

A WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 22nd DAY OF NOVEMBER IN THE YEAR TWO THOUSAND FOUR OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

IN RE: ROLL CALL

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

Chairman Burrell called the meeting to order.

IN RE: PUBLIC TRANSIT SERVICES

County Administrator Gary Christie re-introduced Ken Pollock and Kathy Vesey, of Bay Transit, as a follow-up to their presentation at the November 10 meeting. Mr. Pollock distributed a handout which projected New Kent's share of the cost for public transportation for FY06 to be:

	<u>1 vehicle</u>	<u>2 vehicles</u>	<u>3 vehicles</u>
1 County	\$36,650	\$65,050	n/a
2 Counties	n/a	\$32,525	\$46,725
1 County, w/ exp. grant	\$ 9,650	\$17,800	\$25,950
2 Counties, w/ exp. grant	n/a	\$ 8,900	\$12,975

Mr. Pollock reported that he will be meeting with officials from Charles City County tomorrow and he would like the New Kent Board of Supervisors to delay any decision until Charles City County decides if it wants to participate. He explained that he has until the end of January, 2005 to apply for the experimental grant that would cover the first 15 months of operations. If the grant is awarded, funding would become available the first of July, at which time an advisory council would be appointed, buses ordered, dispatch office established, and other up front work, with bus service beginning most likely about October 1.

Mr. Davis inquired if any locality who was awarded the experimental grant, decided not to continue at the end of the grant period. Mr. Pollock responded that he knows of no such instance, but that is an option. Most localities end up asking for more buses.

Mr. Davis inquired how many of their customer localities started with a grant. Ms. Vesey responded that about one-half of their localities, and Mr. Pollock indicated that it was 4 or 5.

Mr. Davis inquired if services would include taking patients for dialysis treatments, which Quin Rivers is doing now, and often start before 6 a.m. Mr. Pollock stated that it most likely would, and that they often work out arrangements with the dialysis centers to set hours that could accommodate public transportation patients.

Mr. Sparks inquired if contributions from Social Services or Quin Rivers were included in the projected local costs. Mr. Pollock stated that they were not.

Mr. Davis asked if there was a risk for New Kent to wait until Charles City made a decision. Mr. Pollock explained that he would need a resolution from the New Kent Board of Supervisors by the end of January, and he will provide a sample. He indicated that he suggests that New Kent apply for both grants, and if the experimental one is turned down, then the other one would be available. He indicated that no other locality is applying through Bay Transit this year for the experimental grant. He continued that he feels that a partnership between two counties that don't have any public transportation, would be very attractive to the experimental grant program, and he would propose that each county pay for 1 ½ buses.

Mr. Sparks inquired if the fares would reduce the County's match. Mr. Pollock explained that projected fares are deducted from the total costs, and then the formula is applied to the remainder, and that fares do not affect the County's share.

Mr. Hill inquired if a maximum distance that a bus would travel could be set. Mr. Pollock reported that would be established by the Advisory Council. For example, he said it could be set up so that their buses would take riders going into Richmond to the closest GRTC stop from which they could access their final destination. Ms. Vesey explained that the Advisory Council will give its best guess when developing the program, which will change as the market demands. She encourages Advisory Boards to meet frequently so the program can be tailored to the ridership and their needs. Mr. Pollock stated that the system will evolve as trends develop, based on need.

Mr. Hill inquired where the vehicles would be housed and who would bear that responsibility. Mr. Pollock stated that Bay Transit would be responsible for that. He explained that they are considering building a second bus garage but have not yet decided on a location.

Mr. Trout asked if Bay Transit was a charitable organization. Ms. Vesey indicated that Bay Aging, the parent company, is a non-profit 501(c)(3) corporation, with 27 years experience in providing senior and other services.

Mr. Trout asked who would own the buses. Mr. Pollock explained that the lien will be held by the Dept of Rail and Transportation, which is a division of the Dept. of Transportation.

Mr. Hill asked about putting a New Kent logo on the bus. Mr. Pollock didn't see that as a problem, although he admitted that no one has ever asked for that. He indicated that sometimes they do have to shuffle buses around because of repairs, etc. but they could probably work something out, using the advertising space.

Mr. Pollock explained that the system that serves King William, West Point and King & Queen uses two buses, with each locality paying for 2/3. That system also services the Eltham area.

Mr. Pollock indicated that what he needs from the Board tonight is a consensus that the Board supports moving forward with public transit for New Kent and is willing to share a system with Charles City, which he can take to his meeting with Charles City County. He indicated that he will let Mr. Christie know of Charles City's decision, and the Board can take action at its December 13 or January 10 meeting.

Ms. Vesey pointed out that they have not yet received the paperwork that needs to be submitted by the end of January, and their estimates were based on what they believe the numbers will be. She indicated that the numbers haven't changed in the last six years but they could.

Mr. Davis inquired about the average mileage of one of the buses. Mr. Pollock estimated that to be 50,000 – 100,000 miles per year, but it would depend on the locality.

IN RE: PROPOSED BUDGET SCHEDULE

Mr. Christie reviewed the proposed budget schedule. Accounting & Budget Director Mary Altemus reported that the School Board would welcome two members from the Board of Supervisors to attend the School Board Work Session which is tentatively set on December 16.

The Board, by consensus, approved the proposed budget schedule.

IN RE: PLUM POINT COMMUNITY DEVELOPMENT BLOCK GRANT

Mr. Christie reviewed the documents which require approval and/or adoption by the Board in connection with the Plum Point Community Development Block Grant. Keith Sherrill from Quin Rivers Agency was present to answer any questions.

Mr. Davis inquired whether Bay Aging would be able to bid on any of the rehabilitation work at Plum Point. Mr. Sherrill indicated that they would.

For complying with the requirements for the CDBG received for the revitalization of the Plum Point area, Mr. Davis moved to adopt the Local Business and Employment Plan as presented. This Plan shall be in effect throughout the duration of the grant award. The members were polled:

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

The motion passed.

For complying with the requirements for the CDBG received for the revitalization of the Plum Point area, Mr. Davis moved to adopt the Non-Discrimination Policy as presented. This Plan shall be in effect throughout the duration of the grant award. The members were polled:

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

The motion passed.

For complying with the requirements for the CDBG received for the revitalization of the Plum Point area, Mr. Davis moved to approve the Fair Housing Certification, as presented. This Plan shall be in effect throughout the duration of the grant award. The members were polled:

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

The motion carried.

For complying with the requirements for the CDBG received for the revitalization of the Plum Point area, Mr. Davis moved to approve the Residential Anti-Displacement and Relocation Assistance Plan Certification as presented. This Plan shall be in effect throughout the duration of the grant award. The members were polled:

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

The motion carried.

IN RE: MEALS TAX IMPLEMENTATION PLAN

Mr. Christie asked the Board for their input into the plan to implement the meals tax. He indicated that the Board will have to agree on a rate and start date, and advertise both for Public Hearing prior to the time the meals tax goes into effect. He indicated that meals tax revenue had not been included in the current budget.

Accounting & Budget Director Mary Altemus indicated that she had given information, including forms and rate schedules, to the Commissioner of Revenue, and suggested that he be included in the discussion.

County Attorney Phyllis Katz suggested that the ordinance be passed as soon as possible, no matter what date the tax is set to become effective.

Commissioner of the Revenue John Crump stated that he could be ready within sixty days if necessary, but he would suggest a start date of July 1 to coincide with the other fees and taxes. He indicated that the County should have some meetings with the vendors to make sure that they understand what is covered under the tax and that they have the necessary equipment to calculate the tax.

Mr. Christie reported that in 2003, there were 27 businesses in New Kent that were selling prepared food.

Mr. Hill said that if the County waits until July 1, it will lose one-third of the summer tourist season, and he suggested a start date of June 1.

Mr. Sparks suggested April 1 since it is the start of a quarter, but wants to make sure everyone is educated.

Mr. Trout stated that it will take a couple of months to make sure that people are up to speed, and agreed with Mr. Hill's suggestion of June 1.

Mr. Hill indicated that he liked Mr. Spark's suggestion of April 1.

Ms. Katz advised that the earliest that the ordinance can be adopted is January. The Board will have to decide on date and rate so that it can be advertised for Public Hearing.

Mr. Crump suggested May 1 as a start date.

Mr. Davis was agreeable to May 1.

There was a discussion on the rate and it was the consensus of the Board that 4% was appropriate, as that was the rate advertised in the referendum which the voters passed, and to hold the public hearing in January.

Ms. Katz indicated that she will prepare the ordinance and notice of public hearing.

Mr. Crump asked who was going to be responsible for the costs and expenses, including coupon books or other forms that the restaurants will have to complete monthly and submit. Ms. Altemus agreed to look into that.

Mr. Christie suggested that the County not include any provision to pay merchants for collecting the tax, which is permitted. The Board agreed with his suggestion.

IN RE: VILLAGE ACTIVITY COMMITTEE REPORT

Mr. Hill stated that it was his information that this matter was going back through the Planning Commission so that anything that the Board does tonight is subject to change. He suggested that the Board not waste its time tonight, but wait to deal with it when it comes back from the Planning Commission.

Community Development Director George Homewood said that this plan would ordinarily be adopted as an amendment to the Zoning Ordinance. The Planning

Commission will hold a Public Hearing in order to make recommendations to the Board who will have to hold its own Public Hearing and make a decision. He indicated that the Board of Supervisors will have ample opportunity to comment on the plan, and that anything the Board might do tonight could be undone by the Planning Commission.

Mr. Trout asked if they were looking for any guidance from the Board. Mr. Homewood responded that wouldn't be appropriate from the Board, but it would be helpful if individual Board members gave their suggestions. He indicated that their goal is to have a Public Hearing with the Planning Commission in February. He does not expect it to be a quick or easy process.

Mr. Christie suggested that if there is a specific section with which any of the Board members has a serious conflict or concern, now would be a good time to share that information.

There was some discussion about the Board's role in this process. Ms. Katz indicated that State Code allows the Board of Supervisors to make recommendations to the Planning Commission and could send the plan back to them for consideration. The Board is not required to sit and wait.

Mr. Homewood indicated that there was the option to stop the process and prepare an individual plan for each village. That will take time and money and will create another layer in the approval process. It was the committee's decision not to do that, but to try to preserve the owners' rights as much as possible.

Mr. Homewood indicated that another issue that remained unresolved among the committee members was how to guarantee the preferred residential/business mix, and how to prevent too many residences from being built so that there is no room remaining for businesses. That was the reason for the suggested requirement that 50% along the main way of each village be designated for commercial.

Mr. Homewood indicated that another option would be to zone all of the property A-1 and have the landowners come in piece by piece to get village zoning.

Mr. Hill suggested leaving 50% of the village as business by right, and requiring only the residential to apply for village zoning.

Mr. Davis asked how that would affect villages that are already 75 – 80% residential, such as Eltham and Lanexa.

Mr. Sparks suggested that the Board ask Mr. Homewood to return to the Planning Commission and try to find a way to guarantee a balance.

Mr. Davis stated that the village areas are very diverse and the County is trying to make them all the same. He indicated that maybe there needs to be an individual plan for each village.

Mr. Trout expressed his concern about multi-family dwellings. Mr. Homewood stated that residential density is critical to the vibrancy of a village. The Comp Plan says that

the place for apartments would be in the village areas rather than scattered throughout the County. Ms. Katz suggested that the County can allow a limited amount of residential located above the businesses.

Mr. Homewood suggested that the Board consider a comprehensive re-zoning of all A-1 lands that are designated for anything other than housing. It should create an overall village district and individual plans for 2 villages per year, adopting them as small area plans, starting where development appears to be the most imminent.

Mr. Davis asked about conflicts with the overlay districts. Mr. Homewood indicated that staff was going to suggest discarding the overlay districts and recasting them as straight districts.

Mr. Burrell suggested that the County proceed to adopt a village plan. Mr. Homewood suggested that the Board move to adopt village zoning and then start working on plans for 2 villages at a time and create tailored ordinances. However, he did indicate that if the Board agreed on this route, he does not have the staff to do this and will have to rely on help from the Richmond Regional Planning District Commission. He will contact them and see what kind of support would be available.

It was the consensus of the Board to send the plan back to Planning and let it work its way back to the Board.

IN RE: SUBDIVISION ORDINANCE

Community Development Director George Homewood reviewed the table he prepared that outlined the major differences between the current ordinance and the draft ordinance. Regarding overall organization, he stated that he feels the draft ordinance flows better and the processes are in the right order. He indicated that the current ordinance has 20 definitions whereas the draft ordinance has nearly 100. Another major change is that the draft ordinance will require that plans and plats be GIS compatible on a CD, which will help to omit human error in the mapping process. Additionally, the County will be responsible for recording all plats rather than the landowner or developer. There are also major improvements in resource and environmental protection, and this is the first time that the Ches Bay requirements are fully integrated into the subdivision ordinance. RPAs are not platted, but left as common areas. There are improvements in buffering and in protection of scenic byways. There is open space requirement for 7 ½% of total area in lots (exclusive of RPAs and roads) of which one acre is required for all to use. It is the intention that subdivisions be self-sufficient in their recreation needs rather than look to the County. There is increased requirement for traffic impact analysis, which includes downstream impact as well. The draft ordinance provides opportunity for clustering, which is virtually non-existent in the current ordinance. Mr. Homewood reported that the family subdivision ordinance is the same that was adopted 2 years ago, and that is the only area that addresses lot size. Because of the public's attachment to parent/minor tract and large lot exceptions, he suggests keeping those in what he referred to as "legacy subdivision provisions" until the new zoning ordinance is adopted at which time they would become part of that. The Planning commission has approved the draft on an 8:2:1 vote.

Mr. Homewood asked if the Board wanted a work session or to go ahead and schedule this for a Public Hearing. He said that there are some policy issues and the Board needs to be comfortable with those before taking any action.

Mr. Sparks thanked Mr. Homewood for the comparison chart.

Mr. Hill commented on the reference to median household income which is in the definition of affordable housing, and inquired if that is derived from census data. Mr. Homewood reported that is provided by the Virginia Employment Commission.

Mr. Hill stated that developers are telling him that the requirement to install a central water system in any affordable housing development would drive the cost of those homes to a point where they are no longer affordable and make affordable housing projects cost prohibitive for builders. He inquired why individual wells and septic systems would not be acceptable. Mr. Homewood indicated that although the utility requirements in the draft ordinance originated from the Public Works Department and he does not know what the cost factors are, he would think that it would not be inexpensive to drill individual wells.

Mr. Burrell commented that a central water system allows more houses. Mr. Homewood agreed, indicated that it can double the density. He continued that the home builders associations are not excited about building affordable housing and that he'd like for the Board to consider an affordable housing ordinance that would, among other things, waive otherwise applicable requirements in return for a guarantee that the homes would be affordable.

Mr. Sparks indicated that some people are going to have to accept that they just cannot afford to own a home on a lot, and should look to ownership of townhouses and condos.

Ms. Katz stated that the Board can look at that issue when it considers revisions to Chapter 38. She continued that she would like to have Public Works Director Alan Harrison available to review with the Board what it wants to require, and also to consider how to treat those subdivisions that are outside of the sewer service area. She indicated that she would be meeting with Mr. Harrison next week and will get something to the Board.

Mr. Hill stated that he did not think it best to offer affordable housing only by way of condos and townhouses and would prefer to see three or four homes on an acre that would be affordable.

Mr. Sparks stated that not everyone could afford those homes and that the County has to consider townhouses and condos as alternatives.

Mr. Davis commented that New Kent County has a very high home ownership rate.

Mr. Hill said that he often hears from New Kent citizens that their grown children cannot afford to come back to live in New Kent.

Mr. Homewood asked if the Board wanted to schedule a work session or proceed with a public hearing. It was the consensus that this be included on the Board's agenda for its January work session and advertised for Public Hearing at the February meeting.

IN RE: AGRICULTURAL AND FORESTAL DISTRICTS

County Attorney Phyllis Katz reported that New Kent has used the AFD process to encourage commercial farming and forestry use of its lands. The Code currently limits the AFD application fee to \$300, which is far less than what it costs in advertising and staff time. The Board has asked for ways to streamline the process so that it is more effective for the staff. She provided a chart which demonstrates this very convoluted process.

There was a discussion on the use of application deadlines. Commissioner of the Revenue John Crump indicated that he has to have the land book completed and to the Treasurer by September 1. Ms. Katz indicated that the process needs two public hearings.

Mr. Davis, who is the Board's representative to the AFD Committee, stated that the AFD Committee suggested January 20 as the application deadline.

Planning Manager Rodney Hathaway indicated that there is currently no pattern in the applications.

Ms. Katz said that the Code of Virginia provides a deadline of May 1 but also states that the County can set whatever date it wants.

Mr. Davis asked if a public hearing would be necessary in order to adopt changes. Ms. Katz stated that it would.

Ms. Katz stated that the Code allows staff to make recommendations to the Board of Supervisors without going to the AFD Committee or the Planning Commission.

Mr. Homewood stated that all AFDs must have an expiration date of December 31.

Ms. Katz stated that they have been working on a new ordinance based on the recommendations of the AFD Committee, as well as a new application form.

It was reported that there is no requirements for public hearings on renewals.

Mr. Burrell expressed his concern about the amount of land going into AFDs, and feels much of the land is not likely for development for at least 25 years and the County is just giving the landowner a tax break. Mr. Crump reported that the County loses \$347,000 annually on taxes on AFD lands.

Ms. Katz stated that the Code requires that there be more than just passive use of the land, and offered to get regulations from the Dept. of Agriculture and the Dept of Forestry. This is not an open space ordinance, but an ordinance to encourage commercial forestry and agricultural use.

Mr. Crump stated that there should also be criteria that it is in the best interests of New Kent County. If the land can't be developed, why put it in an AFD? Mr. Davis responded that the AFD Committee is getting more stringent.

After further discussion, there was consensus that the amendments to the ordinance should include deadlines of March 1 for additions and June 1 for withdrawals. Mr. Crump indicated that he could work with those dates.

Mr. Crump stated that one of the problems is that the AFD resolutions often have no effective date. Ms. Katz responded that resolutions are effective on the date of their adoption, unless otherwise provided.

Mr. Davis commended the staff for the good work on the withdrawal process.

With a March 1 deadline, it is anticipated that the application would go to the AFD committee in April, the Planning Commission in May and the Board of Supervisors in June. There was discussion about advertising all hearings at one time. Mr. Homewood indicated that would not work because the ads have to contain the recommendations made by the AFD Committee and the Planning Commission.

It was agreed that these changes could be advertised for a public hearing at the Board's January meeting.

IN RE: REORGANIZATION OF THE PLANNING COMMISSION

Mr. Christie indicated that the Board discussed at one of their retreats the possibility of reducing the size of the Planning Commission from ten district members to five district members, plus two at large.

Mr. Davis indicated that a year or so ago he'd be in support of this, but now that most of the districts are so spread out, he would like to keep two members from each district.

Mr. Trout commented that a small commission would be more manageable but a larger one provides more points of view. He agreed with Mr. Davis that with the widespread districts, he would prefer to have two members from each.

Mr. Sparks stated that with a smaller group, it might be easier to reach consensus, but feels that the input from two members from each district is needed, and he is not in favor of reducing the size.

Mr. Davis stated that he thinks it would be important for each Board member to make an effort to have representatives from different parts of their districts.

Mr. Hill recommended that the terms be staggered so that both representatives from a district would not be up for re-appointment or replacement at the same time.

There was discussion regarding terms, whether to require that a representative live in the district from which he or she is appointed, and how redistricting or moving would affect the appointments.

It was the consensus that changes to the Code should include that a Planning Commission member must live in New Kent; that the commission member shall serve out the term if redistricting or moving results in their residing outside of the district from which they were appointed; and adjustment of initial terms so that appointments of five of the members (one from each district) ends every two years, and the remainder two years after that, so that the terms of only one-half of the Planning Commission members and only one from each district will expire at the same time. Ms. Katz indicated that this would only have to be advertised one time, and she will prepare the ad for Public Hearing at the January meeting.

IN RE: DEPUTY CLERK OF THE BOARD

Mr. Hill moved to appropriate \$6,777 from contingency to the Finance Department wage and benefit lines for 16 hours of additional secretarial support effective December 1, 2004. The members were polled

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

The motion passed.

Mr. Hill moved to create the position of Deputy Clerk of the Board at a salary grade 27, to appropriate an additional \$2,785 for the balance of FY05 to the Clerk of the Board wage and benefit lines, and to appoint Connie Nalls to this position effective immediately. The members were polled:

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

The motion passed.

IN RE: LEGISLATIVE AGENDA

Mr. Christie indicated that the VACo legislative agenda contained New Kent's request to remove the \$300 cap on the AFD fee.

Other items that the Board may want to include in their agenda concerns mandatory utility connections outside of service districts. He reviewed Virginia Code Section 15.2-2110 which allows designated counties to compel mandatory connections under three different scenarios. Under #1, Amelia, Botetourt, Cumberland, Franklin, Halifax

and Nelson Counties may require connections to their public utility systems; however, those having working wells and septic systems may be permitted to continue using those systems, but could be required to pay a connection fee, front footage fee and monthly non-user service charge. Under #2 Bland, Goochland, Rockingham and Wythe Counties give residents a choice and do not charge a fee for non-connection, as long as they have an existing functional, correctable or replaceable system, and may not charge a fee until connections are made. Under #3, Buckingham County has the same options as those Counties in #2, except that it does not allow existing systems to be replaced.

Mr. Davis expressed his concern as to how this might affect vacant land. Ms. Katz indicated that fees would not apply to vacant land and would be triggered by development. Unless the General Assembly action adds New Kent to the Code Section, this County is not allowed to require mandatory connections except within a service district. The Board will have to decide to which section it wants to be added. If the General Assembly does make this change, then New Kent would have to advertise the ordinance for Public hearing, which would not become effective until July 1, 2005.

Mr. Christie advised that the Board could wait another year, but if it wants action this year, it must find a sponsor before December 10.

Mr. Davis stated that he felt all new construction should have to connect.

Mr. Trout indicated that the County needed to have this authority in place by the time the system is ready.

Mr. Trout also inquired whether this would affect anything in a PUD or the Service District. Ms. Katz stated that one of the existing PUDS is in the Service District and the other already has sewer. She advised that all PUDs and subdivisions must have public water and sewer. A large percentage of potential users in a service area may have existing systems and it may be a long time before those people would hook up.

Mr. Christie indicated that the Board could also move to endorse the VACo and RRPDC legislative agendas.

Mr. Trout suggested that the County put its own items at the top and then endorse the others.

Mr. Davis moved to include on New Kent's legislative agenda a request that New Kent be included under mandatory connections, Section 15.2-2910 to add New Kent to paragraph c. The members were polled:

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

The motion carried.

Mr. Davis moved to endorse the VACo legislative agenda. The members were polled:

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

The motion passed.

Mr. Trout indicated that some of the items on the RRPDC's legislative agenda were somewhat controversial, including transportation funding in the Richmond area and fully funding car tax relief for those localities that collect taxes twice a year.

Chairman Burrell stated that legislators have indicated that they do not want long lists, just one or two items.

Mr. Trout moved to endorse the legislative agenda for the Richmond Regional Planning District Commission. The members were polled:

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

The motion passed.

IN RE: HIGH GROWTH COALITION

Mr. Trout indicated that this group, composed of a lot of large counties but many of the same size as New Kent, is a lobbying effort at the General Assembly to look into things that would assist to control growth. The fee to join is based on population, and has recently increased from \$750 to \$1,500 a year. 90% of their activities involve lobbying.

Mr. Sparks indicated that the group is anticipating hiring a part time executive director.

Mr. Christie commented that this is an opportunity to keep New Kent's name on the list and does involve a \$1,500 annual commitment.

Mr. Davis stated that he doesn't think that New Kent would get its moneys worth.

Mr. Trout said that New Kent is experiencing the same concerns as the larger localities and that this group is more effective than the Rural Caucus.

Mr. Trout moved that the Board appropriate an amount not to exceed \$1,500 to join the High Growth Coalition. The members were polled:

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

The motion passed.

IN RE: OTHER BUSINESS

Ken McDermott and his attorney, Chuck Rothenberg, requested that the Board adopt two resolutions that would confirm reasonable probability of approval of proposed planned unit developments on Ware Creek and York River Preserves.

Ms. Katz voiced her concerns about these requests. She stated that this was not about conservation easements but about valuation of lands proposed to go into the easements. The Resolutions state that had a PUD been proposed, that it is likely that the Board would have approved. This is very speculative since no application was ever submitted. She indicated that this was an issue tax assessment and land value between Mr. McDermott and the State Tax Department, and there is no way the Board can speculate on something that it has never seen.

Mr. Davis told Mr. Rothenberg that he should know better than to request this from the Board.

Mr. McDermott indicated that the State people who are reviewing the Weir Creek Preserve have indicated that they have statements from New Kent elected officials saying that there was no way that a PUD could have been approved on this property. He indicated that the easement is in place and that the value is what is under review.

Mr. Rothenberg stated that they are not asking for an absolute guarantee from the Board, just a statement that there is a reasonable probability. He indicated that Mr. McDermott does have other alternatives, including developing the property. He feels that the Board is in a position to help him out.

Mr. Davis responded that the Board is being asked to say things that aren't true. Ms. Katz indicated that Community Development Director George Homewood has already signed a statement that a conservation easement on that property is consistent with the Comprehensive Plan.

Mr. Davis told Mr. McDermott that the County supports a conservation easement, but the Resolution is not true and suggested that he look for another way to handle this situation.

Ms. Katz suggested that the Planning Department be involved in this process, and offered to work with Mr. McDermott and his attorney .

Chairman Burrell spoke about a recent death in New Kent attributable to the deer over-population and asked the Board to consider a resolution to be sent to the Dept.

of Game and Inland Fisheries to address this problem. Ms. Katz will prepare something for the Board's consideration at its meeting on November 29.

IN RE: CLOSED SESSION

Mr. Hill moved go into closed session for discussions relating to business and industry development pursuant to Section 2.2-3711A.5 of the Code of Virginia involving a prospective business or industry; for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving amendments to a contract or agreement; and to discuss a personnel matter pursuant to Section 2.2-3711A.1 of the Code of Virginia involving candidates for employment. The members were polled:

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

The motion passed. The Board went into closed session. Mr. Davis moved to emerge from closed session. The members were polled:

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

The motion carried. Mr. Davis made the following certification:

Whereas, the New Kent County of Supervisors has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed session was conducted in conformity with Virginia law;

Now, there, be it resolved that the Board hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open session requirements by Virginia law were discussed in closed session to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board.

Chairman Burrell inquired whether there was any member who believed that there was a departure from the motion. Hearing none, the members were polled on the certification:

Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
Stran L Trout	Aye

W. R. "Ray" Davis, Jr.
James H. Burrell

Aye
Aye

The motion carried.

IN RE: CONTINUANCE

The Chairman declared the meeting continued until November 29, 2004, at 6:00 p.m. in the Old Courthouse. The meeting was suspended at 10:52 p.m.
