

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 20<sup>th</sup> DAY OF JULY IN THE YEAR TWO THOUSAND ELEVEN OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

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IN RE: CALL TO ORDER

Chairman Evelyn called the meeting to order. He announced that two items had been removed from the Agenda – the presentation by the New Kent Humane Society and consideration of a request for a refund by Joamark, Inc.

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IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

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IN RE: ROLL CALL

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

All members were present.

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IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Approval of Minutes
  - a. May 25, 2011 work session
  - b. June 7, 2011 special meeting
  - c. June 13, 2011 business meeting
  - d. June 29, 2011 work session
2. Miscellaneous
  - a. Termination of the New Kent Courthouse Village Utility Agreement
  - b. One two-year extension of the lease with the New Kent Chamber of Commerce
  - c. Utility Agreement with Ram's of Virginia, Inc.
  - d. Corrected Deed of Consolidation for Choice One, LLC (vacation of boundary line between lots 817 and 818 in Woodhaven Shores)
  - e. Resolution R-35-11 appointing a new 2011 legislative liaison
3. FY11 Refunds
  - a. \$805 to Judy Miller for subdivision application fee
4. FY11 Supplemental Appropriations
  - a. Funds received for gifts and donations, \$880.00
  - b. Funds received from insurance proceeds for various accidents, \$12,091.94
  - c. Funds received for DMV stop fees in the Treasurer's Office, \$1,700.00
  - d. Funds received for charge card fees in the Treasurer's Office, \$385.00
  - e. Program income received for FY11 from CDBG Plum Point grant, \$572.58

- f. Funds received from vending machine sales for employee Christmas parties, \$116.26
- g. Funds for extra security detail, \$15,999.05
- h. Funds recovered from various events includes appropriation correction for #11-06 SHFSP & #11-055HFS, \$22,835.45
- i. Funds received from Fire & Emergency Management sale of surplus property, \$50,328.04
- j. Technology Trust Funds received from the Compensation Board, \$23,728.09
- k. Hanover Health District funds, \$4,574.00

Total Supplemental Appropriation:  
\$(101,212.31) Total  
\$ 101,212.31 Money In / Money Out

- 5. FY11 Supplemental Carry-Forward Appropriations
  - a. Funds 2010 Chesapeake Bay implementation grant (septic tank pump-out program), \$2,500.00
  - b. Funds to complete GIS System integration for Commissioner of Revenue, \$3,900.00
  - c. Litter Control grant funds, \$12.31
  - d. New Kent Fire & Rescue's 2011 grant funds, \$322,596.34

Total Supplemental Appropriation:  
\$(329,008.65) Total  
\$ 328,996.34 From Gen Fund fund balance  
\$ 12.31 From Fund 210 fund balance

- 6. FY11 Inter-Departmental Budget Transfers
  - a. *Schools*: \$903.17 from Prior Year Lottery/Construction to Renovations/Improvements
  - b. *Schools*: \$1,009 from High School Construction-Misc Expenditures to Architect & Engineering New High School
  - c. *Commonwealth's Attorney*: \$125 from Transcripts Records Copies to Part-time Salaries
  - d. *Public Utilities*: \$6,109 from Domestic Meter Supply to On-Call Pay, Printing & Binding, Postage, Telecommunications, Telecommunications Equipment, Insurance Fire/Property, Travel & Mileage, and Gasoline
  - e. *Public Utilities*: \$5,690 from Permit Renewals to Insurance Fire/Property, Overtime, Contract Services, Water Testing, and Communication Equipment
  - f. *Public Utilities*: \$3,763 from Generator Fuel to Overtime, Telecommunications-Cellular, Subscriptions & Dues, Vehicle Supplies, and EDP Equipment
  - g. *Public Utilities*: \$1,979 from Forms Printer Supplies-Billing and Legal Professional Services to Overtime, Insurance-Fire/Property, Insurance – Damages/Recoveries, Vehicle & Powered Equipment Supply, and Xerox Copies - Billing

- 7. Treasurer's Report: Cash as of May, 2011, \$37,496,035.76

Mr. Sparks moved to approve the Consent Agenda as presented and that it be made a part of the record. The members were polled:

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

The motion carried.

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IN RE: CITIZENS COMMENT PERIOD

Chairman Evelyn opened the Citizens Comment Period.

Robert L. Williams of 2245 Pocahontas Trail, operator of Willie's BBQ in Quinton, complained about the burden of taxes and fees on new businesses and asked that the County do something to help.

Mark Daniel of 3936 Ranch Acres Drive criticized the way that public utilities were constructed and the cost to businesses to connect. He suggested some ways that the County could attract businesses to its interstate interchanges, and also questioned where the meals tax revenue was being spent.

There being no one else signed up to speak, the Citizens Comment Period was closed.

County Administrator Cabell Lawton explained that when the meals tax was first enacted, the County designated 50% to school capital and 25% each to parks and recreation and economic development. He indicated that although those designations were no longer binding, the County spent more in each of those areas. He reported that revenue from the meals tax totaled between \$400,000 and \$500,000 per year.

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IN RE: SHERIFF'S OFFICE ACCREDITATION PRESENTATION

Participating in the presentation of the New Kent Sheriff's Office accreditation were the following members of the Virginia Enforcement Professional Standards Committee: Garth Wheeler, Director of the Department of Criminal Justice; Gary Dillon, Program Manager, Accreditation Center, Department of Criminal Justice Services; Brunswick County Sheriff Brian Roberts; and James City County Police Chief Emmett Harmon.

Mr. Dillon explained the accreditation process and how it was a voluntary program, started in the 1990s, designed to measure and confirm compliance with commonly accepted professional standards of law enforcement. He reported that only 82 of the more than 400 agencies in Virginia had become accredited, with New Kent Sheriff's Office being one of them. He congratulated Sheriff Howard and his staff for having again been approved for accreditation, and thanked the Sheriff for his many years of service to the Committee and the law enforcement community.

Mr. Wheeler remarked on Sheriff Howard's numerous gubernatorial appointments to various commissions and boards over the years.

Sheriff Howard thanked everyone who turned out for the presentation, including those from law enforcement as well as friends and family members. He recognized the presence of Delegate Chris Peace, whom he described as "always a good supporter of the New Kent Sheriff's Office and law enforcement". He commented that the accreditation reflected what

the "hard working men and women of his office did every day", and he asked that his "right-hand man" Chief Deputy Joe McLaughlin and his secretary Maria Davenport accept the award on behalf of the Sheriff's Office, as they had done the "lion's share of the work".

Mr. Burrell recognized the presence of several individuals from other law enforcement agencies and noted that Sheriff Howard was highly regarded across the State.

Other Board members congratulated the Sheriff and his staff for their accomplishments.

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IN RE:           CLOSED SESSION

Mr. Burrell moved to go into Closed Session for discussion pursuant to Section 2.2-3711A.30 of the Code of Virginia involving the award of a public contract. The members were polled:

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

The motion carried. The Board went into Closed Session.

Mr. Sparks moved to return to Open Session. The members were polled:

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

The motion carried.

Mr. Burrell made the following certification:

Whereas, the New Kent County Board of Supervisors has convened in 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.

The Chairman 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:

W. R. Davis, Jr.	Aye
David M. Sparks	Aye

James H. Burrell	Aye
Stran L. Trout	Aye
Thomas W. Evelyn	Aye

The motion carried.

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IN RE: COOLING SHELTERS

Fire Chief Tommy Hicks announced details about cooling shelters that would be opened for those needing respite from the high temperatures, as well as the process to request the Sheriff's Office to check on residents with special needs.

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IN RE: DISTRICT APPOINTMENTS

There were none.

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IN RE: NON-DISTRICT APPOINTMENTS

Mr. Trout moved to appoint Rodney Hathaway as New Kent's staff representative to the Metropolitan Planning Organization to complete a four-year term ending December 31, 2011.

Mr. Trout moved to appoint Kelli Le Duc as New Kent's alternate staff representative to the Metropolitan Planning Organization to complete a four-year term ending December 31, 2011.

The members were polled:

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

The motions carried.

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IN RE: COMPREHENSIVE PLAN

Before the Board for consideration was Ordinance O-12-12, adopting *Vision for 2040* New Kent County Comprehensive Plan.

Planner Kelli Le Duc reviewed that the Code of Virginia required all localities to adopt a comprehensive plan and update it at least once every five years. She noted that the County's current plan, *Vision 2020*, had been adopted in 2003 and in the summer of 2009, the Board of Supervisors had instructed staff and the Planning Commission to perform an update.

She reviewed the four vision statements in the Update: "New Kent is a special place; we are stewards of the land; public service demands require economic growth; and economic development, environmental protection and visual appeal can and must co-exist if we are to achieve our vision". She summarized the efforts of the staff and the Planning Commission to involve the public in the update process, which included the draft Update being available for review for over a year along with contact information; several articles published in the

local newspapers; the holding of five public information sessions, and three work sessions held by the Planning Commission, all of which were open to the public.

She reviewed directives from the citizens that included managed growth; distinct villages surrounded by rural lands; public utilities; the need for economic growth but not at the expense of the environment or rural quality of life; and maintaining two-lane rural roads. She pointed out that the Update's elements were the same as those in the *Vision 2020 Plan*: an overview of existing conditions, goals, objectives, implementation strategies, maps and appendices.

She indicated that the Update's overarching goals were also the same as the 2003 Plan: preservation of the existing rural character, protection of the natural environment; responsible economic development; and maintaining a low real property tax rate.

She reviewed that the key factors considered for the Update were the County's historical and regional setting, population and household growth, economic factors, natural resources, transportation, public utilities, public facilities, economic development, land use, and fiscal impact.

She noted that New Kent's population grew rapidly between 2000 and 2010, a 37% increase, and as population increased, so did demands on public services. She indicated that New Kent had relatively high income levels compared to its surrounding localities, with a \$71,500 average household income in 2008, and a \$33,000 average per-capita income.

She reported that although all construction had slowed, residential construction still outpaced non-residential. She also noted that New Kent's retail sales trailed the regional and state averages, and agriculture and forestry were in decline.

Regarding natural resources, she reported that the County remained dependent on groundwater; 80% of the County's soils were unsuitable for traditional septic systems; the County had substantial environmentally sensitive areas; natural assets had been identified and mapped in a study performed by the Green Infrastructure Center; the County's natural heritage resources had been updated in a report from the Department of Conservation Resources; and updated floodplain maps had been included.

She reported that the Update had also taken into account the fact that New Kent remained automobile dependent, included a Major Thoroughfare Plan and Project List as well as multi-modal transportation, and was compliant with Chapter 527 requirements, which section had been prepared in cooperation with a private consultant and approved by the Virginia Department of Transportation (VDOT).

Ms. Le Duc advised that added to the Update was the Public Utilities Master Plan and Service Areas adopted since 2003. She indicated that also added to the Update were the various public facilities that had been constructed and changed since 2003, including the library, emergency services, County offices and courts, schools, parks & recreation, and human services.

She then reviewed the significant changes in Part 2 of the update, which included goals, objectives, and supplementation strategies.

She spoke about resource protection, which took into account those natural assets identified in the Green Infrastructure project; better site design to conform to the Chesapeake Bay Act regulations; cooperation with other entities, including the Cooperative Extension Service

and the Colonial Soil and Water Conservation District; alternative energy sources and production; flooding/dam breaks; and the protection of cultural, historic and scenic resources.

She reviewed that the section on transportation in the Update included "Level of Service" standards as well as road safety and improvements, and encouraged development of "complete streets" in the *Village* areas that supported alternative modes of transportation, and the development of realistic options for mass transit.

Ms. Le Duc confirmed that the changes in the Public Utilities section of the Update took into account the creation of the County's Water Supply Plan, the Master Utilities Plan, the Water Conservation and Management Plan, and the Reclaimed Water Management Plan. She noted that the Service Area Maps were updated through 2040 (services concentrated in the *Village* and economic development areas), and the Update called for minimizing impacts on groundwater aquifers while exploring other sources for potable water. Also included was the promoting of the responsible extension of telecommunications, broadband and other technologies in the County.

She advised that "Level of Service" standards were also added under Public Facilities as they pertained to the library, emergency services, parks & recreations, and County government, and that the Update also called for increases and enhancements of recreational opportunities.

Regarding economic development, she noted that the Update added a goal of encouraging sustainable agriculture and equine industries, as well as the development of a higher quality workforce, including retention of local students, with the rest of the goals being carried over from the 2020 Plan.

She noted that the section on Housing was updated to include the encouragement of mixed-use developments, increasing the availability of workforce housing, encouraging energy efficient building techniques, creating more "livable" communities that incorporated multimodal facilities, and encouraging use of "Visitability" in new residential development to enhance the ability of residents to age in place.

She pointed out that, as required by the Code of Virginia, the Land Use section had been updated to include Urban Development Areas (UDAs), designated at the Courthouse area, Bottoms Bridge and Providence Forge. She noted that the Update encouraged using the principals of "smart growth" when making land use decisions; provided incentives for conservation land use planning; and revised the *Village* and *Hamlets* classifications and added a new *Rural Crossroads* classification.

She reported that new maps had been added that included dam break inundation zone maps for Diascund Reservoir; Utility Service Area Maps and 2009 floodplain maps; a Major Thoroughfare Plan; an updated Future Land Use Map (with Barhamsville and Lanexa being re-designated as *Hamlets* from *Villages*); maps showing the Suburban Housing and Planned Unit Developments; and draft *Rural Village Center* plans for Providence Forge and Bottoms Bridge.

She indicated that the Appendices included the reports from the consultants.

Mr. Burrell commended staff on the Update, stating that he had "read every word". He referred to County staff as talented and educated and he spoke about the efforts to involve

the community in the Update. He indicated there were a few minor language changes that he would request, which he could communicate to staff.

Mr. Trout reviewed that the County's current Comprehensive Plan had been adopted in 2003 and in 2009 the Board had directed staff not to redo the Plan from scratch but rather to update it with the changes that had taken place as well as with those things required by law, and that was what had been done.

Mr. Davis asked why the Update went to 2040. Ms. Le Duc explained that it was common planning practice to look out at least 20 years, but that some of the studies used went beyond 2030 and that was why they had chosen to go out to 2040 instead; however, she added that the next five-year review could remain at 2040.

David Smith, chairman of the Planning Commission, read the following statement on behalf of the Planning Commission:

*"My name is David Smith and I am the Chairman of the New Kent County Planning Commission. I am here tonight representing 9 out of 10 Commissioners and Mr. Burrell.*

*First I would like to thank the New Kent County Planning staff on their hard work, many long hours in helping with the development of the Comprehensive Plan. I would also like to thank the Planning Commissioners for their time in developing the Comprehensive Plan.*

*Developing the Comprehensive Plan is very time consuming and took a great deal of effort including getting and incorporating citizen's comments. No matter how the Comprehensive Plan is written someone is not going to be happy with it.*

*Virginia State Law requires every county to have a Comprehensive Plan. The Code also states that the Comprehensive Plan shall be reviewed every five years to determine whether or not an update is warranted. The staff and Planning Commission were directed to perform an update to the Vision 2020 plan and the Vision for 2040 Comprehensive Plan is the result of that update.*

*I would like to address some of the misconceptions we have been hearing about the Comprehensive Plan:*

- 1. The Comprehensive Plan is not poorly written or hard to understand and it satisfies all the requirements of Virginia State Code. The Comprehensive Plan has been reviewed by the County Attorney's Office, the PDC and VDOT and it meets all the Virginia State Code requirements.*
- 2. The Comprehensive Plan protects New Kent Citizens' values. New Kent performed surveys in the past and the top two values the citizens wanted was to preserve the rural character of the county and its natural resources. The Comprehensive Plan sets out clear objectives and strategies to achieve both of these main goals.*
- 3. The Comprehensive Plan is not too "green". The Comprehensive Plan now includes a map showing the county's cultural and natural resources. This map was developed by Green Infrastructure Center at no cost to the citizens of New Kent. The Green Infrastructure Center received a large amount of input from New Kent citizens on developing the natural resource map. New Kent county citizens are fortunate to have this map that identifies the natural resources that the citizens have stated they would like preserved. The county, citizens and business community need to know where these resources are located and how they complement the community.*

*I develop power plant projects for a living and I understand better than most, due to the nature of the business I am in, how environment regulations and requirements impact the cost of a project. There are no additional requirements laid out in the Comprehensive Plan that force developers to preserve these resources.*

4. *The Comprehensive Plan does not cause economic hardship nor does it take anyone's property rights away from them. The Comprehensive Plan is compliant with the law.*
5. *The Future Land Use Map within the Comprehensive Plan does preserve the rural character by concentrating development in areas of the County that are already developed. Those areas have been designated as Villages, Planned Unit Developments, and Suburban Housing on the Future Land Use Map. Additionally, Virginia Code requires the county to designate at least one Urban Development Area (UDA) within the county. The Comprehensive Plan designates New Kent Courthouse, Bottoms Bridge and Providence Forge as the County's UDAs. Approximately 75% of the County is designated as Rural Lands, Agriculture, Forest, or Conservation.*
6. *There was sufficient opportunity for the public and business community to provide comments and input into the Comprehensive Plan. All meetings, work sessions, and public information sessions were properly advertised in the Chronicle and Tidewater Review. Additionally, notices were placed around the county and on the County website, advertising all of these meetings. The following outlines the Comprehensive Plan public information meetings:*
  - a. *Tuesday, September 21, 2010 - held at the Quinton Community Center – 9 citizens, 6 staff members, 2 Planning Commission members, and 1 Board of Supervisor member.*
  - b. *Saturday, September 25, 2010 - held at the Visitor Center – 8 citizens, 5 staff members, 1 Planning Commission member, and 1 Board of Supervisor member.*
  - c. *Thursday, September 30, 2011 – held at the Cumberland Community Center – 16 citizens, 5 staff members, 2 Planning Commission members, and 1 Board of Supervisor member.*
  - d. *Monday, April 25, 2011 – held at Fire Station #1 – 5 citizens, 4 staff members.*
  - e. *Wednesday, April 27, 2011 – held at the Quinton Community Center – 12 citizens, 4 staff members.*
  - f. *Monday, June 20, 2011 – held at the New Kent County Administrative building during the Planning Commission meeting – 3 citizens representing the Chamber of Commerce, 5 staff, 10 Planning Commission members, and 1 Board of Supervisor member.*
  - g. *Additionally, New Kent University "students" (14 Citizens) provided comments on the Comprehensive Plan and various maps.*

*We feel that an adequate number of public meetings were held to receive input from the citizens and business community. In addition, the draft plan was on the County's website for over a year with an opportunity to call or e-mail comments or questions, further involving the public.*

7. *The Planning Commission did do its job on developing a Comprehensive Plan that meets Virginia Code with the input from the county's citizens. As I stated previously, no matter how*

*you write the Comprehensive Plan someone will find fault with it. The majority of the Planning Commission feels this is a good plan and recommended for it to be sent to the Board of Supervisors for approval.*

*If the Board of Supervisors decides not to approve the Comprehensive Plan, we request that you provide us with your recommendations and guidance on how to improve it."*

The Chairman opened the Public Hearing.

Chester Alvis of 3930 Quinton Road suggested that the proposed Update took away the rights of property owners and was not business-friendly. He also reported that one of the Planning Commissioners admitted that he didn't understand parts of the Update but had voted to recommend it for approval anyway.

Herb Jones of 4254 Virginia Rail Drive reported that he had read both the current Comprehensive Plan and the proposed Update and he felt that the Update was an "excellent document". He disagreed with Mr. Alvis' comments, but admitted that there may be some things that needed to be changed and he felt that "reasonable people can come to reasonable conclusions". He noted that most of the Update contained suggestions and not prohibitions, and he felt that it was a good document with no hidden agendas. He indicated that should the Board decide to redo the Update, he would be glad to volunteer his services to be a part of the process.

Lisa Guthrie of 6019 Wensleydale Drive spoke in support of the Update. She noted that she had served on a number of committees to help shape the County's future and she cared about retaining its rural character. She spoke about how fortunate New Kent had been when it was selected to participate in a pilot project with the Richmond Regional Planning District Commission and the Green Infrastructure Center to map the County's natural resources, and she did not feel that the Green Infrastructure project should be viewed as an "outside influence". She reminded that the goals of that project had been maps that New Kent could use as a tool for planning development patterns compatible with critical resources within and across County boundaries. She indicated that she felt that the lack of participation in the numerous community input opportunities could have been an indication that residents felt that the County was headed in the right direction. She stated that she was surprised and disappointed to read in the local papers about the attacks on the Update, adding that coincidentally these were some of the same remarks being heard in response to planning proposals elsewhere across the State, so they might not be indicative of local citizen concerns but a part of a political agenda. She summarized that it was everyone's common goal to shape the community by design and not by default and she hoped that the Board would adopt the Update.

Patricia Townsend of 8501 St. Peters Lane spoke in support of the Update and as a Planning Commission member agreed with Mr. Smith's letter. She suggested that the Board should defer action on the Update to provide sufficient time to review all comments.

Bill O'Keefe of 5450 Brickshire Drive stated that it was clear that the staff had followed the Board's guidance in developing the Update but "that didn't mean that it was the right road taken" or a guarantee of the quality of the final product. He urged the Board to reject the Update and "start anew". He referred to the Update as "too dense, complex, and incomprehensible", stating that it "lacked focus, was unrealistic, and lacked real citizen input". He indicated that looking at 2040 was unrealistic and that 2020 made more sense. He said that any part of the Comprehensive Plan that called for measures beyond mandates needed to include how they would be paid for. He said that a comprehensive plan should

be a model of clarity and simplicity and he suggested that the Board look at some of the plans from other localities as models.

Jim Noctor of 8901 Sedbergh Drive thanked the Planning Commission for its hard work and suggested that the Board should support the Update.

Ken Proffitt of 1156 Riverside Drive identified himself as the State Committee Chairman of the New Kent Tea Party and asked the Board not to adopt the Update, adding that if the County needed a plan for the future, it should "come up with one that citizens agreed with".

Ron Stiers of 3875 Minitree Glen Drive identified himself as representing the New Kent Chamber of Commerce. He stated that he agreed with some of the parts of the Update but felt that there were some items that restricted the property rights of individuals. He indicated that although he wanted New Kent to remain rural, the County needed some business growth and revenue to offset residential property taxes. He asked that the Board defer action on the Update and come up with a committee made up of a cross-section residents, business owners and developers.

Mark Flynn of 4101 Rose Cottage Road complimented the Board and County staff on the Update which he called "very well drafted". He stated that the issue was that New Kent would grow "one way or another" and he felt that the Update planned for a healthy environment and happy community for the residents. He said that the growth would come from people who worked elsewhere and that businesses would come to serve those commuters, and he felt that the three designated *Villages* did a good job of moving New Kent into the future. He said that he worked with the homebuilding industry and the elements in the Update were items that they strongly supported. He summarized that the Update was a great plan and would help New Kent grow in a way that citizens would like.

Jack Chalmers of 1915 Carter Road remarked that this process reminded him of a time a few years back when a "pack of citizens" decided that a proposed zoning ordinance revision would "run businesses out of the County", resulting in the creation of the Zoning Ordinance Rewrite Committee (ZORC), which worked for three and a half years and came up with a document that was substantially the same as what had been proposed. He asked that the Board "be smart about this and get this thing moving forward". He referred to the Update as a "fine document" that was not a lot different from what was adopted in 2003.

James Poole of 11332 Carriage Road agreed that planning was needed but he felt that the Update was too over-reaching and "treaded on people's property rights". He pointed out several objectionable examples from the Update, one having to do with bicycle routes, one dealing with the use of property located under utility lines, and one with barge traffic on the James River. He admitted that he hadn't read the whole Update but felt that it needed some "winnowing" and he suggested that the Board slow down the process and take time for some additional review.

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

Mr. Burrell agreed with Mr. Chalmers' comments, and reminded of the ample opportunity for review and comment over the last two years. He clarified that the County in no way intended to take away anyone's private property and cautioned against "scare tactics", and he spoke about the importance of following modern planning practices. He suggested that he understood some of the concerns, but doubted that anyone wanted the opposite of "smart growth". He recommended that the Board listen to the comments and then move forward with what was good for New Kent.

Mr. Trout suggested that the issue should be postponed to a future work session for further discussion. He asked that those with written comments send them to the County Administrator or the Planning staff for distribution to the Board members.

Mr. Sparks clarified that deferring the issue to the next work session did not mean that the Board would vote at that time. He thanked everyone for their participation and comments. He remarked that the 2020 Plan was a good one; however, he felt the Board might have made a mistake when it decided to have staff update the Plan rather than form a panel of individuals. He added that there were some things in the Update that he had "some real problems with" but added that the Board could take its time on the process.

Mr. Davis thanked the speakers and residents for their comments and commented that he did not want this to turn into another ZORC.

Mr. Evelyn thanked staff and the Planning Commission for all of their time and hard work and expressed his appreciation for the comments received. He indicated that he did not feel that the Update needed to be redone but there were a few minor changes he would like to see. He agreed that the issue should be deferred and he felt that the Board could "sit down and make this happen".

Mr. Davis moved to defer a vote to a future date, preferably at a regular Board meeting, not a work session. It was clarified that there could be a discussion at a work session. The members were polled:

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

The motion carried.

Mr. Trout again asked that all written comments be sent to County Staff for distribution to the Board members.

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IN RE: ELECTED OFFICIALS' REPORTS

Mr. Davis mentioned the recent death of a long-time resident and respected educator, Gladys Upp, and cautioned residents to be mindful of the high temperatures.

Mr. Trout spoke about recent events in the County, including the grand opening of Saudé Creek Winery and Virginia Derby.

Mr. Burrell also spoke about the grand opening of the new winery and the larger-than-expected attendance.

Mr. Evelyn welcomed new Assistant County Administrator Rodney Hathaway to his first Board meeting in his new position, and congratulated him on his promotion.

Sheriff Howard recounted problems that his department was having with vehicular accidents involving deer and reported on recent meetings with staff from the Department of Game and Inland Fisheries (DGIF) on how to manage the County's burgeoning deer population.

He suggested that some of the reasons for the increase in the deer population were residential growth forcing deer out of their habitat, and the decreasing number of "pot hunters" compared to "trophy hunters". He reviewed some recommendations from the DGIF and offered to arrange and participate in a meeting between the County Administrator and DGIF staff if the Board was interested. Both Mr. Davis and Mr. Burrell volunteered to attend such a meeting as well.

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IN RE: STAFF REPORTS

Mr. Lawton reported that a Department of Motor Vehicles mobile unit would be visiting New Kent in September. He also reported that it would cost the County \$7,000 for a bond required for a permit from VDOT to allow County staff to remove signs from State rights-of-way. It was requested that the item be added to the next work session for further discussion.

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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 August 8, 2011, and the next work session at 3:00 p.m. on July 27, 2011, both in the Boardroom of the County Administration Building, New Kent, Virginia.

Mr. Evelyn again thanked all citizens who came out and shared their comments.

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IN RE: ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 8:21 p.m.