

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 4<sup>th</sup> DAY OF AUGUST IN THE YEAR TWO THOUSAND THREE OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING AT 6:00 P.M.

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IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

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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 called the meeting to order.

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IN RE: CONSENT AGENDA

County Administrator Gary Christie presented the Consent Agenda, which consisted of approval of the minutes for the July 14, 2003 regular meeting; Road Name Additions of Wahrani Ridge Road, Tucker's Pines Lane, Cumberland Estate Road, Butter Bean Hill, Rose Petal Lane, Kings Pond Drive, Kings Pond Court, Kings Pond Place, and Brandon Pines Drive; Resolution R-23-03 regarding state funding for local education; approval of the lease with Thomas Hoover for rental of office space for the Commonwealth's Attorney; Resolution R-25-03 approving the FY04 Community Services Board Performance Contract; and approval of the First Addendum to Special Project Service Agreement for Propane Tank Collection Services with Central Virginia Waste Management Authority.

Mr. Christie reported that financial information will be a part of the Staff Reports later in the agenda.

Mr. Burrell moved to approve the Consent Agenda. The members were polled:

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

The motion carried.

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IN RE: CITIZENS COMMENT PERIOD

Chairman Lipscomb opened the Citizens Comment Period. There being no one signed up to speak, the chairman closed the Citizen Comment period.

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IN RE: ELECTED OFFICIALS REPORT

Commissioner of the Revenue, John Crump, reported on his recent trip to Kent, England. He indicated that the trip was privately funded, and enabled him, his partner Tolar Nolley, Planning Director George Homewood, and Mr. Hopke, the architect for the Villages of New Kent, to meet with Kent officials. The focus of their trip was business, education and tourism and Mr. Crump described the similarities he found

between the two localities. He indicated that Kent was interested in pursuing an official working relationship with New Kent County and the State of Virginia, and he was of the opinion that New Kent County could greatly benefit from Kent's experience and success in preserving areas of open spaces while still encouraging businesses. Kent is interested in participating in the celebration of Jamestown 2007 as well as the County's 350<sup>th</sup> anniversary. He would like to pursue this matter with the Board at a future work session .

Mrs. Ringley reminded Bottoms Bridge property owners to provide anticipated usage information to R. Stuart Royer for the sewer study. She reported that the Selection Committee for the Middle School Feasibility Study had reviewed the proposals and had narrowed down the list for interviews.

Mr. Burrell indicated that he had attended a meeting of the State Board of Corrections, but had nothing to report that would affect New Kent. He reported that figures from Central Virginia Waste Management indicate that recycling has increased by 25% since the new containers had been installed at the refuse sites. The Colonial Community Criminal Justice Board will not meet until next month. Mr. Burrell requested that the County Administrator follow up on the correct spelling of "Wahrani" (as opposed to "Warreneye").

Mr. Davis reported that he and Mr. Christie had recently attended a meeting of the Peninsula Mayors & Chairs. He indicated that the County is still working on finding a solution to the problems in Plum Point.

Mr. Lipscomb reported that he had received a letter from Colonial Downs requesting to withdraw its application for a motorized race. Mr. Davis asked if the application could be withdrawn after it had been voted upon. County Attorney Phyllis Katz indicated that it could be withdrawn because no action had been taken by the Board (tied vote).

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IN RE: STAFF REPORT

County Attorney Phyllis Katz reviewed the guidelines for approval of a CDA, and requested approval by the Board. After discussion, it was the consensus of the Board to continue this to a work session at which time the guidelines can be reviewed paragraph by paragraph.

Ms. Katz reviewed proposed Resolution R-24-03 which will permit the County to seek tax-exempt financing to reimburse the general fund for expenditures made on the capital improvement projects itemized on the attached schedule, retroactively for a period of sixty days and up to three years in the future. This Resolution does not request financing and does not require that the capital projects be financed, and is the next step in the capital improvements planning process. Ms. Katz indicated that this would only cover those projects listed on the attached schedule and suggested that the County adopt a similar resolution each year as new projects are determined. Following discussion, Mr. Burrell moved to adopt Resolution R-24-03 as presented. The members were polled:

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

The motion carried.

County Administrator Gary Christie reported that he needs two members from the Board to serve on a review committee for the selection of the firm to perform the compensation and classification study. Chairman Lipscomb appointed Mrs. Ringley and Mr. Burrell.

Mr. Christie recommended that a committee be established to make recommendations regarding a county utility reimbursement policy. After discussion, Chairman Lipscomb directed that the committee be made up of two members of the Board, one member from the Economic Development Authority and two

staff members. Chairman Lipscomb appointed Mr. Davis and Mr. Raynes to represent the Board on this committee.

Public Safety Director Larry Gallaher reported on the recent emergency preparedness exercise conducted in connection with the Surry Nuclear Power Plant. He indicated that both the state and federal evaluators had highly commended New Kent on its response and participants. Mr. Gallaher reported that the fire station is 91% complete and is anticipated to be substantially complete by August 29.

Accounting and Budget Director Mary Altemus reported that since the Board meeting was being held a week earlier than normal, financial information was not available in time to be included on the Consent Agenda. She reported as follows:

Receipts during the month of July totaled \$2,024,248.55

Expenditures during the month of July totaled \$2,361,397.25

Treasurer's Cash Report indicated cash on hand as of June, 2003 was \$15,495,656.91

Carry Forwards for FY03/04:

\$1,600.00 training funds for front desk/switchboard

\$7,766.00 computer upgrades for Clerk's Office

\$3,192.00 digitizing existing plats in Clerk's Office

\$114,723.00 for GIS updates (capital - MIS)

\$5,000.00 new plotter for MIS

\$188,000.00 for airport hanger upgrades, perimeter fence, prevention plan and runway plans

\$12,233.00 for program funds collected in FY03 by Parks and Rec

\$275.00 for installation of cable line for the Juvenile & Domestic Relations Court

\$26,572.00 for fire station

\$39,117.00 for public safety education/training, program funds, turnout gear replacement and machinery & equipment

\$315.02 dog and cat sterilization

\$398,793.02 total

(\$257,498.02) from general fund - fund balance

(\$141,295.00) from capital projects - fund balance

Other Appropriations for FY03/04

\$500.00 DMV Child Safety Grant

\$1,500.00 Bicycle Safety Program

\$1,500.00 Operation Strike Force Grant

\$1,500.00 Occupant Protection Checkpoint Mini-grant

\$5,000.00 Arts Alive Grant

\$4,493.00 additional state funds

\$14,493.00 total

(\$14,043.70) money in/money out

(\$49.30) from general fund - fund balance

Mr. Burrell moved to approve the appropriations and carry forwards as presented. The members were polled:

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

The motion passed.

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IN RE: RESIDENT ENGINEERS REPORT

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Dan Mott, Assistant Resident Engineer from VDOT, reported that crews had been mowing, grading dirt roads and enhancing pipes throughout the County over the past month, and that work has resumed on Route 611. The I-64 Eastbound Rest Area will hold its grand opening on August 28 and will be open to the public at that time.

Mr. Raynes inquired if lines were going to be repainted on that portion of Route 627 (south of Route 60) that has recently been resurfaced. Mr. Mott indicated he would check on that.

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IN RE: VIRGINIA JUVENILE CRIME DIVERSION

County Administrator Gary Christie reported that the County provides funding for the Merrimac Juvenile Detention Center, with \$4,400 being budgeted for this fiscal year. A regional juvenile crime diversion program offers a community service alternative to incarceration, for which New Kent provides funding of \$3,105. New Kent has been asked to provide an additional \$7,395 (\$3,000 for FY03 and \$4,395 for FY04) because of cuts in state funding. The surrounding counties of King and Queen, King William, Middlesex and Charles City have each agreed to provide some additional funding. It has been reported that without the additional funding, the two positions providing this service may be reduced to one, which is likely to result in New Kent's spending more money to incarcerate juveniles, which costs \$137.50 per day for each. It was Mr. Christie's recommendation that the County make a one time appropriation of \$3,000 from the contingency fund for FY04 and an appropriation from the general fund balance of \$3,000 for FY03, and review it again next year at budget time. Tom Gooding and Sherry Tate were on hand to answer questions.

Mr. Burrell commented that community service is better than incarceration, and would be in favor of the proposal.

Mr. Davis inquired how New Kent's portion had been calculated. Ms. Tate reported that of the 300 referrals made last year, 100 were from New Kent, 100 were from King William, and the remaining from the other localities, and those percentages were used to determine the amounts requested from each localities.

Mrs. Ringley inquired how the process worked. It was reported that the Judge orders the community service. The juvenile then contacts their program to arrange for community service, and their staff reports back to the Court. The diversion program has been contacted by an average of 72% of the referrals made.

Mr. Gooding and Ms. Tate reported a need for more community service sites and are looking to churches and non-profit groups.

Mr. Davis moved to increase funding for Virginia Juvenile Crime Control Act by \$3,000 for FY03/04, and to appropriate \$3,000 from the General Fund Balance for FY03. The members were polled:

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

The motion carried.

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IN RE: APPOINTMENTS

The Board will continue to make appointments to various committees.

There were no appointments for Districts 1, 2, 3 or 4.

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Mr. Davis moved to appoint Sue Leary as District Five's representative to the Heritage Library Board of Trustees to serve a four-year term beginning July 1, 2003 and ending June 30, 2007.

The members were polled:

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

The motion carried

Board and Commissions not delegated by Districts:

Mr. Davis moved to appoint Steve Miles as an at-large member of the 350<sup>th</sup> Commemoration Committee to complete a two-year term ending March 31, 2005. The members were polled:

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

The motion carried.

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IN RE: GRANTING OF EASEMENT TO VERIZON AT THE FIRE STATION

County Administrator Gary Christie indicated that Verizon had requested an easement at the new fire station, similar to the one granted to Dominion Virginia Power at a previous meeting.

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

Mrs. Ringley moved to authorize the County Administrator to execute a Deed of Easement with Verizon Virginia, Inc., conveying a right of way across property owned by New Kent County located on State Route 155 and designated as GPIN #43-28. The members were polled:

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

The motion passed

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IN RE: REVISED COMPREHENSIVE PLAN

Lamont Myers, Economic Analyst from the Community Development Department, presented the draft comprehensive plan named "Vision 2020" by power point presentation. He stated that the Code of Virginia requires that all localities adopt a comprehensive plan and review it at least every five years. The current plan was adopted in 1992 and has been amended with three area plans and a water resources element. Mr. Myers reviewed the public input process which started over two years ago and included four public hearings, a series of joint work sessions, numerous telephone, e-mail and personal meetings with land owners and citizens, as well as the chronologies of public notices and newspaper articles. On May 19, 2003, the Planning Commission certified the Plan to the Board of Supervisors at

which time staff requested to review a recent study of the Black Creek Reservoir. The alternatives are to leave the text as is, or replace text language to reference the need for a comprehensive study of the county's future water needs.

Mr. Myers reviewed the plan elements, which include an overview of existing conditions, goals, objectives, implementation strategies and maps (including a land use map). Directives received from the public included the need for managed growth, desire for distinct villages surrounded by rural land, public utilities in villages, and the need for economic growth but not at the expense of the environment or the rural quality of life. The overarching goals became preservation of the county's existing rural character, protection of the natural environment, responsible economic development, and maintenance of a low property tax rate. Key implementation strategies include adoption of innovative storm water and waste water practices; promotion of eco- and agri-tourism, encouraging the use of conservation and agricultural easements, provision for the development of viable villages, funding of public utilities to villages and interstate interchanges, adoption of flexible zoning in exchange for performance standards, provision of flexibility in housing development to afford home ownership opportunity for all county citizens, and adoption of traffic calming techniques within villages and residential areas while encouraging multi modal opportunities.

Mr. Myers reported on two significant text changes made by the Planning Commission. The eastern and southern branches of the Black Creek Reservoir were highlighted on the Water Resources Map as potential reservoir sites, and the following added as a strategy: "Protect the southern and eastern branches of Black Creek as potential impoundment areas to serve the future water needs of the County". The affordable housing strategy was revised to "develop and adopt an affordable housing strategy that will serve the unmet needs of the County and the region". Changes to land use definitions included allowing land in agriculture and forestry areas to be subdivided using "cluster" or "open space" techniques (which may enhance rather than reduce property values); expansion of the definition of "rural lands"; removal of "suburban housing attached" as a designation; and expansion of the definitions of "village" and "commercial".

Mr. Myers reviewed the changes that were made to the Land Use Map in the Bottoms Bridge, Providence Forge, Lanexa, Barhamsville and Eltham.

He also reviewed the three alternatives that are available regarding the Route 33 corridor, namely the Planning Commission recommendation, the sub-committee recommendation and staff recommendation, and reported that the Board could adopt any alternative without remanding to the Planning Commission. This area was designated as light industrial and highway commercial on the 1992 plan, but unfortunately the zoning was never changed. Since that time, homes have been built in that area, and presently approximately 25 existing homes would be impacted.

Mr. Myers indicated that the draft plan will provide a framework for the orderly development of centers of economic and housing activity; will preserve the rural look and character of the vast majority of the County, will promote the development of villages that incorporate a mixture of housing, commerce, recreation and public services; will combine incentives such as flexible zoning tools with creation of performance standards to ensure quality development; and is intended to be action oriented. He stated that the adoption of the draft plan should be followed by new zoning and subdivision ordinances, a capital improvement program, and a delicate balancing of public and private interests.

Mr. Myers reviewed land use acreages and land use designations, as well as similarities with and differences to the 1992 plan

He reported that staff recommends that the language regarding Black Creek Reservoir be replaced with alternative language regarding the need for a comprehensive water needs study, and that the Board adopt the staff recommendation on the Route 33 corridor. Adoption of the plan can be accomplished through adoption of Ordinance O-11-03.

Mr. Burrell inquired how a decision on the Black Creek Reservoir would affect the Farms of New Kent. It is his opinion that water is now the key issue to growth.

Mr. Davis cautioned the Board not to be short-sighted regarding the Black Creek Reservoir and agreed with the need for a water study.

Community Development Director George Homewood stated that only the southern branch of the Black Creek Reservoir would be affected by the Farms of New Kent. He also expressed his thanks to Christine Fix and the Richmond Regional Planning District Commission for their help in preparing the plan.

Chairman Lipscomb opened the Public Hearing, explained the rules, and reminded those in attendance that the issue tonight was the Comprehensive Plan.

John Rick spoke on behalf of Wingspread Partners regarding two parcels of land. The Wright parcel is located next to Colonial Downs and is perfect for "economic opportunity" designation. It was his opinion that it had not been given that designation because access is shown through Brickshire. However, the parcel can be accessed through Colonial Downs and he asked that the Board change the designation to "economic opportunity". The Colonial parcel abuts Brickshire, and he indicated that it would make more sense to change the designation for that parcel to "suburban housing".

Gordon Martin owns 26 acres off Stage Road and is against the Planning Commission and subcommittee recommendations, and asked that those alternatives be rejected.

Ron Sherenco, a resident of Stage Road, indicated that he had presented petitions containing 370 signatures against extending the "economic opportunity" designation to Stage Road. He feels that the adoption of the comprehensive plan and the application recently filed by Dragons Ridge are one issue, and urged the Board to consider whether the revenues would outweigh the detriments.

David Kitchens lives 2 miles from Route 33, and expressed agreement with the previous two speakers. He stated that economic growth should not proceed at the expense of the environment and the rural quality of life. He stated that noise from a racetrack would be disturbing.

Bobbie Swearingen of Kent Point Lane agreed with Mr. Kitchens, and expressed his concern that the area may lose its tranquility and property values may decrease.

Jay Berryman of Clark Road stated that he is against any plan that will permit a racetrack to be built between two residential areas, and indicated that the noise will destroy the rural character. He urged a careful consideration of growth.

Melvin Bryant stated that he has lived in the area since 1957 and bought land on Route 632 in 1970. He indicated that he is against any rezoning and likes the peace and quiet. Everyone thought that this was a residential area and it would be a serious mistake.

Chairman Lipscomb reminded those in attendance that a rezoning is not the issue for the Public Hearing.

Karen Aneiro of Farmers Drive read a e-mail that she had sent to the Board. Dragons Ridge is two miles from her home and she is against it. She spoke about noise pollution, increased traffic and littering, and said the racetrack would not be good for the County and asked for a vote against rezoning of Stage Road.

Wayne Williamson of Hidden Hills Lane stated that he had counted 75 mailboxes in the area in question, and is against extending the "economic opportunity" designation down the graveled portion of Stage Road. He has estimated the tax revenue of the 75 homes to be in the neighborhood of \$4.5 million. He is strongly opposed to commercial development on Stage Road and urged the Board to adopt the staff recommendation.

Jeff Booth declined to speak.

Rob Hale, of Farmers Drive, stated that he lives one mile from Route 30 and has commuted to work for 12 years. He noted that Kent, England does not have a racetrack. He stated that the impact area of the racetrack would be 75 square miles.

Bonnie Minor spoke in opposition to "economic opportunity" designated being extended along Stage Road. She was against both the Planning Commission proposal and that of the subcommittee. She said that she never would have purchased land there if she knew about the land use designation. She believes more than 25 homes will be affected: there are 41 homes on the unpaved section of Stage Road and more in construction. The landowners were ignorant of the comp plan designations and wonders why homes were allowed to be built there. She stated that the County has a responsibility to its residents, and she stated that she does not feel that a change in land designation will increase the value of the property. This was poor planning on behalf of the County, and it needs to support its residents.

Ben Lee, of Good Hope Road, agrees with his neighbors and hopes the Board listens.

Randy Myers spoke in support of the staff recommendation for the Stage Road area.

Robert Downin of Ropers Church Road, stated that there is a lot of traffic on the unpaved portion of Stage Road and urged the Board members to take their best vehicles down the road at 40 mph. He supports business growth, but does not think that the road can support development.

Barbara Downin declined to speak.

Jessica McNamara of Tyshire Parkway in Providence Forge, thanked John Crump for his presentation, and stated that New Kent has a good opportunity to learn about development from Kent, England. She expressed some concerns about the draft comp plan. She feels "flexible" zoning is ambiguous. She also raised some concerns about conflicts with the Farms of New Kent. She was in support of the staff recommendation.

Patrick Hester, of Stage Road, stated that the Board is charged to follow the Code of Virginia, and proceeded to give definitions of "shall", "made", "will", "best" and "harmonious". He quoted from Section 15.2-2223 of the Code of Virginia: "The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants." He stated that the County has allowed residents to buy land and build homes in this area, and he alleged mismanagement, collusion and abuse of power. He urged the Board to accept the staff recommendation. He also asked the Board to allow to stand those who are in attendance who are not speaking but are against permitting economic opportunity designation for Stage Road.

Lisa Guthrie, a member of the Comp Plan Advisory Committee, stated that economic development has not kept pace with residential growth, and it was her opinion that the draft plan was the best route for growth.

Wayne Hayden, a long-term resident of New Kent, urged the Board to adopt a Plan that has as much economic opportunity as possible. He does not want New Kent to miss a chance to attract a business tax base. He spoke about overcrowded schools and ways to encourage new businesses rather than residential growth.

Chuck Rothenberg, on behalf of the Farms of New Kent, requested that the Black Creek Reservoir be removed from the Comp Plan. According to the report of Resource International, 50 years of rain would not fill the reservoir, and he spoke about wetlands impact, environmental issues and permitting problems. He stated that the Pamunkey River can satisfy the County's future water needs.

Brenda Woods, of Stage Road, indicated that she was 100% in favor of attracting business revenue. She did research before she purchased her land, but didn't know that New Kent had not changed the zoning to match the 1992 comp plan. She asked the Board to adopt the staff recommendation for Stage Road.

Donna Sickels, of Providence Forge, spoke in support of the staff recommendation for Route 33.

Jane Keegel, of Providence Forge, spoke in support of the staff recommendation for Route 33.

Blase Keegel declined to speak.

Edmund Tober, of Stage Road, stated that he has all of his money invested in this, his first home, and he is concerned about what a designation of economic opportunity might do to the value of his property. He stated that the staff recommendation is a compromise for the people on Stage Road. He urged the Board to support the people and not let New Kent be used as a dumping ground. Revenue from a racetrack would be insignificant, and such a business should not be put in anyone's back yard.

Thomas Waltz, a resident of Yorktown, but owner of land in the Route 33 area, recognized that the Board had a tough job. He stated that the Stage Road area has been designated as highway commercial and light industrial since 1992. He stated that a designation of "economic opportunity" along Stage Road would not be all bad and some uses would fit in nicely. He feels that uses allowed in economic opportunity areas are "kinder" than highway commercial/light industrial. New Kent has one of the higher growth rates in the State, and property taxes are increasing. He has been involved in the comp plan process during the past months.

Chris Waltz stated that he invested money on land in the Route 33 area, based upon the zoning and land use designations in the 1992 plan. He stated that this was prime land and asked that the Board accept the Planning Commission recommendation.

Dwight Johnson, of Regal Lane, stated that business and commercial should not infringe upon residential areas, and he does not think that economic opportunity designation is a compatible use. He urged the Board to accept the staff recommendation.

Mother Colette Rist, of the Poor Clare's Order which will soon be moving to Barhamsville, spoke about space, silence and solitude. She stated that noise pollution is being ignored by society. She feels the County should consider safer and more holistic recreation than racetracks, and urged the Board to accept the staff recommendation.

Father Russell Smith, parish priest from St. Elizabeth Ann Seton Catholic Church, recommended that the Board accept the staff recommendation.

Rev. Milton Hathaway stated that the draft comp plan was one of the best he's seen. He acknowledged the areas of concern surrounding the Black Creek Reservoir and the Route 33. He believes that the County's oversight in not changing the zoning on Stage Road was not intentional, but a result of a turnover in Planning Department staff as well as county administrators. However, the residents should not be penalized. He commended the current Planning Department staff and spoke in favor of the staff recommendations for both the Black Creek Reservoir and the Route 33 land use designations.

Donna Friend, of Brickshire Drive, stated that a designation of "economic opportunity" is not compatible along Stage Road and urged the Board to accept the staff recommendation.

Larry Haviland spoke in support of the staff recommendation. New Kent is one of the fastest growing counties.

Linda Callahan, of Brickshire Drive, spoke in support of the staff recommendation.

Charles Riedlinger, of Resource International who prepared the report on the feasibility of using the Black Creek Reservoir for future water needs of the County, stated that Black Creek would require water to be pumped from the Pamunkey, and it cannot maintain enough water within the reservoir to meet the needs of New Kent County. He stated that pumping from the reservoir would impact 80 acres of wetlands, and would flood certain areas, including Crumps Mill. He reminded the Board that permits for reservoirs in other localities have failed, and it is not feasible to include Black Creek Reservoir as a water source. He agrees with the excellent staff recommendation to perform a water needs study.

Billy Cunningham, a builder in New Kent, is in favor of the comp plan.

John Girimont, of Stage Road, admitted that he did not investigate the comp plan before he bought property. However, he does not feel that the County followed through like it should have and changed the zoning to match the 1992 plan. He urged the Board to accept the staff recommendation. He stated that VDOT must also have missed the designation, in that it is currently in the process of surfacing part of the road for low volume traffic. The Board should consider the homeowners that are there now.

George Philbates urged the Board not to remove the Black Creek Reservoir from the comp plan in that Newport News can try to take it. The County needs to preserve it for future uses, but needs a water study too.

Pete Johns, partner in Farms of New Kent and a resident of North Waterside Drive, asked that the Board accept the staff recommendation at is relates to the Black Creek Reservoir. He stated that a study would show that there are better alternatives for a reservoir.

Mark Daniel stated that the study on the Black Creek Reservoir was received minutes before the Planning Commission meeting and the Planning Commission had little chance to review it. He agreed with Mr. Philbates' comments and stated that the firm that performed the study was hired by a large residential project. He wondered if "fairness was a principle of convenience". He believes that the subcommittee's recommendation is the most fair alternative.

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

Mr. Lipscomb stated that he thought the suburban housing in Brickshire should conform to the zoning boundaries of the Kentlands PUD.

Mrs. Ringley indicated that she had some minor changes that she would bring up later in the meeting.

Mr. Burrell thanked the staff, Planning Commission, Citizens Advisory Committee and the citizens for their hard work and input on the comp plan. He understands appreciation for peace and quiet, but warned that growth is coming, and that the County needs economic development. He questioned where in the County anything could be located that wasn't in someone's back yard. He stated that no new economic development would result in increased property taxes. He wants a balance and what is best for the County, which may mean providing for areas of economic opportunity.

Regarding the Wright tract, Mr. Raynes stated that it made sense to extend the economic opportunity area to Route 628. Regarding the Black Creek Reservoir, he suggested leaving the text as is, but adding language calling for a study of the County's water needs. In Barhamsville, he suggested expanding the industrial designation to include those industries already there. Regarding the area bounded by Route 632, 33 and 30, he stated that the County made that a residential area. Only three residents spoke in favor of the Planning Commission recommendation, and the rest were in favor of the staff recommendation. He represents the people and that's the way he has to vote.

Mr. Davis thanked all that attended, and those who had worked on the plan and given input over the past 2 ½ years. He questioned whether everyone knows the definition of economic opportunity. Regarding the Route 33 area, he said that the staff recommendation makes sense. Regarding Black Creek Reservoir, he said that Newport News already owns most of New Kent's water and agreed with Mr.

Philbates that we need to protect it as a future water source. He also agrees with Mr. Raynes' recommendations.

Mr. Lipscomb stated that on the petition with 370 names, 173 did not live in New Kent.

Mrs. Ringley moved that the following changes be made:

Page 55, under Public Utilities: delete the second sentence: "Utility development has been reactive rather than proactive" and change the next sentence to read: "Provision of water and sewer capacity to the Route 33-Eltham corridor *is* due to the construction of the regional jail in this area *and provision of water and sewer capacity to the Route 155/I-64 area is due to the Kentlands/Colonial Downs development.*"

Page 58, under Objective B, add Strategy #5: "*Develop guidelines for maintenance and evaluation of effectiveness of storm water basins.*"

Page 68, under Goal 2, Objective A, change sentence to read: "While maintaining the existing aesthetic appeal and rural character of the roadway encourage the construction of adequate shoulders or *maintenance of existing shoulders,* to enhance vehicular safety".

Page 69, under Objective B, change Strategy #1 to read "construct these improvements, *if feasible*" and change Strategy #2 to read: "*Evaluate construct or retrofit* all collector and higher order roads in New Kent County ~~with~~ for safety shoulders ~~generally no less than four feet in width~~ to provide improved safety for all vehicles using the road".

Page 73 under Objective C, add #3 Strategy: "*Continue dialogue with VDOT for additional I-64 interchange at Route 612*".

The members were polled:

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

The motion carried.

Mr. Raynes moved that the Wright tract, north and west of Route 628, be included in "economic opportunity" and expand the industrial designation in Barhamsville to include those three parcels of land, 24 acres, that are now industrial. The members were polled:

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

The motion carried.

Mr. Davis moved to adopt the staff's recommendation for land designation for the Route 33 corridor, and on page 75, Goal 2, Objective A, Strategy #6, change the language to read "Protect Black Creek *and/or other* ~~as~~ potential water impoundment areas to serve the future water needs of the County *as well as conduct a comprehensive study for the County's long range water supply needs*". The members were polled:

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

The motion carried.

Mr. Lipscomb moved to extend the "suburban housing" designation to include all areas of Kentland. The members were polled:

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

The motion carried.

Mr. Davis moved to adopt O-11-03 R as amended. The members were polled:

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

The motion carried.

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IN RE: MEETING SCHEDULE

The next regular meeting of the Board of Supervisors will be held at 6:00 p.m. on Monday, September 8, 2003, in the Boardroom of the County Administration Building. There will be a work session on Monday, August 25, 2003, at 6:30 p.m. in the Courtroom of the Old Courthouse.

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IN RE: CLOSED SESSION

Mrs. Ringley moved to go into closed session for discussion relating to the acquisition or sale of real property pursuant to Section 2.2-3711A.3 of the Code of Virginia. The members were polled:

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

The motion carried.

The Board emerged from Closed Session. Mrs. Ringley made the following certification:

Whereas, the New Kent County of Supervisors has convened 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

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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.

Chairman Lipscomb inquired whether there was any member who believed that there was a departure from the motion. Members were polled:

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

The motion passed.

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IN RE:           ADJOURNMENT

Mr. Davis made a motion to adjourn. The members were polled:

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

The motion carried. There being no further business, the meeting was adjourned at 11:24 p.m.

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