

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 13<sup>th</sup> DAY OF OCTOBER IN THE YEAR TWO THOUSAND NINE OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 4: 30 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 to discuss a personnel matter pursuant to Section 2.2-3711A.1 involving candidates for a position, and for discussions relating to business and industry development pursuant to Section 2.2-3711A.5 of the Code of Virginia involving a prospective business. The members were polled:

Thomas W. Evelyn	Aye
David 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. Sparks 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. Trout 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.

The Board recessed until 6 p.m. when the meeting was called back to order.

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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

The Consent Agenda was presented as follows:

1.    Approval of Minutes
  - a.    September 10, 2009 business meeting
  - b.    September 23, 2009 work session
  - c.    October 1, 2009 special meeting
  
2.    Miscellaneous
  - a.    Resolution R-54-09 designating October 2009 as Community Planning Month in New Kent County
  - b.    Resolution R-57-09 naming a lake in The Colonies subdivision as "Lake Colonies"
  - c.    Acceptance of the Kentland pump station lot
  
3.    FY10 Carry Forward Appropriations
  - a.    Additional DMV License Plates funds for dog and cat sterilization not used in FY09, \$271.35
  - b.    Additional FY09 capital funds to FY10 for ISTE A Bicycle Route Signage grant to be completed in FY10 or later, \$540.00
  - c.    Additional grant funds received in FY09 for a Sheriff's Association grant for a National Highway Transportation Safety Grant to be used in FY10, \$241.07
  - d.    Additional FY09 capital funds for village improvements for completion in FY10 or beyond, \$45,370.00
  - e.    Various FY09 capital funds to FY10 for unfinished Airport projects to be completed in FY10, \$124,606.41
  - f.    Funds remaining in Fund 7-Capital for Schools for FY09, \$498,190.83
  - g.    Unexpended School Allocation Funds from FY09, \$672,967.20

- h. Additional various FY09 Utility funds to FY10 for unfinished Public Utility projects to be completed in FY10, \$17,056.00

Total Supplemental Appropriation:	
\$(1,359,242.86)	Total
\$ 115,176.41	Money In/Money Out
\$ 673,238.55	Fund 1 – General fund balance
\$ 241.07	Fund 6 – Grant fund balance
\$ 553,530.83	Fund 7 – Capital fund balance
\$ 17,056.00	Fund 98 – Utility fund balance

- 4. FY10 Appropriations
  - a. Federal funds for a DMV – Smart, Safe and Sober grant for the Sheriff’s Office, \$31,550.00
  - b. Funds for FY10 Fire-Rescue revenue recovery to cover bank fees and charges from DAB to administer account, \$965.00
  - c. Funds received to date for Fire-Rescue revenue recovery for Fire-Rescue personnel, \$9,603.00
  - d. Funds for public safety coverage at Colonial Downs and various events for August and September 2009, \$10,096.00
  - e. Funds for Parks & Recreation program sponsorship revenue, \$900.00
  - f. Funds donated to Fire-Rescue, \$1,140.00
  - g. Funds donated to the New Kent Animal Shelter, \$648.00
  - h. Funds received for restitution for a February 10, 2008 fire incident, \$70.00
  - i. Additional funds for the Dept. of Justice bullet-proof vest program grant OMB#1121-0235, \$50.00
  - j. Governor Kaine’s FY10 budget reduction to Social Services, \$976.00
  - k. Governor Kaine’s FY10 budget reduction to the litter control grant, \$1,212.00
  - l. Insurance proceeds received for a lightning strike at the wastewater treatment plant, \$5,500.00
  - m. Donation received from the New Kent Chamber of Commerce for Career and Technical Education for the Schools, \$5,000.00
  - n. Program income received to date for FY10 from the CDBG Plum Point grant participants, \$686.04
  - o. Funds received for DMV stop fees in the Treasurer’s Office, \$2,100.00

Total Supplemental Appropriation:	
\$(66,120.04)	Total
\$ 66,120.04	Money In/Money Out

- 5. FY10 Inter-Departmental Budget Transfers
  - a. *Fire Rescue*: \$1,310 for Telecommunication Equipment and Telecommunications in the Radio budget
  - b. *Extension*: \$8,604.00 from Reserved for Contingency to Extension Part-time Salaries
  - c. *Training*: \$5,322 from Training Contingency to Travel line items for Board of Supervisors, Clerk of Board, County Attorney, Human Resources, Commissioner of Revenue, Financial Services, Circuit Court Judge, IT, Sheriff, Planning Admin, Economic Development, CSA, Utilities Administration, Water and Sewer
  - d. *Schools*: \$1,000 from School Contingency to Personnel Services Meals
  - e. *Schools*: \$369 from School Contingency to Repair Services Transp Vehicle

- f. *Schools*: \$1,000 from School Contingency to Guidance Sec Misc Services
- g. *Schools*: \$99,287 from Vehicle Ins and Workers Comp to Bldg Insurance and School Contingency Fund
- h. *Schools*: \$400 from School Contingency to Bldg Insurance
- i. *Schools*: \$5,554 from Misc Services Exec Admin and Contingency to Lease of Equipment – Exec Admin
- j. *Schools*: \$80 from Matls & Supplies Improvement of Instruction to Meals – Executive Admin
- k. *Sheriff's Office*: \$6,310 from Grant Contingency to DMV Grant – Smart, Safe & Sober
- l. *Sheriff's Office*: \$54 from Grant Contingency to Kevlar Vest grant program
- m. *Schools*: \$2,355 from School Contingency to Contracts & Painting Building Maint.

6. Treasurer's Report: Cash in Bank as of August 2009: \$26,510,101.28

Mr. Burrell 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.

Patricia Townsend, Planning Commission Chair, suggested that the Board of Supervisors and Planning Commission adopt a resolution recognizing the work of the Zoning Ordinance Rewrite Committee. Board members agreed and staff was requested to develop a resolution for consideration at the next meeting.

Barbara Winters, Librarian from the Heritage Public Library, reported on upcoming events and programs. She spoke about the increased need for computer skills and internet access by the public and advised that the Library could serve as a clearinghouse for anyone wanting to donate a used computer if the County could provide some storage space. She thanked the Board for its continuing support of the Library.

Mr. Trout thanked Ms. Winters for her hard work, which he felt had made a positive impact on the Library and the County.

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

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IN RE: RESOLUTION OF RECOGNITION – JOHN A. BUDESKY

Chairman Davis was joined by the remainder of the Board members to present to former County Administrator John Budesky a framed copy of Resolution R-50-09 which had been previously adopted. Mr. Davis read the resolution aloud and then commented on some of

Mr. Budesky's accomplishments. Mr. Budesky thanked the Board and the community for the opportunity to serve and be a part of the County's history.

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IN RE: VIRGINIA COOPERATIVE EXTENSION PRESENTATION

Patty Townsend, Horticulture Coordinator with New Kent's Cooperative Extension Office, announced details of some upcoming training opportunities to be offered at no cost by the Extension Office for residents starting their own business or expanding an existing business. She presented a pictorial slide show of the 2009 *Taking Root Farm Tour*, spoke about the importance of protecting the County's agricultural assets, and thanked the Board for its continuing support.

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IN RE: RESIDENCY ADMINISTRATOR'S REPORT

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

He advised that routine maintenance during the month had included clearing for sight distances, tree removal, shoulder work, slope mowing and repair, dead animal pick-up, blading roads, pipe installation, pothole patching and continuing work in Plum Point.

He indicated that surface treatment for the Mt. Pleasant Road project had begun, the project was on schedule, and they hoped to be finished by the end of the month.

He reported that they were in the process of completing the third mowing cycle on Route 60, had performed brush cutting in Five Lakes, and had swept along Routes 249 and 60.

Mr. Evelyn reported complaints about signs in the State's right-of-way along Route 612 near the Route 249 intersection that were restricting sight distance.

Mr. Sparks complimented Mr. Robinson on the mowing work along Route 60. He also thanked him for the work in Five Lakes and the pavement improvements on Route 60 near the Henrico County line.

Mr. Burrell thanked Mr. Robinson for having already addressed some of his concerns.

Mr. Trout mentioned work that needed to be done to bring Wingapo Road into the State System as well as the continuing problems with flooding on South Waterside Drive. He reported that he had received some communication from CSX regarding the work needed at the railroad crossing on South Waterside. Mr. Robinson advised that his office was working with CSX on work needed on the crossing on Route 106 but had not yet received information as to when any of that work would be scheduled.

Mr. Trout asked that Mr. Robinson develop some traffic calming recommendations for traffic traveling on Route 618 between Route 60 and the Charles City County line and along Route 60 near B&B Seafood, as well as along Route 249 at both Providence United Methodist Church and near the New Kent Crossing Shopping Center in Quinton.

Mr. Davis asked if VDOT had completed the culvert work in Plum Point. Mr. Robinson indicated he would check on that and report back.

Mr. Davis asked about the status of the traffic study at Route 155 and Kentland Trail. Mr. Robinson advised that the results had been received and unfortunately did not support any

reduction in the speed limit or the necessity for a traffic light. He indicated that he was working with Traffic Engineering to come up with some alternatives to increase awareness during the racing season. There was discussion regarding the confusing pavement markings in the area, including the off-ramp from I-64. Mr. Robinson advised that they would continue working to improve the signage, traffic flow and safety in the area.

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IN RE: INTERSECTION IMPROVEMENTS AT ROUTES 249 AND 612

Before the Board for consideration were two options for improvements at the intersection of Route 249 and Route 612 -- a roundabout or turn lanes. This matter had been discussed at the work session on June 24, 2009, and was one of the topics at a recent community meeting hosted by Mr. Evelyn.

Mr. Sparks asked about funding. Torrence Robinson, Residency Administrator with VDOT, advised that they anticipated fully funding the design of either option within the Federal fiscal year that started October 1, 2009, and that once the design was completed, funding for construction would come through the Metropolitan Planning Organization. He indicated that he would provide the Board with information as to the completion date once that had been determined.

Mr. Evelyn advised that the proposed improvements affected many residents in his district and acknowledged receipt of a petition that had been submitted in opposition to a roundabout; however, he reported that comments he received were about 9:1 in favor of the roundabout. He admitted that he had initially opposed the roundabout installed at the intersection of Route 106 and Route 249 but had since realized how it had increased safety at that intersection and he would be supporting the roundabout option for the intersection under consideration.

Mr. Sparks advised that he had likewise received many comments. He spoke about how he had been unsuccessful in having the speed limit reduced on portions of Route 249, and he felt that the proposed roundabout would help with some of his safety concerns, and he would likewise be supporting the roundabout option.

Mr. Burrell agreed with the previous comments, stating that too often people complained because they didn't have a full understanding of roundabouts, and he felt that it had been proven that the use of roundabouts had reduced traffic fatalities and provided safer travel than traditional intersections.

Mr. Sparks asked if a formal request was needed from the Board. Mr. Robinson explained that either option would be funded, but because there was an alternative, VDOT wanted the Board to select its preference.

Mr. Burrell moved to adopt Resolution R-56-09, version A, selecting the option for a roundabout.

The members were polled:

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

The motion carried.

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IN RE: ELECTED OFFICIALS' REPORTS

Mr. Trout announced details of several upcoming community events, including a meeting regarding establishment of a fire station in the Lanexa area.

Mr. Burrell advised that he would be attending an upcoming meeting of the Central Virginia Waste Management Authority Board and spoke about his concerns about the amount of corrugated cardboard that was being put in the dumpsters rather than being recycled. He also announced an upcoming event hosted by the West Point Historical Society honoring James Armistead Lafayette, a New Kent slave whose assistance during the Revolutionary War helped defeat the British.

Mr. Sparks spoke about the importance of flu immunizations.

Mr. Evelyn reported on a luncheon he recently attended at Second Liberty Baptist Church honoring recent retirees from the School System, which was organized and hosted by Ms. Oraphine Crump.

Mr. Davis recognized local business Revere Gas for donating a part of their sales to breast cancer research.

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IN RE: STAFF REPORTS

Interim County Administrator Bill Whitley explained about the new vehicle registration fee that would be included on the 2009 personal property tax bills being prepared for mailing. He reminded that new registration fee replaced the decal fee when the Board had substituted a permanent decal for the annual decal. He confirmed that the fees were in the same amount and the revenue was projected to be about the same.

He announced details of the upcoming State of the County event hosted by the New Kent Chamber of Commerce.

He reported that the Department of Conservation Resources had adopted new stormwater regulations that would become effective on July 1, 2010, and staff would be bringing additional information to the Board about what changes would be needed in County ordinances. He noted that this would affect the development community.

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IN RE: DISTRICT AND NON-DISTRICT APPOINTMENTS

There were none.

The Board took a short break and then resumed the meeting at 7 p.m. to begin public hearings.

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IN RE: COURTHOUSE DEVELOPMENT DISTRICT

Under consideration by the Board was Ordinance O-18-09 adopting a new section of the zoning ordinance to establish a *Courthouse Development District*.

Community Development Director George Homewood explained that the proposed ordinance was the first step to developing regulations, policies and standards to institute the

*Village* concept as proposed in the Comprehensive Plan adopted in 2003, and efforts would need to continue for the other proposed villages in the County. He confirmed that the subject ordinance only pertained to the Courthouse village.

He reviewed that the proposal had three parts: establishing district regulations and a zoning category that would allow for such things as density, numbers of units, setbacks, and yard requirements; reclassifying certain parcels to be a part of the district; and consideration of a recommendation from the Planning Commission to add additional parcels.

He reported that the proposal would create a mixed-use district similar to those in other localities. He noted that the development underway in Maidstone and Preservation Office Park comported "nicely" with the proposed regulations.

He reviewed two differences in the regulations between what staff had requested and what had been recommended by ZORC. He indicated that instead of a floating district as recommended by ZORC where parcel owners could chose to be or not to be a part of the district, staff was recommending a fixed district which they felt was important for the Courthouse area in order to provide consistency of design and form as development occurred. He reported that would not be the approach that would be recommended for the other village districts.

The second difference was that staff had recommended that one-half of the density in the *Courthouse Development District* be achieved from a Transfer of Development Rights (TDR) program rather than existing as a matter of right. He explained that would provide that in order to achieve density above 8 units per acre, development rights would need to be acquired from elsewhere in the County. He reminded that the County did not yet have a TDR program, and reported that there were several groups working on a model TDR ordinance and staff wanted to wait for that model before moving forward with a TDR program for New Kent.

Mr. Homewood advised that there was also a difference between what ZORC had recommended and what was being recommended by staff regarding the parcels to be included in the *Courthouse Development District*. He noted that staff's recommendation was that the District initially be comprised of parcels totaling 192.92 acres on the south side of Route 149 that included property owned by the County and Schools, the New Kent Post Office property, and the Maidstone and Preservation Office Park developments. He indicated that while those parcels did not provide land for development, staff had recommended the "go slow" approach to make sure there were no unintended consequences and that once it was certain that "everything worked", a decision could be made on how to expand the District to include other parcels. He pointed out that the resolution under consideration later in the agenda would propose an amendment to the Zoning Map that would rezone all of the other parcels in the Courthouse area as had been recommended by ZORC and requested by the Planning Commission. He admitted that staff agreed that those parcels were the right ones for the District, but was encouraging the Board to first make sure that everything worked before adding any more parcels.

Mr. Evelyn announced that his family owned a parcel that abutted some of the subject parcels and he removed himself from discussion and vote and then left the dais.

Mr. Trout asked about current development in the area. Mr. Homewood advised that Maidstone and Preservation Office Park were being developed according to a Master Plan and the setback and yard requirements that existed under the *Business* zoning had caused problems for the developer in Maidstone and the proposal under consideration would solve

those problems. He indicated that many of the parcels on the north side of Route 249 were developed but whether they were fully developed would be a question for the property owners. He did note that there were some very large tracts of undeveloped land on the north side, but no development plans had been submitted for consideration. He added that a preliminary plan for development of a 125-acre parcel on the south side had been prepared and likely seen by some of the Board members, which followed the same concepts proposed for the Courthouse village.

Mr. Homewood advised that in order to add additional parcels, the recommendation would have to go through the advertising process and public hearings with both the Planning Commission and the Board.

Mr. Sparks raised concerns about the proposed height of 75 feet or five stories for some of the units, and how that would affect firefighting capability. He also asked how buildings of that height would complement what existed in the Courthouse area and how a density of 15-units per acre could be achieved.

Mr. Homewood explained that density could be easily reached with a two-story apartment building or other similar structure. Regarding the maximum height proposal, he advised that a five-story structure in the low-lying areas at the rear of the Courthouse property would likely not appear to be five-stories from the roadway.

There was discussion regarding the heights of some of the existing buildings in the County, including the Courthouse and Colonial Downs. Mr. Homewood reported that the proposed heights were those recommended by ZORC and staff had not changed them. He added that should the Board prefer a lower maximum height, then that change could be made prior to adoption.

Several of the Board members advised that they would like to make such a change. Mr. Davis commented that the County's current firefighting equipment would not reach 75 feet and the County could not afford to purchase equipment that would.

Following additional discussion regarding maximum building height, Mr. Homewood suggested that the Board set the height in feet rather than in stories, leaving it up to the developer to decide how many stories would fit. County Attorney Jeff Summer reported that the current County Code provided that in *R-3* classifications, three stories equaled 50 feet.

Staff reported that architectural features could exceed the height limits.

The Chairman opened the Public Hearing.

Karen Clendenden of Sandston, complained that the County was considering rezoning its own property that would allow up to 15 units per acre, but had denied a recent rezoning that would have produced only 16 homes, and how the County did not hold itself up to the same rules and standards that were required of the citizens, and she questioned whether the County had planned to sell off some of its land.

Brenda Donner of 4201 Rose Cottage Road also objected to the proposed density, stating that it was wrong to give itself and "a few others" rezoning opportunities but not everyone. She challenged the Board to "do what was right".

John Crump of 9006 Chestnut Grove Lane, the developer of Maidstone and Preservation Office Park, and a member of ZORC, spoke about how the village concept had arisen from the Comprehensive Plan adopted in 2003 and how much time and energy had been devoted by ZORC members to developing a recommendation for the Courthouse area and others. He indicated that Maidstone complied with the proposed regulations for the District and had a density of 4.8 units per acre, and he felt that a density of 8 or 15 units per acre would be difficult if not impossible to achieve. He commented that concentrating density in villages would help to keep the remainder of the County rural, and he would appreciate the Board's adoption of the proposed ordinances.

Tom Hoover of 11940 New Kent Highway and a resident of the Courthouse area, complimented Mr. Crump on a "very classy, beautiful development" and commented that he felt a density of 5 acres per unit would be sufficient. He agreed with Board members' comments about the proposed height, stating that he felt that having four- or five-story buildings would change the character of the Courthouse area, and that adopting the proposed ordinance as written would permit five-story buildings anywhere in the village, not just in the low-lying areas, and would destroy what the County was trying so hard to protect. He spoke in support of "going slow" in adding property to the District, suggesting that the school property not be included.

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

Chairman Davis clarified that the County did not intend to sell its property, and he asked Mr. Homewood to explain why the school and County property were being proposed for inclusion within the *Courthouse Development District*. Mr. Homewood advised that those parcels were an integral part of the Courthouse area. He indicated that one of the purposes of the ordinance was to create a consistency in development and form across the area along New Kent Highway, and those regulations would apply equally to County structures. He clarified that there was no requirement to develop residential units on any of the parcels.

Mr. Davis asked about existing *R-3* zoned parcels in the County. Mr. Homewood reported that the only *R-3* zoned parcels were in Maidstone, and a bulk of the *R-2* zoned property belonged to the County, with some others scattered around the County and likely totaled less than 100 acres, net of County-owned property.

In light of Mr. Crump's statement about density, Mr. Trout asked about the request for density of 8 to 15 units per acre. Mr. Homewood pointed out that the units in Maidstone were not the only type that could be developed, and it was not true that any other type would not be attractive or fit in well with the Courthouse area. He mentioned apartment units with 800 to 1,200 square feet or less would provide a range of opportunities for all residents, regardless of income, and a village would be an area where the County would want to focus that attention, and would provide a place where residents could live, work, play and shop all in the same area. He said it was important to focus density and draw it into an area with water and sewer, and other infrastructure to support it and allow the remaining areas in the County to remain rural.

Discussion followed regarding the number of units, density, and heights. Mr. Homewood advised that the Board retained the ability to amend the ordinance and that was why it was important to go slow before adding additional parcels to the District.

Mr. Summers clarified that the resolution under consideration later in the agenda would not add the additional acreage but would send the request to the Planning Commission to consider. Mr. Homewood reported that the additional acreage totaled about 286 acres.

Mr. Davis asked how a 50-foot maximum height would affect the schools or churches. Mr. Homewood explained that schools would be limited to that height but that steeples for the churches would not count.

It was pointed out that parcels on both the north and south side of New Kent Highway were included in the designated utility service district, even though only parcels on the south side were connected.

Mr. Sparks stated that he agreed with the comments by Mr. Hoover regarding density. He commented that he could live with a density of 8 units per acre and a decreased maximum height and could not agree with a higher density in the Courthouse area but could see a higher density in Bottoms Bridge. He stated that he liked the Courthouse area the way it was and did not want to see it change that much.

Mr. Trout stated that he had some of the same concerns and asked that it might be appropriate to postpone taking any action. He agreed with "going slow", noting that with the availability of water and sewer there was a higher potential for development than ever before. He suggested that the Board make adjustments to the maximum height and density and give the Planning Department an opportunity to look at those changes and bring it back at a future work session.

Mr. Sparks asked if staff was comfortable with moving forward with the height and density adjustments, or did it need additional time. Mr. Homewood responded that those were policy decisions and that there were no technical problems with the changes.

There was discussion on how to best make those changes.

Mr. Sparks then moved to adopt Ordinance O-18-09, with the following changes to Article XIV. Special Area Districts: Section 98.541(d), Maximum Residential Density shall be 8 dwellings per acre, with elimination of the language concerning Development Rights Transfer, and Maximum Heights shall be 50 feet for commercial and mixed use, 45 feet for single family detached and attached, and 50 feet for multi-family residential; and elimination of the phrase "\*\*if the County adopts a transfer of development rights program in accordance with Section 15.2-2316.2 of the Code of Virginia". The members were polled:

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

The motion carried.

Under consideration by the Board was Ordinance O-19-09 reclassifying approximately 190 acres of land in the Courthouse area from *R-2*, *R-3* and *Business to Courthouse Development*. These properties consisted of land area in Maidstone and Preservation Office Park, as well as property occupied by County schools, courts, government offices, and the New Kent Post Office.

Mr. Homewood pointed out on a map the property that had been advertised and what was under consideration.

He advised that the property for the New Kent Post Office was zoned *R-2* and he thought other post offices in the County were on property zoned *Business*. He noted that New Kent was one of the localities that allowed government use in any zoning classification.

The Chairman opened the Public Hearing.

Brenda Donner reiterated some of the statements made during the previous Public Hearing, noting that the County had just rezoned some of its school property and now wanted to reclassify it again.

Lloyd Poe of 16401 Clover Hill Road and sole owner of a 125-acre parcel adjacent to County-owned property in the Courthouse area commended Mr. Crump for his development. He reported that he had used the same architect as Mr. Crump for the development design of his property which would be a mixed-use area with commercial and various types of housing units. He reminded the Board that the County would have to approve a site plan before development could move forward and he was confused why there was concern about additional parcels being included since zoning did not automatically allow them to develop.

John Crump explained that villages required certain elements, which included schools, churches, recreation, government, courts and commercial establishments, and that was one of the reasons why the school- and government-owned property were proposed for inclusion in the District. He added that without those components, it would just be another housing development. He also stated that a good way to maintain the character of the Courthouse Village was to create an historic district with a review board.

Mr. Trout spoke about his recent efforts to establish an historic district in the Courthouse area, which would not put any restrictions on what could be done with the property but would afford opportunities to property owners for federal or state grant funds and/or tax credits for renovations or restorations.

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

Mr. Sparks moved to adopt Ordinance O-19-09, as presented. The members were polled:

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

The motion carried.

Under consideration by the Board was Resolution R-55-09 to initiate an amendment of the zoning maps to reclassify additional property in the Courthouse area to *Courthouse Development District*.

Mr. Homewood reported that this resolution arose from a recommendation from the Planning Commission to consider adding additional parcels to the Courthouse District. He indicated that should the Board adopt the proposed resolution, the application would go back to the Planning Commission for public hearing and recommendation and then come back to the Board. He confirmed that the Board could add parcels at any time.

Mr. Trout commented that this was where the Board needed to "go slow" and it appeared appropriate to deny the resolution at this time.

Mr. Trout moved to deny Resolution R-55-09. The members were polled:

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

The motion carried and the resolution was denied.

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IN RE: ZONING ORDINANCE & MAP RECONCILIATION

Under consideration by the Board was Ordinance O-21-09 reconciling the adopted Zoning Ordinance with the adopted Zoning Map.

Planner Kelli Le Duc reviewed that in the recent broad zoning reclassification, there were 75 parcels intended for change either that were either omitted from the ordinance or from the Zoning Map. She advised that adoption of the proposed ordinance would reconcile those discrepancies and would not change the zoning of any parcel that had not been intended. She reported that the Planning Commission had considered the proposal at its September meeting and voted 7:0 to recommend approval, with one abstention.

Mr. Burrell advised that he owned a piece of property involved in the reclassification and then removed himself from discussion and vote and left the dais.

Ms. Le Duc confirmed that the listed parcels had been "triple checked" and were correct.

The Chairman opened the Public Hearing.

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

Mr. Sparks moved to adopt Ordinance O-21-09, as presented. The members were polled:

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

The motion carried.

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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 Thursday, November 12, 2009, and its next work session at 3 p.m. on Wednesday, October 28, 2009, both in the Boardroom of the County Administration Building; that the Board would host the groundbreaking for the Parham Landing Wastewater Treatment Plant Expansion and Reclaimed Water Line projects at 1:30 p.m. on October 28, 2009, at the Parham Landing Plant, at 7800 Parham Landing Road, in Eltham; and together with the Economic Development Authority would host a meeting with businesses from

Providence Forge and Lanexa from 3 p.m. to 5 p.m. on Thursday, October 22, 2009, at the Forestry Dept. Conference Center at 11301 Pocahontas Trail, Providence Forge.

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IN RE:           ADJOURNMENT

Mr. Burrell moved to adjourn the meeting. 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.

The meeting was adjourned at 8:45 p.m.