

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 14th DAY OF MARCH IN THE YEAR TWO THOUSAND FIVE OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:03 P.M.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Burrell gave the invocation and led the Pledge of Allegiance.

IN RE: ROLL CALL

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

The meeting was called to order.

IN RE: CONSENT AGENDA

Interim County Administrator Richard S. Ellyson presented the Consent Agenda, which consisted of approval of the minutes of the special work session of February 5, 2005; joint work session of February 8, 2005; and regular meeting of February 14, 2005; authorization for the County Administrator to sign the third Addendum to the Special Project Service Agreement for Central Virginia Waste Management Authority's Propane Tank Collection Program; authorization for the County Administrator to sign the first Addendum to the Special Project Service Agreement for Central Virginia Waste Management Authority's CFC/HCFC Collection and Processing Services Program; refund of \$2,123.01 to W. C. English, Inc. for erroneous assessment on 2003 BPOL; refund of \$152.64 to Pope's Heating & Air Conditioning for cancelled mechanical permits; Appropriations: additional funds due to increased demand for Special Needs Adoption – State mandated service – for children who are not eligible for service under Title IV-E, \$110.00 and \$475.00; additional funding due to increased demand for Subsidized Adoption Assistance, a means of providing a payment for daily living (maintenance) expenses to adoptive families on behalf of children who meet eligibility requirements, \$572.00; funds received for reimbursement of professional services for Farms of New Kent – invoice numbers 2FNK-08 and 2FNK-09, \$12,724.00; funds for VA Dept of Health Ambulance grant, \$98,146.00; prior authorization of costs for the CDBG Plum Point Rehabilitation Grant #04-22, \$14,250.00; Total Supplemental Appropriations: \$(126,277.00) Total; \$80,006.20 Money in/Money out; \$46,270.80 From Fund 7 – fund balance; Interdepartmental Budget Transfers: \$4,000 from Contingency (4-1-91020-1) to Repairs & Maintenance (43020-3310) to cover cost of emergency repairs to boiler in Admin Building for heat on February 28, 2005; Treasurer's Report: Cash as of January 2005: \$21,563,142.07.

Mr. Ellyson asked the Board to consider an addition to the Consent Agenda of Resolution R-15-05 in appreciation of William Bowery, Sr., which he read aloud. A framed copy will be presented to Mr. Bowery at the April 11, 2005 meeting.

Mr. Burrell moved to approve the Consent Agenda, with the addition of Resolution R-15-05. The members were polled:

Mark E. Hill

Aye

D. M. "Marty" Sparks	Aye
James H. Burrell	Aye
Stran L Trout	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

Chairman Davis opened the Citizens Comment Period.

Rev. Milton Hathaway, Sr., Pastor of New Covenant Community Church, spoke about the critical need for affordable housing and how it should be addressed by the Board and by the community. He stated that when one looked at the development trend in our community, it is clear that the cost of housing is escalating. According to the data in the Comprehensive Land Use Plan, in 2002 the median housing cost in New Kent was \$152,000. Data in that Plan indicates that over 40% of families in New Kent had income insufficient to afford the median housing costs in 2002. In the current issue of Richmond Magazine's Annual Complete Source Book for 2005, on page 65 there is a comparative analysis of housing costs in the seven localities, including New Kent. Between September 2002 and September 2003, there were 98 residential closings and the average cost per house was \$222,000. In just three years, the average cost of a home has increased by about \$70,000. This affects first-time home buyers, and those that work in New Kent but can't afford to live here, including deputy sheriffs, firefighters and teachers. He feels that every citizen in New Kent ought to have the hope of living in safe and decent affordable housing. New Kent can make that happen by adopting an Affordable Housing policy based on the enabling legislation of the General Assembly which provides incentives for localities to ask the development community to share in the costs. He urged the Board to continue to look at ways to address this need.

Gilbey Campbell spoke on behalf of the landowners whose "lives and property are being disrupted" by the proposed installation of sewer line along the I-64 corridor. She requested an "open and honest discussion of the analysis that underlies the decision to run the line through their backyards". She indicated that easements were requested with no explanation of the rationale behind the location and no value given to their respective property. They believe that they are entitled to a copy of the analysis that was done to determine which of the various sewer routings were most economical. They also feel that they are owed an explanation as to which characteristics of the land, including wetlands, topography, ease of access, and availability of easements, etc. were brought into the decision. It appears to some in the community that at least one less-costly and less-invasive routing along Route 60 and Route 106 in the existing VDOT right-of-way was possible. They would like to know why it was summarily rejected. This is a very important and very costly undertaking by the County. At the budget session on Thursday night, the Director of Public Works requested funding for an updated financial analysis because some of the capital costs of the project were not included in the previous analysis. The citizens of New Kent should be comfortable that they are getting the most cost effective system available. The County has only one opportunity to get this decision right.

Jim Maguire indicated that he was representing his wife, who is on the on the Five Lakes Civic Association and shares the concerns expressed by Ms. Campbell. They are requesting a public hearing at a time that is agreeable to the Board. Their specific concerns are why the decision was made to run the sewer line down I-64 instead of Route 60. They are

worried about the cost, the sound barriers that might be installed, and the disruption all the way along the I-64 corridor.

Susan Grinnan, a resident of Five Lakes in the North Pointe subdivision, expressed the same concerns as the last two speakers. She wants more information and to have an opportunity for some citizen input concerning the easements. Her specific concerns are about the sound barriers, impact on trees, and other alternatives.

Tina Journell also spoke on behalf of the Five Lakes subdivision and stated that she had the same concerns as the earlier speakers. She is interested in information about the cost for New Kent County and the sound barriers for the North Pointe homes.

Kevin Gregory stated that his concerns were the same as the others – noise and sound barriers. He stated that the project will take 17% of his property, or about 5600 square feet, and all the trees that go along with it. He commented that the “highway was loud enough” and that is his major concern, along with the impact on his property. He built his house just four months ago and, knowing what he knows now, he might have picked an alternative lot upon which to build. He indicated that he heard about this from a second party and he did not receive any official notification until a letter came last week. He tried to reach Alan Harrison by telephone about 2 months ago and Mr. Harrison never returned his call. He really would like to know what is going on and how much it is going to impact his property.

There being no one else signed up to speak, the Chairman closed the Citizen Comment Period.

Mr. Sparks stated that many of the speakers are from his district and he agrees that a time should be scheduled for them to meet with Mr. Hart and Mr. Harrison, and asked Mr. Maguire if he would be the contact to get this meeting coordinated. Mr. Maguire agreed.

Mr. Hill stated that he feels that the citizens were requesting a public hearing and would like to be heard by the entire Board, and a community meeting is not what they are requesting.

Mr. Trout agreed that a meeting or hearing is necessary and suggested that those citizens whose property is affected all along the route be invited to this, which includes people from the 3rd and 4th districts as well. He stated that he recently received a telephone call from someone in his district that has property that abuts the interstate but had not been contacted. He stated that he had found out that the address the County had for that individual was wrong. He feels that there may be others as well who don't know about it. Whether it is a public hearing or a public meeting, something is needed to provide an opportunity for the Board to hear from the citizens. He seconded Mr. Sparks' recommendation for a meeting.

There was discussion about a date. Mr. Davis asked if the Board was agreeable to scheduling something at the next work session. Mr. Trout suggested a meeting somewhere in the Five Lakes community might be more appropriate and that this would be more of a “hearing of the public” rather than a public hearing.

Mr. Sparks stated that he thought it best to have the meeting in the Boardroom and find a date that Roger Hart is available.

It was agreed to tentatively schedule this as part of the work session on March 28 at 7:30 p.m., depending on Roger Hart's availability. Notices of the meeting will be sent to all property owners along the route.

IN RE: RESIDENT ENGINEER'S REPORT

Gary Jennings, Assistant Resident Engineer with Virginia Department of Transportation, reported that truck restriction signs have been posted on Dispatch Road and the restriction is being enforced. The Route 155 bridge should open the middle or end of this week, and he will notify the County as soon as that happens. The Route 607 bridge project is ahead of schedule and should be finished by the end of the month. Ditch work on Route 618 was supposed to have been finished today. He reported some issues with speeding in Quinton Park and they have now posted 25 mph signs. In Plum Point, crews will start "topping" tomorrow and get that finished. Work by CSX on railroad crossings in the County is underway on South Waterside Drive, Landing Road and Colony Trail. Depending on when the Route 105 bridge opens, work will then begin on the Route 155 crossing in Providence Forge and the crossing at Adkins and Route 618. They are still receiving numerous complaints about potholes and are working on those diligently. Unfortunately, there are more potholes than employees. He indicated that in areas with major potholes, like Route 609 and Route 619, they will have to do some pavement reclamation in the spring. Crews have also spent the last month trying to keep up with the frequent ice and rain storms.

Mr. Trout thanked Mr. Jennings for the work on the railroad crossings, commenting that some motorists are losing their vehicle alignments when driving their vehicles across these areas. Mr. Jennings stated that this work is being done by CSX and he has very limited control over it. He feels fortunate that CSX has responded to the Department's concerns. Mr. Trout asked about access to those communities that might be blocked off during repairs. Mr. Jennings stated that message boards will be used, warning motorists to expect long delays, but that lanes will be opened periodically to allow passage.

Mr. Burrell asked about the sweeping of sand from intersections. Mr. Jennings stated that they have an in-house crew as well as a sweeping contractor that will be working in New Kent.

Mr. Sparks asked about getting some "Children at Play" signs installed in Quinton Park. Mr. Jennings stated that if he could get a written request from the County Administrator, he would get those signs put up.

Mr. Hill thanked Mr. Jennings for his efforts on the truck restrictions on Route 613. He stated that this action will avoid a major accident between tractor trailer trucks and school buses on that road.

Mr. Hill asked Mr. Jennings to consider some pavement reclamation on Route 611 and patchwork on Old Church Road.

Mr. Davis inquired when a new light would be installed at the intersection of Routes 249/33/30. Mr. Jennings reported that would be done in the spring. Mr. Davis inquired if the light could be tied to lights that would warn motorists on Route 33 that the traffic light is about to change. Mr. Jennings stated that he'd like to try the additional set of rumble strips first, which will be installed as soon as the weather permits. Mr. Davis stated that the number of incidents at that intersection has decreased, which he attributes to the increased number of summons being issued.

Mr. Davis asked if the State would install new culvert pipes for existing driveways in the same way that it does for new driveways, where the owner purchases the pipe and the State installs it. Mr. Jennings stated that they will install these; however, they would prefer to let a hydraulic expert inspect the area first to make sure that the water won't stand in the pipe.

Mr. Jennings reported that his staff is working on an estimate for ditching, pipes and bringing additional streets in Plum Point into the system.

Mr. Davis reported that recently water has been standing on Route 620 and turning into ice, thereby creating a hazard. He wondered if the road was sinking or if something else was happening with the Diascund Reservoir. Mr. Jennings stated that the area did flood during Hurricanes Fran and Floyd but he was not aware of recent problems. He will check with Newport News Waterworks to see if the reservoir is above normal stages, and will report back at the next meeting.

IN RE: FARM OF NEW KENT

Mr. Trout stated that he would like to make a motion now concerning the Public Hearing scheduled tonight at 7:00 p.m. on the Farms of New Kent application. He indicated that there is a law that states that if the ordinance or application has substantial changes from what was advertised, then a new public hearing must be advertised. He reported that on Friday afternoon, the developer submitted about 15 pages of changes to the PUD ordinance, which he suspects would be considered "substantial" changes. Under the circumstances, he suggested that the Board not hold the public hearing this evening, and that it be re-advertised for a later date. However, those who are here tonight will be allowed the opportunity to speak and have their comments on the record.

Mr. Trout moved that, because of changes to the proffers, PUD ordinance and development agreement, the Board not hold the Public Hearing this evening on the Farms of New Kent application, and reschedule and re-advertise it at a later date that is acceptable to the County and the applicant.

Mr. Davis stated that the comments made by anyone who speaks tonight will be of record and will be considered with the same gravity as those made at the future public hearing.

The members were polled on Mr. Trout's motion:

D. M. "Marty" Sparks	Aye
James H. Burrell	Aye
Stran L Trout	Aye
Mark E. Hill	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion carried.

IN RE: PRESENTATIONS

Mr. Trout read Resolution R-08-05 which was adopted by the Board at their February 14 meeting, in appreciation of the efforts made by various agencies in the County in response to multiple vehicular accidents resulting from a sudden winter storm on January 19, 2005. Framed copies were presented to representatives from the New Kent Sheriff's Department, New Kent County Department of Fire, Rescue and Emergency Management, Quinton

Volunteer Fire and Emergency Medical Services, Providence Forge Volunteer Fire and Rescue, Weir Creek Emergency Services, Providence Forge Volunteer Rescue Squad, Virginia State Police and employees of the Henrico East Regional Jail. Also mentioned in the Resolution were James City Fire and Rescue and the West Point Volunteer Fire and Rescue, and framed copies will be delivered to them.

The Board joined Mr. Trout in thanking these emergency workers for not only their efforts on January 19, 2005, but for the work that they do every day.

IN RE: LACY CUP APPLICATION

Community Development Director George Homewood reviewed this Conditional Use Application permit which had been deferred from the last meeting in order for staff to provide the Board with information regarding the conditions that had been placed on Patsy Fox's kennel application by a prior Board. Mr. Homewood indicated that this issue is proof as to why CUP applications are considered on a case-by-case basis, which allows staff to craft conditions that are specific to each application and property under consideration. The Board was provided with a memo from Planning Manager Rodney Hathaway outlining the differences between the Fox and Lacy CUP applications. There are a number of differences, one being the requirement imposed by the State Health Department for Ms. Fox to install a separate septic system for her kennel.

Another difference between the two is the number of animals which the applicants are permitted to board at one time. Mr. Homewood indicated that the decision as to the number of animals is guided by the unique circumstances of the property. Dr. Lacy's proposed kennel is not near any adjacent property owners. Ms. Fox's neighbors expressed concern about the traffic using the road that leads into her business and by their homes, and that is what prompted the animal limit as well as the speed bumps and 15 mph speed limit.

Mr. Homewood stated that staff stands by its recommendation to approve Dr. Lacy's CUP application, and has advised Ms. Fox that if she feels that the conditions applied to her kennel are too strict, she can come back to the County and ask that they be amended.

Mr. Sparks asked if the Health Department had given a rationale for their requirement for a separate septic system. Mr. Homewood stated that they did not and, unfortunately, the Health Department has had a substantial turnover in personnel since that time and none of the present staff was involved in the Fox application process. He indicated that the soils on the Lacy property are better than those on the Fox property, but he did not know if that was a factor in the decision. Furthermore, staff is unwilling to impose this requirement on Dr. Lacy just because it was imposed by someone else on Ms. Fox.

Mr. Hill stated that the Board had spent enough time on this issue and is holding up Dr. Lacy's ability to conduct her business. He moved to adopt Resolution R-06-05 as presented. The members were polled:

James H. Burrell	Aye
D. M. "Marty" Sparks	Aye
Stran L Trout	Aye
Mark E. Hill	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion carried

IN RE: DOMINION VIRGINIA POWER LINE UPGRADE

Iris Holliday and Steve Quarberg from Dominion Virginia Power advised the Board regarding their company's pending project to upgrade its transmission facilities between the Chickahominy and Lightfoot substations in order to meet growing electrical demands and to improve reliability in eastern Virginia. The project covers approximately 25.04 miles of line. New wire will be installed on existing lattice towers between the substations, some wood structures will be replaced with similar but slightly taller brown steel structures, and the aging shield wires will be replaced. They reported that notification letters have been sent out to the 139 affected property owners (39 in New Kent) and the work is anticipated to begin next week. Work on the Chickahominy-Lanexa segment is scheduled to be completed by May, and on the Lanexa-Lightfoot segment by late fall. The estimated project cost is \$4 million.

There was some discussion about disposal of the wooden poles. Mr. Quarberg reported that many of the landowners have requested that the poles be left with them for their personal use, to which his company has no objection.

There was also discussion as to whether the lattice towers would accommodate cell phone equipment. Mr. Quarberg stated that some of them could be used for that purpose.

IN RE: AUDIT PRESENTATION

John Montoro of Cherry Beckaert & Holland presented the FY03/04 audit results to the Board. He indicated that he was glad to report that again this year they have issued a non-qualified opinion which means that the County report is prepared in accordance with generally accepted accounting standards; that the balances, transactions and journal have been reviewed by them; and that the County has complied with all the laws and regulations under which it must operate, which are numerous. The report this year again has an introductory section with a transmittal letter and a management discussion and analysis report which they have tried to make easier to read. Also this is the first year that the County has been able to report to the Government Finance Officers Association for a Certificate of Achievement for Excellence in Financial Reporting. The outcome of that process will be later this year.

As part of the audit, he indicated that they looked at document and internal control and tested that control as part of the audit. However, they have not expressed an opinion on those internal controls.

With regards to independence, he confirmed that they were independent of the County throughout the period and did not provide any consultant services other than providing the audit. There were some adjustments made at year end but nothing that they consider to be unusual.

Mr. Burrell commended Accounting & Budget Director Mary Altemus and her staff for doing a great job. He indicated that it is not easy to get such a glowing report.

IN RE: QUINTON COMMUNITY PARK

Nancy Currence, coordinator for the Quinton Community Park reported that progress has been made since she reported to the Board in October of 2004. The individual who had originally agreed to donate a site and engineering plan was unable to fulfill his commitment

to assist with Phase I which is approximately a half an acre and would include the paved parking and the pavilion. She solicited several engineering firms to complete this task. Alfonso & Associates, an engineering and surveying company in Newport News, has agreed to donate the engineering plans needed for Phase I. Alfonso & Associates has provided its site plan and land disturbance permit, survey, and Phase I construction entrance. She reported that she has received approval of the site plan and land disturbance permit. VDOT has approved the construction entrance. She has also solicited VDOT for donation of the drainpipe and gravel needed for the entrance.

She reported that a groundbreaking ceremony took place at the pavilion site on February 23 by the New Kent Rotary Club. This event marked the 100th birthday of Rotary International and the pavilion project is being done in observance of that anniversary. The New Kent Rotary Club is currently working on clearing for Phase I, after which time they will pour the pavilion concrete pad and have the pavilion shipped to be built.

She reported that a donation letter has been drafted and will be included in the Parks & Recreation Summer brochures that will be in everyone's mailbox by the end of March. Battlefield Press has agreed to donate the extra cost for printing.

She reported that she will be attending the Williamsburg Youth League Charity Auction on Sunday March 20, to learn more about fundraising. This Youth League has raised \$250,000 in five years with this fundraising event. Wayne Rickmond, the chairman of that event has agreed to help with the organization of New Kent's fundraising plans for an auction to benefit Quinton Community Park. She has a baseball signed by Cal Ripken, Jr. which was provided by Wayne Rickmond as an auction item and she is currently looking for any other items that might be of value for the auction. She is hoping to have this event in the fall of 2005.

Nancy indicated that she has set a goal of completing Quinton Community Park by December 2006. This is a high expectation and with the help of the Board, Parks & Recreation and the citizens and businesses of this County, she has high hopes of reaching this goal.

She then presented the Board members with Quinton Community Park shirts.

Mr. Hill indicated that, as the Board's representative to the Parks & Recreation Advisory Committee, he can personally attest that the County has "hired the right person for this job". Nancy has performed admirably and has saved the County, by his estimation, somewhere between \$50,000 and \$60,000 in architectural fees alone. Her husband has done all of the architectural work free of charge and was instrumental in finding the engineering firm to "carry the ball" so the County can move forward with Phase I construction. He thanked Nancy and her husband Brandon, and stated that he will support and do everything that he can do to see that she meets her goal.

Nancy was given a round of applause. She thanked the Board for the opportunity to work on this project.

IN RE: FARMS OF NEW KENT (continued)

Chairman Davis reminded that the Public Hearing has been cancelled but the Board will accept public comment just like it would during a public hearing. Mr. Trout suggested that the applicant give a brief explanation of the project for the benefit of those who might not be familiar with it.

Pete Johns, on behalf of the applicant, briefly reviewed the project. He described it as a cash positive project that will generate more than \$50 million in income to the County. They are proffering to the County to provide \$40 million for the completion of the countywide sewer project, at no expense to the taxpayers. This project is providing \$13.5 million in cash proffers to the County. They are constructing sewer and water from Route 106 to Watkins Elementary School. The Farms is also building and equipping a fire/rescue/sheriff substation. They are donating a 15-20 acre park to be known as Pine Fork Park that will include two pavilions, walking trails and parking area. They are making a \$100,000 contribution to Quinton Community Park. They are making payments for staff improvements for two years and three years for a new sheriff's deputy. They are providing a program that will be able to purchase development rights from farmers so that parts of New Kent will forever remain rural. They are creating a regional farmers market that will benefit local farmers and help draw tourists. They are putting limitations on the phasing of the development of the homes within the project to minimize the impact on County services. They are guaranteeing "for the first time in New Kent's history" the development of commercial property. They have created a program for affordable housing, both for new homes in the project and the refurbishing of homes throughout the community. They are significantly adding to a tourism program for New Kent with the development of their winery, country inn, spa, championship golf course and other activities. There will be thousands of jobs created during the construction period and after the project is completed. He thinks this project is creating high standards for all future development in New Kent and he feels that "its time has come". They have redesigned the project to meet the needs and requests of staff and the citizens of New Kent.

Chairman Davis announced that the staff report will not be given until the night of the Public Hearing.

The public comment period opened.

Phillip Felts stated that he supports the project and hopes that the problem with the paperwork can be sorted out and "this can stop happening". He understands that the Board has not had an opportunity to review the requested changes and hopes that this can be settled by the next meeting and "put this behind us".

Lawrence Maier stated that he is opposed to the project. He indicated that there is no reason to expect that the County will remain as rural as it is today; however, a development of this magnitude does not mesh with the Comprehensive Land Use Plan. He reminded that in January, the Planning Commission voted unanimously against approval. The Board members now have a decision to make and he asked how, as elected officials, they can reject the Planning Commission's recommendations. This development is just too big. He went on to say that "credibility looms even larger than this project", and he urged the Board to determine "what information is credible and what is not" when making their decision.

Doug Dill spoke about the vote by the Planning Commission, commenting that the Board had appointed the members of the Planning Commission to do a job. He stated that staff has worked with the applicant for the last 2 years. They must see serious problems with the project. He stated that the applicant was unable to answer several questions that were posed at the last work session, most specifically about the projected increase of EMS calls with the age-restricted housing. He questioned the applicant's position that they will bring tourist dollars to the County. He stated that the County is having development pressure at both ends of New Kent, and this community sits right in the middle and will add to the traffic congestion and safety issues on the roads.

Gary Green asked that the Board expedite this issue for everybody's sake.

Rev. Milton Hathaway urged the citizens to look at the new proffers, especially regarding affordable housing, and urged the Board, in the interest of fairness, to look at the changes before making a decision.

John Crump, Commissioner of the Revenue, stated that he wanted to provide some factual information about the project. He confirmed that it will bring additional revenue to the County and will have a positive fiscal impact. With rezoning, there will be an increase of tax revenue to the County. However, he cannot characterize the project as either commercial or tourist related. It is 2400 homes on about 2400 acres, and would increase the population of New Kent by 43%. This project is not required to balance the budget or reduce taxes, and may in fact cause some taxes to increase because of the increase in property values. He reported that there was an 18% increase in the value of property surrounding the Brickshire development last year. He stated that the County does not need this project to build a new high school or to keep out a landfill. He stated that the building permits that were issued in February of 2005 alone brought in new revenue of \$38,000. He also said that the 150,000 square feet of commercial space that is being guaranteed is very small compared to the size of the project. He questioned what impact this project would have on the sewer system project and County operations. He urged the Board to consider all of those facts when making its decision.

Sam Snyder addressed the Board, as a long-time resident and as a member of the Planning Commission. She commented on a March 2 article from the Daily Press about the effects that development has upon roads, and how development in James City County will worsen the traffic congestion on I-64. She stated that New Kent has already approved close to 4,000 more homes in Brickshire, Dispatch Station and Patriot's Landing and by approving another 2,400 homes in the Farms of New Kent, and taking into account that VDOT estimates that each new home generates 10 trips per day, there will not only be total gridlock on I-64 but she cannot fathom what impact it would have on Routes 249 and 60. She also indicated that changing the Comp Plan and zoning to accommodate this project would set a precedent for other developers. She indicated that County planners have estimated that each home costs the County \$9,000 per year in services; however, the applicant is offering a one-time payment of \$5,000 per home. She stated that the County was about to "approve a city being built right in the middle of this beautiful County" and that the development that will occur on the perimeters of the project will make New Kent "into a Hanover and Henrico". She stated that the promise of buffering cannot hide the fact that the project is "fake rural" and no amount of buffering can hide 2,400 homes.

Bob Kay stated that one of the reasons that he and his wife had chosen to live in New Kent was because of the stable management of its fiscal resources. However, he is concerned about the "irresponsible" way that the Planning Commission recommended denial of this application and then approved the CIP. He stated that he is not attempting to refute the thinking or assumptions made by Davenport & Associates. But he is asking that the Board be "cognizant of the risk to be planted on the County's residents" if this project is not approved. He stated that one "can't build a future for its youth if it doesn't build its youth for the future". He urged the Board not to lay a burden on the less fortunate and to please support the Farms of New Kent.

Becky Philbates commented on the dangerous roundabouts proposed by the applicant, the lack of businesses in areas already zoned commercial, and indicated that someone had

visited them and asked "what it would take to shut them up". She suggested that if the Board "doesn't pay attention to the Planning Commission, it should do away with it".

George Philbates, Jr. stated that the Board had recently approved spending \$39 million to build a new school. If this project is approved, the County will need to build yet another school that "will be filled before it is built". He has no problems with senior housing, but is concerned that putting 2,800 senior drivers on the road at one time "would be a disaster".

Donna Sickels deferred her comments until the Public Hearing.

Lisa Guthrie spoke against approval of the project. She spoke about the misconceptions that the County needs this project in order to pay for school capital improvements or to prevent a landfill. She reported that she has gathered some simple budgetary figures and have concluded that the project may actually be a fiscal liability. Considering the FY05 County budget of over \$64 million and the real estate and personal property taxes to be generated by the project, she has calculated an annual deficit of nearly \$4 million. Although these calculations were done based upon current per capita revenue generation and current level of service, they confirm that residential growth clearly comes at a cost, and the capital outlay for a library, parks & recreation, and other services demanded by new residents but not yet offered by the County would be an additional cost. Additionally, the County can only rely upon the proffers that are included in the contract. She asked the Board, prior to casting their votes, to carefully consider whether they are comfortable with the risk that there will be commercial development up to the 1 million square feet promised by the developer but not guaranteed; is this project the best fit for New Kent, or are there other pending applications that more readily conform to the Comp Plan and are more likely to enhance a "spirit of inclusiveness and community while projecting better fiscal results"; why is the applicant charging that the likely alternative would be unplanned, random growth over the next 20 years, when other zoning applications will continue even if this is approved; and once the Board has chosen not to adhere to its Comp Plan, it leaves itself open to future litigation with future development.

Dwight Johnson spoke in support of the project because it is a first class development that would set a high standard for future development and would have a positive fiscal impact on the County.

Steve Miles stated that when the Board reschedules the Public Hearing, it might consider holding it in the high school so that everyone could sit down. He stated that he is interested in everything that happens in the County, and is especially interested in this project since it is near St. Peters Church. He supports approval of the application because it offers excellent proffers and a quality development by a group with a strong track record. He feels that the development will highlight and promote the history of New Kent. He is against haphazard development and stated that "trash begets trash".

Herb Jones, Jr., New Kent's Treasurer, spoke in support of the application. He stated that planned development is better than non-planned. This is a crucial time for the County and this project will provide a positive net cash flow of \$80 million over 20 years. He asked how the Board could decide to build a new high school and then turn down a project that would help pay for it? He stated that the Board could not have it both ways, and that many of the residents cannot afford to pay a higher real estate tax. He urged the Board to approve the application.

Chap Harrison stated that he has lived across the road from the proposed project for 55 years and he is in favor of approval. He stated that this is a good, sound proposal and the

resulting revenue will allow the County to upgrade its schools without raising the real estate tax. The Board needs to do what is best for New Kent and if the application is not approved, then he doubts anyone would ever offer the County anything again. He asked that the Board approve.

Charles E. Moss, Sr. spoke on behalf of the New Kent Parks & Recreation Advisory Commission to provide information regarding recreation. He provided information received from a park consultant that shows the recommended number of various park facilities based upon population. These recommendations are based upon standards adopted by the National Recreation and Parks Association, the Virginia Dept. of Conservation and Recreation, and Prince William County Park Authority. He stated that he would not be making a recommendation for or against approval, but merely providing information. Based on the projected population of this project, the recreation facilities that would be needed would be one 90-foot baseball field, 2 softball fields, one Little League field, one soccer field, and one-half of a football field. Mr. Moss urged that the Board consider these recommendations and require them to be a part of the proffers.

Chester Alvis stated that he had heard a lot of “nebulous” reasons not to approve this project. He indicated that if the County continued to fight growth, it would end up with low quality development similar to what happened to Varina. He stated that the County needs to look at this as though “looking at a business” and the Board has the responsibility to do the right thing and rule on the facts. He asked how much credibility can be given to an ad that wasn’t signed by anyone. He urged the Board to take this responsibility seriously and to protect the future of the County by supporting the Farms of New Kent.

Julian T. Lipscomb stated that he would reserve his comments for the Public Hearing.

Wayne Taylor deferred his comments for the Public Hearing.

Alfred Christiansen stated that he feels that this project is the best plan he has ever seen and asked the Board to vote for approval.

Susan Houston distributed photographs of Pebble Creek, a planned community in a neighboring locality. The developer there made promises of amenities, but all that is there today is a pond. She said that the wall-to-wall housing planned for Land Bays IV and V is too dense, and although the plans for the other Bays are appealing, the Board needs to look at the project in its entirety. She questioned why the developer needs so many rooftops to make its project work. She expressed her irritation with the last minute changes proposed by the applicant, which left no time for anyone to review and comment.

Bill O’Keefe represented himself as being a “point of contact” for the Brickshire residents and owners, who overwhelmingly support the project. He stated that many concerns have been expressed about what impact this project will have on New Kent 20 years in the future. He indicated that no one knows what the region will be like in 20 years, but can have some idea about what the next 5 – 7 years will bring. He talked about the revenues that the project will bring to help pay for the public utility system, new jobs, revenue, retail and commercial development, and increased tourism. He stated that by-right building on the property would be a drain on the County. He spoke about how a landfill would bring 700 18-wheelers to the County’s roads 365 days a year. He feels this project will set a high standard for the County. It offers controlled growth that is compatible with the Comp Plan. He also commented that 24 of the 27 pages of the staff report are written as if it supports the application, and the last 3 appear to have been written by a different person. He stated that he will be back to speak at the Public Hearing.

Bernard Randolph spoke in support of the project because the County needs the revenue to help pay for its schools. He stated that as a retired senior and homeowner, it would be hard to pay increased taxes, and he urged the Board to seriously consider approving the project.

Mike Lamberth who lives at Idens Crossing and is an adjoining landowner, stated that at the last Planning Commission meeting, they couldn't get the Planning Commission members to "wake up and listen". He said that New Kent is "poised for great things" but he fears he may not have an opportunity to spend his life here because of the current lack of amenities. He stated that turning down this application will have a devastating effect on the County. He stated that the Board has a responsibility, as elected officials, to do what is best for the County and urged them to approve.

Kathy Mowrey stated that she was raised in a rural community, and talked about how much Chesterfield has changed since Brandermill was built. She ultimately relocated to New Kent because she wanted to remain in a country setting. She stated that Farms of New Kent is too large, will cause an increase in traffic, is not right for the area, will increase population by 43% in a 4-mile area, and has no facilities of interest that will draw tourists. She urged the Board to accept the recommendations of its own staff and the Planning Commission.

Tom Lucy urged the Board to approve the project. He stated that the land is for sale and there are a lot of people waiting to "pounce on it" if the project is not approved. He indicated that New Kent is "buzzing" and as a local surveyor, he has more work than he can handle. He stated that the County knows the developers and what they can do. He commented that it is not a matter of "if" but "when" and "by whom". He strongly urged the Board to approve.

Jennifer Caldwell deferred her comments until the Public Hearing.

Doug Houston urged the Board to vote "no". He agrees with what has been said by some of the others and stated that it was an issue of credibility. He stated that the County should look at two other projects (Colonial Downs and Brickshire) and compare reality with what was promised. He spoke about the Comp Plan and the citizen input that went into it. He urged the Board to respect the comments made by the citizens who showed up at the meeting. He asked the Board not to destroy the rural character of the County and to respect the recommendation of the Planning Commission who voted 10:0 against approval. He complained about the applicant's last minute request for changes. He stated that real estate taxes in other localities have not decreased as a result of development, and he urged the Board to vote "no".

Jack Schlosser stated that the project does not comply with the Comp Plan, there is no guarantee that the age restrictions will be maintained, and no guarantee as to commercial and retail space. He talked about the lack of professional businesses in the County, as well as employment opportunities. The project does nothing to address affordable housing, but just brings more housing, and does nothing to slow the pace of development in the rest of the County. He asked if the County wants to add to or double its residential development and traffic. He urged the County to try to develop a business park or career type of employment and asked the Board not to approve the project.

Sheila Morris stated that she was opposed to Farms of New Kent because it will bring a permanent change to the nature of the County. She talked about increased traffic. She stated that the applicant retains the option to expand its development. She commented on

"thinly veiled arguments" that the County can't afford its schools or sewer and water project if the project is not approved. She stated that New Kent has a Comp Plan that the project does not meet. She stated that once the County "opens its door to suburbia, it won't be able to close it".

There being no one else signed up to speak, the Public Comment period was closed.

IN RE: SUBDIVISION ORDINANCE

Mr. Homewood reported that action on Ordinance O-03-05 was deferred at the February 14 meeting after a public hearing on the new proposed subdivision ordinance in order to provide members of the development community to meet with staff to review some of their concerns. He reported that he had fielded questions from three developers by telephone and met with Mr. Horsley in person. The concerns expressed by Mr. Horsley have been worked out and incorporated into the proposed ordinance.

Mr. Homewood explained that the draft ordinance provides for two types of development: rural and suburban. In rural development, there are no requirements for sidewalks or streetlights; those would be required in a suburban development.

Mr. Davis asked how this would impact Family Subdivisions or Parent Tract Subdivisions. Mr. Homewood reported that there are no changes in those types of subdivisions.

Mr. Davis asked how a 100-acre family tract could be subdivided. Mr. Homewood reported that there could be four 2-acre lots, and the remaining 92 acres could be divided, depending on road frontage available, into six 15-acre lots, for a total of ten lots. Under clustering, one could reduce the lot size into ten 2-acre lots along a road and put the balance into open space, a non-subdivided use, farming or a conservation easement. Mr. Homewood stated that although minimum lot size could be 1 ½ acres, 2-acre parcels are more likely to be necessary to accommodate septic systems. Mr. Horsley believes 5 acres parcels would be more likely. The smaller the building lots, the more land that will be preserved.

Mr. Trout expressed his appreciation to Mr. Horsley for participating in this process.

Mr. Sparks asked about the section on alleys. Mr. Homewood explained that in village areas, traditional neighborhood development calls for very narrow roads where parking is prohibited. In those areas, services for residential units are rear-loaded through alleys. Although this may not exist in New Kent, he felt it appropriate to present it as an opportunity rather than have to amend the ordinance in the future to include it as an option.

Mr. Horsley stated that Mr. Homewood had done an excellent job on the subdivision ordinance which is well written and a major improvement. However, he feels that the County needs some A-1 zoning if it wants to stay rural.

Mr. Burrell moved to adopt Ordinance O-03-05(R) correcting the date on page 2 to March 14, 2005. The members were polled:

Stran L Trout	Aye
Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
James H. Burrell	Aye
W. R. "Ray" Davis, Jr.	Aye

The motion passed.

IN RE: ELECTED OFFICIALS REPORT

Commissioner of the Revenue John Crump reported that BPOL assessments as of today are \$560,000, which he considers good, especially in light of the 10% reduction. If the County gets more building, that will bring even more revenue. He reported that he is just about ready for the meals tax and that if anyone needs any help or has any questions, to please call him.

Mr. Davis asked how far ahead the County is with the BPOL tax, compared to last year. Mr. Crump estimated about \$30,000. The County budgeted \$500,000. Mr. Davis asked if the County could reduce it some more and Mr. Crump indicated he would get the Board further information. Mr. Trout suggested that if the Board wanted to reduce it by another 10%, it should take 20% off of the original amount rather than 10% off of the current rate.

Mr. Trout reported that this Saturday the New Kent Educational Foundation is having a basketball tournament at the high school. The admission charge will benefit the Foundation.

Mr. Trout reminded everyone about the New Kent Family Festival that will be held at Marengo Plantation on April 30. Tickets are \$3.50 in advance and \$5.00 at the gate.

Mr. Burrell announced that he had attended the bi-monthly meeting of the Richmond Metropolitan Convention & Visitors Bureau, which will be holding a festival in October. He will be providing additional information about this event at a future meeting.

Mr. Burrell suggested that the Board recognize County employee Buck Stewart for his dedicated efforts during the period when the boiler malfunctioned in the County Admin building, with a letter from the Chairman.

Mr. Hill reported about Lily Kuhn, a local student who won a gold medal and two silver medals in the recent Special Olympics. He stated that it would be a nice gesture to invite her to the April meeting to recognize her for her achievement.

Mr. Davis reported that he had recently attended a corn and soybean growers' conference in Austin, Texas, where he discovered that Dr. Lacy and her border collie work was featured on a national television show.

IN RE: DISTRICT APPOINTMENTS

There were no district appointments.

IN RE: APPOINTMENTS TO BOARDS AND COMMISSIONS NOT DELEGATED BY DISTRICT

Mr. Burrell reported that he has someone in mind for one of the Jamestown 2007 at large appointments and asked that the Board bear with him until the next meeting.

Mr. Davis moved to appoint Pat Bell as an at large representative to the New Kent Jamestown 2007 Committee.

Mr. Davis moved to appoint Steve Miles as a New Kent representative to the James River Development Corporation Board to serve a term ending December 31, 2006.

Mr. Burrell moved to appoint J. Lawrence Gallaher as New Kent's Coordinator of Emergency Management to serve a one year term ending December 31, 2005, as required by Virginia Code Section 44-146.19.

The members were polled:

Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
James H. Burrell	Aye
Stran L Trout	Aye
W. R. "Ray" Davis, Jr.	Aye

The motions carried.

IN RE: MEETING SCHEDULE

The Chairman announced that the next regular meeting of the Board of Supervisors will be held at 6:00 p.m. on Monday, April 11, 2005, in the Boardroom of the County Admin Building. A work session will be held at 6:00 p.m. on Monday, March 28, 2005, a budget work session will be held on Thursday, March 17, 2005, at 6:00 p.m., and a joint retreat with the Economic Development Authority will be held on Saturday, March 19, 2005, at 8:00 a.m., all in the Boardroom of the County Admin Building.

IN RE: CONTINUANCE

It was agreed to continue the meeting until March 17, 2005, at 6:00 p.m. The meeting was suspended at 9:30 p.m.
