

THE BOARD OF SUPERVISORS HELD A WORK SESSION ON THE 10<sup>h</sup> DAY OF  
FEBRUARY, IN THE YEAR TWO THOUSAND THREE OF OUR LORD IN THE  
COURTROOM OF THE OLD COURTHOUSE IN NEW KENT, VIRGINIA, AT 4:03 P.M.

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IN RE: ROLL CALL

Rebecca M. Ringley	Present
James H. Burrell	Present
Dean E. Raynes	Present
W. R. "Ray" Davis, Jr.	Present
Julian T. Lipscomb, Sr.	Present

Chairman Lipscomb opened the meeting.

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IN RE: PHASE III, COURTHOUSE PEDESTRIAN PLAN

Planning Director, George Homewood, reported that the County had received a grant for Phase III, as part of the ISTE A process, for landscaping, lighting and street furnishings. Changing the wiring from overhead to buried has been determined to be too costly and will not be included in the plans. He reported that an RFP had been sent out for this project, and Williamsburg Environmental Group was selected. A committee of stakeholders was formed and met with the engineers who are here tonight with conceptual schemes for review.

Mary Higgins from Williamsburg Environmental Group, explained the process through which they developed the first designs. It is their goal to incorporate English garden features, using low maintenance and drought resistant vegetation and trees. The area proposed for the project runs from the Post Office up to the high school, and she reviewed the various suggestions for picnic areas, fencing, water fountains, bike racks, lighting fixtures, benches, bollards, trash receptacles and other items in an attempt to have a coordinated look throughout the area. They are proposing sidewalks to be installed in the median in front of the middle school in order to pull pedestrian traffic from the school, and to update and enhance the signs at each building in order to provide some consistency. She reported that there was a request from the schools to include an event sign at the corner of Egypt Road, and it is their suggestion that the high school students be involved in creating a shallow marsh vegetation area in the drainage ditch by the school, as well as being involved in the planting and maintenance of annual flowers and plants. The project is intended to be base plan that can be implemented over the years, with the work being done in phases, as funds permit.

There was discussion about preferences in lighting fixtures, bench materials, and ornamental trees as well as the possibility of the high school shop students being involved in making the wooden bollards for use in front of the middle school which are often hit by traffic. There is the option of having donations made for the benches and trees.

Mr. Homewood reported that there is \$100,000 already in the budget for implementation of this project, which includes a \$20,000 match from the County, and the County does have the option to ask for more money next year as an add on.

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The Board approved the basic concept of the project. Ms. Higgins estimated that it would take approximately six weeks to have the preliminary proposals with options and cost estimates, and twelve weeks to prepare the construction documents. The Board asked that the work begin at the Courthouse Complex area, leaving the middle school as the last phase since there may be some changes in configuration there.

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IN RE: HORSE KEEPING IN RESIDENTIAL DISTRICTS

Proposed Ordinance O-01-03 was deferred by the Board at the January 13 meeting, and George Homewood requested the Board for input so that this issue can be re-submitted at the March meeting. He reported that this is not a burning issue, and that no one has applied for a Conditional Use Permit to keep a horse in a residential district during the 16 months he has work in New Kent. The application for a CUP for this requires a \$750 filing fee, as well as a public hearing before the Planning Commission and the Board of Supervisors.

Mr. Raynes indicated that this issue grew from a situation that exists in Turners Neck which has lots of 5+ acres and equestrian easements which permit one horse per 3 acres. Two of the residents have horses. Some of the lots in this subdivision are zoned residential and some are zoned agricultural; unfortunately, one of the owners of residentially-zoned property purchased it under the assumption that he could have horses.

Mr. Davis suggested that the ordinance not be changed, but to lower the cost of the CUP.

Mr. Lipscomb suggested that horses be allowed by right on property consisting of three or more acres, subject to certain performance standards.

Mr. Homewood reminded the Board that in a by-right situation, if the applicant has conformed to all of the requirements, denial would not be an option. He indicated that the CUP process can be streamlined, wherein it is heard by only one body, either the Planning Commission, the Board of Supervisors, or the Board of Zoning Appeals, which would reduce the time and cost by one-half.

Phyllis Katz confirmed that all CUP fees do not have to be the same, as long as they are based upon the actual amount of staff time used and the expenses incurred.

Following discussions concerning amount of acreage, restrictions, set-back lines, and restrictive covenants, the Board agreed that they would approve an ordinance which would permit horse keeping in residential zones, by right, if: (1) the property contained at least five acres; (2) horse keeping was specifically permitted in the restrictive covenants; (3) setback requirements were the same as required in agricultural zones; and (4) would permit one horse per two acres, reserving one acre for the main dwelling. Applicants who do not meet these criteria can still apply for a CUP as currently provided. This will be presented to the Board for approval at the March meeting.

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RE: OTHER BUSINESS

County Administrator, Gary Christie, and Chairman Lipscomb reviewed with the Board the preliminary sketch for renovations of the second floor of the Courthouse.

Mary Altemus, Accounting and Budget Director, shared information with the Board regarding an anticipated request for relief by a citizen from Quinton Estates who incurred an excessive water bill as the result of an undetected leak. The Code currently permits the County to waive a maximum of \$75 in such instances.

Mr. Christie requested permission to make a change to the agenda, substituting a discussion on engineering services for generators for Item 9 and removing development timing. Also, the vote on the Colonial Downs application for a permit for motorized racing, which was deferred on February 6, needs to be added to the agenda. He will also cover the Financial Advisor matter under staff reports of the regular meeting.

Ms. Katz updated the Board regarding litigation involving D&M Contractors which has been dismissed at the County's request.

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RE: ADJOURNMENT

There being no further business, the meeting was adjourned at 5:50 p.m.

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