Sparks expressed his frustration that the planned projects did not include converting the existing propane farm serving the Woods at Five Lakes subdivision. She explained that the planned projects were being funded by capital funds and that the conversion in the Woods at Five Lakes and at Brickshire would be done with operations and maintenance funds as soon as they could be included in the budget. She confirmed that the new lines would have sufficient capacity to provide service to the Woods at Five Lakes as soon as the conversion could be budgeted for and put on their schedule. She could not estimate as to when the conversion would take place, but promised that it was a priority and emphasized that she did not want the subdivision to be served by the propane farm any longer than was necessary.

Mr. Sparks requested that VNG communicate with those residents and explain the delay so that there would be no misunderstanding when the residents observed work being done.

She advised that the natural gas lines would be installed within the VDOT right-of-way and that it was not anticipated that any easements would be needed or that any existing property owners would be affected.

She reported that the natural gas in the transmission line was fed from their station at Quantico.

She indicated that work would start on Phases I and II within the near future, but that work on Phase III would not start until the necessary signed documents had been received from the developers at New Kent Vineyards.

She advised that the boring across I-64 would be done at the same time as the County's water line bore and that she had been working with the County's Public Utilities Director to coordinate scheduling.

She confirmed that there would be enough capacity in the line to serve customers along Route 106 south of the interstate as well as the New Kent Vineyards.

When asked about the cost of the project, she advised that it was estimated to cost around \$2.5 million for the eight- to nine-mile stretch of line.

There was discussion regarding the depths of the various lines as well as the main transmission line project that took place in the 1990s.

Mr. Davis spoke about the need for natural gas along Route 33 and in Eltham. Ms. Durrett admitted that the distance from the source would be a problem and could probably only be accomplished by a cross county line.

She did confirm that VNG had performed a survey of the Woodhaven Shores subdivision.

Ms. Durrett advised that she intended to continue to work with New Kent and that it helped to know what the County's priorities were.

She reported that they were planning to hold a groundbreaking ceremony for the New Kent Expansion project and details would be forwarded to the Board members with the hopes that they would be available to participate.

IN RE: CHANGES AND ENFORCEMENT OF REFUSE AND RECYCLING ORDINANCE

General Services Director Jim Tacosa and Maintenance Supervisor David Bednarczyk were present to brief the Board on community feedback on recent restrictions at the County's refuse sites.

Mr. Tacosa distributed a printout showing that they had received only 17 complaints, the most having to do with the 10-foot trailer length.

There was discussion regarding commercial establishments being permitted to dispose of their daily refuse. It was explained that the ordinance changes had targeted construction waste and as long as a business was not a commercial trash collector, it would be permitted to dispose of its own waste at the collection sites. It was pointed out that this was mostly the smaller businesses that did not have dumpsters.

Mr. Davis advised that the one complaint he received was from one of his elderly constituents who paid someone from Charles City to clean up his yard twice a year and that person had been turned away from the refuse site because his vehicle did not display a New Kent decal. There was discussion on how best to handle those unique situations, and it was agreed that language in the existing ordinance gave Mr. Tacosa authority to handle those on a case-by-case basis.

It was confirmed that citizens could continue to dispose of personal construction waste at the Route 618 site.

Mr. Budesky indicated that the ordinance changes had not been designed to penalize homeowners, but that reasonable, fair and consistent guidelines for staff were needed. It was explained that that the guidelines needed to take into account that there were times when only a single attendant was on duty at the main transfer station.

Mr. Tacosa recommended that the trailer length and trailer side restrictions be removed and that the staff receive additional training on identifying commercial construction waste.

Mr. Summers noted that no matter what was enacted, a certain number of citizens would wrongfully fall outside of the parameters. He also advised that should the Board decide at a future date to reinstate trailer length restrictions, it should give the community enough notice so that residents contemplating trailer purchases would know what would be permitted.

There was consensus to accept Mr. Tacosa's suggestion to advertise a public hearing for changes to the ordinance to remove the restrictions regarding trailer length and sides.

Mr. Tacosa reported that staff was still investigating options for a satellite brush collection site nearer the western end of the County.

IN RE: BORROWING FOR THE HUMAN SERVICES BUILDING PROJECT

Chairman Trout invited Ben Emerson, bond counsel from Sands Anderson, to review the proposed financing for the Human Services Building project to be considered by the Board at an upcoming meeting.

Mr. Emerson explained lease purchase wherein the County would, through a ground lease, transfer land to the Economic Development Authority (EDA) who would sell bonds, the proceeds of which would be used to build the project. The building itself would then be leased back to the County under a financing lease. The lease payments from the County would provide a revenue stream to the EDA with which to make the bond payments. The real estate and revenue stream from the lease would be pledged as security for the bonds.

Mr. Budesky explained that the County would sublease a portion of the building. Mr. Emerson explained that in that instance, the subleases would be included in the security to the bondholder.

Mr. Budesky reminded that the County had similar financing in the past on other projects.

Mr. Summers pointed out that financing in this manner would not result in a general obligation bond because it would be secured.

Mr. Budesky advised that the proposed method of financing would result in a better interest rate and there had been very favorable responses to a recent Request for Proposal. He advised that there had been five bidders, with a sixth bidder submitting after the deadline. He indicated that the Board would be receiving a recommendation to accept the bid of Citizens & Farmers Bank, who came in at a 3.98% rate with no prepayment penalty, on a 15- or 20-year repayment schedule. He identified the remaining bidders and it was reported that the bid submitted by the late bidder would be returned marked "late".

IN RE: VIRGINIA PUBLIC SCHOOL AUTHORITY BOND FOR THE NEW HIGH SCHOOL

Before the Board for consideration was Resolution R-47-07, authorizing the issuance of \$7.5 million in general obligation school bonds to be sold to the Virginia Public School Authority.

Staff clarified that these were additional funds needed to construct the new high school and for which the County had been on the Literary Loan waiting list for the past few years.

The Chairman opened the Public Hearing.

There being no one signed up to speak, the Public Hearing was closed.

Mr. Hill moved to adopt Resolution R-47-07 as presented. The members were polled:

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

The motion carried.

IN RE: ADMINISTRATIVE MODIFICATIONS OF THE ZONING ORDINANCE

Before the Board for consideration was Ordinance O-20-07 amending the Zoning Ordinance to authorize the Zoning Administrator to grant modifications from certain provisions.

Planning Manager Rodney Hathaway reported that the Virginia Supreme Court had recently interpreted the enabling part of legislation in a manner that required an applicant requesting a variance to prove that the subject property had no value. He explained that was an almost impossible threshold to meet in order to receive a variance and in response the General Assembly had amended its statute to allow a zoning administrator to grant modification to the zoning ordinance. He advised that "modification" and "variance" were the same things, but that calling it a modification circumvented the interpretation that the Virginia Supreme Court set for variances. He reported that the Planning Commission had reviewed the proposed change and forwarded a favorable recommendation with a vote of 8:0 with 1 abstention. He admitted that the Planning Commission had expressed some concerns about consistencies and as a result staff had drafted a policy setting forth how it reviewed requests. He confirmed that the Planning Commission had reviewed the policy.

Mr. Hill asked why the County had to go to "such extremes" and why the changes to the State Code weren't sufficient. Mr. Summers explained that the General Assembly changed the State Code to permit localities to adopt ordinances to provide this authority. He also commented that the recent Virginia Supreme Court decision made variances all but impossible to obtain because few, if any, would be able to show loss of value, and that it was important for the County to use the power given to it.

Mr. Budesky spoke about the importance of having consistent parameters in place.

There was discussion regarding some recent cases heard by the Board of Zoning Appeals (BZA).

Mr. Summers explained that under the proposed changes, a homeowner would be able to ask the County for administrative modification and if one of his neighbors did not like the decision, that neighbor (or any "aggrieved" person) could appeal to the BZA.

Mr. Budesky noted that a request for an associated fee would be brought to the Board at a later date.

The Chairman opened the Public Hearing.

There being no one signed up to speak, the Public Hearing was closed.

Mr. Hathaway advised that the policy would be made a part of the application.

Mr. Burrell moved to adopt Ordinance O-20-07 as presented. The members were polled:

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

The motion carried.

IN RE: CHANGES TO THE CHESAPEAKE BAY ORDINANCE

Community Development Director George Homewood reported to the Board regarding some needed changes to the Chesapeake Bay ordinance relating to the cutting of trees and vegetation from buffers.

Mr. Sparks clarified that he had asked staff to put together some information but had not specifically asked that it be placed on the agenda.

Mr. Homewood advised that Mr. Sparks had asked staff to inspect an area of Patriot's Landing where some buffers had been cleared in order to improve sight line to the water. He indicated that the buffer clearing was in violation of the County's ordinance and to make matters worse, the buffer was held by the homeowners association meaning that the ones who had performed the clearing had trespassed as well as performed the work without a permit. He reported that the developer had received a notice of violation and was reminded to impress upon its residents that clearing of the buffer was not permitted.

He explained that the buffer in Patriot's Landing was already reduced because of the utility lines. He indicated that these occurrences revealed that some parts of the County ordinance needed revision in light of some 2005 changes to the Chesapeake Bay Act. He requested the Board's permission to move forward to make some modifications that would more clearly define what could and could not be done with regards to sight line clearing of buffers. He advised that these loopholes had been in the Chesapeake Bay regulations since the beginning and the Ches Bay Board had been tightening up and tweaking the State regulations. He indicated that the changes would prohibit the cutting of woody vegetation in buffers solely for sight line improvements.

There was discussion regarding some of the proposed changes, including the requirement for certification by a certified horticulturist and replacement of removed vegetation with native species.

Mr. Trout advised that the Department of Forestry had advised landowners in Woodhaven Shores to remove short brush and trees for fire protection, and he suggested that advice may be in conflict with buffer clearing restrictions. Mr. Homewood agreed and suggested an exclusion could be included in the revision that would apply to those circumstances but he commented that typically trees and other woody vegetation in buffer areas would be less susceptible to fire than in other places and that exclusions could be decided on a case-by-case basis. He also noted that there were some homes in Woodhaven built before 1989 that were actually inside the 100 foot buffer.

It was clarified that the Planning Commission would not need to review the proposed changes because they were not a part of either the subdivision or zoning ordinance.

There was consensus among the Board to advertise for a public hearing at a future meeting.

IN RE: APPOINTMENTS

Mr. Burrell moved to appoint Jean Street as District Three's representative to the Social Services Advisory Board to complete a four-year term ending June 30, 2011. The members were polled:

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

The motion carried.

IN RE: STAFF REPORTS

Mr. Budesky announced details of the upcoming State of the County event and contributors' opening of the Visitors Center. Mr. Sparks indicated that he had a previous commitment and would not be able to attend the opening of the Visitors Center.

IN RE: MEETING SCHEDULE

The Chairman announced that the next meeting of the Board of Supervisors would be held at 6:00 p.m. on Thursday, October 11, 2007, and the next work session at 4:00 p.m. on Monday, October 22, 2007, both in the Boardroom of the County Administration Building, New Kent, Virginia. He also indicated that three or more members might be attending the monthly meeting with VDOT on October 17, 2007, at 11 a.m.

IN RE: ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 7:43 p.m.