

A SPECIAL MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 17TH DAY OF AUGUST IN THE YEAR TWO THOUSAND ELEVEN OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 3:00 P.M., HAVING BEEN CONTINUED FROM AUGUST 8, 2011.

IN RE: CALL BACK TO ORDER

Chairman Evelyn called the meeting back to order.

IN RE: ROLL CALL

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| 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.

IN RE: WILLIAM H. WHITLEY

Before the Board for consideration was Resolution R-38-11 recognizing the services of William H. Whitley, who served as Assistant County Administrator from March 1, 2008 through August 13, 2009 and from February 16, 2010 through June 30, 2011, and also served as Interim County Administrator from August 14, 2009 through February 15, 2010.

Mr. Burrell moved to adopt Resolution R-38-11 as presented. The members were polled:

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

The motion carried.

IN RE: COMPREHENSIVE PLAN

The Board continued to discuss the Comprehensive Plan Update, following a public hearing held on July 20, 2011.

Mr. Evelyn spoke about concerns he had with items in the Natural Resources and Transportation sections, including wind turbines, bicycle routes, pedestrian paths, scenic byways buffers, regulating private roads, and Traditional Neighborhood Development Principles.

Mr. Sparks asked the County Attorney what was required to be in the Comprehensive Plan. County Attorney Michele Gowdy read excerpts from Section 15.2-2223 of the Code of Virginia which spelled out the scope and purpose of a comprehensive plan. Mr. Sparks remarked that he felt the proposed Update was a "competition between planners to see who could put the most in it" and he thought that staff had gone far beyond what was required in the State Code and had included "too much commentary". He questioned why several items had been included and mentioned marine highways, *Cool Counties* objectives,

Demand Management Plans, economic development, and Level of Service Standards (LOSS). He commented that he felt that the study conducted by the Green Infrastructure Center had had too much influence on the Update. He reported that the Sheriff also had some concerns about the LOSS and he suggested that having those standards in the Comprehensive Plan might set expectations that could not be met and could result in some risks for the County. He advised that he felt a lot of the things in the proposed Update would not work in New Kent.

Mr. Davis stated that he felt that 2040 was too far out to plan for and the Plan should have a more realistic time frame. He remarked that the proposed Update had too much detail and was too long. He complained that there was "too much bicycle stuff" and spoke about the sections calling for bicycle paths under existing power lines and lighted bike and pedestrian paths in villages. He stated that he understood why Objectives were included, but didn't agree that Strategies were necessary. He remarked that there was too much language and suggested that references to maps could be used instead. He reminded that New Kent "was sitting on more lots that could be developed than there were homes in the County" and maybe the best thing for the future would be not to allow any more residential rezonings until those lots were built out. He remarked that there was "so much stuff in here we don't need" and also agreed with Mr. Sparks that it seemed the Plan had been written for "someone else in mind". He did point out that missing from the Plan was the fact that Colonial Downs was designated as an emergency equine evacuation center.

Mr. Burrell spoke in support of the proposed Update, noting that it wasn't that much different from the existing Plan. He admitted that some of the language could be changed so that Strategies were "encouraged" rather than "required", and that he would have no objection to changing the date from 2040 if that was a concern. He commented that the Plan was written for future development and many of the Strategies might be attractive to potential developers. He advised that recommendations regarding bicycle and pedestrian routes would not be a burden to citizens or businesses and "did not compel anyone to do anything". He reminded that the Comprehensive Plan was a guide and he did not think it would hurt to include any of those items. He commented that many people moved to New Kent because of its rural nature and it would be the best thing in the long run to protect the environment, even though there might be a greater up-front cost to a developer. He did ask about having signs put up to designate some of the crossroads around the County.

Mr. Trout defended many of the sections in the proposed Update and explained how the Comprehensive Plan was a logical place to spell out existing conditions, objectives and strategies. He talked about the regional efforts in transportation and how planning needed to be done for the long-term and, although he did not object to changing the name of the Plan, he reminded that 2040 was not the specific goal for any of the items in the Plan. He remarked that the suggestions to use transmission line easements as bike routes were "not a threat to anyone" but just a suggestion of something that could be a possibility in the right circumstance and at the right time. He spoke about regional efforts to expand rail service that could eventually result in a passenger stop in Providence Forge, which the County needed to have in its long-range plan as a possibility. He reminded that New Kent citizens had repeatedly indicated that they wanted to maintain the rural nature of the County and the Comprehensive Plan, as proposed, would help to do that. He indicated that much of the information would assist potential developers. He complimented the study performed by the Green Infrastructure Center and reminded that the environment-friendly strategies in the Plan were just suggestions and not requirements. He remarked that irrigation would be a big problem in the County's future and the solution "was way beyond anything we can do". He did make several suggestions for edits and then suggested that if the Board made changes that were significant enough to require another public hearing,

then the Plan should be returned to the Planning Commission along with the comments received by the Board for it to further consider.

Ms. Le Duc advised that staff did rely on the Comprehensive Plan when reviewing new plans for development.

County Administrator Cabell Lawton advised that comprehensive plans typically went out 20 years.

Ms. Gowdy advised that the sections on Transportation and the Chesapeake Bay had already been reviewed and approved by appropriate State agencies and if the Board made changes to those sections, then the Plan would have to be returned for another review. She reported that the Board could adopt parts of the Plan at its next meeting and return the sections about which there were concerns to the Planning Commission for reconsideration; however, it was noted that there was not agreement among the Board members on what those changes should be made. She confirmed that the Board could choose to continue deliberations on the controversial sections to its September work session.

Mr. Lawton suggested that staff work to try to incorporate some of the concerns into a new version for the Board's consideration. He also reported that additional work was being done on the Urban Development Areas and he would update the Board later on that subject.

Mr. Burrell remarked that he felt the discussion had been "a good process" and he commended staff for their work on the Plan.

IN RE: ADJOURNMENT

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

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| 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 meeting was adjourned at 4:58 p.m.