

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 8<sup>th</sup> DAY OF JUNE IN THE YEAR TWO THOUSAND NINE OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 5:00 P.M.

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IN RE: CALL TO ORDER

Chairman Davis called the meeting to order.

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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: CLOSED SESSION

Mr. Sparks moved to go into Closed Session for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving actual or probable litigation. The members were polled:

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

The motion carried. The Board went into Closed Session.

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

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

The motion carried. Mr. Evelyn 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:

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

The motion carried.

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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: CONSENT AGENDA

County Administrator John Budesky presented the Consent Agenda as follows:

1. Approval of Minutes
  - a. April 29, 2009 work session
  - b. May 5, 2009 Town Hall meeting
  - c. May 11, 2009 regular business meeting
2. Miscellaneous
  - a. Award of contract for the Preliminary Engineering Report on the water system in The Colonies subdivision to the firm of Wiley/Wilson, Lynchburg, Virginia
  - b. Resolution R-16-09 requesting VDOT to add Pine Hollow Road into the State secondary system for maintenance
  - c. Resolution R-18-09 requesting VDOT to add the roads in Brickshire, Section L into the State secondary system for maintenance
  - d. Resolution R-19-09 requesting VDOT to add the roads in Brickshire, Section M into the State secondary system for maintenance
  - e. Resolution R-25-09 authorizing membership in the Virginia Municipal Liability Pool
  - f. Authorizing New Kent's enrollment in the Virginia Association of Counties Group Self Insurance Association for workers' compensation coverage
  - g. Resolution R-17-09 declaring the County's intent to reimburse itself from tax exempt borrowing for certain expenditures
  - h. Resolution R-20-09 dissolving the joint Community Policy and Management Team with Charles City County and creating a distinct New Kent CPMT
  - i. Resolution R-21-09 qualifying Mt. Pleasant Road/Rte. 628, as a Rural Rustic Road
  - j. Resolution R-22-09 requesting VDOT to re-allocate funds from its FY04 Revenue Sharing allocations to the Mt. Pleasant/Rte. 628 Rural Rustic Road project (VDOT project number 0628-063-P49 UPC 16896)
  - k. Resolution R-23-09 in support of a high speed rail project from the Washington metropolitan area to Richmond, Virginia



j. *Revenue Sharing*: \$75,000 from Contingency to VDOT Revenue Sharing

6. Treasurer's Report: Cash in Bank as of April 2009: \$34,475,725.88

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

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

The motion carried.

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IN RE: CITIZENS COMMENT PERIOD

Chairman Davis opened the Citizens Comment Period.

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

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IN RE: RESIDENCY ADMINISTRATOR'S REPORT

Torrence Robinson, Residency Administrator with the Sandston Residency of the Virginia Department of Transportation, reported on issues regarding roads in New Kent County.

He advised that routine maintenance during the month included pothole patching, addressing drainage complaints, sign repair and replacement, dead animal removals, blading of graveled roads, tree and limb removal, pipe installations, mowing, and continued work in the Plum Point subdivision.

He advised that they would continue to respond to reports of dead trees and would address them as their tree contract would allow. He indicated that debris reported at the intersection of Route 60 and Longview Drive had been removed, and they were investigating the report of low hanging limbs along Farmers Drive.

He indicated that stone had been added to Clarke Road at the request of a citizen.

Mr. Trout asked about South Waterside Drive and again suggested that raising the pavement about six inches should take care of the tidal flooding in the area of Fannie's Creek. Mr. Robinson reported that there was still no funding available for any solution in that area.

Mr. Trout asked if they were prepared to move forward with paving the remainder of Mount Pleasant Road in light of the Board's action to designate the project as Rural Rustic and fund under it Revenue Sharing. Mr. Robinson advised that they were prepared to get that work done before October.

Mr. Burrell asked about the purpose of some solar panels along the interstate. Mr. Robinson was unaware of exactly what he was referring to but did advise that there was a traffic monitoring camera in the area which might be solar-powered.

Mr. Evelyn asked about construction of the roundabout at the Route 106 interstate interchange. Mr. Robinson advised that there would be a full roundabout but although the contract called for completion by November 2009, unless the weather cooperated, it was likely that the project would continue into the spring of 2010. He indicated he would obtain additional information.

Mr. Davis asked for a better estimate for the work on Mount Pleasant Road. He also reminded that it was time to get started on the traffic study of the intersection of Route 155 and Kentland Trail.

Mr. Davis advised that the reduced mowing operations were resulting in more problems with deer in the roadway and he asked that Mr. Robinson pass on the Board's concerns regarding that policy.

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IN RE: ELECTED OFFICIALS' REPORTS

Mr. Trout advised that he had attended the recent high school graduation and congratulated all of the students of achievement as well as their parents and teachers.

Mr. Burrell reported that he had recently attended a smart growth conference and would be sharing information with the Planning Commission and staff and with the Board members at a later date.

Mr. Sparks reported that he had attended a recent Social Services Advisory Board meeting and indicated that with the state of the economy, Social Services agencies were being overwhelmed with assistance requests.

Mr. Davis spoke about the attributes of the County's new Health & Human Services Building and the needs that it was filling in the community.

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IN RE: STAFF REPORTS

Mr. Budesky advised that staff would be reporting to the Board at its upcoming work session regarding the progress towards implementation of a permanent vehicle decal.

He spoke about a request for a memorial to honor a recently-departed long-time resident and suggested that there needed to be a policy in place to handle those types of requests. He indicated that he could check to see how other localities handled them and report back to the Board at a work session. Mr. Summers agreed that although there was no overwhelming legal issue, it would be best to set some policy guidelines. There was consensus to review some recommendations or options at the next work session.

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IN RE: DISTRICT APPOINTMENTS

Mr. Sparks moved to appoint Joanne Panek as District Two's representative to the Purchase of Development Rights Committee to serve a three-year term beginning July 1, 2009 and ending June 30, 2012.

The members were polled:

Thomas W. Evelyn	Aye
D. M. Sparks	Aye
James H. Burrell	Aye

Stran L. Trout  
W. R. Davis, Jr.

Aye  
Aye

The motion carried.

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IN RE:           NON-DISTRICT APPOINTMENTS

Mr. Evelyn moved to appoint Rodney Hathaway as an alternate representative to the Consortium Board of the Capital Region Workforce Partnership to serve a term ending December 31, 2009; however, upon Mr. Budesky's report that the nature of those appointments were pending a review, Mr. Evelyn withdrew his nomination.

The Board then suspended its meeting until 7 p.m.

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IN RE:           AMENDMENTS TO THE FARMS OF NEW KENT PLANNED UNIT DEVELOPMENT  
ORDINANCE

Before the Board for consideration was Ordinance O-09-09 amending the Farms of New Kent Planned Unit Development ordinance to allow an increase in square footage for a country inn and spa in Land Bay I; to add additional transient occupancy rooms in Land Bay I; to allow a maximum of two additional lots in Land Bay II for a two-lot family subdivision; and to change the way proffers were adjusted.

Community Development Director George Homewood explained that the proposed amendments would make four changes to the ordinance: to allow an inn and spa in Land Bay I of up to 90,000 square feet, an increase from the current restriction of 16,000 square feet; to allow for an additional 75 transient occupancy rooms in Land Bay I which may be associated with an inn and spa or may be associated with the golf club; would allow in Land Bay II (Harrison property) two additional lots of no more than five acres each under a family subdivision to allow two homes to be constructed; a change in the timing of the proffer calculation adjustments so that they would adjust annually in January as opposed to current monthly adjustments which had been found to be onerous to both the developer and County staff.

He advised that staff had found that impacts in terms of traffic were minor, and in terms of cost to the locality were minor or non-existent; however, the potential positive economic impact to the County was quite significant. He indicated that staff had recommended approval of the application and the Planning Commission had unanimously voted last month to forward a recommendation for approval.

Pete Johns of New Kent Vineyards then introduced Gary Dower, President, and John Logan Sr., Vice President, of Mirbeau Properties to review the proposal for a country inn and spa as part of the Farms of New Kent project.

Mr. Dower advised that he was also the Managing Director for Mirbeau properties, which currently owned and operated a county inn and spa in Skaneateles, New York, on one of the "finger lakes" in the wine-producing area of that state. He advised that Skaneateles was a rural area not unlike New Kent.

He reported that their operation, a new concept of hospitality in the United States, began about nine years earlier, and was timely and fit the needs being brought forward by the population at that time. He conceded that "hospitality" in the United States meant many things, and after World War II, people were looking for safe, standard, conventional places

to stay while traveling and this more "transient" hospitality served the population well for many years. He recounted that as time moved on, needs changed and the demand was for "destination" hospitality - getaway locations from the fast pace, and that was the need that they were trying to fill.

He distributed information on the New York facility, which he described as having 48 rooms (expanded from 34 originally), being very "horizontal" and residential in style. He indicated that because of their success in New York, they were looking for sites in other markets, and currently had a project under development in the Hudson River Valley, and were looking at sites in eastern Maryland, Chicago and Boston areas. He advised that the project in New Kent would likely have two restaurant components (to include a bistro) and would be adjacent to the Winery property. He explained that they would likely build out in phases, starting with 60 rooms and then expanding to accommodate the expected demand. He advised that there would be an upper and lower lake, as well as several outbuildings, small cottages throughout the gardens, and boathouse-type units extending out over the water.

He reported that the average stay at their resort was 1.8 days with an average of 1.85 guests per room. He described the atmosphere as focused on couples or close friends, and it was good for their resorts to be in an area between two major population centers but not part of either. He explained that guests came to their resorts to spend a few days and enjoy the community, fine dining and spa offerings, and tended to be more introspective.

He advised that Mirbeau had attained a high reputation in the industry, having achieved four-star ratings for their hotel element, restaurant and spa program, and was one of only three properties with that level of quality. He spoke about the employment opportunities they would bring to the area for entry level, established and retired professionals from the hospitality field. He reported that their New York resort was the second largest employer in its county, employing 150 full and part time staff. He indicated that their resorts tended to change the nature of the commercial area in which they located, serving as a magnet for other hotels and businesses. He anticipated that a resort in New Kent would similarly become a destination for tourists from around the country, which would have a positive effect on local retail.

He confirmed that all of the facilities would be open to the general public and not just guests at the resort. He reported that their New York facility was the leading day spa in its county as well as the leading resort spa. When asked about the impact of weather on their operations, he advised that January and February were their third most active months because their resort was built as a warm and cozy place to be. He acknowledged that the weather challenges would not be as extreme in New Kent but he did not anticipate that weather would have much of an impact.

Mr. Davis asked about the timeline for construction, should the application be approved at this meeting. Mr. Dower advised that their plan was to move forward and once zoning had been clarified, they would meet with the Community Development Authority (CDA) at the end of June for reallocation, and then they would move forward to pull together their financing hopefully by the end of 2009 and be ready to start construction in the second quarter of 2010, with an opening in the summer of 2011.

Mr. Evelyn asked if Mirbeau were looking at opening four other resorts or were they looking for just one or two more locations. Mr. Dower explained that theirs was a family-held business and they were trying to be thoughtful and stage out their expansion over five or six years. He stated that they were hopeful that the New Kent project would be the first one and it looked like things would "work out". He admitted that they were excited about a

project in Maryland, but were concerned about having the necessary permits in place. However, he added that with the assistance of the County and the hard work by the development group, permitting issues in New Kent were in good shape and they would be pleased to move forward with the project. He advised that like everyone else, they had been focusing on the economy and the banking industry, and they felt that the economy was starting to stabilize and flexibility in the credit markets was returning, and they felt it was the perfect time to move forward with the project while construction prices were low, and they would be ready to open as the economy improved.

It was clarified that when property in the CDA was sold or subdivided, there was a new allocation to the new owners, and it was anticipated that could be accomplished at the CDA's June meeting. It was confirmed that Mirbeau representatives had previously met with the CDA and most of the work had been done to accomplish that reallocation.

Mr. Sparks asked what would happen if the application was approved and then the project did not move forward. Mr. Homewood advised that these were things that were permitted but were not required, and that there was no "down side" to approval.

The Chairman opened the Public Hearing.

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

It was confirmed that acceptance of the new Proffer Statement would change the way that proffers were adjusted from monthly to yearly. Mr. Homewood reminded that proffers were voluntary on the part of the developer and that the Board had the option to either accept or reject them, and staff was recommending acceptance.

Mr. Evelyn asked if the application were approved and the project did not move forward, could the additional 75 rooms be used at the golf club. Mr. Homewood advised that the Board was approving 75 more rooms for a county inn and spa in Land Bay I only, and they could only be used elsewhere with the approval of the Board. He indicated that it was not specified how the other 75 transient occupancy rooms were to be used and they could all be a part of the golf club.

Mr. Burrell moved to adopt Ordinance O-09-09 as presented. The members were polled:

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

The motion carried.

Board members expressed their wishes for a successful project and encouraged them to try to take advantage of the current economic development incentives.

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IN RE: MEETING SCHEDULE

The Chairman announced that the Board of Supervisors would hold its next regular business meeting at 6 p.m. on July 13, 2009 and its next work session at 3 p.m. on June 24, 2009, both in the Boardroom of the County Administration Building, New Kent, Virginia.

Mr. Trout introduced Jackie Steward from the Richmond Regional Planning District Commission who was in the audience.

Board members expressed their appreciation to all who were in attendance.

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IN RE:           ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 7:36 p.m.