

NEW KENT COUNTY BOARD OF SUPERVISORS

September 8, 2021, 6:00 PM Boardroom, County Administration Building, 12007 Courthouse Circle, New Kent, VA 23124 - REGULAR MEETING

AGENDA

CALL TO ORDER

INVOCATION and PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA

(Matters included here under may be the subject of one motion to approve provided no Board member requests an item to be separated.)

1. Approval of Minutes

- a. June 30, 2021 Work Session Minutes
- b. July 12, 2021 Regular Session Minutes
- c. July 28, 2021 Work Session Minutes

2. Miscellaneous

- a. Approval of New Development Street Names for FONK Landbay 4 Section 3
- b. Agreement PAPCO, Inc. for purchase of Petroleum Products
- c. Memorandum of Understanding with RiverStreet Communications of Virginia, Inc.
- d. Appropriation of Funds For Emergency Well Pump Repair

3. Refunds

- a. REFUND Main Street Homes \$616.50
- b. REFUND Main Street Homes \$628.50
- c. REFUND Interior 2000 \$52.12
- d. REFUND Comfort First Mechanical LLC \$69.37

4. Supplemental Appropriations

- a. FY21 Supplemental Appropriations
- b. FY22 Supplemental Appropriations

5. Interdepartmental Budget Transfers

- a. FY21 Interdepartmental Budget Transfers
- b. FY22 Interdepartmental Budget Transfers

6. Treasurer's Report

a. Treasurer's Report - July 2021

SPECIAL PRESENTATIONS & INTRODUCTIONS

- Presentation of Certificate of Appreciation to Gage Michael Eutsey - Patricia A. Paige, District 3 Supervisor
- Introduction of New Kent School System Administrators
- Introduction of New Kent County Executive Assistant for Administration - Amanda A. Stanger

CITIZENS COMMENT PERIOD

RESIDENCY ADMINISTRATOR'S REPORT

Residency Administrator's Report for August 2021

PRESENTATIONS

- **ITEM 1** Rappahannock Community College Presentation RCC President Dr. Shannon Kennedy
- **ITEM 2 JWK Properties 7151, LLC. Subdivision Request** County Administrator Rodney Hathaway
- ITEM 3 Initiation of Zoning Ordinance Amendment to Increase the Maximum Building Height of Structures within the Economic Development and Industrial Zoning Districts - Resolution R-20-21 - County Administrator Rodney Hathaway

Public Hearings to be held at 7:00 p.m. or as soon thereafter as possible. Speakers are <u>limited to three minutes each, should come to the podium and state their name and address.</u>

PUBLIC HEARINGS

ITEM	4	PUBLIC HEARING - Review of Designated Streets in the Chickahominy Shores and Patriots Landing Subdivisions for the use of Golf Carts and Utility Vehicles - Ordinance O-28- 21 - County Administrator Rodney Hathaway
ITEM	5	PUBLIC HEARING - Surplus Property Sale of a Former Well Lot in the Greenwood Estates Subdivision - Resolution R-18- 21 - County Administrator Rodney Hathaway
ITEM	6	PUBLIC HEARING - Conditional Use Permit for a Public Maintenance and Repair Shop Designed for Heavy Duty Tractor-trailers and RV's - Resolution R-19-21 - Planning Director Kelli Le Duc and Applicant Andy Curtis
ITEM	7	PUBLIC HEARING - Proposed Amendments to the New Kent County Floodplain Ordinance - Ordinance O-30-21 - <i>Environmental Director Joshua Airaghi</i>
ITEM	8	PUBLIC HEARING - AFD-09-21, Withdrawal from Big Swamp AFD - Ordinance O-31-21 - <i>AFD Program Administrator Sheri L.</i> <i>Adams</i>
ELECT	ED C	OFFICIALS REPORTS
STAFF	REF	PORTS

OTHER BUSINESS

APPOINTMENTS

Appointments - Delegated by District Appointments - Not Delegated by District

ADJOURNMENT

Adjournment

MEETING SCHEDULE: The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on Tuesday, October 12, 2021 and the next work session at 9:00 a.m. on Wednesday, September 29, 2021, both in the Boardroom of the County Administration Building. The Board will also participate in a joint meeting with the Planning Commission at 6:30 p.m. on Monday, September 20, 2021 in the Boardroom of the County Administration Building.

If a meeting cannot be held because of the closing of State and/or County offices, the meeting will be held on the next business day that the County offices are open. New Kent County Board of Supervisors P O Box 150, 12007 Courthouse Circle New Kent, VA 23124

AGENDA ITEM REQUEST

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/20	21 Approval of Minutes
Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	approve the Consent Agenda as presented and that it be made a part of the record. or I move to approve the Consent Agenda as presented and that it be made a part of the record, with the following changes:
Subject	June 30, 2021 Work Session Minutes
Issue	
Recommendation	
Fiscal Implications	
Policy Implications	
Legislative History	
Discussion	

Time Needed:		Person Appearing:	
	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided to:			

Туре

Cover Memo

ATTACHMENTS:

Description June 30, 2021 Work Session Minutes (PDF)

REVIEWERS:

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	8/9/2021 - 9:51 AM
Administration	Hathaway, Rodney	Approved	8/29/2021 - 4:12 PM
Attorney	Hefty, Brendan	Approved	8/31/2021 - 11:54 AM

A REGULAR WORK SESSION WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 30TH DAY OF JUNE IN THE YEAR TWO THOUSAND TWENTY-ONE IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 9:00 A.M.

IN RE: CALL TO ORDER

Chairman Thomas W. Evelyn called the meeting to order and welcomed everyone.

IN RE: ROLL CALL

Thomas W. Evelyn C. Thomas Tiller, Jr. Patricia A. Paige Ron Stiers John N. Lockwood Present Present Present Present

All members were present.

IN RE: COVID-19 VACCINATION PROGRAM – VOLUNTEER RECOGNITION

County Administrator Rodney Hathaway presided over the recognition of COVID-19 vaccination program volunteers. He stated it was an honor to recognize residents and staff who had assisted with the COVID-19 vaccination programs. New Kent had worked very closely with other localities in the Chickahominy Health District and it had been a group effort to provide COVID-19 vaccinations in the County. The program had been very successful and many compliments had been received regarding ease of process, ease of registration and how pleased they had been to have their calls returned and questions answered. He felt the County had scored an "A+" with this program but noted credit for the success did not go to just one person because many County staff, residents, members of the Board of Supervisors and state officials had also been involved. He invited Fire Chief Rick Opett to join him and share information on the New Kent vaccination clinics.

Chief Opett echoed Mr. Hathaway's comments regarding the excellence of this program, the team that had been assembled and the good that had been done in the County. He stated the performance had been phenomenal and he could not say enough about the team and everyone who had assisted. He reported one of the tools they were trained on in the Emergency Management field was "Whole Community" and noted this had truly been a whole community effort. There had been 26 clinics, most of which had been held at New Kent High School. The initial goal with New Kent's population of 23,500 had been to get 12,300 individuals vaccinated. He reported that as of June 30th almost 11,000 New Kent residents had been vaccinated. Original plans had been to offer clinics through the end of July but the decision had been made to end sooner as vaccinations become more readily available in the community. 8,526 vaccinations had been given through clinics in New Kent County and this had been a wonderful accomplishment by many people. He stated that from the bottom of his heart and as the Emergency Management Director, he applauded and thanked everyone who had helped with this phenomenal effort.

Mr. Stiers echoed Mr. Hathaway's and Chief Opett's comments regarding the team effort offering vaccinations for New Kent residents. He stated he remembered seeing some of the individuals present today at clinics and he expressed appreciation for the time they had given. He noted all of this had been done under the leadership of Chief Opett and the

process had worked very well. He reported the Chickahominy Health District had brought others to New Kent clinics to see how our program was operating. He expressed his appreciation to all who had assisted and stated the biggest salute went to Chief Opett.

Mr. Tiller also echoed previous comments and expressed his appreciation to all who had assisted. He reported attending several Friday clinics where many staff members had been assisting. He also noted the large number of Fire-Rescue and Sheriff's Office staff as well as volunteers involved and again expressed appreciation for their time and service.

Ms. Paige echoed the sentiments of Mr. Hathaway and Chief Opett. She also reported that not only had over 10,000 residents received vaccination but the County had also manned a call center with volunteers who had talked with many who had been vaccinated. She added that unlike many of the vaccine sites where you registered and hoped to get a response, those calling the New Kent call center were able to speak with someone and those leaving messages had their calls returned. She added that this had taken many hours and she was proud of how the clinics had been run and proud to be a citizen of New Kent County.

Mr. Lockwood stated the room was sounding like an echo chamber and agreed an amazing job had been done by all. He noted that when a Supervisor received a phone call it was not often a call offering praise but he had received many calls reporting that experiences at New Kent clinics had been incredible. He expressed his appreciation to Chief Opett for his coordination and to everyone who had volunteered and helped make New Kent shine.

Mr. Evelyn reported he had initially met in January with Chief Opett, Mr. Hathaway, Sheriff Joe McLaughlin, New Kent School Superintendent Dr. Brian Nichols and Executive Assistant to Administration Krista Eutsey to discuss COVID vaccinations for New Kent residents. At that time the Chickahominy Health District was encouraging New Kent residents to call their hotline or the Hanover County hotline to get on a vaccination list. Mr. Evelyn reported he had urged staff to think outside of the box and they had come up with the idea of New Kent having its own hotline. Although the Chickahominy Health District had frowned on this idea, Chief Opett, Mr. Hathaway, Sheriff McLaughlin and he had fought back because they felt strongly that New Kent needed to do something for our citizens. Staff had run with this idea and he expressed appreciation for all they and the many volunteers had done to help the citizens. He turned the floor back over to Mr. Hathaway for individual recognitions.

Mr. Hathaway reported volunteers would be receiving a plaque as a token of appreciation for their service. Although some individuals could not be present today, he would call their names and arrangements would be made to get their plaques to them. The acrylic plaques contained the New Kent County logo and stated, "Volunteer Appreciation Award, we hereby express our sincerest appreciation to: (name of individual) In recognition of outstanding volunteer service during the New Kent County COVID-19 Vaccination Program. Thank you for your generosity and dedication. Presented by the New Kent County Board of Supervisors, June 2021." He pointed out that all big programs and projects required spark plugs and noted there had been a number of individuals who had been spark plugs for the call center and vaccination clinics. As the recognitions were announced, it was revealed that those spark plugs had been Travis Jenkins, Holly Naggy, Lisa Baber, Chief Opett and Krista Eutsey. The following individuals were called to receive their awards:

Teresa Alarcon	Teasha Barth
Joshua Airaghi	Chris Brackett
Lisa Baber	Barbara Britt
Jason Baldwin	Gail Carey

Katherine Cheeley Sarah Cochrane Wilber Collins Katherine Cranston Julie Escalona Krista Eutsey Charles Evelyn, III Betty George Suzanne Grable Kotv Grav Kathleen Hale DeDreama Harrod Rodney Hathaway Margaret Jefferson Travis Jenkins Gloria Johnson Kelli Le Duc Cynthia McKinney Debbie McNeer Monica Militrano

Holly Naggy Brian Nichols **Rick Opett** Patricia Paige Glenn Palais Stephanie Parrish Leigh Quick Stephen Sattie Marshall Shelton Matthew Smolnik Jonathan Stanger Justin Stauder Ron Stiers Sarah Storev Patricia Townsend Kim Turner Suzanne Uzzell Wanda Watkins Becky Wells Stephen Woodward

Chief Opett presented a plaque to Mr. Hathaway and noted any successful program needed support from the top. Mr. Hathaway had always been the first one to say, "let's make it happen" and had been out in the trenches registering people and working clinics. He thanked him for everything he had done.

Mr. Hathaway presented plaques to Mr. Stiers, Ms. Paige and Chief Opett. He reported Mr. Stiers had attended the first clinic and had asked if there was anything he could do to help. He had also attended and assisted at numerous clinics since then. Ms. Paige had not only come to vaccination events but she had also worked in the call center and had jumped in wherever assistance was needed. He noted Chief Opett had definitely been one of the spark plugs and had been instrumental in the design of the process. He stated he didn't think we could have done better and thanked Chief Opett for his leadership, time and efforts.

Mr. Hathaway stated you always save the best for last and that individual had been a true spark plug who had been asked to take on a task and had run with it. He added that it was great to have people on your team that could be counted on to get something done and to get it done right and that individual was Krista Eutsey. Chief Opett jumped in and noted he had not mentioned Ms. Eutsey's service in the call center. He reported that when they had met with Mr. Evelyn in January and discussed what the County could do, they had decided they wanted the citizens to have an opportunity to speak with a human. He had looked at Ms. Eutsey and said, "you've got this, it's yours." He noted the high quality performance of everyone in the call center, especially Ms. Eutsey who had managed the day to day operations. Mr. Hathaway reported they had wanted to get Ms. Eutsey a gift that she truly could use. He noted she would soon be going on a much deserved vacation and the gift they had chosen would be something she could use while away. He presented her with a New Kent County logo cooler and an appreciation plague.

Mr. Hathaway closed the recognitions by again thanking everyone for their dedication. He noted many volunteers had jumped in without even being asked. He reported there had been a point when he had started assigning departments to work the call center and he had been concerned about the blow back he would receive. He noted many of those who had

been asked to work had expressed appreciation for the opportunity to serve New Kent County citizens and to work in the call center. He added that was the type of staff in New Kent and he was proud to work with them.

Mr. Evelyn called for a brief recess at 9:26 a.m. The meeting reconvened at 9:34 a.m.

IN RE: NEW KENT COUNTY FAIR ASSOCIATION FUNDING REQUEST

New Kent County Fair Association Chairman Martha A. Martin reported that for almost fifty years the Fair Association had hosted a County Fair. There had been no fair in 2020 due to COVID but the committee had decided to go forward with plans for an abbreviated (one-day) fair in October. On behalf of the Fair Association, she was asking the Board to consider providing \$5,000 in additional funding. She had written a letter outlining some of the fair costs and had noted insurance was one of the biggest costs. The Association was carrying an event policy and a year-round policy extending coverage to both New Kent County and New Kent County Public Schools. She reported the Association enjoyed bringing this fun event to New Kent residents and noted it was open to anyone interested in participating. She also reported the Fair Committee was comprised of fifteen people and many other volunteers were needed during the event. She entertained questions.

Mr. Stiers noted Ms. Martin had mentioned two insurance policies. He asked why an annual policy was needed. Ms. Martin reported the annual policy covered meetings, fundraisers, pageants, Grand Illumination, National Night Out or other events where members were present. Noting this year's County Fair would be a one-day event compared to three days in the past, Mr. Stiers suggested the insurance cost should be much less than the \$2,000 indicated in her letter. Ms. Martin reported the cost of the year round policy had gone down \$100 but they would not know the amount of the event policy until complete plans for the Fair were in place. She noted the insurance carrier would consider the individual components of the Fair and any considered to be a higher risk could result in a higher premium. Mr. Stiers noted he had reviewed the list of what was being planned and had not seen rides listed. He asked if they were planning on having rides. Ms. Martin reported they were planning to have rides and once a budget of necessary expenditures was in place, they would know how much money they would have for rides. She noted they were looking at several possible ride vendors. She also noted that in past years they had paid for entertainment but this year they were looking for more economical options such as churches and other local entertainers. Mr. Stiers suggested the cost of the event policy should be less than half of previous years since the event would be reduced from three days to one. Ms. Martin noted the event had been a half day on Friday, a full day on Saturday and a half day on Sunday. Mr. Stiers reported the event policy for the recent Prom at Rockahock Campground had been with the same insurance vendor and had been much less than \$2,000. He suggested they should request a better rate. Ms. Martin reported she would have to show the vendor each thing they were planning to have at the Fair and also noted every vendor providing a service also had to have liability insurance.

Ms. Paige stated that when she thought of the Fair, she thought of the last Fair (2019) and what had been posted on social media (regarding vendors with products depicting Confederate symbols). She stated it would be her desire that the Fair Association be very sensitive as to the vendors who would be attending. She stated here in New Kent we are New Kent Strong and we are one community so if Fair vendors were offensive not just to the community of color but to any members of the community, they should be eliminated. She added that she realized everyone had the right to freedom of speech and the right to represent their heritage but she felt the Civil War and Revolutionary War had a place and

she didn't think the County Fair was that place. She asked that the committee take this into consideration when they were compiling a list of vendors. Ms. Martin assured her this had been addressed and the vendor(s) who were offensive had not been invited back.

Mr. Lockwood moved to appropriate \$5,000 from Fund Balance to the New Kent County Fair Association. The members were polled:

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye

The motion carried.

Ms. Martin thanked the Board for their consideration and stated she hoped they would come out to the County Fair on October 9^{th} from 10:00 a.m. to 6:00 p.m.

IN RE: BRIDGES OF CHANGE PROGRAM UPDATE

Victim Witness Assistance Program Director Karen Mortensen and Social Services Director Suzanne Grable presented information on the Bridges of Change Domestic Violence Shelter. Ms. Mortensen noted she was the Chair of the Board for Bridges of Change and Ms. Grable was Secretary. She distributed handouts providing program statistics. She noted grant funding had been over \$200,000 when the shelter had opened in 2018 and again in 2019. A local match of 25% (\$40,000+) had been required for each of these years. She had received notice in January that grant funding would be significantly reduced for the next two vears and in May they had been notified funding would be cut by 65%. A statement of grant award had been received the previous day indicating they would receive \$141,000 for two years and a 25% local match (\$28,251) would be required. This would mean that without the local match, they would have \$56,502 annually to run a ten-bed shelter. They had been operating with a full-time Shelter Manager and four part-time staff members but would only be able to fund two part-time positions effective July 1st. This would not be enough staff to provide sufficient coverage. She reported localities served by the shelter included Charles City, King William, King & Queen, West Point and New Kent. Charles City and King & Queen had each given \$5,000 in FY21. Commitments for local funding in FY22 included \$5,000 from West Point and Charles City and \$3,500 from King & Queen.

Ms. Mortensen reviewed a list of clients indicating where they were from, how many children they had brought to the shelter and the number of nights they had been housed. She reported normalized time in the shelter was considered to be thirty days but clients who had no place to go were given extra time as needed. She pointed out the list included some New Kent and Charles City clients. She added that because they were grant funded, it was necessary that they produce statistics showing the funding had been used wisely. She noted this was why domestic violence victims from other localities had been allowed to come to the shelter when space had been available. She reported they were now in a dire situation but the Board of Directors was not giving up. They had fought hard for years because the need for this shelter was so great. She reported COVID had shown them what it was like to live in a home with an abuser and, as a result, she had seen new victims of domestic violence almost every day in her day job. She noted her position served both Charles City and New Kent but the majority of victims were from New Kent. Mr. Evelyn noted the handout suggested about 7% of the shelter's bed nights were utilized by New Kent residents and a majority of clients were coming from Fredericksburg and the City of Richmond. He asked if Bridges of Change was seeking funding from these localities. Ms. Mortensen reported they could not ask for funding because these clients were coming from other shelters that were also grant funded and services provided were free of charge. She noted the Department of Criminal Justice Services had awarded the grant funding on a competitive basis and large shelters who had been open much longer had been fully funded. She noted this funding change would mean the Bridges of Change shelter would need to change its operations by only accepting clients from within its service area.

Mr. Lockwood asked if this would mean people from Richmond would no longer be coming to the shelter. Ms. Mortensen indicated that unless they were in dire need of a place to hide, they would not be able to receive them. Mr. Lockwood indicated he was surprised Bridges of Change could not get funding from municipalities being helped by Bridges of Change. Ms. Mortensen reported Richmond and Williamsburg shelters were always full and this had been the reason for opening a local shelter for residents in the service area.

Mr. Evelyn noted this funding request had missed the deadline for inclusion in the FY22 budget. Ms. Mortensen agreed and noted they had not realized they would have this problem until they had received the first letter in January. She noted that letter had notified them that they would be cut but they had not known it would be by 65% until recently. Mr. Evelyn suggested the Board may want to look into this further and have more information presented at a future meeting. Mr. Lockwood agreed. Ms. Grable asked what additional information would the Board like to see. Mr. Evelyn indicated he would like to see more financial information and a plan for how the shelter would operate without clients from localities outside of the service area. Ms. Mortensen indicated they would have a better idea of what the year would look like since the new grant would start on July 1st.

Mr. Lockwood asked Ms. Mortensen if she had said they were not allowed to ask the other municipalities for funding. Ms. Mortensen confirmed and also noted some of the clients called Bridges of Change directly without going through the locality therefore there would be no possible funding source. Mr. Lockwood noted there had been only three clients from the service area in the past year. Ms. Mortensen noted that because of her work with domestic violence victims she was aware of the fact that many domestic violence victims did not need to go into a shelter. She noted New Kent was a small community and many victims had the support of family and friends or just didn't want to come into a shelter. Accommodations in the shelter were not perfect and sometimes more than one mother had to share a room, the children's friends would not be present and they would sleep in bunk beds. Mr. Lockwood noted Bridges of Change was doing good work and regardless of where the victims were coming from, these women needed assistance. Ms. Mortensen reported there had been some gentlemen victims as well and those clients had been put up in hotels.

County Administrator Rodney Hathaway asked if any of these other localities were taking New Kent victims when our shelter was full. Ms. Mortensen indicated they were not because they were always full. If they didn't have space, they would pay for the client to stay in hotels in the Sandston or Williamsburg area. Mr. Stiers asked if someone was sent to New Kent from Richmond and there was no space, would New Kent be paying for a motel for them. Ms. Mortensen indicated we would not and noted Bridges of Change would not accept them if they were full and it would be up to Richmond to find them a hotel.

Sheriff Joe McLaughlin noted he was serving as an advisory member of the Bridges of Change Board of Directors. He reported a number of victims of domestic violence in New Kent and Charles City would actually go to stay with relatives or friends in other localities to put distance between themselves and their abusers. Although these victims were not physically staying in New Kent, they were still utilizing some of the services of Bridges of Change. He also reported a letter had been sent to New Kent's Congressional representatives, General Assembly representatives and other agencies including the Department of Criminal Justice Services and the Homeland Security Public Safety Director asking that the funding process be reexamined. He noted the more affluent and financially stable shelters had been fully funded while the rural and newer facilities were not funded. The funding had gone to the larger, more financially capable jurisdictions.

Ms. Paige stated she would also like to see what the plan was for funding already dedicated to the shelter. She noted Ms. Mortensen had reported they would be receiving \$141,000, they had been receiving \$200,000 and with the local commitments, they would be receiving an additional \$15,000. She didn't understand what the ask was and didn't know what the plan would be if they were not able to get the requested funding. Ms. Mortensen reported the budget was based on the funding awarded and that would be \$76,000 a year including the \$14,000 match. She noted she would bring the new budget back to the Board.

IN RE: ENVISION NEW KENT COUNTY STRATEGIC PLAN

Aaron Arnett with Arnett Muldrow, Inc. expressed appreciation to the Board for having him to present additional information on the Strategic Plan. He noted he had presented the draft plan when he had last met with the Board and he would be going over the framework of the final plan, information contained in the report and discuss some first steps and implementation tasks. He would also address any questions along the way.

He reported that from the beginning, the plan had been for the Strategic Plan to be a foundation or bridge to the Comprehensive Plan. He noted this was a hybrid plan with typical Strategic Plan elements such as a broad-based vision and goals as well as specific implementation strategies. The plan also had a Comprehensive Plan focus including a development vision, market analysis, business strategy and market position and branding.

He reminded the Board that the kickoff for developing the Strategic Plan had been just before COVID had started and although that had extended the process, creative thinking under those conditions had resulted in a tremendous amount of public engagement. There had been 60 individuals present at the kickoff meeting which he suggested was good for a rural county of New Kent's size. Other public engagement numbers reported included 1,037 participants in the community survey, 3,900 community design workshop viewers and 130 participants in the draft plan workshops near the end of the process. Even though there had been almost 6,000 public engagements, it had still been challenging to reach all parts of the community. He stated that one of the most important numbers in the engagement statistics was the smallest number which had been the 12 members of the Strategic Plan Steering Committee. He noted the Board had appointed this committee to help guide the process and he recognized several committee members in attendance. He thanked the Board for their guidance in appointing the Steering Committee and noted the members had been incredibly knowledgeable and helpful throughout the process.

He provided the Board with a brief overview of the elements of the plan. He noted the Strategic Plan Vision was contained in the second chapter. There had been a great deal of input into the final vision statement which stated, "New Kent County will remain a diverse community that values its outstanding rural character, history, natural environment, and quiet community lifestyle. We will maintain these values through thoughtful planning and managed economic development, with continued responsive and accountable governance supportive of our residents." He also noted there were five core themes which were the priorities indicated by the community. These themes, including infrastructure, growth management, quality of life, governance and resiliency, laid the framework for building the plan. The strategic assessment had involved the collection of community input and had ultimately resulted in a SWOT Analysis (Strengths, Weaknesses, Opportunities and Threats). The results of this assessment had framed the conversations throughout the process.

Mr. Evelyn drew attention to the list of weaknesses and read, "There appears to be a lack of communication infrastructure between decision makers and the citizenry which has created a distrust in government agencies." He had drawn attention to this statement at a previous meeting and had requested additional information on where this came from. He stated the Board was quick to hold community meetings anytime something came up in the County and specifically noted New Kent High School had been packed when the question of a possible casino had come up. He also noted only a few individuals attended Board of Supervisors meetings and again noted he would like to see more information regarding the origins of this statement. Mr. Arnett noted nearly 6,000 individuals had been engaged in the Strategic Plan process and suggested there had been few if any other public processes in New Kent in which the public had been engaged to this degree. He stated the sheer number of engagements said that New Kent was doing something right and noted lack of communication and distrust kept coming up in survey responses and in the analysis. In his personal opinion, this had to do with a few conversations the County and the Board were having at the time about some development as well as gaps resulting from challenges connecting with some individuals. He suggested these two things were the reason this item had become a point on the list of weaknesses. He noted Mr. Evelyn had asked a great question and stated he felt like there had been some strong community outreach and connections to the community as well. He also pointed out that one of the strategies of this plan was for the County to consider hiring a public information officer and he knew the County was working on that. Mr. Evelyn noted that position had been approved. Mr. Arnett stated that position would be a valuable tool. Mr. Evelyn stated, "distrust is a strong word -I don't like it." He noted there had been one issue in the eastern part of the County which had never come to the Board for a vote. He added that the most important thing the Board did was the annual budget and citizens rarely came to a meeting when this was discussed. He noted the Board had kept the tax rate down, when people called them – they responded and they were out in the community. He again stated, "to say distrust – I don't like it."

Mr. Stiers noted total agreement and indicated that when he had read that statement he had thought, "what a slap in the face." He added that he didn't think there was a single member of the Board that was not reaching out to their constituents and noted they each were holding town hall meetings from time to time. Annual budget adoption always included a public comment time and out of 23,000 people in New Kent, only three had come to speak in April. He noted distrust was a strong word and he took offense to it. He noted Broadband Infrastructure had also been noted as a weakness and reported the Board was working feverously to get that for its citizens so it should be scratched off the list. He went on to read another statement from the list of weaknesses stating, "Although New Kent County has great visitor assets, it has no conventional overnight accommodations and lacks other visitor support services." He noted he had personally reached out to the EDA (Economic Development Authority) to reach out to hotel chains to encourage them to come to New Kent. The EDA had done their due diligence and had learned that hotel occupancy in the Williamsburg area had only been 40% last year. He stated it was not like New Kent hadn't reached out. He reported he had spoken with Colonial Downs representatives about the possibility of a hotel on some of their property. They had indicated the hotels they had

spoken with were waiting for some history of Colonial Downs presence at the location before they would be interested in investing in the area. He also noted New Kent had a number of age-restricted communities as well as a hospital facility and medical services.

County Administrator Rodney Hathaway noted he didn't like the distrust statement either but reminded the Board this information had been collected through a survey with over 1,200 responses. He added that he felt this was a misconception the County would have to deal with and even though we didn't like it, it shouldn't be ignored. Mr. Evelyn asked what percentage of responders had noted distrust and asked if anyone had seen the figures.

Mr. Lockwood stated he understood why some would take offense to this statement. He noted this was a statement of strengths, weaknesses, opportunities and threats and regardless of who said it or how many said it, there had been enough respondents who had expressed this for it to make the list. Board members didn't have to agree but it was the interpretation of some regarding how the Board governed and communicated. He suggested they should look at this as an opportunity and noted a number of improvements had been made since the process had started more than a year and a half ago when remnants of the combat range issue had still been strong. He suggested it would be interesting to see if that feeling was still as strong now. He again stated the Board should consider this an opportunity to improve the view constituents have of government in general and indicated he felt they already had to some degree. The County would have a communication person whose job would be to get the word out to the people. The Board could not force them to listen and although they advertised meetings, they could not force them to attend. He suggested citizens didn't separate the Board of Supervisors from Congress and the underlying sentiment was they didn't trust government in general.

Mr. Arnett noted the vision statement had been revised to give the County recognition for working hard for the people in the community. He noted Mr. Hathaway had referred to the statement as a misconception. He noted agreement with this but added that to the people making the comment, it was not a misconception. He noted the fact that the County was putting together the tools to expand communication with a Public Information Officer and to address some of the challenges said a lot. Referencing Mr. Stiers comments regarding broadband being on the list of weaknesses, he noted the County had done much in this regard over the past year and this would probably be one of the first tasks to be checked as completed. He suggested it should be left on the list so the Board could say we heard you and we've seen the challenges and this is what we have done. He noted the lists had been compiled from data collected early in the process that had helped build the foundation for the plan. He suggested the Board may want to consider conducting a community satisfaction survey to poll the community now. Noting there had been challenges with a particular development proposal and broadband and much had happened since the start of the planning process, he suggested if the same people were asked the same questions today, they may have a different perception because the County was doing the right things. He noted the plan document was the result of a lot of work and a lot of time, the County had been listening throughout the process and had been taking action along the way.

Mr. Evelyn continued to express concerns about the use of the word distrust and noted he wanted more information. Mr. Arnett noted he felt the distrust stemmed from the timeline of when this was done and noted the combat range issue had been fresh when the survey had been conducted. He also felt there were gaps in the community engagement dealing with demographics, socioeconomics and the geography of the County.

Mr. Arnett moved on with discussion on the planning focused market analysis. New Kent had grown 25.8% in the last ten years and even with being one of the fastest growing counties in Virginia, New Kent was still only 23,000 people and remained rural. He noted that because of this, New Kent residents had to rely on sources outside of the County for many things. He noted the market character was also planning focused and character boards representing a development vision had been developed. He stated you know you are growing and the question was how do we grow while protecting and retaining what makes New Kent special. The character boards depicted eight development types including village, hamlet, crossroads, countryside, business parks, interstate interchanges, residential and the New Kent County Courthouse area. Brand expansion had also been considered and he noted this had much to do with Economic Development, tourism development and communication. He reported New Kent's current branding was working and they had focused on building on that existing system. They had focused on updating the tools to be more current in design and on the expandability of marketing and communication tools. Independent logos had been developed to highlight specific communities as well as enhanced marketing tools to promote the County as a place to live, work and invest.

Mr. Arnett drew attention to Chapter 7 which provided detailed information on goals and strategies. He noted this was the meat of the plan and included implementation details, benchmarks and performance indicators to track progress. The plan included one vision, five strategic themes, 21 goals and 113 associated strategies. This plan was much bigger than many strategic plans and he noted this was due to the inclusion of planning focused components. He noted it would be necessary for the County to rely on and involve the community and partner agencies in the implementation of the plan. He pointed out that ten key strategies had been discussed at a previous meeting. The public had been given an opportunity to provide input to help rank those key strategies and, as a result, the priority had been restructured in the final plan. Those key strategies included:

- I.1.1* Develop plan to provide enhanced internet
- G.1.4 Recruit business based on potential identified in Strategic Plan
- GM.2.1 Update the Comprehensive Plan
- GM.2.2 Adopt Development Character Boards as design vision
- G.1.2 Improve community participation & increase public trust
- Q.2.4 Enhance entryway corridors into County
- GM.3.1 Revise the Zoning Code
- R.3.1 Adopt a Disaster Recovery Plan across all departments
- G.4.2 Align Vision & Goals into departmental strategic plans
- G.4.1 Facilitate annual Report Card Evaluation

* Coding of key strategies is based on the strategic theme in which it falls.

Board members had been provided with copies of the report document for review. Mr. Arnett noted an executive summary brochure which told the story from the process, to the plan frame work, to vision and goals and key strategies had also been developed. This brochure was a large format poster which could be folded to 8.5x11 and used as a tool to share with the community or as a reminder of priorities and goals.

Mr. Arnett reported this would not only be a County plan but also a community plan and accomplishing its goals would rely on partnerships with community members as well as the private sector. He also noted this would be a dynamic plan which could and should evolve over time. First steps for plan implementation included:

- Appointing a project manager to oversee the implementation and consider a citizen advisory board to provide guidance. Mr. Arnett noted he did not know who this may be but suggested it could be a task given to the Assistant County Administrator or the new Public Information Officer.
- The first thing the project manager should do would be share the plan with partner agencies to make sure everyone was on the same page.
- The project manager should hold regular coordination meetings with staff. This plan would need to be implemented over time with work being done throughout the year leading up to the annual budget process.
- Work on departmental strategic plans could begin now.
- Work on the Comprehensive Plan should begin. The Strategic Plan would provide the foundation to hit the ground running with developing the Comprehensive Plan.

Mr. Arnett entertained questions.

Ms. Paige acknowledged those volunteering to serve on the Steering Committee. She noted this had been a long process and expressed appreciation to those who had given their time and talents to be a part of the process. She noted the lack of diversity on County boards and commission had been mentioned and she was always seeking individuals to serve and needed to know the "how to" in regard to more diversity in appointments. She also noted the Public Information Officer would be a very capable person and the Board could not let the Strategic Plan reestablish the responsibilities of that position. She suggested that since much of the information was from citizens, it may be advisable to have a citizens' advisory committee to take on the project. She again expressed appreciation to everyone involved.

Mr. Lockwood expressed appreciation to Mr. Arnett and to the citizens who had participated throughout the process. Noting the next step would be the Comprehensive Plan, he stated he was looking forward to moving into that phase as well. The Steering Committee had invested much time in completing the plan and he applauded them for their efforts. He added that the Board had heard from the citizens and whether they agreed with the sentiments or not, it was time to look at the input and move forward. He stated the Board had made great progress on broadband and it was not something that could be done overnight. He closed by stating he looked forward to turning some of the weaknesses into strengths and communicating to the citizens that they were being represented in a fiscally sound way. He added that Board members were open to communication and all Board meetings were open and he was hopeful this would encourage participation.

Mr. Stiers reported he had reviewed the 48-page document and had not seen any mention of personal property rights. He stated he was a big advocate of personal property rights unless they infringed on the rights of others. He asked if personal property rights were addressed in the Strategic Plan. Mr. Arnett noted the Strategic Plan was a development vision and did not include rules and regulations. The Strategic Plan was framing discussions for the Comprehensive Plan and he felt that the details of personal property public regulations would come into play during the discussion of development tools. He noted the foundation of that conversation was in the Strategic Plan development vision.

Mr. Evelyn noted his frustration with the word "distrust" was that he didn't know how to fix it. He added that he felt this was a great plan and a great working document and expressed appreciation to all who had been involved in the process. He again noted his frustration regarding the word, "distrust" and stated he needed to know how to fix that and he hadn't been told how. Mr. Arnett noted he appreciated all of the comments and added that one thing he had learned about the community was that there was a passion for the County. The people loved the community and some wanted changes while others didn't want change. He also noted the dedication of staff as well as the Steering Committee. He further noted the Board members all loved New Kent County and its values and they wanted to protect those in the future. He was hopeful the Strategic Plan would be part of a tool that could be used to continue to protect who New Kent County is.

Ms. Paige stated she felt the members of the Board all appreciated the time and effort that had gone into this plan. She noted that some of the words were sometime hurtful because they dedicated so much time and energy to New Kent County and her citizens. She felt this could be a tool to help New Kent County continue to grow in a positive direction.

Ms. Paige moved to adopt the proposed Envision New Kent County Strategic Plan. The members were polled:

Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: SALARY STUDY BUDGET TRANSFER

County Administrator Rodney Hathaway reported the County was in the process of procuring a consultant to conduct a salary study. This had been discussed during the FY22 budget process and the plan was to utilize existing FY21 funding to cover the cost. The request was to transfer \$100,000 from the FY21 Reserved for Contingency line item to Professional Services. He was not sure \$100,000 would be the cost and he was hopeful it would be much less. The RFP (Request For Proposals) was due by July 17th and a more accurate cost would be known at that time.

Mr. Evelyn noted this was something the Board members had agreed to move forward with during the budget process. Mr. Lockwood asked if the Board should wait until the cost was known. Mr. Hathaway noted this request was for FY21 funding which would not be available after 12:00 a.m. that night.

Mr. Tiller moved to approve the transfer of \$100,000 from Reserved for Contingency to Professional Services for the purpose of conducting a comprehensive salary study. The members were polled:

Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE:	OTHER BUSINESS -	- LITTER	PICKUP	CONTRACT

Mr. Stiers asked if the second phase of the litter pickup contract would be in July. County Administrator Rodney Hathaway reported he believed the next round of litter pickup would be in August but he would have to look at the schedule to confirm.

IN RE: OTHER BUSINESS – RAILWAY CROSSING ASSISTANCE GRANT & LOAN PROGRAM

County Administrator Rodney Hathaway distributed copies of a draft document entitled "Railway Crossing Assistance Grant & Loan Program Guidelines" dated June 28, 2021. He noted these guidelines were for a proposed grant and loan program to assist businesses with providing railroad crossings. The program was proposing that the Board of Supervisors work with the EDA (Economic Development Authority) who would actually issue the grants and loans to businesses meeting certain criteria. The list of criteria included:

- Must have a railway that crosses a private driveway/road with an average annual daily traffic (AADT) volume of more than 200 trips.
- Be locally or regionally owned (Corporately-owned national chains were not eligible).
- Must be up to date on local taxes and have a current County business license (if required).
- Be operational since June 1, 2019.
- The business shall agree to accept all liability and responsibility for ongoing maintenance.

He reported there had been four accidents involving railroad crossings in New Kent this year and this was seen as a temporary fix with the ultimate goal being to get arms and lights specifically at the Rockahock Campground and Ed Allen's Campground crossings. He noted there were numerous other crossings in the County but they were focusing on these two because of the traffic volume. In the meantime, they were looking at the installation of additional signage with flashing lights that would draw a driver's attention to the need to stop and look both ways. He again noted this was a temporary measure and the program would offer up to a \$10,000 grant and up to a \$10,000 loan for cost above the initial grant. The loan would be paid back in 60 monthly installments and would be interest free. The EDA had operated other grant programs and he believed they would be more than capable of handling this grant and loan program. He would present this to the EDA at their July meeting if it was the Board's desire to move forward. He entertained questions.

Mr. Evelyn thanked Mr. Lockwood for taking on this issue. He noted all Board members had been receiving calls about this and they were well aware of the concerns. He thanked Mr. Lockwood for working with Mr. Hathaway to get something done. Mr. Lockwood thanked Mr. Hathaway, Sheriff Joe McLaughlin and Fire Chief Rick Opett for their input into the proposed program. He noted this program was a stop-gap and a letter requesting support would be drafted to all individuals representing New Kent in any capacity. He stated getting gated crossings was a bureaucratic nightmare and the grant process for gated crossings did not recognize private roads as eligible. He stated that in memory of Kevin Pence and Freeda Pruitt who had been killed in the last three months, this would be a good way to move forward and make the crossings safer. He expressed appreciation for the efforts that had been made to get this program started and closed by noting it would be a long road to getting gated crossings but this was a good way to get started.

Mr. Lockwood moved to move forward with the Railway Crossing Assistance Grant & Loan Program as stated. The members were polled:

John N. Lockwood Aye

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: ANNOUNCEMENT OF UPCOMING MEETINGS/ADJOURNMENT

Mr. Evelyn announced the Board's next regularly scheduled meeting would be held at 6:00 p.m. on Monday, July 12, 2021 and the next work session would be held at 9:00 a.m. on Wednesday, July 28, 2021, both in the Boardroom of the County Administration Building.

Mr. Tiller moved to adjourn. The members were polled:

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye

The motion carried. The meeting was adjourned at 10:59 a.m.

New Kent County Board of Supervisors P O Box 150, 12007 Courthouse Circle New Kent, VA 23124

AGENDA ITEM REQUEST

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/20	21 Approval of Minutes
Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	approve the Consent Agenda as presented and that it be made a part of the record. or I move to approve the Consent Agenda as presented and that it be made a part of the record, with the following changes:
Subject	July 12, 2021 Regular Session Minutes
Issue	
Recommendation	
Fiscal Implications	
Policy Implications	
Legislative History	
Discussion	

Time Needed:		Person Appearing:	
•	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided to:			

Туре

Cover Memo

ATTACHMENTS:

Description July 12, 2021 Meeting Minutes (PDF)

REVIEWERS:

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	8/24/2021 - 9:12 AM
Administration	Hathaway, Rodney	Approved	8/29/2021 - 4:12 PM
Attorney	Hefty, Brendan	Approved	8/31/2021 - 11:54 AM

A REGULAR MEETING WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 12TH DAY OF JULY IN THE YEAR TWO THOUSAND TWENTY-ONE IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

Chairman Thomas W. Evelyn called the meeting to order.

IN RE: ROLL CALL

Thomas W. Evelyn C. Thomas Tiller, Jr. Patricia A. Paige Ron Stiers John N. Lockwood

All members were present. Mr. Evelyn welcomed those in attendance as well as those joining virtually. He noted this was a long agenda and reported that Item #6, a public hearing on Ordinance Amendment OA-06-21 to amend Section 91-126 of the New Kent County Code – Ordinance O-17-21, had been pulled from consideration at this meeting.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

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

IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

- 1. Minutes a. May 26, 2021 Work Session Minutes
- 2. Miscellaneous
 - a. Approval of Resolution R-15-21 Requesting the Acceptance of Dispatch Station, Section 1 into the State System for Maintenance
 - b. Approval of June 8, 2021 Abstracts of Votes Democratic Primary Election

Present

Present

Present

Present

Present

- 3. FY21 Supplemental Appropriations
 - a. Animal Shelter Donations, \$510.
 - b. Gifts & Donations to Fire/EMS (\$1,272.90) to Victim Witness (\$100) and to Parks & Recreation (\$650), \$2,022.90.
 - c. Funds Received from VRSA Insurance, Fire/Rescue Claim # 02-20-36607-1-AP DOL 3/16/21, \$5,717.59.
 - d. Veterinarian Expense Restitution Received, \$62.50.
 - e. Sheriff Extra Duty NKHS Soccer 5/10/21 (\$258.36), Trojan Prom (\$530.69), Colonial Downs 5/7/21 5/15/21 (\$1,967.97), Colonial Downs 5/21/21 6/5/21 (\$2,410.21), \$5,167.23.
 - f. Farmers Market Registration Fees, \$1,590.
 - g. Charles City Radio Project Billing, April 2021 (\$580.81), March 2021 (\$2,074.83), February 2021 (\$1,225.71) and January 2021 (\$1,534.70), \$5,416.05.

- h. Fire/Rescue Special Duty, Uncorked Half Marathon at New Kent Winery 5/1/21, \$1,132.
- i. Asset Forfeiture Funds Used, \$4,524.90.
- j. Auction Receipts, \$1,608.66.

\$27,751.83	- Total	
(\$22,576.93)	- Total In/Out - General Fund (1101)	
(\$4,524.90)	- Total In/Out - Asset Forfeiture Sheriff (1150)	
650.00	- Total In/Out – Capital (1302)	

- 4. FY22 Supplemental Appropriations
 - a. Additional Funds Received from DSS, \$14,224.
 - b. Funds for Continuance of Current Assistant Director of Financial Services, \$83,815.66

\$98,039.66 - Total (\$14,224.00) - Total In/Out - Social Services (1201) (\$83,815.66) - From Fund Balance (1101)

- 5. FY 22 Interdepartmental Budget Transfers
 - a. Financial Services From CVTA Future Years Appropriation to County Trash Pick-Up Contract, \$75,000.
 - b. Human Resources From Reserved for Contingency to Employee Incentives/Awards, \$414.61.
 - c. Human Resources From Reserved for Contingency to Furniture & Fixtures, \$5,000.
- 6. Treasurer's Report: Cash as of May 31, 2021, \$71,431,681.84 including escrow funds.

County Administrator Rodney Hathaway drew attention to Consent Agenda Item 4.b. Funds for Continuance of Current Assistant Director of Financial Services, \$83,815.66. Assistant Director of Financial Services Larry Clark had announced his retirement last year and the County had been seeking to fill the position. Mr. Clark had graciously agreed to stay on in the interim. The position had now been filled and the new Assistant Director would be starting on July 19th. Mr. Clark had offered to stay on through the end of March 2023 to assist with training. March had been selected because it would get the County through another budget cycle with the FY23 budget being presented at the Board's February meeting. He noted this would fund the position through March and the duration could be shortened if the Board desired. He entertained questions.

Mr. Tiller asked Director of Financial Services Rebecca Guthrie if she was happy with this plan. Ms. Guthrie indicated she was very pleased with this arrangement. Mr. Evelyn stated that Mr. Clark knew the budget front to back and he believed his experience would be great in helping train the new Assistant Director. Mr. Hathaway reported they were excited to fill this position and announced Meiling Qu who had most recently been employed by the City of Richmond Public Schools System had been selected. He noted she would be bringing a great deal of experience to the position and he was confident she would do well.

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

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: CITIZENS COMMENT PERIOD

Mr. Evelyn opened the citizens comment period and provided brief instructions. He called Sarah Buck with Cox Communications of 1341 Crossways Blvd, Chesapeake to the podium. Ms. Buck expressed appreciation for the opportunity to address the Board. She reported Cox had been investing in New Kent and providing connectivity for a majority of residents and businesses for more than twenty years. As the need for connectivity had grown, Cox teams had been working to find solutions to reach those who remained unserved. Cox and New Kent had partnered in 2020 to complete a broadband expansion project utilizing CARES (Coronavirus Aid, Relief, and Economic Security) Act funding. The two had also partnered in an application for VATI (Virginia Telecommunications Initiative) funding which had gone unfunded. She was hopeful the Board would consider partnering with Cox on grant applications that would result in a wired broadband connection in the home for New Kent County residents. She reported the federal government was making more funding available to support broadband expansion and she was hopeful the Board would consider partnership opportunities with Cox. She noted Cox representatives had spoken with several Board members and County staff in recent years about expansion opportunities and they would like an opportunity to present something more formal at an upcoming work session. She thanked the Board for their time and expressed appreciation for their consideration.

Mr. Evelyn noted Ms. Buck had indicated Cox would like to come back to a work session. County Administrator Rodney Hathaway indicated this could be scheduled for the July work session. Mr. Evelyn reported Board members had many questions and had been looking for a commitment from Cox for years to work together to get service for more residents. He stated broadband was the number one issue for constituents and the Board looked forward to discussing options with Cox.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) – RESIDENCY ADMINISTRATOR'S REPORT

VDOT Assistant Residency Administrator Marc Harlow noted a written report on items completed over the past thirty days had been provided and listed a variety of work at various locations including pothole/asphalt repair, grading gravel roads, shoulder repairs, pipe repair/replacement/cleaning, ditching, herbicide spraying, tree removal, grass moving, sign repair, debris removal and litter pickup. 61 work orders had been received and 69 completed. Twelve emergency after hours call outs involving water and trees in the roadway as well as accidents and sign work were reported. The Rt. 60 corridor study had been approved and new speed signage had been installed on Rt 30.

Project Development items included:

• A Smart Scale shoulder widening (shared use path) project for Route 155 from Route 249 to Kentfield Parkway was currently in utility relocation and had been advertised the previous week. This project was estimated to start in late September or early October.

- Latex modified surfacing on Route 249 was expected to begin in the next month. Slurry Pavers had begun patching operations in early May in preparation for this project.
- A contract for additional resurfacing on Route 60 had been awarded to Allan Myers.
 Work had begun on May 24th and was expected to be completed by November 15th.

Pending studies included:

- Corridor Study on Route 30/33 Eltham Rd This was a large scale study that would require special funding. The study would be tasked out to VDOT's on-call engineer and the process would likely take more than the standard 90 days to complete.
- Speed Study on Route 610 Pine Fork Rd for possible reduced speed limit. This study had been delayed until Summer at the County's request due to development in the area.

Board members provided the following comments and reported the following concerns:

Mr. Stiers noted little things in life meant a lot. He reported receiving a call from a lady who was upset because she had almost been hit by a truck while attempting to exit her driveway. He had reached out to Maintenance Superintendent Andy Boggs and had asked if grass mowing crews could go to this address and mow the embankment. Not long after they had done so, he had received another call from this lady who had been in tears and had indicated she felt so special because they had come to help. He noted this was just one example of some of the things VDOT was doing behind the scenes that often went unnoticed. Referencing repaving work in progress on Route 60, he noted there were some areas where the concrete slab had been replaced with asphalt and asked if plans included paving all of this with asphalt. Mr. Harlow indicated they would be paving over the entire area once all of the patching was complete. Mr. Stiers asked if that work would be completed this year. Mr. Harlow indicated it would.

Referencing Mr. Harlow's report indicating the Rt. 60 corridor study had been approved, Mr. Tiller asked if this was the study beginning at the Chickahominy River. Mr. Harlow confirmed and indicated the study would include speeds and signage as well as possible small projects. Mr. Tiller asked if this would include traffic lights. Mr. Harlow indicated it would include traffic lights. He also reported this project was being outsourced to a consultant and VDOT would provide more information as it became available.

Ms. Paige indicated she had nothing to report.

Mr. Lockwood reported he had received an email from a constituent regarding an ongoing flooding issue on Carter Road. Addressing Maintenance Operations Manager Jeff Allgood in the audience, he requested that he let him know when VDOT would be going out to the site so that he could join them to go over what was happening. He noted the issue involved more than one property and he also wanted to make sure the neighbors were involved. He also asked when the new speed signage had been placed on Route 30. Mr. Harlow indicated he believed they had been installed earlier in the day.

Mr. Evelyn reported he had spoken with Resident Administrator Marshall Winn several months ago regarding clearing a culvert in Kenwood Farms at Hingham Drive. He asked if this work had been done yet. Mr. Harlow deferred to Mr. Allgood who indicated he would have to look into this and report back.

Thrive Virginia (formerly known as Quin Rivers Community Action Agency) handouts had been distributed prior to the meeting. Thrive Virginia Board Vice President Joe Swartout reported Executive Director Gillian Barney was unfortunately unable to attend due to a family emergency. Ms. Barney had indicated she would be happy to answer any questions the Board may have and urged them to contact her. Mr. Swartout provided a brief overview of what Thrive Virginia had to offer and some of its services.

Thrive Virginia was providing New Kent residents with five critical programs including:

- Early Childhood Intervention and Education Services
- Housing & Financial Counseling
- Domestic and Sexual Violence Intervention and Prevention Services
- Whole Family Pilot
- Financial Emergency Assistance

Thrive Virginia had provided services to 73 New Kent households including 509 individuals and had provided \$43,000 in emergency financial assistance to New Kent residents in FY21. Examples of some of the services provided included:

- Housing counseling from a certified HUD (United States Housing and Urban Development) Counselor
- Financial education
- Summer camp for kids who have either witnessed or experienced violence in their home
- Home visiting services and parental coaching to households referred by the Department of Social Services
- Healthy relationship classes in schools
- Advocacy services for victims of domestic and sexual violence

Mr. Swartout turned the floor over to Thrive Virginia Board President and Treasurer John Snider. Mr. Snider thanked the Board for their time and the opportunity to speak. He reported he understood the need for Board members to see where tax-payer dollars were being used and fully supported providing transparency. He also noted he understood there were concerns regarding counties such as New Kent who were contributing financially to Thrive Virginia while other counties such as his home county of Hanover were not.

He drew attention to the "Outputs" page in the handout which provided a comparison of Thrive Virginia statistics for FY20 and FY21. These figures showed the cost to deliver programs and represented the total federal, state and municipal funds as well as private donations. One of Thrive's goals was to make sure grant fund dollars and dollars going back into the community were transparent and continued to increase. He reported Thrive was aligned with Community Action Agencies and, understanding that there were always opportunities for the agency to do better, noted this was one of the key focuses in their strategic plan. The outputs reported included:

- FY20 84 households had been served at a cost of \$232,417. New Kent's contribution had been \$22,500.
- FY21 73 households had been served at a cost of \$101,360 (as of May 31, 2021). New Kent's contribution had been \$22,500.

He noted the undesignated funding from localities allowed them to maintain reserves required by some grants as well as enabled them to fill needs within the community. Speaking as President and Treasurer, and noting they were now under new leadership, Mr. Snider stated they were committed to partnering and getting their face back out in the community. He closed by expressing appreciation for the Board's time and consideration and noted Ms. Barney, Mr. Swartout or he would always be available to answer questions.

Mr. Swartout reported New Kent residents were receiving an almost ten-fold return on New Kent's annual investment in Thrive Virginia. He stated he was one of New Kent's Thrive Virginia Board representatives and it was his responsibility to look out for the County and make sure it was represented properly. He added that many households were benefitting from the funding provided by the County and were receiving far more than the County's investment. He thanked the Board for considering Thrive's request. (Although not stated in the presentation, the request was for a \$22,500 appropriation in FY22. Funding for Thrive Virginia had been reduced to \$0.00 in the FY22 budget.)

Mr. Evelyn thanked Mr. Swartout and Mr. Snider for their presentation. He stated the Board would look at Thrive's request and get back to them with further information.

Mr. Evelyn noted it was too early (6:23 p.m.) to begin public hearings and suggested the Board move on to Elected Officials Reports.

IN RE: ELECTED OFFICIALS REPORTS

Mr. Stiers noted he was pleased to announce a transaction that had been in the works since March would come to fruition on July 20th when Williamsburg/Peninsula Ace Hardware would be purchasing Providence Forge Hardware. They currently owned six other stores in the Williamsburg, Hampton, Virginia Beach, James City area and were planning to expand the Providence Forge location. This would be a much welcomed business in District Four.

Mr. Tiller asked if this was the same group opening a store in Bottoms Bridge in the former Source Hardware facility. Mr. Stiers noted the store in Bottoms Bridge would be Pleasant's Hardware. Mr. Tiller stated he believed Pleasant's was also affiliated with Ace Hardware. He had nothing more to report.

Ms. Paige noted there had been a great deal of discussion regarding infrastructure including broadband, water/sewer and highways in the General Assembly. She had received notice of a bill on the floor to assist with interstate interchanges and the \$100 million cost for I-64 widening from Exits 205 to 234 had been mentioned. She would be initiating an email and Facebook blast with contact information for legislators and urging citizens to ask them to support this bill. Referencing an I-64 accident with four fatalities earlier in the day, she noted this was another example of the need for I-64 widening. She encouraged citizens to be as informed as possible and to voice their opinions. Referencing Mr. Tiller's mention of the accident victims in the invocation, she noted she would also keep the families as well as first responders in prayer. She expressed appreciation to first responders for all they were doing for citizens as well as those visiting and traveling through the County.

Noting he had just returned from Alaska and his mind was still there, Mr. Lockwood indicated he had nothing to report.

Mr. Evelyn announced the ribbon cutting at Pine Fork Park would be at 6:30 p.m. on July 14th. He thanked the Board, the Parks and Recreation Advisory Commission, Director of Parks and Recreation Kim Turner and Assistant Director of Parks and Recreation Jason Baldwin for all the work put into making Pine Fork Park a reality. He noted the County had been talking about a park since he had been elected in 2007 and he felt good that this had been done with very little impact to taxpayers. He expressed appreciation to this Board as well as former District Five Supervisor Ray Davis who had been serving at the time funding for the park had been approved.

IN RE: STAFF REPORTS – RAILROAD CROSSING GRANT PROGRAM

Referencing the proposed rail crossing grant and loan program adopted by the Board on June 30th, County Administrator Rodney Hathaway reported the EDA (Economic Development Authority) would be considering the proposed program at their meeting on Thursday, July 15th and he would report back on the outcome. He also reported he had sent Board members draft letters addressed to various federal and state public officials and agencies requesting assistance with signalized crossings at Ed Allen's Campground and Rockahock Campground. He asked them to review those letters and provide input.

IN RE: OTHER BUSINESS – ERCRUTE TRAVERS

Ms. Paige noted she did not have any other business but she did want to recognize someone in the audience who she had not seen for some time. She drew attention to Mr. Ercrute Travers and stated he had always been an informed and active resident of the County and expressed appreciation to him for taking the time to attend this meeting. She stated he recognized County business was his business.

IN RE: APPOINTMENTS – DELEGATED BY DISTRICT

There were no appointments delegated by district.

IN RE: APPOINTMENTS – NOT DELEGATED BY DISTRICT

Mr. Evelyn moved to appoint Erik Blake as an at large member of the Agricultural and Forestal District Advisory Committee to serve a four-year term beginning January 1, 2021 and ending December 31, 2024.

Mr. Evelyn moved to appoint Ella Joel as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2021.

Ms. Paige moved to appoint Colin Smolnik as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2021.

Ms. Paige moved to appoint Joe Swartout as an adult member of the New Kent County Youth Community Service Committee to serve a three-year term ending December 31, 2023.

Ms. Paige moved to appoint Peggy Spiak as an adult member of the New Kent County Youth Community Service Committee to serve a three-year term ending December 31, 2023.

Ms. Paige moved to appoint Tonnie Swartout as an adult member of the New Kent County Youth Community Service Committee to serve a three-year term ending December 31, 2023.

The members were polled:

Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye

Thomas W. Evelyn Aye

The motions carried.

Mr. Evelyn noted it was still too early to begin public hearings and called for a recess at 6:34 p.m. The meeting reconvened at 7:00 p.m.

IN RE: PUBLIC HEARING – ORDINANCE AMENDMENT OA-02-21 – AMENDMENT TO CHAPTER 82, ARTICLE V OF THE NEW KENT COUNTY CODE – ORDINANCE O-13-21

Before the Board for consideration was Ordinance O-13-21 amending Chapter 82, Article V (Sections 82-144, 82-145 and 82-161) of the New Kent County Code. These amendments were the result of Senate Bill 776 which had been passed during the 2020 legislative session and would impact ordinances pertaining to living shorelines. Environmental Director Joshua Airaghi reported these were required updates resulting from the above referenced legislation which directed the Virginia Marine Resources Commission (VMRC) to permit only living shoreline approaches to shoreline management in tidal wetland areas unless the best available science indicated a living shoreline was not suitable. Proposed amendments to New Kent's Wetlands Ordinance would require that an application for use or development of any wetlands include a statement indicating whether or not use of a living shoreline as a shoreline management practice was suitable as well as reasons for that determination. The County's Wetlands Zoning Ordinance also charged the local Wetlands Board with reviewing applications involving tidal wetlands to both prevent the destruction of wetlands and to accommodate necessary economic development. The bill also updated the responsibilities of the local Wetlands Boards to ensure the protection of shorelines and sensitive coastal habitats from sea level rise and coastal hazards using the guidelines and minimum standards promulaated by the VMRC and the Code of Virginia. Mr. Airaghi noted this would impact a small portion of property owners and would not change current policy. Property owners would still make application to the County and staff would guide them through the process using these standards. He entertained questions.

There being none, Mr. Evelyn opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Mr. Tiller moved to adopt Ordinance O-13-21 to amend Chapter 82, Article V (Sections 82-144, 82-145 and 82-161) of the New Kent County Code. The members were polled:

Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: PUBLIC HEARING – ORDINANCE AMENDMENT OA-03-21 – AMENDMENT TO SECTION 91-94 OF THE NEW KENT COUNTY CODE – ORDINANCE O-14-21

Before the Board for consideration was Ordinance O-14-21 amending Section 91-94 of the New Kent County Code. Senior Planner Koty Gray reported this amendment would remedy a discrepancy between the Subdivision Ordinance and Section 503.2.1 (Dimensions) of the

Fire Code. The Fire Code stated, "Fire apparatus access roads shall have an unobstructed width of not less than 20 feet exclusive of shoulders..." while existing Subdivision Ordinance required only 18 feet. Mr. Gray reported staff was recommending approval and the Planning Commission had also considered this amendment on June 21, 2021 and had also recommended approval. He entertained questions.

Mr. Stiers asked if there were any existing subdivisions with only an 18 foot entrance. Mr. Gray indicated he didn't have an answer but believed there would be some not meeting the 20 foot requirement. Mr. Stiers asked if they would be grandfathered. Mr. Grey indicated they would. Ms. Paige asked if this would be added in the language. Mr. Evelyn noted the County would not go back and impose this on existing subdivisions so it would not be necessary that it be stated in the ordinance. He deferred to County Attorney Brendan Hefty. Mr. Hefty agreed and stated this change would only apply to new subdivisions.

There being no further questions or comments, Mr. Evelyn opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Mr. Tiller moved to adopt Ordinance O-14-21 to amend Section 91-94 of the New Kent County Code. The members were polled:

Aye
Aye
Aye
Aye
Aye

The motion carried.

IN RE: PUBLIC HEARING – ORDINANCE AMENDMENT OA-04-21 – AMENDMENT TO SECTION 91-127 OF THE NEW KENT COUNTY CODE – ORDINANCE 0-15-21

Before the Board for consideration was Ordinance O-15-21 amending Section 91-127 of the New Kent County Code. Senior Planner Koty Gray reported staff was proposing this section be amended to clarify that any subdivision of eight or more lots, including an Open Space/ Cluster Subdivision, would be considered a major subdivision and would be served with a community water system approved by the Public Utilities Department. This had been the intent in 2016 when the standards for major and minor subdivisions had been changed but language reflecting those changes had not been added to Section 91-127. This would help alleviate some of the confusion caused by the current language. Staff was recommending approval and the Planning Commission had also considered this amendment on June 21, 2021 and had also recommended approval. He entertained questions.

Ms. Paige asked if a subdivision of eight or more homes had to connect to water/sewer. Mr. Gray indicated subdivisions outside of the water/sewer service district would not connect to the Public Utilities system but would have to put in a community water system designed and built to the standards in Section 38-62 of the New Kent Code. This was identified in the water portion of the Subdivision Ordinance and the 2016 revisions had reduced the number of lots from 21 to seven for a minor subdivision. Subdivisions outside of the service district with fewer than eight homes could be served by individual wells and septic systems. This was already noted in one portion of the Code but had not been included in Section 91-127.

Mr. Tiller asked if only new subdivisions would be impacted. Mr. Gray indicated these standards had been effective since adoption in 2016 and applied to all subdivisions since then. Mr. Tiller asked if seven homes or more were required to have a water system. Mr. Gray stated the standard was eight or more homes. Mr. Lockwood added that they could also tie into the County system. Mr. Gray agreed that subdivisions within the service district could utilize County Public Utilities. Referencing a newer subdivision on Henpeck Road, Mr. Tiller indicated there were more than eight homes and he had seen a well being dug in one of the yards. Mr. Gray reported the referenced subdivision had been approved prior to the 2016 changes and he believed was the last approval under the old standards.

There being no further questions or comments, Mr. Evelyn opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Ms. Paige moved to adopt Ordinance O-15-21 to amend Section 91-127 of the New Kent County Code. The members were polled:

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: PUBLIC HEARING – ORDINANCE AMENDMENT OA-05-21 – AMENDMENT TO SECTION 91-103 OF THE NEW KENT COUNTY CODE – ORDINANCE 0-16-21

Before the Board for consideration was Ordinance O-16-21 amending Section 91-103 of the New Kent County Code. Senior Planner Koty Gray reported this amendment would provide consistency between private street standards and VDOT's requirements for low volume roads. The VDOT requirements for the acceptance of low volume roads and subdivisions had been updated to require greater standards than Section 91-103 of the New Kent Subdivision Ordinance. The intent of the proposed amendment was to have County Ordinance align with VDOT requirements specifically regarding a paved surface. Mr. Gray reported there had been many issues with gravel roads which had never been intended to serve as many lots as they were currently serving. There were also issues with the lack of road maintenance agreements or agreements not being enforced. Some residents on these roads were reaching out to VDOT asking that they be accepted into the VDOT system for maintenance and VDOT was denying their requests because of the gravel surface. Staff was recommending approval and the Planning Commission had also considered this amendment on June 21, 2021 and had also recommended approval. He entertained questions.

Mr. Evelyn stated it was his understanding subdivisions with 25 acre lots could still have gravel roads. Mr. Gray indicated that was correct and noted only a 50 foot unimproved deeded right of way was necessary with a large-lot subdivision. He also noted 15 acre lots were required to front on public roads. They were frequently seeing private gravel roads being extended to reach additional lots and, in many cases, no road maintenance agreements were in place. Aligning County Code with VDOT requirements would alleviate this situation. Mr. Tiller reported he had recently spoken with someone in the same situation who had noted some residents were willing to help with the road while others were not. Mr. Gray reported recently receiving a similar call and noted these situations were legal issues between neighbors. Mr. Lockwood asked how the County could alleviate the

issue of additional lots being added in the future. He asked who would be responsible – the new development or the existing residents. Mr. Gray indicated he would have to look into this. Mr. Evelyn noted anyone wishing to expand access into another property would have to stub their road to the existing road and with this amendment, the existing road would have to meet VDOT standards. Mr. Lockwood asked if a subdivision of 25 acre lots existed and years later someone wanted to add more lots that were less than 25 acres, what would be the road requirements. He asked would it be a gravel road to a point and then a paved road. County Administrator Rodney Hathaway reported this exact situation had recently occurred with Shooters Run Road. He noted there had been proposed subdivisions which required a public road but the only road they could connect to was a private gravel road. Applicants were being told they could only connect a public road to a public road so it would be necessary to find a way to get a right of way to the nearest public road or they would not be able to build the subdivision. Mr. Lockwood suggested they may be able to come to some agreement with the owner of the private road and have the owner pave it for them.

There being no further questions or comments, Mr. Evelyn opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Mr. Tiller moved to adopt Ordinance O-16-21 to amend Section 91-103 of the New Kent County Code. The members were polled:

Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: PUBLIC HEARING – ORDINANCE AMENDMENT OA-06-21 – AMENDMENTS TO SECTION 91-126 OF THE NEW KENT COUNTY CODE – ORDINANCE O-17-21

This item had been withdrawn prior to the meeting.

IN RE: SUMMARY INFORMATION FOR AFD PUBLIC HEARINGS

Agricultural and Forestal District (AFD) Program Administrator Sheri L. Adams reported eight public hearings involving the AFD program were scheduled for this meeting. In the interest of time, she would present summary information on the contemplated actions. She noted New Kent County Code Chapter 62 and Code of Virginia Section 15.2-4300-4314 governed special use districts such as this. Transactions before the Board would include renewals of both the Diascund Creek AFD with 123 parcels and York River AFD with 53 parcels and applications from six land owners for the addition of ten parcels to various districts. She pointed out the Board had enacted a moratorium the previous year due to uncertainties surrounding COVID and as a result, no districts had been renewed or parcels added. Ms. Adams reported staff was recommending approval of the eight applications and the Planning Commission had also considered each of the applications on June 21, 2021 and had also recommended approval of all. The AFD Advisory Committee had recommended approval of all applications with the exception of AFD-07-21 based on the parcel not being in the core or within one mile of the boundary of the core. The Planning Commission had considered the environmental impact of preserving the parcel and had recommended approval. She noted full details had been included in meeting packets and offered to

answer any questions. There being none, Mr. Evelyn noted the information had been put together very well and he appreciated the amount of time involved. He added that the applications appeared to be straight forward and had all been approved by the Planning Commission. The Board moved on to conduct the eight public hearings.

IN RE: PUBLIC HEARING – AFD-01-21 RECREATION OF DIASCUND CREEK AFD – ORDINANCE 0-18-21

Before the Board for consideration was Ordinance O-18-21 recreating the Diascund Creek AFD. This district was located in the southeastern portion of the County, was bordered James City County, was set to expire on August 31, 2021 and consisted of 123 parcels.

Mr. Evelyn opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Mr. Tiller moved to adopt Ordinance O-18-21 approving application AFD-01-21 to recreate the Diascund Creek AFD. The members were polled:

Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Thomas W. Evelyn	Aye

The motion carried.

Please see above section labeled "Summary Information for AFD Public Hearings" for additional information pertaining to all AFD actions taken during this meeting.

IN RE: PUBLIC HEARING – AFD-02-21 RECREATION OF YORK RIVER AFD – ORDINANCE 0-19-21

Before the Board for consideration was Ordinance O-19-21 recreating the York River AFD. Tax Map Parcel 38-31 would not be included in the recreation due to the fact that it no longer qualified. This parcel would expire on August 31, 2021 and all others would be renewed for the recommended ten-year period. This district was located in the northeastern corner of the County, was bordered by James City County to the east and the York River to the north, was set to expire on August 31, 2021 and consisted of 53 parcels.

Mr. Evelyn opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Ms. Paige moved to adopt Ordinance O-19-21 approving application AFD-02-21 to recreate the York River AFD for a term of ten years with the exception of Tax Map Parcel 38-31 which no longer qualified. The members were polled:

John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye

The motion carried.

Please see above section labeled "Summary Information for AFD Public Hearings" for additional information pertaining to all AFD actions taken during this meeting.

IN RE: PUBLIC HEARING – AFD-03-21 ADDITIONS TO PELHAM SWAMP AFD – ORDINANCE 0-20-21

Before the Board for consideration was Ordinance O-20-21 to add two parcels to the Pelham Swamp AFD. Kinard B. Williams had applied for the addition of Tax Map Parcels 23-7-7 and 23-42 containing a total of 157.52 acres. This district was centrally located in the County, was set to expire on August 31, 2025 and consisted of 34 parcels totaling 2,798.54 acres.

Mr. Evelyn opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Ms. Paige moved to adopt Ordinance O-20-21 approving application AFD-03-21 to add Tax Map Parcel 23-2-7 and Tax Map Parcel 23-42 to the Pelham Swamp AFD. The members were polled:

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye

The motion carried.

Please see above section labeled "Summary Information for AFD Public Hearings" for additional information pertaining to all AFD actions taken during this meeting.

IN RE: PUBLIC HEARING – AFD-04-21 ADDITIONS TO PUTNEY CREEK AFD – ORDINANCE 0-21-21

Before the Board for consideration was Ordinance O-21-21 to add two parcels to the Putney Creek AFD. Christina and Steven Berta had applied for the addition of Tax Map Parcels 3-19 and 3-19A containing a total of 83.85 acres. This district was located in the northeastern part of the County, was bordered by King William County to the north and Hanover County to the west, was set to expire on August 31, 2025 and consisted of 26 parcels totaling 3,015.31 acres.

Mr. Evelyn opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Ms. Paige moved to adopt Ordinance O-21-21 approving application AFD-04-21 to add Tax Map Parcel 3-19 and Tax Map Parcel 3-19A to the Putney Creek AFD. The members were polled:

Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye

Thomas W. Evelyn Aye

The motion carried.

Please see above section labeled "Summary Information for AFD Public Hearings" for additional information pertaining to all AFD actions taken during this meeting.

IN RE: PUBLIC HEARING – AFD-05-21 ADDITION TO UPPER CHICKAHOMINY AFD – ORDINANCE 0-22-21

Before the Board for consideration was Ordinance O-22-21 adding one parcel to the Upper Chickahominy AFD. Kathryne and Joseph Towler had applied for the addition of Tax Map Parcel 7-19 containing 106.46 acres. This district was located in the western portion of the County, was bordered by Henrico and Hanover Counties, was set to expire on August 31, 2028 and consisted of 16 parcels totaling 1,055.29 acres.

Mr. Evelyn opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Mr. Tiller moved to adopt Ordinance O-22-21 approving application AFD-05-21 to add Tax Map Parcel 35-20 to the Upper Chickahominy AFD. The members were polled:

Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Thomas W. Evelyn	Aye

The motion carried.

Please see above section labeled "Summary Information for AFD Public Hearings" for additional information pertaining to all AFD actions taken during this meeting.

IN RE: PUBLIC HEARING – AFD-06-21 ADDITION TO DIASCUND CREEK AFD – ORDINANCE 0-23-21

Before the Board for consideration was Ordinance O-23-21 adding one parcel to the Diascund Creek AFD. Paul and Patrick Clarke of P C, LLC had applied for the addition of Tax Map Parcel 35-21 containing 273.25 acres. The Diascund Creek District was located in the southeastern part of the County, was bordered by James City, was set to expire on August 31, 2031 (renewed by O-18-21) and consisted of 123 parcels totaling 4,020.91 acres.

Mr. Evelyn opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Mr. Stiers moved to adopt Ordinance O-23-21 approving application AFD-06-21 to add Tax Map Parcel 35-20 and Tax Map Parcel 35-21 to the Diascund Creek AFD. The members were polled:

John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye

Ron Stiers	Aye
Thomas W. Evelyn	Aye

The motion carried.

Please see above section labeled "Summary Information for AFD Public Hearings" for additional information pertaining to all AFD actions taken during this meeting.

IN RE: PUBLIC HEARING – AFD-07-21 ADDITION TO CRUMPS SWAMP AFD – ORDINANCE 0-24-21

Before the Board for consideration was Ordinance O-24-21 adding one parcel to the Crumps Swamp AFD. Miles C. Johnson, III had applied for the addition of Tax Map Parcel 21-55 containing 40.307 acres. The Crumps Swamp District was located east of Henpeck Road, south of Route 249 and north of I-64 along State Route 612, was set to expire on August 31, 2027 and consisted of 13 parcels totaling 646.53 acres.

Mr. Evelyn opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Mr. Lockwood moved to adopt Ordinance O-24-21 approving application AFD-07-21 to add Tax Map Parcel 21-55 to the Crumps Swamp AFD. The members were polled:

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye

The motion carried.

Please see above section labeled "Summary Information for AFD Public Hearings" for additional information pertaining to all AFD actions taken during this meeting.

IN RE: PUBLIC HEARING – AFD-08-21 ADDITIONS TO HOLTS CREEK AFD – ORDINANCE 0-25-21

Before the Board for consideration was Ordinance O-25-21 to add two parcels to the Holts Creek AFD. Henry B. Thompson of Criss Cross Properties had applied for the addition of Tax Map Parcels 24-35A and 24-51 containing a total of 129.14 acres. The Holts Creek District was located along the south bank of the Pamunkey River between the Nature Conservancy along Cumberland Road on the west and Cooks Mill Road to the south, was set to expire on August 31, 2029 and consisted of 2 parcels totaling 919.89 acres.

Mr. Evelyn opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Mr. Lockwood moved to adopt Ordinance O-25-21 approving application AFD-08-21 to add Tax Map Parcel 24-35A and Tax Map Parcel 24-51 to the Holts Creek AFD. The members were polled:

Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried. Mr. Evelyn expressed appreciation to Ms. Adams for her work on these AFD transactions.

Please see above section labeled "Summary Information for AFD Public Hearings" for additional information pertaining to all AFD actions taken during this meeting.

IN RE: ANNOUNCEMENT OF UPCOMING MEETINGS/ADJOURNMENT

Mr. Evelyn announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, August 9, 2021 and the next work session would be held at 9:00 a.m. on Wednesday, July 28, 2021, both in the Boardroom of the County Administration Building.

Mr. Tiller moved to adjourn. The members were polled:

Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Thomas W. Evelyn	Aye

The meeting was adjourned at 7:30 p.m.

New Kent County Board of Supervisors P O Box 150, 12007 Courthouse Circle New Kent, VA 23124

AGENDA ITEM REQUEST

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/20	21 Approval of Minutes
Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	approve the Consent Agenda as presented and that it be made a part of the record. or I move to approve the Consent Agenda as presented and that it be made a part of the record, with the following changes:
Subject	July 28, 2021 Work Session Minutes
Issue	
Recommendation	
Fiscal Implications	
Policy Implications	
Legislative History	
Discussion	

Time Needed:		Person Appearing:	
•	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided to:			

Type

Cover Memo

ATTACHMENTS:

Description July 28, 2021 Meeting Minutes (PDF)

REVIEWERS:

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	8/31/2021 - 10:07 AM
Administration	Hathaway, Rodney	Approved	8/31/2021 - 10:08 AM

Attorney

A REGULAR WORK SESSION WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 28TH DAY OF JULY IN THE YEAR TWO THOUSAND TWENTY-ONE IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 9:00 A.M.

IN RE: CALL TO ORDER

Chairman Thomas W. Evelyn called the meeting to order and welcomed everyone.

IN RE: ROLL CALL

Thomas W. Evelyn C. Thomas Tiller, Jr. Patricia A. Paige Ron Stiers John N. Lockwood Present Absent Present Present Present

All members were present with the exception of Mr. Tiller who joined the meeting at 9:35 a.m. Mr. Evelyn announced Agenda Item 1 regarding the Lower Chickahominy Watershed Collaborative Memorandum of Understanding had been withdrawn.

IN RE: PRESENTATION AND DISCUSSION ON THE RECENTLY COMPLETED LOWER CHICKAHOMINY WATERSHED COLLABORATIVE MEMORANDUM OF UNDERSTANDING

This item had been withdrawn.

IN RE: COX BROADBAND EXPANSION PLAN DISCUSSION

Cox Communications Senior Manager for Public Affairs Sarah Buck expressed appreciation for the opportunity to speak and noted she was looking forward to sharing opportunities for partnership resulting in connectivity for unserved County residents. She shared background information on Cox Communications including that Cox founder, James M. Cox, had purchased the Dayton Evening News in 1898 which marked the start of the current Cox Enterprises. Cox Enterprises was a privately-held communications, media and automotive services company with revenues nearing \$15 billion and more than 50,000 employees. The Cox family was committed to continuing Mr. Cox's legacy by investing in communities where they were doing business and where their employees lived and worked. Ms. Buck reported Cox had been investing in New Kent and providing connectivity for residents and businesses for more than twenty years. Information on Cox's nationwide investment included:

- A \$16 billion investment in the network over the past ten years.
- A planned \$10 billion investment over the next five years with approximately \$2.2 billion being in Virginia. The investment strategy focused on getting ready for future demand.
- 12-18 months advance demand planning. While Cox residential customers could get speeds up to 1G now, they were expecting the need to increase and enhancements in progress would support 10G deployment. She noted Cox business/commercial customers were already able to get this speed and could get up to 100G if desired.
- 28,000 neighborhood nodes nationwide.
- 99% of existing nodes had performed very well amid increased use.

Ms. Buck reviewed a map of the Cox nationwide fiber backbone composed of 35,000 miles of fiber and 180,000 miles of hybrid fiber-coax. She reported hybrid fiber-coax was the

typical connection from fiber-fed nodes to individual homes. She also reported Cox had a line into the Trans-Atlantic Cable enabling them to offer connectivity to commercial customers for overseas business. She provided an example of a typical hybrid fiber-coax configuration illustrating how individual homes would be connected. The hybrid fiber-coax model was a traditional method of delivering high speed internet and tended to be the most economical way to provide service to a large number of homes. Using this model, fiber was used to feed nodes and coax was used to carry the signal from the nodes to the home. In some cases, Cox engineers may determine fiber to the home would be the best option but regardless of delivery method, all customers could receive the 1G speed.

Ms. Buck stated New Kent was a prime candidate for the use of American Rescue Plan Act (ARPA) funding and New Kent had received federal funding for the purpose of investing in broadband infrastructure to reach the unserved. The federal government had realized it was cost prohibitive for the private sector to take on broadband expansion on their own. New Kent had an opportunity to reach unserved residents with financial support from the federal government and those funds, combined with initial and ongoing Cox investments, could support projects that could start as soon as tomorrow to help connect residents.

Ms. Buck reported Cox engineers had taken a look at the County at the end of 2019 and early 2020 and had identified twenty-two specific areas where service was not available. These areas had been selected because of their proximity to the existing fiber network. She noted this was by no means a list of all residences needing connectivity but they were projects Cox felt could be completed the quickest and with the least amount of investment. Building out the ninety miles of new network to reach the twenty-two noted areas (1,200 unserved homes) would cost about \$7 million. Cox had worked with New Kent to apply for a VATI (Virginia Telecommunications Initiative) grant for several areas last year. That application had included 756 homes on/in Crumps Mill, Old Church, White House Farms, Henpeck, Autumn Hills and Tunstall Road. The total build cost had been estimated at \$6,034,610 but unfortunately the application was unfunded. Cox had applied for a similar grant in Roanoke which had also gone unfunded but they they had received a commitment from Roanoke to move forward. Cost estimates were for initial build only and Cox would own, operate and maintain the network regardless of the service take rate.

Ms. Buck noted information on some of the individual projects had been provided for possible consideration as pilot projects utilizing other funding sources such as ARPA or CARES Act. She specifically noted the Henpeck/Autumn Hills proposal which would serve 24 homes at a total build cost of \$149,175. This was the only area of the VATI application that had not been impacted by RDOF (Rural Digital Opportunity Fund) funding. The Cox contribution would be \$58,205 and New Kent County's share would be \$90,970. Noting the normal connection was considered to be 250 feet, she stated these costs also included reaching homes beyond the normal 250 foot distance. All estimates were virtual and the costs could fluctuate once they walked the property. She also drew attention to a couple of smaller projects including one for Emmaus Church Road, Roxbury Road and Pocahontas Trail and the other for Wingapo Drive and Marina Road. The County's share for each of these projects had been estimated at \$80,000. The Emmaus Church Road project would include 7,200 feet of construction and serve ten homes and three businesses. The Wingapo project would include 4,100 feet of construction and serve eleven homes and three businesses. She drew attention to another proposal involving the Elysium Drive/Eames Way/Pamunkey View Lane neighborhood and noted this would be a fiber to the home build that would take at least six months to construct. Twenty-six homes, nine residential lots and two HOA-owned lots would be passed. The total cost was estimated at \$284,752 with \$146,005 being New Kent's share and the Cox share being \$138,747.

In closing, she noted New Kent County had an excellent opportunity to dedicate federal funds through ARPA to take immediate action to get unserved residents connected to the internet. She noted all homes passed in any of the proposed projects would have:

- Access to speeds up to 940/35 mbps (known as the Cox G1GABLAST product) and would benefit from future network enhancements and upgrades.
- Connect2Compete would also be available for qualifying residents. This would provide low-cost internet for \$9.95 per month at speeds of 50/3 mbps. Qualification criteria included having a K-12 student in the home and participation in the National Free/ Reduced Lunch program or other qualifying assistance program.
- Opportunity to partner with Cox on an internet subsidy program New Kent's version of the federal emergency broadband benefit program offering a \$50 per month subsidy to help cover the cost of internet service for qualifying families.
- Cox was excited to continue working with New Kent and thinking outside the box for ways to partner and serve residents. Cox already had fiber in the ground and could start building out to some of the suggested neighborhoods as early as the next day.

She expressed appreciation for the Board's time and consideration in working together to reach families. She entertained questions.

Referencing the Connect2Compete (C2C) program, Mr. Lockwood suggested this hardly provided the ability to compete and added that homeschool and Zoom meetings would not work well at this speed. He added that 50/3 was not the current minimum standard for high speed internet and reported the minimum was now 120. Ms. Buck reported broadband speeds were defined as 25/3 and above and noted the C2C program had initially been offered at 25/3 and had been increased to 50/3 soon after the onset of the pandemic. She reported 50 was sufficient for Zoom calls, telemedicine and in home learning and moving the speed up to 50/3 had been an effort to allow multiple students to work simultaneously. There had been a great deal said about symmetrical speeds and meeting the 100/100 but Cox was seeing that usage was more on the download stream than the upload stream and felt it was more beneficial to focus the bandwidth on the download speed. Mr. Lockwood noted disagreement and stated COVID had shown that the upload speed was critical and the demand for upload speed had been increasing at a greater rate than for download speed. He also expressed concerns regarding the use of coax. He noted New Kent had spent a lot of money and every consultant as well as the Broadband Advisory Committee had recommended fiber to the home. The Board had come to the conclusion fiber to the home was the way to go and only one of the proposals Ms. Buck had shared was for fiber to the home. He suggested any proposal should be fiber to the home. Ms. Buck indicated she could work with engineers to see what fiber to the home would look like and noted it would change the cost. Mr. Lockwood noted New Kent had guotes from other companies for fiber to the home and suggested anything less would be a compromise the investment would not justify. He stated any proposal he would consider would have to be fiber to the home. Ms. Buck expressed appreciation for his comments.

Ms. Paige thanked Ms. Buck for attending. She reminded her that she had sat down with her and Mr. Stork (Barret Stork Cox Director of Government and Regulatory Affairs) almost two years ago to discuss a plan for New Kent. Mr. Evelyn noted he had also been present. Ms. Paige reported numerous emails had been exchanged but no plan had been received. It was no secret New Kent had been talking with other providers and if they were to compare what was offered, they would need to compare apples to apples. She noted Ms. Buck had stated New Kent would be getting federal funds and suggested perhaps she knew the level of funding the County would be getting but the County did not. She noted many Cox

customers appreciated having service but stated it was not providing what New Kent needed as a county. She asked what good \$9.95 a month service would do if it would cost \$7 to \$15 thousand to get service to the home. Families were working and learning from home and a plan that covered 700 to 1,200 homes didn't touch what was needed. She had enjoyed discussing a plan for New Kent with Ms. Buck and Mr. Stork but added the Board needed a different type of presentation and she was disappointed she had not received the discussed plan. She suggested it was easy for Cox to invest in the County when they were the only provider but noted New Kent needed more. Ms. Buck thanked Ms. Paige for her comments and noted Cox was not alone in this. She reported the Governor's broadband team had estimated a guarter of a million Virginia residents did not have connectivity and it was cost prohibitive to extend service into some of the more rural areas. That was why the federal government was stepping in to provide funding for infrastructure bills. She also reported the Governor had requested \$700 million to be put into the VATI grant fund. VATI was a competition and Cox would be competing with other private providers for funding. She noted it all came down to economics and stated Cox would invest but was looking for some support to offset the high cost of the initial build. Cox would continue investing in the network through upgrades and providing services to customers. She understood the frustration and noted they had been discussing a plan for New Kent for some time. They had pulled together the twenty-two areas previously mentioned as a starting point and there had been a lot of conversations but due to funding there had been no movement.

Ms. Paige stated the County had not been awarded any VATI grants since 2015. She had looked at the process and specifically mentioned the previous year when there had been a number of emails between Cox and the County Administrator. The County Administrative staff was applying for grants even though they didn't know all the terms necessary to apply and she had not seen the support the County needed to apply. She stated the County was hoping to get some of the mentioned federal funding and suggested there wasn't much hope with the VATI grant because New Kent had never received one. Ms. Buck noted it was unfortunate that it seemed most of the VATI awards had been west of I-95 and had focused on areas with a high concentration of homes. Cox had applied for several areas within their service area but none had been awarded. They worked closely with the applicants and noted the localities had to apply in conjunction with a private partner. Cox had worked with New Kent to be sure all of the information the County Administrator needed to apply had been provided and they too were frustrated with the lack of awards. When the scores came in and other localities were serving 3,000 home, there was no comparison with New Kent's application to serve 750 homes. She noted the grant was seeking to serve as many homes as possible in response to the Governor's goals for universal coverage and the County and Cox had both spent a lot of time and resources putting an application together. Ms. Paige asked Ms. Buck if she didn't think New Kent had more than 3,000 homes without service. She stated that if that's the Governor's expectation, she was sure 3,000 homes without internet could be found in New Kent. Ms. Buck reported they would need to identify the 3,000 homes and put together a grant application for those homes. She noted previous applications had focused on priority areas identified by the County.

Referencing Ms. Paige's comments regarding the request for a plan two years ago, Mr. Evelyn stated he had been in that meeting and if New Kent had received that plan, they could have used CARES funding to begin implementation. Ms. Buck reported \$33,000 in CARES funding had been used to reach a small area. Mr. Evelyn indicated he had thought New Kent would be getting a plan similar to what Cox had done for neighboring Gloucester County. Ms. Buck indicated that when Mr. Stork and she had met with Mr. Evelyn and Ms. Paige, they had brought a map depicting the twenty-two areas and they had been instructed to focus on those areas. They had put together a plan and that had involved the

\$7 million mentioned earlier in the presentation. Building out these areas would have required a \$5 million commitment from the County. Ms. Paige indicated she did not remember this. Mr. Evelyn also indicated he didn't remember this. County Administrator Rodney Hathaway reported the plan Ms. Buck was referencing was the plan for 750 homes. Ms. Buck indicated the plan had been for 1,200 homes. Mr. Hathaway indicated he believed the expectation had been that New Kent would receive a plan covering the entire County. Mr. Evelyn noted he and Mr. Lockwood had the two most underserved districts in the County and stated he understood Cox was a business and had to make money. He distributed maps of the Whitehouse Farms Subdivision containing 62 homes which he reported had no internet service. He noted Cox kept saying they wanted to work with the County and stated this subdivision met the Cox requirement for a minimum of 25 homes within a mile (franchise agreement) and he didn't understand why service had not been extended to this community although there had been numerous requests. Ms. Buck noted she was not an engineer but would be happy to take this example back for review. Mr. Evelyn noted this was very frustrating. He added that Verizon was not adding any new customers and Board members received frequent calls and emails from new home buyers asking when they could expect to have internet access.

Mr. Lockwood noted another frustration for him was Cox's selection of small projects. He stated they were picking projects that were the easiest to connect and every time the County allowed this type of expansion, it would make it harder for outlying areas to be connected. He suggested this was cherry picking and was taking the take rate off the table for the next potential program. He noted a solution was needed for the County and not just a specific area. He added that if he was in Cox's shoes, he would present a proposal for fiber to the home for the County and noted that was the only proposal he would accept. He stated cherry picking may make a few voters happy but would do nothing to solve the overall issue for the County. Ms. Buck expressed appreciation for the feedback and noted the presentation had focused on several specific areas including financial information to make the costs more digestible. The hope was the County would want to move forward with some of these projects now and the network would be built as they were adding on these smaller areas. She likened it to a game of connect the dots and noted that as dots were connected, the cost to get to outlying areas would become less expensive. Mr. Lockwood suggested that would only help if they were building fiber to the home and noted at some point, the capacity of the nodes would be exhausted. Ms. Buck indicated it would be fiber to the node and a HFC (Hybrid Fiber-Coax) connection from the node to the home.

Mr. Evelyn thanked Ms. Buck for the presentation. Ms. Buck again expressed appreciation for the opportunity to meet with the Board.

IN RE: New Kent County Board of Road Viewers Charter

Before the Board for consideration was Resolution R-16-21 restructuring and adopting a charter for the existing New Kent County Board of Road Viewers. County Administrator Rodney Hathaway reported New Kent had received \$1,629,741 in Central Virginia Transportation Authority (CVTA) funding to date. This was the County's local share for local transportation projects. The CVTA had been working to develop guidelines and a process focusing on the use of CVTA funding for regional projects. He suggested the CVTA process could also be used as a guide as New Kent began moving forward with locally funded projects. He was recommending the development of a public process involving a public board charged with working with staff to develop an annual work program for projects using CVTA funding. The recommendations for inclusion in the annual work program would be brought to the Board each year for approval. He noted there were two existing County

commissions or committees that were dealing with transportation. One was the Board of Road Viewers which was required in the process of receiving Secondary Six-Year Plan (SSYP) funding from the state. New Kent was receiving approximately \$60,000 annually in SSYP funding. The limited funding made it difficult to move forward with projects and as a result, the Board of Road Viewers had not been very active. The other was the Transportation Safety Commission which was comprised of 19 members including citizens and staff who were meeting quarterly to specifically look at County transportation safety issues. Mr. Hathaway reported the option before the Board was to formally charter the Board of Road Viewers and task them with working with staff on the annual work program as well as their current obligation to the SSYP. This option would require a total restructure of the Board of Road Viewers. Members of this board were currently serving one-year terms and because projects often took several years to complete, their tenure should be longer and their terms should be staggered for continuity. He drew attention to the membership section of the proposed charter which outlined the process of staggering terms and required the reappointment of existing members and/or the appointment of new members. The recommendation also included increasing the board's membership to seven by adding two at-large members. He suggested that on the surface the two tasks given to the Board of Road Viewers sounded small but noted the work would be involved. He also noted they would be tasked with developing a scoring process by which potential projects could be ranked. He stressed the importance of having a uniform measure to rank all projects considered for inclusion in the annual work plan. He entertained questions.

Mr. Stiers asked why the annual work plan task was being given to the Board of Road Viewers and not the Transportation Safety Commission. Mr. Hathaway noted the Board of Road Viewers was an inactive board but noted the charter would more clearly define their purpose. He also noted the Transportation Safety Commission dealt mainly with safety issues and projects to be funded with CVTA funds would not necessarily be safety related. As an example, he suggested an Economic Development project may require a new road which would not be a safety issue. Mr. Stiers noted there were no individuals in the County who knew the roads better than the Sheriff and the Fire Chief and they were serving on the Transportation Safety Commission. The commission met quarterly and there were some projects they had been working on for several years. He thought it would be better for the annual work plan to come from the Transportation Safety Commission. He noted he didn't know who was serving on the Board of Road Viewers and there would be input from the Sheriff and Fire Chief if the task was given to the Transportation Safety Commission. Mr. Lockwood noted Sharon Oakley, his appointee to the Board of Road Viewers, had been doing an excellent job and had provided him with much information on projects. Mr. Hathaway reported the Sheriff and the Fire Chief as well as VDOT would be involved in the process whether the plan was coming from the Board of Road Viewers or the Transportation Safety Commission. He noted the County did not have engineers on staff and he hoped projects could be managed and constructed by VDOT with funding provided by the County.

Ms. Paige asked if she had heard correctly that the Board of Road Viewers was a required board. Mr. Hathaway confirmed and noted SSYP projects had to be reviewed by a public body. Ms. Paige noted the CVTA had just celebrated its first anniversary and was still working to get policies and procedures in place. She stated the committee forming the annual work plan would need to go beyond the Sheriff and the Fire Chief and would also have to work with County departments as well as the Transportation Safety Commission. When projects were graded and decisions made, it would be necessary to have input involving all aspects including safety. She noted there may be projects in which Planning Director Kelli Le Duc should be involved because of her knowledge of other funding avenues. She also noted the committee would need to be willing to view the County as a whole while still representing individual districts. She also stressed the importance of CVTA funding not being used for things that were VDOT's responsibility. She had heard VDOT was telling individuals the County had CVTA funding and stressed that CVTA money was for County projects and not VDOT maintenance. She also stressed that Board members should consider the importance of the committee when making appointments and the importance of making sure New Kent received its share of funding. Mr. Hathaway also reported the funding received thus far (\$1.6 million) had well exceeded the \$1.2 million projection and those funds had only been collected for a portion of the previous fiscal year (starting in October 2020). Mr. Lockwood noted that was indicative of how critical it was that Board members select the correct people to serve because they would be advising on how the County should spend a significant amount of funding. Mr. Stiers noted the final decision would be made by the Board of Supervisors. Mr. Lockwood agreed and noted this would be an advisory board tasked with making informed recommendations to the Board. He noted road projects were expensive, they would be dealing with both short-term and long-term plans and setting the criteria for how to do that would be critical. He again stated it would be critical for Board members to select the correct people to fill these seats.

Mr. Evelyn noted agreement and expressed concerns regarding the tendency to focus on projects within their districts rather than the County as a whole. He asked Board members how they felt about adding non-voting members such as the Sheriff, Economic Development Director, Planning Director and Fire Chief. These individuals were working in the County on a daily basis and would know the needs. Ms. Paige noted agreement and also stressed the importance of making sure the projects would meet CVTA funding requirements because New Kent would still be under the CVTA's governance to some degree. Mr. Hathaway reported he had always anticipated these parties would be involved in the process. He suggested the language could be revised to include them as ex-officio members. He also noted he envisioned VDOT being involved in the discussions and the County ultimately relying on them to manage some projects. Ms. Paige noted she did not think VDOT would have to do the work but it could be contracted out using VDOT contractors. She suggested the appointees should make the recommendations and then there could be a group of people to review them. She also suggested non-voting members would not need to attend every meeting but their advice and experience would be greatly needed. Mr. Hathaway asked if a Board member should serve. Mr. Evelvn expressed concerns that a Board member could be persuasive regarding projects within their district.

Mr. Lockwood suggested VDOT should not come into the process until the County had made its decisions. Although VDOT's input/approval would be needed for some projects, he expressed concerns that they may consider this funding as a solution to their problems and stressed it should not be used for maintenance VDOT should already be doing. He again suggested VDOT should be brought in once project decisions were made and then have them work to get them done. He noted the County would have to work with VDOT and their rules but projects funded with CVTA money should be the County doing the project with VDOT's permission. He also stressed the importance of decisions being weighted on need and not district. He asked if it would be necessary for the at-large representatives to be New Kent residents and suggested the Board would want to have some expertise that may not be available in the County. Mr. Evelyn suggested perhaps an engineer. Mr. Lockwood agreed and suggested possibly a retired VDOT engineer who would have an understanding of not only the need but also the how to get it done. Ms. Paige suggested a staff representative instead of a Board representative. Mr. Evelyn noted the next agenda item (Consideration of Creating a Transportation Planner Position) would resolve that issue. Mr. Evelyn entertained a motion. Ms. Paige asked if the Board should take action to bring the resolution back for consideration once changes were made. Mr. Evelyn noted that would be at the pleasure of the Board. Mr. Lockwood suggested they should wait to take action at the next meeting. He also asked if the action would eliminate the current Board of Road Viewers, Mr. Hathaway indicated Board members could reappoint existing representatives but the terms would be staggered. Mr. Evelyn asked Mr. Lockwood what reason there was to delay the vote. Mr. Lockwood suggested they should first answer the residency question for at-large representatives or the proposed motion could be amended if the Board wished to move forward. Ms. Paige noted the motion could state "with suggested changes." Mr. Hathaway noted the changes he had heard were to include the Sheriff, Fire Chief, Economic Development Director and Planning Director as non-voting members and answer the residency question for at-large representatives. Mr. Evelyn asked Board members if they thought they could find someone living outside of New Kent who would volunteer to serve. Mr. Lockwood suggested the at-large nominations should not reside within the district of the Board member making the nomination. Mr. Hathaway noted the charter did not specify residency for the at-large representatives and the Board would have discretion to go outside of the County if they wished. Mr. Stiers suggested consideration should be given to adding School Transportation to the list of non-voting members. Mr. Hathaway agreed and noted they were on the roads daily and could provide valuable insight.

Ms. Paige moved to adopt Resolution R-16-21 to establish a charter for the New Kent County Board of Road Viewers with the noted changes.

County Attorney Brendan Hefty clarified the motion by stating the intention was to eliminate the current slate of members with the adoption of R-16-21. The terms of current members would be terminated upon adoption. He asked if that was the intention of the motion. Mr. Evelyn asked if the addition of non-voting members should be included in the motion.

Ms. Paige moved to adopt Resolution R-16-21 to establish a charter for the New Kent County Board of Road Viewers to include non-voting members from Fire-Rescue, the Sheriff's Office, Economic Development, Planning and School Transportation and with a clean slate of members to be appointed for the terms stated in this resolution. The members were polled:

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: CONSIDERATION OF REQUEST TO CREATE A TRANSPORTATION PLANNER POSITION

County Administrator Rodney Hathaway reviewed a draft job description for a new Transportation Planner Position which would be a part of the New Kent Planning Department and report to the Planning Director. This position would manage the Central Virginia Transportation Authority (CVTA) local funding process and would serve as staff support to the Board of Road Viewers. Managing projects would be a large part of the Transportation Planner's responsibilities and they would also attend CVTA meetings. This position would also be responsible for required reporting to meet CVTA regulations and would work closely with the Board of Road Viewers to develop the annual work program for the Board's approval. He again noted the job description was in draft form and if the Board wished to move forward with this position, he would work with Human Resources and the Planning Director to finalize it for advertisement. He entertained questions.

Mr. Tiller asked if CVTA funds could be used to support this position. Mr. Hathaway noted he was proposing that CVTA funds be used. The agenda item request form indicated the position would be a level 20 pay grade with a salary ranging from \$48,293 to \$63,742. Other costs included \$3,000 for a laptop, \$1,200 for software, \$2,500 for office supplies, \$600 for a cell phone, \$900 for cell phone service and \$800 for fuel and mileage.

Mr. Stiers asked if the position was mandated by the state. Mr. Hathaway noted the position was not mandated but New Kent would need someone to manage the process.

Ms. Paige stated she was a champion of this position and reported the Planning Department was currently responsible for managing applications for grants for transportation needs in the County. This was a position that could be funded through the CVTA and would work with various departments and VDOT to enhance New Kent's Smart Scale applications to get more rural projects done throughout the County. Mr. Lockwood noted agreement and stated he felt the responsibilities of this position would be better handled by a dedicated individual rather than dividing responsibilities among existing staff. He also noted the individual should be capable of understanding the grant process and added this would open the door to other federal and state grants the County may be missing. He noted grant applications were time-consuming and suggested the right person could bring more funding in addition to the CVTA funding to the County.

Mr. Tiller noted Mr. Hathaway had confirmed CVTA revenue could be used to fund the position. He asked if the position could be approved with the understanding that it would exist only as long as CVTA funding was available. Mr. Hathaway reported language indicating the position would continue as long as CVTA funds were available could be added.

Mr. Stiers suggested an alternative to having a Transportation Planner would be to have a three-member panel who would volunteer their time to do this work. He suggested the addition of this position would be creating more big government for taxpayers to fund. He noted the cost of the position would start at approximately \$75,000 and suggested an assistant would be needed a few years later and the cost would grow and grow. He added this would be money that could be spent on projects needed in the County. Mr. Lockwood noted the Board of Road Viewers was responsible for reviewing projects and making recommendations and this position would give the County the best opportunity to find someone who was specialized in this area as opposed to creating another advisory committee. He stated he respectfully disagreed with Mr. Stiers and noted a decision maker would be needed and this position would indirectly be taxpayer-funded but would not be New Kent only funded. He felt utilizing CVTA funding would be a good use of this money.

Mr. Hathaway reported many surrounding localities had similar positions and, in some cases, entire Transportation Departments. Job descriptions for existing positions had been reviewed in the process of drafting New Kent's description. Mr. Stiers asked if this person would be required to live in New Kent. Mr. Hathaway reported that could be stipulated but noted the County Administrator was the only other County position requiring residency.

Mr. Evelyn noted support for Mr. Tiller's idea of tying the continuation of the position to the availability of CVTA funding.

Ms. Paige moved to authorize the County Administrator to create a Transportation Planner position at a level 20 pay grade with language indicating this is a CVTA (Central Virginia Transportation Authority) funded position. The members were polled:

Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: OTHER BUSINESS – VANDELL PRESERVE AT CUMBERLAND MARSH

County Administrator Rodney Hathaway distributed handouts on the Vandell Preserve at Cumberland Marsh. The Preserve was located along Cumberland Road, consisted of 1,193 acres and was owned by The Nature Conservancy. Amenities included hiking trails as well as a handicapped accessible boardwalk and observation platform. He drew attention to a map noting the location of the Preserve and the approximate location of the boardwalk and observation deck. The County had recently been approached by The Nature Conservancy expressing a willingness to partner with New Kent on the construction of a kayak launch providing public access to the Pamunkey River. Mr. Hathaway noted there was no public access to any of the three rivers surrounding New Kent and increasing access was listed as a goal in the County's recently adopted Strategic Plan. The proposed kayak launch would replace the existing observation deck and board walk which were in need of extensive repair. He drew attention to several pictures depicting the observation deck at low tide and noted a kayaker would be thirty to forty feet from the water's edge during low tide. He drew attention to several pictures similar to what was proposed including a long deck with an observation structure and kayak launch. Additional details included:

- Staff was requesting authorization to proceed with engineering/design utilizing an oncall engineering firm. This would enable the County to develop a cost estimate to determine whether or not it would be feasible to proceed with construction.
- Staff was recommending using proffered funds from the Farms of New Kent Planned Unit Development (FONK PUD) for conservation easements. The current balance of funding was \$108,960. He noted the engineering cost would be much less than this and remaining funds could be used for construction if the project was financially feasible.
- The request was consistent with the recently adopted Strategic Plan as an action item for Quality of Life (Item Q.1.6) which stated, "To provide public access points to the three rivers within the County."

Mr. Tiller asked if the Farms of New Kent proffer was the corking fee that had originally been set up in the FONK PUD. Mr. Hathaway confirmed and noted the corking fee had been twenty-five cents per bottle of wine produced at the New Kent Winery.

Mr. Lockwood asked if the proposed launch would replace the existing structure in the same general location but extend out more toward the water. Mr. Hathaway confirmed but noted engineering findings could result in a slight change in location. Mr. Lockwood asked if it had been determined if any of the underlying structure was usable. Mr. Hathaway reported this had been discussed with The Nature Conservancy and they had indicated they believed a total rebuild would be necessary. Mr. Lockwood asked if this had been the idea of Assistant Finance Director Larry Clark. Mr. Hathaway reported Mr. Clark had helped organize several

meetings and had been the driver for this project. Mr. Lockwood noted increasing access to the water was in the County's Strategic Plan and much of the County's marketing pointed to the water. He suggested looking into the feasibility would be a good thing.

Ms. Paige asked if the launch would be "use at your own risk." Mr. Hathaway reported the County would look at the impact this facility may have on insurance and noted liability signage would be in place. He added that he did not see this as a barrier.

Mr. Stiers asked if the County would own the pier. Mr. Hathaway reported the County would not own the pier but would maintain it. Mr. Stiers asked if water access would be restricted only to kayaks. Mr. Hathaway drew attention to the picture of the proposed launch and suggested a canoe or small john boat could also possibly be launched.

Mr. Evelyn reported a kayak launch had been built in Mathews County several years ago. He asked if an engineer was needed or would an RFP (Request For Proposals) be sufficient. Mr. Hathaway reported using an engineer had been recommended to obtain cost estimates. Mr. Lockwood asked if the Design/Build process could be used. Mr. Hathaway indicated Design/Build could be used. Mr. Evelyn reported the Mathews project, which had been built by Bruce Howard, had cost much more than the previously mentioned proffer funds. Mr. Hathaway reported the County could put out a construction bid and see what prices came back. Mr. Lockwood suggested the engineering should be included in the bid.

Assistant County Administrator Justin Stauder reported another reason for the recommendation to start with engineering first was in response to grant opportunities available through the DCR (Department of Conservation and Recreation) which required an 80/20 match. It would be necessary to have a plan in place establishing the cost before the County could apply. Mr. Evelyn asked for estimated engineering costs. Mr. Stauder indicated he was not sure but noted it would be necessary to increase the existing parking area. Mr. Lockwood asked if the County could apply for grant funding after the fact. Mr. Hathaway suggested timing would be a factor and applications could possibly be submitted while engineering/permitting were in process. Mr. Lockwood indicated he would like to see this project include engineering when put out to bid.

County Attorney Brendan Hefty noted if the estimated cost was under \$200,000, State Code would allow the Board to move forward using small purchase procurement procedures without formal solicitation. Mr. Hathaway noted County purchasing policy required Board approval for anything over \$50,000.

Mr. Evelyn suggested information such as cost and if an engineer had been used should be gathered on the Mathews project. Mr. Hathaway indicated he would check with Mathews and noted he would also look into a project in Stafford County called "Crow's Nest" that was similar in topography and distance to the water.

IN RE: OTHER BUSINESS – CENTRAL VIRGINIA TRANSPORTATION AUTHORITY (CVTA) PROJECT LIST

Mr. Lockwood noted Board members had submitted suggested projects for use of the Central Virginia Transportation Authority (CVTA) funding and asked when those projects would be discussed. He suggested the County could begin looking at these projects and possibly start moving forward on some. County Administrator Rodney Hathaway reported PlanRVA had requested lists of potential projects from all member jurisdictions. It had been a good number of months since that list had been submitted and PlanRVA would not be holding the localities to those lists. He suggested a time could be arranged if the Board wanted to discuss possible projects. He stated he was aware of drainage issues in Eltham, a needed stop light in Bottoms Bridge, intersection improvements at Route 155, issues with South Quaker Road and many others and the Board of Road Viewers would be busy wading through the list. Mr. Lockwood asked if he was saying the Board should wait for the Board of Road Viewers or were there projects they could move forward with now.

Ms. Paige reported PlanRVA was planning to ask localities to submit a new list. The initial request for a list had been a necessary part of the formation of the CVTA and they had expected the projects to change. The initial list had not been only for the utilization of New Kent County CVTA funding but was also for possible regional CVTA funding consideration.

Mr. Lockwood indicated he was looking at projects that could utilize the County CVTA funds. He suggested there were a lot of little things the County had been asking VDOT to do that had been turned down and this would be a good time to clear some of those from the list. He specifically noted there were some signage issues which he indicated VDOT had determined were not needed or perhaps they had not wanted to cover the cost. He suggested this was an opportunity to look at those issues, it would not be necessary to ask for VDOT permission and the County could address the issues themselves. He felt the Board should be able to just do a lot of what they wanted to do and expressed concerns over the need to ask for VDOT's permission. He stated the County would be putting up the money, would be doing the engineering and would be playing by the rules and he would be expecting a rubber stamp from VDOT when the time came to put a project forward. He added if a road was built to VDOT standards and the signage was to VDOT standards, New Kent should be able to say this is what we want and this is what we are going to fund.

Mr. Tiller suggested if the funding was County money and CVTA would be allowing the County to move forward with projects, perhaps there would be some flexibility on speed limits. Mr. Hathaway stated VDOT warrants had to be met first and noted a specific situation in Bottoms Bridge where a proffer had been available to pay for a stop light but VDOT had not allowed the light to be installed because it had not met their warrants. Mr. Tiller noted the mentioned proffer had expired after ten years. Mr. Lockwood noted VDOT had since come back and agreed a light was needed. Mr. Tiller agreed and noted VDOT had since initiated a study from the County line to Route 106 to look at potential future development and determine the best location for a stop light. If the County went to VDOT now saying they would install a light at Market Place Drive, it was possible VDOT could come back and say no if their study found it should be somewhere else. Mr. Hathaway agreed and suggested the Board should wait on making any decisions regarding Bottoms Bridge until the corridor study was complete. He noted the study may determine Market Place would not be the best location for a stop light. He indicated he could send Board members the list that had been sent to PlanRVA and they could begin working from there. Mr. Evelyn suggested the Board should wait until the Transportation Planner was on board.

IN RE: CLOSED SESSION/ANNOUNCEMENT OF UPCOMING MEETINGS

Mr. Stiers moved to go into closed session pursuant to section 2.2-3711A.5 of the Code of Virginia for a discussion concerning two prospective businesses where no previous announcements had been made of their interest in locating facilities in the County. The members were polled:

Ron Stiers	Aye
John N. Lockwood	Aye

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Thomas W. Evelyn	Aye

The motion carried. Mr. Evelyn announced there would be no further business taken after the closed session. He further announced the Board's next regularly scheduled meeting would be held at 6:00 p.m. on Monday, August 9, 2021 and the next work session would be held at 9:00 a.m. on Wednesday, September 29, 2021, both in the Boardroom of the County Administration Building. There would be no August work session. He also announced Mr. Tiller and he had recently met with the Chair and Vice Chair of the Planning Commission and had tentatively scheduled a joint meeting at 6:30 p.m. on September 20, 2021. The purpose of the meeting would be to discuss plans for updating the County's Comprehensive Plan. He asked Board members to let Mr. Hathaway know if they had any issues with this date. The Board went into closed session.

Ms. Paige moved to come out of closed session. The members were polled:

John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye

The motion carried.

Mr. Tiller moved to certify by roll call vote that to the best of each member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Freedom of Information Act and identified in the motion to go into closed session were heard, discussed or considered in the closed session. The members were polled:

C. Thomas Tiller, Jr.	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye

The motion carried.

IN RE: ADJOURNMENT

Mr. Tiller moved to adjourn. The members were polled:

Patricia A. Paige	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
C. Thomas Tiller, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried. The meeting was adjourned at 11:35 a.m.

New Kent County Board of Supervisors P O Box 150, 12007 Courthouse Circle New Kent, VA 23124

AGENDA ITEM REQUEST

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/2021

Miscellaneous

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	approve the Consent Agenda Item as presented and that it be made part of the record" or " I move to approve the Consent Agenda Item and that it be made part of the record with the following changes:"			
Subject	Approval of New Development Street Names for FONK Landbay 4 Section 3			
Issue	New Development street names have been submitted by developers to New Kent County per the PlanRVA Regional Commission Street Naming guidelines and procedures.			
Recommendation	Staff finds the request to be compliant with the PlanRVA Street Naming guidelines and procedures and recommends approval of this request.			
Fiscal Implications	No fiscal implications, developer to install new development street signs			
Policy Implications	No negative policy im	plications as County	policy is being met	
Legislative History	New Kent County Street Naming and Addressing Policy Effective January 13, 2004			
Discussion	Proposed Street Nam SPIKE RUSH ALL ARBOR MARSH ALL BROOMSEDGE ALL SWITCH CANE ALL	es include:		
Time Needed: 5 m	inutes	Person Appearing:	None	

Time Needed:	5 minutes	Person Appearing:	None
Request prepared by:	Sheri L. Adams	Telephone:	804-966-9690
Copy provided to:	Kelli Le Duc and Wanda	Watkins	

ATTACHMENTS:

Descript	ion			
PlanRVA	Street	Name	Clearinghouse	Form

Type Presentation

REVIEWERS:

Department	Reviewer	Action	Date
Planning & Zoning	LeDuc, Kelli	Approved	8/10/2021 - 11:47 AM

Administration	Hathaway, Rodney	Approved	8/29/2021 - 4:16 PM
Attorney	Hefty, Brendan	Approved	8/31/2021 - 12:01 PM



STREET NAME CLEARINGHOUSE REQUEST

9211 Forest Hill Avenue, Suite 200 Richmond VA 23235

Phone 804.323.2033 E-Mail <u>Imedford@planrva.org</u>

Fax 804.323.2025 Website <u>www.planrva.org</u>

Instructions:				PlanRVA Use Only	lse Only	
1. Complete reason for request *	for request *		Date Recorded:		21	
2. Complete reques	Complete requestor information section *		Data Returned:		021	
3. Complete Street	Complete Street Name Request section *		Authorization:		22711 / RRPDC	
4. FAX, E-Mail, or Mail to the RRPDC	ail to the RRPDC	* Required Information	EXPIRATION DATE:	DN DATE: 3/26/2023	023	2
1. REASON FOR REQUEST *	QUEST *					
New Street Name:	YES NO Changing S	Changing Street Name: YES NO	Street Nai	Street Name Reservation Extension:	ension: YES	N
2. Requestor Information *	hation *					
Contact Name:	Steve	Steven Bruce	Date:	3	3/23/2021	
Company Name:	Resource Int	ernational, Ltd.	Phone:	807	804-550-9227	
Address:	9560 Kings Charter L	9560 Kings Charter Drive, Ashland, Va 23005	Fax:			
			E-Mail:	<u>sbruce@</u>	<u>sbruce@resourceintl.com</u>	
3. Street Name Requested *	uested * support of the support				PlanRVA USE ONLY	ONLY
County/City	Subdivision	Street Name		Street Type	YES	*ON
New Kent	Farms of New Kent	Spike Rush		all	×	
New Kent	Farms of New Kent	Arbor Marsh		all	×	
New Kent	Farms of New Kent	Broomsedge		all	× ***	an a
New Kent	Farms of New Kent	Switch Cane		all	X	
	Landbay 4, Section 3					
	6	C				-
		5				
			<u> </u>			
		5 WB - 000260-2021				
			~~~~~			
		PLANNIG DEPARTMENT				

** A) Existing B) Reserved C) Sounds Alike D) Awkward Pronunciation E) Too Long F) Awkward Spelling C) Proper Name H) Invalid Type

RESERVATIONS ARE FOR 2 YEARS FROM DATE OF APPROVAL

5/19

ALLOW 5 BUSINESS DAYS FOR PROCESSING

Dir	Street	Jurisdiction	Status	Dir Street	Jurisdiction	Status	Dir	Street	Jurisdiction	Status
]	Spendthrift Cir	Henrico	ш	Spinniker Lane	Chesterfield	ĸ		Spotswood Meadow All	New Kent	R
	Spendthrift Ct	Henrico	ш	Spiral All	Chesterfield	œ		Spotsylvania St	Richmond	ш
	Spendthrift Dr	Henrico	ŧIJ	Spiral Rush All	New Kent	ĸ		Spotted Coat Ct	Chesterfield	ш
	Spenser All	Chesterfield	ድ	Spirea Ct	Chesterfield	ш		Spotted Coat Ln	Chesterfield	ш
8	Spev Bay All	Chesterfield	œ	Spirea Rd	Chesterfield	ш		Spotted Oak All	Chesterfield	œ
	Spicer Farms All	Hanover	ĸ	Spiritwood Ln	New Kent	ш		Spotted Turtle Ct	Henrico	ĸ
	Spicer Rd	Richmond	ш	Splinter Court	Powhatan	Ľ		Spottswood Rd	Henrico	ш
	Spicewood Cir	Hanover	ш	Splinter Road	Powhatan	ĸ		Spratley Rd	Henrico	យ
	Spicewood Ct	Hanover	ш	Split Creek Ct	Chesterfield	ш		Spratling Ct	Chesterfield	ŧIJ
	Spicewood Dr	Hanover	ш	Split Creek Dr	Chesterfield	ш		Spratting Way	Chesterfield	ш
	Spicewood PI	Hanover	ш	Split Oak Ln	Henrico	ω		Spray Ct	Henrico	w
	Spider Dr	Henrico	ш	Split Rail Rd	Henrico	щ		Spreading Oak Ct	Chesterfield	ш
	Spiers Ct	Henrico	ш	Split River Trail	Powhatan	œ.		Spreading Oak Rd	Chesterfield	ш
	Spike Ct	Henrico	œ	Splitwood Cir	Henrico	ш		Sprenkle Ct	Henrico	ш
	Spike Rush Ali	New Kent	ß	Spofford Ct	Hanover	ድ		Sprenkle Ln	Henrico	ы
	Spikehorn Ln	Chesterfield	ш	Spokane St	Henrico	ш		Spring Arbor Ct	Chesterfield	ш
	Spillway Ln	Hanover	ш	Spokane St	Richmond	ш		Spring Ave	Chesterfield	ш
	Spilsby Ct	Henrico	L1	Spoke Ct	Chesterfield	ш		Spring Bee Lane	Chesterfield	ድ
	Spinaker Ct	Henrico	ш	Spoonbill Ct	Powhatan	ш		Spring Bloom Dr	New Kent	œ
	Spinnaker Cove Dr	Chesterfield	ш	Spoonbill Dr	Powhatan	ŧIJ		Spring Bluff Rd	Chesterfield	ш
	Spinnaker Cove Rd	Chesterfield	ш	Spoonbill Rd	Powhatan	ш		Spring Bottom cout	Hanover	œ
-	Spinnaker Ct	Неплісо	ш	Sporting Ln	Hanover	ω		Spring Branch Ln	Hanover	ш
	Spinning Wheel Way	Henrico	ш	Spotslee Cir	Hanover	ш		Spring Brook Ct	Henrico	Ш
G ^{Status}	Status E = Existing R = Reserved	sived		normality of the state of the s	7/1/2021		}		Page	Page 335 of 405

Status E = Existing R = Reserved

Dir	Street	Jurisdiction	Status	Dir Street	Jurisdiction	Status	Dir Street	Jurisdiction	Status
	Applewood Rd	Chesterfield	ш	Arabian Ln	Hanover	ĸ	Arbor Hill Dr	Henrico	ш
	Appling Rd	Henrico	ш	Aracoma Dr	Richmond	ш	Arbor Hollow All	New Kent	ß
	Appomattox Meadows All	Powhatan	ß	Aragom All	Chesterfield	٢	Arbor Lake Dr	Chesterfield	123
	APPOMATTOX St	Chesterfield	ш	Aragon Dr	Hanover	ш	Arbor Landing Cir	Chesterfield	ш
	Appomattox St	Richmond	w	Aragorn All	Chesterfield	۲	Arbor Landing Ct	Chesterfield	ш
	Appomattox Trace All	Powhatan	۵	Arapaho Ln	Hanover	ш	Arbor Landing Dr	Chesterfield	ш
	Apricot Ct	Hanover	ш	Arapaho Tri	Неплісо	យ	Arbor Marsh All	New Kent	R
	Apricot Ln	Hanover	ш	Arbill Trace	Henrico	œ	Arbor Meadows Dr	Chesterfield	ш
	April Ln	Henrico	ш	Arbor Banks Ct	Chesterfield	យ	Arbor Meadows Ter	Chesterfield	ш
	Aprilbud Ct	Henrico	ш	Arbor Banks Ter	Chesterfield	ш	Arbor Oak Dr	Hanover	L±‡
	Aprilbud Dr	Henrico	ш	Arbor Craft Way	Chesterfield	ш	Arbor Park Dr	Chesterfield	w
	Aprilbud Pl	Henrico	ш	Arbor Creek Dr	Henrico	ш	Arbor Pointe Ter	Chesterfield	æ
	Aque Ct	Henrico	щ	Arbor Creek Way	Henrico	щ	Arbor Ponds All	New Kent	α
	Aqua Vista Ln	Henrico	ш	Arbor Crest Court	Hanover	ድ	Arbor Press cout	Goochland	œ
	Aqua Vista Rd	Henrico	ш	Arbor Croft Way	Chesterfield	យ	Arbor Ridge Dr	Chesterfield	ŧIJ
	Aquarius Ct	Hanover	ш	Arbor Dr	Henrico	ш	Arbor Ridge Ln	Henrico	ш
	Aquaríus Dr	Hanover	ш	Arbor Glen Ct	Henrico	ш	Arbor Ridge Ter	Chesterfield	ш
	Aquarius Loop	Hanover	ш	Arbor Glen PI	Henrico	Ш.	Arbor Ridge Trl	Chesterfield	ш
	Aqueduct All	Henrico	R.	Arbor Green Ct	Chesterfield	ш	Arbor Rose All	Powhatan	ድ
	Aquía Ct	Chesterfield	ш	Arbor Green Dr	Chesterfield	ш	Arbor Spring Dr	Chesterfield	ш
	Aquin All	Henrico	Ľ	Arbor Grove Ct	Henrico	ш	Arbor View Ter	Chesterfield	ш
	Ara Rd	Henrico	ш	Arbor Highlands Ter	Chesterfield	ш	Arborcraft Dr	Chesterfield	ш
	Arabella Dr	Chesterfield	ш	Arbor Hill Ct	Henrico	Ľ١	Arboretum Pkwy	Chesterfield	ш
Statu	Status E = Existing R = Reserved	/ed		1/1	7/1/2021			Pag	Page 13 of 405

,

CStatus E = Existing R = Reserved

Dir	Street	Jurisdiction	Status	Dir Street	Jurisdiction	Status	Dir Street	Jurisdiction	Status
	Brooks Hollow Pkwy	Hanover	ш	Broward PI	Henrico	ш	Bruce Blvd	Hanover	ш
	Brooks Point Ter	Chesterfield	ш	Brown Ave	New Kent	ш	Впое Rd	Chesterfield	ш
	Brooks Rd	Henrico	ш	Brown Bark PI	Ashland	ш	Bruce St	Richmond	ш
	Brookschase Ln	Henrico	ш	Brown Maple All	Henrico	ĸ	Brucewood Ct	Chesterfield	ш
	Brookshire Dr	Chesterfield	ш	Brown Pleasants Rd	Hanover	ш	Brucewood Dr	Chesterfield	ш
	Brookside Blvd	Henrico	ш	Brown Rd	Chesterfield	ш	Brucker Rd	New Kent	ш
	Brookside Rd	Henrico	ш	Brown St	Richmond	ŧIJ	Brundidge Cir	Chesterfield	ш
	Brookside Rd	Richmond	ш	Brown Summit Rd	Chesterfield	w	Brundidge Rd	Chesterfield	ш
	Brookstone Ln	Henrico	ш	Brown Town Cir	Powhatan	ĸ	Brunson Way	Henrico	ŧIJ
	Brooktree Ct	Henrico	ш	Brownie Lands Ct	Powhatan	к	N Brunswick St	Richmond	ш
	Brookvale Place	Hanover	ድ	Browning Ct	Henrico	ш	S Brunswick St	Richmond	ш
	Brookview Dr	Chesterfield	ш	Browning Pl	Henrico	щ	Brunwin All	Chesterfield	£
	Brookwater Dr	Henrico	ш	Brownleaf Dr	Richmond	ш	Brush Rd	Chesterfield	w
	Brookweed All	Chesterfield	ĸ	Browns Hill Ct	Chesterfield	ш	Brushwood Ave	Henrico	ш
	Brookwood Glen Dr	Henrico	ŧIJ	Brown's Island Way	Richmond	œ	Brut All	New Kent	К
	Brookwood Gien Ln	Henrico	ш	Brown's Island Way	Richmond	Ľ	Bruterr Ln	Charles City	ш
	Brookwood Glen Ter	Henrico	ш	Browns Mill All	Powhatan	۲	Bruton Pamish Ct	Ashland	យ
	Brookwood Rd	Chesterfield	ш	Browns Way Rd	Chesterfield	ш	Bruton Parrish Dr	Ashland	ш
3	W BROOKWOOD Rd	Chesterfield	ш	Brownstone Boulevard	Henrico	ω	Bruton Rd	Richmond	ш
	Broomfield All	Chesterfield	œ	Broyhill Ct	Chesterfield	ш	Bryan Park Ave	Richmond	ŧIJ
	Broomsedge All	New Kent	œ	Bruce Academy Ct	Hanover	Ш	Bryan Ray Ct	Chesterfield	œ.
	Brora All	Chesterfield	£	Bruce Academy Dr	Hanover	ш	Bryan Rd	Henrico	យ
	Broughton Rd	Chesterfield	ш	Bruce Academy Ln	Hanover	ŧШ	Bryan St	Richmond	ш
Sstat	Gtatus E = Existing R = Reserved	ived		7/1/2021	2021			Page	Page 53 of 405

Status E = Existing R = Reserved

•

Dir	Street	Jurisdiction	Status	Dir Street	Jurisdiction	Status	Dir Street	Jurísdiction	Status
	Swissvale Pl	Неплісо	ш	Sycamore Village Dr	Chesterfield	ш	Syringa All	Hanover	æ
	Switch Cane All	New Kent	œ	Sycamore Village Ter	Chesterfield	ш	ŢSt	Richmond	ш
	Switchback Ln	Chesterfield	ω	Sycamore Village Tri	Chesterfield	ш	Tabacco Mill Street	Richmond	œ
	Switchgrass Ct	Henrico	ŧIJ	Sydclay Dr	Henrico	Ш	Tabard Avenue	Henrico	æ
	Switchman All	Chesterfield	с	Sydelle Dr	Chesterfield	ш	Tabard Avenue	Henrico	R.
	Sword Ct	Hanover	យ	Sydney All	Chesterfield	¢	Tabb Rd	Henrico	ш
	Sword Dancer All	Powhatan	ድ	Sydnor Ln	Hanover	ш	Tabernacie Rd	New Kent	ш
	Sycamore Creek Dr	Goochland	ш	Sydnor Rd	Henrico	ш	TABOR Ln	Chesterfield	ш
	Sycamore Crust All	Henrico	ድ	Sykes Rd	Chesterfield	ш	Tabscott Rd	Goochland	ш
	Sycamore Dr	Hanover	ш	Sylvan Ct	Richmond	ш	Tabuckey All	Hanover	œ
	Sycamore Grove All	Hanover	œ	Sylvan Ln	Goochland	ឃ	Tack Room Dr	Hanover	ш
	Sycamore Hill PI	Hanover	ш	Sylvan Ln	New Kent	Ш	Tack View All	Hanover	œ
	Sycamore Ln	Henrico	ш	Sylvan Rd	New Kent	ш	Tackley Pl	Chesterfield	Ш
	Sycamore Mews Cir	Chesterfield	ш	Syivan Rd	Richmond	ш	Tacoma St	Henrico	ш
	Sycamore Mews Dr	Chesterfield	ш	Sylvan Ridge Ct	Chesterfield	ш	Tacony Dr	Chesterfield	ш
	Sycamore Rd	New Kent	ш	Sylvan Ridge Pl	Chesterfield	ш	Tadcaster Cir	Hanover	ω
	Sycamore Ridge Ct	Chesterfield	ŧIJ	Sylvan Ridge Rd	Chesterfield	ш	Tadley Ct	Chesterfield	ш
	Sycamore Springs Ct	Chesterfield	ш	Sylvania Ct	Chesterfield	ш	Tadley Dr	Chesterfield	ш
	Sycamore Sq	Chesterfield	ш	Sylvania Pl	Chesterfield	Ш	Taft PI	Henrico	ш
·	Sycamore Square Dr	Chesterfield	ш	Sylvania Rd	Chesterfield	ш	Taft St	Henrico	щ
	Sycamore St	Chesterfield	Ш	Sylvia Rd	Ashland	(£)	Tag Alder All	Chesterfield	к
	Sycamore Tavern Ln	Hanover	ш	Syndor Rd	Hanover	ድ	Tag Alder All	Chesterfield	œ
	Sycamore Trail All	Henrico	œ	Syrah All	New Kent	œ	Tag PI	Henrico	ш
³ 57	Status E = Existing R = Reserved	ved	na mananan karan	11/1	7/1/2021			Page	Page 352 of 405

New Kent County Board of Supervisors P O Box 150, 12007 Courthouse Circle New Kent, VA 23124

# **AGENDA ITEM REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/20	21 Miscellaneous
Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	Mr. Chairman, I move to approve the propose agreement with PAPCO, Inc. for the purchase of petroleum products.
Subject	Agreement PAPCO, Inc. for purchase of Petroleum Products
Issue	Agreement with PAPCO, Inc. to purchase gasoline, on-road and off-road diesel fuels, and No. 2 Heating Fuel.
Recommendation	Staff Recommends adoption of the proposed agreement.
Fiscal Implications	The purchase of petroleum products is an annual expenditure that is budgeted by each department in incorporated into their annual operating budget.
Policy Implications	In accordance with the Virginia Procurement Act and the County's purchasing policy, the County issued Invitation for Bids, IFB # 21-2111AO on July 23, 2021 and received bids on August 19, 2021. The lowest bid was received from PAPCO, Inc.
Legislative History	PAPCO is the County's current fuel provider, and the County has been satisfied with their service.
Discussion	Please the attached bid.

Time Needed:	NA	Person Appearing:	NA
•	Rodney Hathaway, County Administrator	Telephone:	(804) 966-9683
Copy provided to:			

Type

Cover Memo

Cover Memo

### **ATTACHMENTS:**

Description Agreement PAPCO Bid

### **REVIEWERS:**

Department Reviewer Action Date Administration Hathaway, Rodney 8/30/2021 - 2:16 PM Approved Administration Hathaway, Rodney 8/30/2021 - 2:16 PM Approved 8/31/2021 - 12:05 Attorney Hefty, Brendan Approved Р́М

### AGREEMENT

### Gasoline, Diesel Fuel and Fuel Oil

THIS AGREEMENT (the "Agreement") is made on this ______ day of _____, 2021, by and between PAPCO, Inc. ("Contractor"), and THE BOARD OF SUPERVISORS FOR THE COUNTY OF NEW KENT, VIRGINIA ("County"), and THE NEW KENT COUNTY SCHOOL BOARD ("Board") (Collectively "the County"), (Contractor, County, and Board shall be known collectively as "Parties") and provides as follows.

Recitals:

**WHEREAS,** pursuant to the Virginia Public Procurement Act, the County solicited bids for the supply and delivery of Gasoline, Diesel Fuel and Fuel Oil; and

**WHEREAS,** Contractor submitted a bid for same, consistent with the specifications in the Invitation for Bids; and

WHEREAS, Contractor was selected as the lowest responsive and responsible bidder; and

**WHEREAS,** County has selected Contractor to supply and deliver non-exclusively gasoline, diesel fuel and fuel oil, according to the specifications in the Invitation for Bids;

**NOW THEREFORE,** in consideration of the mutual benefits, promises, and undertakings, the sufficiency and receipt of which are acknowledged, the following terms and conditions are agreed to by the parties to this contract.

1. **Incorporation by Reference.** The County's Invitation for Bid ("IFB"), including all related appendices and addenda; and the Contractor's bid proposal response in its entirety are made a part hereof as if the same were fully set forth herein. If any discrepancies arise between the terms of the IFB and Contractor's bid proposal, Contractor agrees to abide by the terms of the IFB.

2. **Time of Performance.** The initial term of this contract is twelve months, beginning October 1, 2021 and continuing through September 30, 2022 with the option for automatic renewals under the terms and conditions of the original contract for two (2) additional twelve (12) month periods, unless either party gives written notifications to the other party sixty (60) days prior to the expiration date of the then current term that they do not wish to renew. This contract and any renewals of this contract are subject to the availability of funds and appropriations by the Board of Supervisors.

3. **Costs.** Contractor agrees to perform all work and provide and deliver petroleum products and services pursuant to this Contract for a sum no greater than the Oil Price Information Service (OPIS) weekly average price for Richmond, VA plus the following differentials:

### **Differential:**

A. Truck Transport Delivery (5,000 gallon tanks or larger)

Regular Unleaded Gasoline = .0128/gallon On-Road Diesel Fuel = .0325/gallon Off-Road Low Sulfur Diesel = .0374/gallon

B. Tank Wagon Delivery (Less than 5,000 gallon tanks)

Regular Unleaded Gasoline = .0466/gallon Off-Road Diesel = .0678 No. 2 Heating Fuel = .0678

A. **Notices.** Any notices required shall be in writing, unless otherwise permitted hereunder, and shall be deemed received five (5) days after mailing of same in the U.S. Mail with postage prepaid at the addresses set forth below or upon actual receipt:

(a) To County:
County Administrator
New Kent County
Post Office Box 150
12007 Courthouse Circle
New Kent, Virginia 23124

(b) To Board:
School Superintendent
New Kent County Public Schools
Post Office Box 110
12003 Courthouse Circle
New Kent, VA 23124
Fax: (804) 966-9879

(c) To Contractor:
PAPCO, Inc.
c/o: Scott Effinger
4920 Southern Blvd.
Virginia Beach, VA 23462
Fax: (804) 359-6307

With Copy to: County Attorney New Kent County Post Office Box 150 12007 Courthouse Circle New Kent, Virginia 23124

B. **Insurance.** During the term of this Contract, Contractor agrees to procure and maintain insurance that meets all requirements of the IFB.

C. **Compliance with Applicable Laws.** The Contractor shall, at all times during the term of this Agreement, including any extensions thereof, substantially comply with all applicable and material federal, state, and local laws and regulations.

D. **Governing Law, Forum.** This Agreement shall be governed in all respects, by the laws of the Commonwealth of Virginia, Any lawsuit taken to enforce this agreement of declare the rights of the Parties shall be heard by the Circuit Court for the New Kent County.

E. **Miscellaneous.** All pronouns used herein shall refer to every gender. Headings or titles in this Contract are only for convenience and shall have no meaning or effect upon the interpretation of the provisions of this Contract.

F. **Entire Agreement, No Oral Modifications.** This Agreement embodies the entire understanding and agreement of the Parties with respect to the subject matter hereof and merges and supersedes all prior representations, agreements, and understandings, whether oral or written, between the Contractor, the Board, and the County with respect to the subject matter hereof, including, without limitations, any and all written or oral statement or representations by any official, employee, agent, attorney, consultant, or independent contractor of the Contractor, Board, or the County.

G. **Severability.** If any term, condition, or provision of this Agreement shall be held to be invalid or unenforceable to any extent, the remainder hereof shall be valid in all other respects and continue to effective.

H. **Time of Essence.** In determining whether a party has substantially complied with this Agreement, the parties agree that time is of the essence.

I. **Assignment of this Agreement.** No party to the Agreement may transfer, assign or delegate to any other person or entity all or any part of its rights or obligations arising under this Agreement without the prior written consent of all other parties hereto. Consent may be given or withheld in the sole and absolute discretion of the party from whom consent is sought. The obligations of one party under this Agreement shall survive any assignment, unless the other parties otherwise specifically and expressly agree in writing.

J. **Rights and Remedies are Cumulative.** The rights and remedies reserved to both parties herein are cumulative and shall be in addition to all other rights and remedies which either party may have with respect to the subject matter of this Agreement, whether reserved herein or authorized by applicable law. K. **Reservation of Rights.** This contract is non-exclusive and the County reserves the sole right to determine whether or not it is appropriate to utilize another Vendor, especially during emergency situations.

L. **Amendment.** This Agreement shall not be changed, modified, or amended, in whole or in part, unless an appropriate written instrument is executed by all of the Parties.

IN WITNESS WHEREOF, the parties have set their hands and seals on the date first above written.

Signatures on Separate Pages

The Board of Supervisors of New Kent County

By: _____

Rodney A. Hathaway County Administrator

COMMONWEALTH OF VIRGINIA County of New Kent, to wit:

Rodney A. Hathaway, County Administrator, acknowledged the foregoing instrument before me this _____ day of _____, 2021.

Notary Public

Approved as to Form.

Brendan Hefty County Attorney New Kent County School Board

By: _____

Title: ______

COMMONWEALTH OF VIRGINIA County of New Kent, to wit:

Brian Nichols, Ph.D., Superintendent, acknowledged the foregoing instrument before me this _____ day of _____, 2021.

Notary Public

CONTRACTOR:

By: _____

Title: _____

COMMONWEALTH OF VIRGINIA County of New Kent, to wit:

_____, President of PAPCO, Inc. acknowledged the foregoing instrument before me this _____ day of ______, 2021.

Notary Public

### ATTACHMENT E

# COUNTY OF NEW KENT BID PROPOSAL FORM

Bidder shall use OPIS price for Monday, July 5, 2021. Prices with a negative differential will not be accepted and considered nonresponsive. Differentials shall include provisions for any and all fees, and taxes. No such fees and taxes shall be invoiced or passed along to New Kent County.

Fuel Type	OPIS Price Published 07/05/2021 (per gallon)	Differential (+/-)	Total Price per Gallon
Regular Unleaded Gasoline – <b>Truck</b> <b>Transport</b> <b>Delivery</b> (5,000 gallon tanks or larger)	2.1670	.0128	2.1798
On-Road Diesel Fuel – <b>Truck</b> <b>Transport</b> (5,000 gallon tanks or larger)	2.2047	.0325	2.2372
Off-Road Low Sulfur Diesel – <b>Truck Transport</b> <b>Delivery</b> (5,000 gallon tanks or larger)	2.2035	.0374	2.2409
Regular Unleaded Gasoline – <b>Tank</b> <b>Wagon Delivery</b>	2.1670	.0466	2.2136
Off-Road Low Sulfur Diesel – Tank Wagon Delivery	2.2035	.0678	2.2713
No. 2 Heating Fuel Oil	2.0966	,0678	2.1644

# PROPOSAL BID FORM Propane

Bidder shall use OPIS price for Monday, July 5, 2021. Prices with a negative differential will not be accepted and considered nonresponsive. Differentials shall include provisions for any and all fees, and taxes. No such fees and taxes shall be invoiced or passed along to New Kent County.

Fuel	OPIS	Differential	Total Price per
Туре	Price	(+/-)	Gallon
	Published		
	07/05/2021		
	(per gallon)		
Propane			
	No Bid		

# PREPARED FOR:

# NEW KENT COUNTY

New Kent County Administration 12007 Courthouse Circle New Kent, Virginia 23124 (804) 966-9683

JRS Fueling Americas Progress

# Petroleum Products

IFB #21-2107AO

# CONTACT US

James River Solutions 10487 Lakeridge Parkway Ashland, VA 23005 W: <u>www.jrpenergy.com</u> E: bbailey@jrpenergy.com O: 804-767-8170 C: 757-375-1525



In order to successfully meet the needs of the New Kent, JRS proposes the following solutions:

### DELIVERIES:

Utilizing our own fleet of trucks JRS is committed to meeting and exceeding the expectations set by New Kent County for the bulk delivery of gasoline, diesel fuel, and no. 2 heating oil. JRS offers both automatic delivery schedules and/or will call delivery schedules so New Kent can have as much or as little involvement in the ordering process as they like. We have the flexibility to accommodate any new or changing delivery schedules and/or requirements as the contract evolves and the needs of the County change over time. We currently hold the Dyed Diesel and Heating Oll contract for the State of Virginia and under that contract provide regular deliveries of those products to over 150 entities through out Virginia. We are very familiar with the area and the delivery constraints. Prior to beginning fuel deliveries JRS will perform a thorough inspection of New Kent's sites to make sure our trucks are adequately prepared with the correct fittings to make all of the deliveries.

JRS has a fleet of 26 tank wagon trucks and 6 transport trucks. These trucks sit at the Richmond and Chesapeake terminals as well as Fairfax, Roanoke, Charlotte and Baltimore. Utilizing our own fleet of trucks gives us the dependability and flexibility a project of this scope needs. Our fleet is made up mainly of 20202 Freightliners with a tandem axel, 3 compartments, 2 pumps, 2 reels, and various nozzles and hoses. Our trucks run 24 hours a day 7 days a week, permitting deliveries to be made whenever required by the County. We have supply agreements with major refineries to ensure we have fuel readily accessible for your deliveries. We also have bulk fuel storage at 7 sites throughout Richmond. Our closet storage site to New Kent County is located at 2216 Charles City Road, which is approximately 32 miles away. In the event that supply was to become tight in your market we have multiple options to ensure you all receive your fuel including access to over 200 terminals nationwide and agreements with partner carriers stationed up and down the East Coast. JRS is compliant with all Federal, State, and Local environmental regulations relating to transportation, handling, storage, spillage, and any other aspect of providing fuel services. Our fleet of trucks are in compliance with all VDOT regulations, as well as federal, state and local regulations.

All JRS drivers undergo background checks and routine drug tests to make sure they are compliant with DOT regulations. Our drivers also complete an extensive on-site training program so they are confident and able to perform deliveries in a safe and professional manner. All drivers have the necessary operator certifications as required by the Department of Environmental Quality for personnel with duties related to underground storage tank operations, inspections, and repairs. JRS drivers also undergo annual training for spill prevention, control and response. Each truck is equipped with up-to-date spill kits and drivers are well versed in how to avoid overflow and remove excess fuel should overflow into the containment occur.

### Design the second s Dale Range Days to Real dert. Days to Balaty Store Urginn ng Date. _ b/19/3037 End Date: ;10/0/2017 40 Q 110 200 Velume ( gbi ) 150 60 2 FX £5, C9/9T 242 E E 1975 記載 21/20 E.S. 55 255 Cital Low Alim Lost Preduct Ellas Abrolitet The Reported Dale Baipe

Activity of trajet . 0170/1011	Pue Dave: 10/3/2011		
	Information		inventory Information
Capacitys	450,0 001	Available cepacity)	130.B gat
Lów Alaimi	10 %	S(4)(4)	Loss Baltery Atores
Ciffical Low Alerma	25 14	Toyettory Times	10/3/2017 5(57/30 AM
Leven	28.6 14	Inventory	J1\$,2 g31
Tradiport Statuts	No Sicius	Active Days I	\$411115
	sstimated shipment informatio	n.	Eximaled Viaga Information
Number of Fills/Orstass	3	Time #pada	35.0 days
kasi fili/Drain Dale;	912511051	Actual Data Ranges	8/29/2017 - 10/2/161/
Last Fill/Orain Antounts	132.6 48	Tola) Activa lizaga (	6/4.0 9.6
Total FIU/Drain Amounti	612.4 94	Total Iquellya Vange s	D.D gat
Avg Hil/Orain Amounts	214.3 6×	Avg Daily Draget	19,4 94
Hax HIL/Drain Amounts	232.4 95	Hax Usity Useget	-10,3 gái
Ayg tinto Between Fille/Drainst	9.0 days	* Days to Alatmi	6.8 days
Arg Inventory	101.4 02	* Days to Cilifcafi	LU. & BAYS
		* Days 14 (Imit (Empty))	16.0 days
"Values are in number of active days,	ilet ca'cadar days."		

### **ORDERING:**

Ordering fuel from JRS is an extremely easy process. Depending on the County's preference fuel can be order by either emailing our customer service team at <u>orders@jrpenergy.com</u> or by telephone at 804-358-9000. Our customer service team is available from 6AM-8PM daily. If New Kent would like to set up an automatic delivery schedule the process is the same. All that is needed is a call or email to our customer service team. While an automatic or will call schedule may be the norm for the County, we are easily able to make any necessary changes to the schedule to accommodate count-wide events or upcoming inclement weather. For example, if there is a large communicity event happening on a weekend, we can come top off your tanks if you think you need more fuel than usual. Or if a heavy snow is expected we will top of the tanks prior to in case the roads become impassable.

If an emergency situation arises outside of normal business hours, we have an emergency after hours phone number where you will be able to reach someone to assist you. Your account management team is also available after hours 365 days a year in the event of an emergency. If an order needs to be cancelled, we request 4 hours notice if possible.

### INVOICING:

All involcing is electronic. JRS strives to send our customers involces within 24 hours of the delivery being made. Involces can be sent to as any email addresses as the County requires. New Kent will receive a separate invoice for each fuel shipment by location.



### EMERGENCY PROTOCOL OVERVIEW

In the event of a State of Emergency or Inclement Weather: JRS will work very closely with you to ensure that the necessary operations are not affected. James River proposes several services to assist during emergencies and in times of allocation issues:

In the case of tight regional supplies: We would move to relationships outside the region to satisfy the contract. JRS's stored fuel, allocated and contract fuel, as well as our branded supply contracts will be used to respond as necessary. Should we have a major disruption that causes pipeline supply issues and product begins decreasing regionally, we would begin to allocate internally, bypassing our non-essential commercial business to meet the needs of critical/essential entities.

In the case of critical and emergency situations: We recommend that we reserve and store a certain number of portable dyke tanks to assist when issues arise or demand peaks in certain areas. Our service department can deliver the tanks to any temporary location to assist in fueling trucks or vehicles. Upon award of this contract JRS would like to have a list of potential sites where these tanks would be dropped to speed up the delivery process should the need arises. In addition, we offer the option to provide mobile fueling services during emergencies. JRS has dispatched mobile trucks that sit at a designated locations and fuel a vehicle or portable tanks if required.

In an effort to be as proactive as possible if an emergency develops the following steps will be implemented:

- Customer service meeting to go over emergency service policy.
- Contact customer to begin fueling their tanks ahead of impending weather.
- Coordinate the priority sequence for the site to become operational.
- Contact terminals to confirm our supply requirement.
- Fill all on site fuel storage tanks and generators.
- Acquire additional storage capability if possible.
- Arrange mobile fueling on site when necessary.
- Remain in constant communication with the customer throughout the duration of the
- emergency event.
- After the event assess supply chain capabilities and determine how to best deal with
- the expected demand.
- Continue communication with customers and suppliers
- Continue to prioritize deliveries as needed in the affected area until notice has been
- given that operations have returned to normal.

Training: We also offer training sessions to educate authorized users on what motor fuel options

are available to them prior to and during times of urgent need, state declared emergency, and catastrophes. We will make every effort to provide most updated contact information sheet (both an electronic and hard copy) for all personnel involved with the account in the event anyone has a question. Your HR division will determine the level of staff training that works best for you.



when a selected card is used. Finally utilize our online Fleet Commander Web portal to view all transactions and card features 24/7 and make any necessary changes to your account instantly.

Specialized Reporting

We have dedicated project managers assigned to your account to ensure our partnership is successful. We have the ability to create specialized reporting to satisfy all of your business needs. Examples of reporting we do for current customers are tax reporting, vehicle reporting, year-to-date tracking, consolidated invoicing and summary reporting. James River is committed to working with you to specialize these reports and any others you may need so that they meet and exceed your business expectations. Our project managers are here to help streamline your fuel program and subsequently reduce administrative costs.

• We truly are a full-service petroleum provider.

JRS also has the ability to exempt/deduct federal, state, and local taxes from which you are lawfully exempt when fuel is delivered under this contract. Tax exemption can be provided at the invoice level given the proper documentation is provided.

### **PROJECT TEAM QUALIFICATIONS**

There will be three key JRS personnel that will be involved in the execution of this contract should we be awarded the business:

- Tracy Little President
- Bridget Bailey Senior Government Project Manager
- Ben Hendrix Director of Field Operations

Tracy Little will oversee all aspects of the contract at a high level. Tracy currently serves as President of James River Solutions and as the Vice president of Sales at James River Petroleum and Is a member of the Board of Directors.

After graduating from Virginia Commonwealth University in 1990 with a B.S. in Business Administration, Mrs. Little started her illustrious career in business as an Account Manager at Hattison Gray Personnel in Richmond.

Tracy joined James River in 2002 and is a very active member of the management team. She founded James River Solutions in 2004 as a full-service fuel provider with a focus on serving government entitles across the United States. She has created significant sales through her balanced management approach and personal sales ability. Over the years she had proven to be a significant force in the petroleum Industry. This forward convergence has netted an impressive array of clientele to JRS that include: The Commonwealth of Virginia (including over 190 state entitles), The State of South Carolina, Owens & Minor, and Performance Food Group.

Prior to James River, Tracy gained extensive sales and business experience along the eastern seaboard of the United States. From 2001 to 2004 at Predictive Services in NY, she managed over 36 professional consultants serving clients in the financial, government,

telecommunications, and energy sectors. From 1996-2001, she served as VP Business Development, Regional Sales Manager, and Branch Manager for Renaissance Worldwide in Newton, MA. Renaissance provides IT consulting and services to Fortune 500 clients. From 1994-1996, she served as Mid-Atlantic Sales manager for Computer Professionals, Inc. in Lake Wylie, SC

**1**11

aballey@reenal@yree



monitor the fuel market, manage workflow and negotiate with suppliers, distributors and dispatchers nationwide – all, to make sure you get your fuel on time and at the best price. We're ready with multiple fuel and distribution options when and where you need them. We have the ability to supply fuel from the various terminals throughout not only in Virginia but the surrounding states. All refined products are available including the different grades of gasoline, diesel fuel, dyed diesel, biodiesel, DEF, propane, etc. should your needs change. We also supply a variety of fuel additives.

### LOGISTICS COMMAND CENTER:

At the heart of our business is the national logistics team with dedicated supply, distribution and dispatch experts working together to navigate the volatile fuel market daily. Our experts are also cross trained to make sure you always have access to a knowledgeable resource.

### SUPPLIER RELATIONS TEAM:

Day after day, we're on the phone with major branded and unbranded suppliers. This allows us to stay current with market fuel prices/trends, to strengthen the relationships that serve you, and to bring you the very best available pricing.

JRS will maintain uninterrupted relationships with refinerles or other sources of supply for bulk motor fuel products throughout the term of any contract that is awarded as a result of this solicitation. If supply is ever an issue, we will pull product from the next closest terminal. JRS has long standing relationships with refineries across the country. These relationships benefit authorized users by providing reliable sources for fuel, which can be incredibly beneficial when there are shortages at local terminals. Our strong relationships help secure product that is being shipped the pipeline so that we have allocation at the local terminals.

### DISTRIBUTER RELATIONS TEAM

To bring you the most competitive transportation options nationwide, our distribution team manages relationships with common carriers across the country.

Wake County taxpayers will save almost \$600,000 this year thanks to a timely bulk fuel purchase by the Wake County Public School System's Transportation Department. It's the second fiscal year in a row WCPSS purchasers have been able to lock in favorable prices well below budget.

"With 2.3 million gallons left to purchase for the year, the Transportation Department pounced on Sept. 13. They locked in 1.8 million gallons at \$2.97 per gallon, saving 33 cents on the budgeted price, or \$594,000 on the total budgeted amount." - Wake County Public Schools

#### Recommendations That Affect the Bottom Line:

"We have been dealing with James River Petroleum for the last several years and believe that they are more than just our fuel supplier; they are our preferred fuel partner. James River has shown a true interest in our business, taking the time to understand our needs, and making recommendations that have a positive impact on what's most important to us, our bottom line!"

James R. Woody, Jr.

Corporate Facilities Manager Electrical Equipment Company

#### Reliable, Timely Delivery:

James River Solutions recently received outstanding recognition for overall service from Carroll County Public Schools in Maryland.

"The contractor's overall corporate management, integrity, reasonableness and cooperative conduct is outstanding. Excellent people and company to work with!" "James River Solutions has proven to be a reliable and dependable contractor to provide #2 Fuel Oll. We've had no issues with the timely procurement and delivery of fuel oll during the one-year James River has supplied us."

Douglas Gross

Supervisor of Plant Operations Carroll County Public Schools

Peace of Mind:

"In these days of unstable international activities, and the potential changes to the prices for commodities such as fuel precipitated as a result of those activities, the peace of mind in knowing that your significantly large monetary investment in fuel purchases is stable and constant becomes more valuable and precious every day." Kenneth Bernard, CAFM

Fleet Manager, City of Roanoke

#### Ongoing Fuel Management Improvements with Proactive Partnership:

"Seldom in our industry do we find vendors that understand our needs and priority's. James River does, Doing business for six years, they understand and have gone above and beyond what vendors do. They have been there in our time of need and have helped us managed our fuel levels. They are always trying to find better ways of serving us, without us asking. A partnership with such a reputable company is hard to find."

Paul R. Nobles Sr.

General-Manager, Virginia Waste Services Inc

73

# **AGENDA ITEM REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8	5/2021	Miscellane	ous			
Motion: "Mr. Chairman, I move (not required for Conse Agenda items)	execute the propose RiverStreet Commu implement a broadb	Mr. Chairman, I move to authorize the County Administrator to execute the proposed Memorandum of Understanding with RiverStreet Communications of Virginia to develop and implement a broadband expansion project utilizing Virginia Telecommunications Initiative (VATI) grant funding.				
Subject		Memorandum of Understanding with RiverStreet Communications of Virginia, Inc.				
Issue	development and in	The proposed Memorandum of Understanding is for the development and implementation of a broadband expansion project utilizing Virginia Telecommunications Initiative (VATI) grant funding.				
Recommendation	Staff recommends a	Staff recommends adoption of the proposed motion.				
Fiscal Implications	s Virginia Telecommu amount of the grant	The proposed memorandum of understanding is required for Virginia Telecommunications Initiative (VATI) funding. The amount of the grant request is not yet known as RiverStreet is finalizing the grant application.				
Policy Implication	s NA	ΝΑ				
Legislative History	y NA	ΝΑ				
Discussion	Please see the attac understanding.	Please see the attached proposed memorandum of understanding.				
Time Needed:	NA	Person Appearing:	NA			
Ļ	Rodney Hathaway,					

RequestRodney Hathaway,<br/>prepared by:Telephone:(804) 966-9683Copy provided<br/>to:

### **ATTACHMENTS:**

Description Memorandum of Understanding Type Cover Memo

### **REVIEWERS:**

Department	Reviewer	Action	Date
Administration	Hathaway, Rodney	Approved	8/30/2021 - 2:01 PM
Administration	Hathaway, Rodney	Approved	8/30/2021 - 2:02 PM
Attorney	Hefty, Brendan	Approved	8/31/2021 - 12:04 PM

# MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") entered into on ______, 2021, by and between RiverStreet Communications of Virginia, Inc., located at 1400 River Street, Wilkesboro, North Carolina, 28697, hereinafter referred to as the "RiverStreet," and the County of ______, Virginia, located at ______, ____, ____, ____, _____, hereinafter referred to as the "County" (RiverStreet and County are collectively referred to as the "Parties"), for the purpose of establishing and achieving various goals

referred to as the "Parties"), for the purpose of establishing and achieving various goals and objectives relating to the project contemplated by the Parties.

WHEREAS, RiverStreet has been awarded funding from the FCC's Rural Digital Opportunity Fund ("RDOF") to cover a portion of the cost of building a fiber network and providing broadband service to specific unserved or underserved locations in the County ("the Project"); and

WHEREAS, the Parties are desirous to enter into this Memorandum to set forth the working arrangements that both Parties agree shall be necessary to pursue their efforts to bring the Project to fruition;

## **MISSION**

The Project is intended to provide the areas of the County that are the subject of the RDOF funding with access to broadband Internet access service ("Broadband"), in order to meet the future needs of residents and businesses in those areas of the County.

# PURPOSE AND SCOPE

The Parties intend for this Memorandum to outline the structure for any binding contracts which the Parties may enter into in the future related to the Project.

# **OBJECTIVES**

The Parties agree to work together to attempt to secure funding and establish policies and procedures that will promote and sustain a market for Broadband availability and intend to work toward delivering a product and/or services that meet or exceed business and industry standards.

# **RESPONSIBILITIES AND OBLIGATIONS OF THE PARTIES**

The Parties agree to work together in good faith and collaboratively in an effort to bring the Project to successful completion. This Memorandum does not create any legal or equitable obligations or rights on the part of either Party and no such obligations or rights shall exist unless and until such time as the Parties may enter into a written agreement signed by both Parties.

# SERVICES COOPERATION

The goal of the Project is to provide the following services in the areas of the County contemplated in the Project, which services include, but are not necessarily limited to:

Broadband Internet access services

**Phase 1** (beginning after MOU execution): The Parties will work together to apply for Virginia Telecommunication Initiative ("VATI") grant(s). The Parties anticipate that VATI guidelines will require contributions by RiverStreet and by the County as matching funds to secure a FY2022 VATI Grant through the Virginia DHCD. DHCD funding shall not exceed 80% of Project costs. The Parties' VATI grant application may be a part of a regional application made together with other Virginia counties.

The total budget for the Project is expected to be \$______. The County agrees to provide a minimum match of \$_______ in funding for the Project. RiverStreet agrees to provide a minimum match of \$_______ in funding for the Project. The amount of the VATI Grant to be requested for the Project will be at least \$______, and the total number of homes projected to be passed by the Project shall be at least_____.

**Phase 2** (beginning after Phase 1): RiverStreet will work with the County to continue Project planning and the Parties will seek additional Federal, State and local funding to expand the availability of Broadband service in the County.

## **TIMELINE**

The above outlined scope and objective shall be contingent on the Parties' ability to obtain the necessary funding required for the Project, as described in any applicable grant or business loan application. Responsibilities with regard to commencement and completion of the Project will be established in any future agreement between the Parties, and may coincide with the period specified in connection with any grants awarded in connection with the Project.

# <u>TERM</u>

This MOU shall remain in effect, subject to the termination provisions in this MOU, up until the Parties mutually determine whether they are able to move forward with the Project.

If the Parties are successful in securing sufficient grant funding that they are both willing to move forward with the Project, then they agree to use good faith efforts to negotiate, execute and deliver a formal contract regarding the Project ("Project Agreement"). The Parties contemplate that a Project Agreement will contain terms and conditions, representations, warranties, covenants, and other provisions that are customary in service arrangements of the sort contemplated in this MOU. If the Parties are unable to agree on the terms and conditions of a Project Agreement within 60 days of receiving notice of the award of such grant funding, then either Party may give notice of the termination of this MOU. In that event, the Parties shall have no further obligations to each other under this MOU except for any obligations which are specifically provided to survive a termination of this MOU. This MOU does not create any legal or equitable obligations or legal rights.

## AMENDMENT OR CANCELLATION OF THIS MEMORANDUM

This Memorandum may be amended or modified at any time in writing by mutual agreement of both Parties.

In addition, this MOU may be cancelled by either Party without cause on sixty (60) days advance written notice. This MOU may be terminated for cause, where cause for termination may include, but is not limited to, a material breach of any of the provisions contained herein, upon delivery of written notice of such termination to the other Party.

## **GENERAL PROVISIONS**

The Parties acknowledge and understand that they must be able to fulfill their responsibilities under this MOU in accordance with the provisions of the law and regulations that govern their activities. Nothing in this Memorandum is intended to negate or otherwise render ineffective any such provisions or operating procedures. The Parties assume full responsibility for their performance under the terms of this Memorandum.

If at any time either Party is unable to perform its duties or responsibilities under this MOU consistent with such Party's statutory and regulatory mandates, the affected Party shall immediately provide written notice of such to the other Party and, if possible, establish a date for such performance.

# LIMITATION OF LIABILITY

No rights or limitation of rights shall arise or be assumed between the Parties as a result of the terms of this MOU.

# **NOTICE**

Any notice or communication required or permitted under this MOU shall be sufficiently given if delivered in person or by certified mail, return receipt requested, to the address set forth in the opening paragraph or to such address as one may have furnished to the other in writing.

## **GOVERNING LAW**

This MOU shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

# SEVERABILITY CLAUSE

In the event that any provision of this Memorandum shall be deemed to be severable or invalid, and if any term, condition, phrase or portion of this Memorandum shall be

determined to be unlawful or otherwise unenforceable, the remainder of the Memorandum shall remain in full force and effect, so long as the clause severed does not affect the intent of the Parties. If a court should find that any provision of this Memorandum to be invalid or unenforceable, but that by limiting said provision it would become valid and enforceable, then said provision shall be deemed to be written, construed and enforced as so limited.

## **ASSIGNMENT**

Neither Party may assign this Memorandum without the prior written consent of the nonassigning Party, whose approval shall not be unreasonably withheld or conditioned. Notwithstanding the foregoing, RiverStreet shall have the right to assign this MOU without the County's consent to any parent, subsidiary, affiliate, or any person, firm, or corporation that shall control, be under the control of, or be under common control with RiverStreet, or to any entity into which RiverStreet may have merged or consolidated or which purchases all or substantially all of the assets of RiverStreet.

## ENTIRE UNDERSTANDING

This MOU reflects the entire understanding and agreement of the Parties pertaining to all matters contemplated hereunder.

## **MOU SUMMARIZATION**

The Parties to this MOU have mutually acknowledged and agreed to the following:

- The Parties to this MOU shall work together in a cooperative and coordinated effort, and in a manner and fashion intended to bring about the achievement and fulfillment of the goals and objectives of the Project.

- It is not the intent of this MOU to restrict the Parties from their involvement in or participation with any other public or private individuals, agencies or organizations or opportunities.

- The Parties to this MOU shall mutually contribute and take part in any and all phases of the planning and development of the Project, to the fullest extent possible.

- This MOU is not a binding contract, and it is not the intent or purpose of this MOU to create any rights, benefits, obligations and/or trust responsibilities by or between the Parties.

- This MOU shall in no way hold or obligate either Party to supply or transfer funds to maintain and/or sustain the Project or the effort to bring it to fruition.

- Should there be any need or cause for the reimbursement or the contribution of any funds to or in support of the Parties' efforts relating to the Project, then such shall then be done in accordance with applicable Virginia laws, regulations and/or procedures, and any Project Agreement which the Parties may enter into in the future.

- In the event that it should become necessary to provide funding for the effort to develop the Project, then any such endeavor shall be addressed in a separate and mutually agreed upon written agreement signed by the Parties or their representatives, in accordance with applicable laws and regulations, and in no way does this MOU provide such right or authority or obligate any Party to provide any such funding.

- The Parties have the right to individually or jointly terminate their participation in this MOU provided that advanced written notice is delivered to the other Party as provided for herein.

## **AUTHORIZATION AND EXECUTION**

The signing of this Memorandum of Understanding does not constitute a formal undertaking, and as such it simply reflects the intentions of the Parties to undertake preliminary efforts to achieve the goals and objectives stated in this MOU.

IN WITNESS WHEREOF, the Parties hereto have set their hands as of the day and year first above written.

## **RIVERSTREET COMMUNICATIONS OF VIRGINIA, INC.**

By: _____

Gregory S. Coltrain

VP, Business Development

# _____ COUNTY, VIRGINIA

Ву: _____

**County Administrator** 

_____

Meeting Date: 9/8/2021

# **AGENDA ITEM REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8	3/2021	Miscellaneous			
Motion: "Mr. Chairman, I move to (not required for Consent Agenda items) Agenda items) Approve the Consent Agenda as presented and I move to approve the Consent Agenda as presented and it be made a part of the record, with the following change					
Subject	bject Appropriation of Funds For Emergency Well Pump Repai				
Issue	fashion. This lo single well pum acquire a repain they were imm the Rt 618 well emergency pro-	The Rt 618 well pump submersible motor failed in an untimely fashion. This left the Farms of New Kent area operating on a single well pump. Emergency procurement was initiated to acquire a repair contractor ASAP. Sydnor Hydro was retained as they were immediately able to mobilized to the site. Failure of the Rt 618 well pump required immediate action under emergency procurement rules. The 2021 repair & maintenance budget di not have funds remaining to cover this expenses.			
Recommendation	Approve the en	Approve the emergency appropriation			
Fiscal Implication	s This is an FY21 \$49,048.20	expenditure. The total cost of the repair is			
Policy Implication	s none				
Legislative Histor	y none				
Discussion	efficiently to m	The rates were deemed reasonable and the contractor worked efficiently to make the repair. The delay was in getting the replacement motor.			
Time Needed:	none	Person Appearing:			
Request prepared by:	Mike Lang	Telephone: 966 9625			
Copy provided to:	Financial Services				

### **ATTACHMENTS:**

Description Type Cover Memo Sydnor Invoice Sydnor Emergency Procurement Authorization Cover Memo

## **REVIEWERS:**

Department Public Utilities Administration Attorney

# Reviewer Dame, Larry Hathaway, Rodney Hefty, Brendan

Action Approved Approved Approved

### Date

9/1/2021 - 8:14 AM 9/1/2021 - 10:10 AM 9/1/2021 - 4:58 PM



INVOICE



COUNTY OF NEW KENT 7051 POINDEXTER ROAD

HYDRO...INC.

P.O. BOX 27186 PHONE 804-643-2725

64580

INVOICE TO

**RICHMOND, VIRGINIA 23261** FAX 804-788-9058 www.sydnorhydro.com sydnor@sydnorhydro.com

Please PAY BY INVOICE

SHIPPING ADDRESS * 2111 MAGNOLIA STREET, RICHMOND, VA 23223

SHIPPED TO

TERMS

EXTENDED PRICE

INVOICE NUMBER

45872

TOTAL AMOUNT

NEW KENT VA 23124 OUR JOB NUMBER TERRITORY TAX EXEMPTION CERTIFICATION NUMBER INVOICE DATE YOUR ORDER NUMBER 7/29/21 92634-5 15 DATE SHIPPED OR COMPLETED F.O.B. VIA **NET 30** DESCRIPTION UNIT PRICE QTY. **REFERENCE: TALLEYSVILLE WELL #2** SERVICE: CALLED TO EVALUATE AND REPAIR FAILED WELL PUMP AT THE REFERENCED LOCATION. ELECTRICAL TEST SHOWED MOTOR WAS SHORTED TO GROUND. REMOVED 175 HP PUMPING ASSEMBLY AND RETURNED TO SHOP. TESTED MOTOR WITHOUT LEADS AND

FOUND IT WAS	S SHORTED, TESTED /	ALL 6 POWER LEADS SEPARATELY	A		
AND FOUND T	HEM TO BE IN GOOD	CONDITION. CHECKED OUT PUMP			
END AND FOU	ND NO APPRECIABLE	WEAR, REINSTALLED PUMP WITH			
NEW MOTOR	AND CHECK VALVE W	TH DRAIN PLUGS. INSTALLED NEW			
LINE FILTERS	ON VFD OUTPUT AS F	EQUIRED FOR MOTOR WARRANTY.			
STARTED AND	TESTED SYSTEM. LE	FT SYSTEM IN OPERATION.			2
LABOR:	MASTER MECHANIC	52 REG HOURS @ \$110.00/HOUR		\$ 5,720.00	
	MASTER MECHANIC	5 OT HOURS @ \$165.00/HOUR		825.00	-
	MECHANIC	65 REG HOURS @ \$85.00/HOUR		5,525.00	
	MECHANIC	7 OT HOURS @ \$127.50/HOUR		892.50	
	HELPER	50 REG HOURS @ \$70.00/HOUR		3,500.00	
	HELPER	4 OT HOURS @ \$105.00/HOUR		420.00	
EQUIPMENT:	SERVICE TRUCK	508 MILES @ \$1.10 /MILE		558.80	
	26-TON CRANE	104 MILES @ \$1.75/MILE		182.00	
	CRANE RUN TIME	23 HOURS @ \$75.00/HOUR		1,725.00	
MATERIAL				29,074.45	
FREIGHT				625.45	
TOTAL BILLIN	IG			÷	\$49,048.20

ACCOUNTS NOT PAID IN FULL IN 30 DAYS ARE SUBJECT TO A FINANCE CHARGE OF 11/2% OF THE UNPAID BALANCE AT THE END OF THE MONTH WHICH IS AN ANNUAL RATE OF 18% PER YEAR.



Lawrence A. Dame Director of Public Utilities 7051 Poindexter Road New Kent, VA 23124 Phone 804-966-9678 Fax 804-966-7135

# DETERMINATION OF EMERGENCY PROCUREMENT

Date: May 26, 2021

To: Rodney Hathaway, County Administrator

cc: Brendan Hefty, Hefty, Wiley & Gore, PC Rebecca Guthrie, Director of Financial Services

From: Larry Dame, Director of Public Utilities

### Ref: Route 618 Well Pump & Motor

Attached are documents supporting the need for emergency procurement. Well pump or motor failure at the Rt 618 well necessitated immediate response. The on-call contractor advised they were not able to meet the necessary timeframe in this particular case. The chosen contractor is headquartered nearby and well-qualified to perform the work.

In accordance with Section 9.3 of the Procurement Policy Manual, please provide your signature below to acknowledge the emergency.

Do not hesitate to contact me if you need more information about the procurement.

Signed:

Date:

#### **APPENDIX 9A**

#### COUNTY OF NEW KENT

#### NOTICE OF EMERGENCY AWARD

Date: May 26, 2021

Commodity: Rt 618 well pump & motor

Purchase Order or Contract Number:

Contractor(s)/Vendor(s): Sydnor Hydro, Inc

This Contractor(s)/Vendor(s) was selected because:

Our on-call contractor could not respond in the timeframe necessary. The selected contractor is the installer of the equipment and is a qualified replacement.

The Nature of the Emergency:

Well pump/motor failure was identified May 24, 2021. High water use has been recently experienced due to irrigation demands, resulting in low pressure in the Brickshire neighborhood. The failure of the Rt 618 pump left one well pump to supply the Farms of New Kent and Colonial Downs systems. Getting a backup source on-line immediately is critical to prevent a loss of water pressure and potential loss of water service. High demands are expected during the holiday weekend.

RECORDS FOR THIS PROCUPEMENT ARE NOW AVAILABLE FOR INSPECTION
Department Head:
(Signature of Agency Head or Authorized Designee)
Name Typed or Printed: LAWRENCE A, DAME
JILL 5-27-2021
47m

2021-006-PU Postunti 6/6/21

### **Mike Lang**

From: Sent: To: Cc: Subject: Brant Verdery <b.verdery@sydnorhydro.com> Tuesday, May 25, 2021 4:16 PM Mike Lang Nick Polivka RE: Rt 618 well pump

Mike, per our conversation the motor has been ordered the price is \$20,350 excluding freight. I will of course convey the urgency with Franklin and push them to ship just as soon as possible. We will also evaluate all other components including the drop pipe, check valve, and wire once removed.

Please note my e-mail has changed to: <u>b.verdery@sydnorhydro.com</u>

Brant Verdery Vice President



HYDRO...INC. 2111 Magnolia St. Richmond Va, 23223 b.verdery@sydnorhydro.com T: 804-643-2725 or 800-552-7714 C: 804-338-3658 F: 804-778-9058 www.sydnorhydro.com

From: Mike Lang [mailto:cmlang@newkent-va.us]
Sent: Monday, May 24, 2021 2:14 PM
To: Brant Verdery <b.verdery@sydnorhydro.com>
Cc: Harold R. Jones <hrjones@newkent-va.us>; Nick Polivka <nick.polivka@sydnorhydro.com>
Subject: RE: Rt 618 well pump

Copy that. Saved your new email. Thanks for the update.

Mike

From: Brant Verdery <<u>b.verdery@sydnorhydro.com</u>>
Sent: Monday, May 24, 2021 1:45 PM
To: Mike Lang <<u>cmlang@newkent-va.us</u>>
Cc: Harold R. Jones <<u>hrjones@newkent-va.us</u>>; Nick Polivka <<u>nick.polivka@sydnorhydro.com</u>>
Subject: RE: Rt 618 well pump

Mike, thanks for the info. Tomorrow we can load up elevators and other necessary tools and stop by and disconnect of the motor make sure we can hook up to the pitless lifting assembly. While we may be able to start with removal tomorrow most likely it will be Wednesday morning. I'm looking into the availability of motor should we need one and will be back in touch.

1

# **AGENDA ITEM REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting	Date:	9/8	/2021
needing	Dute.	5,0	/ 2021

to:

### Refunds

Motion: "Mr. Chairman, I move (not required for Conse Agenda items)	a part of the record or I move to approve t	nt Agenda as presented the Consent Agenda as f the record, with the f	s presented and that
Subject	REFUND - Main Stre	et Homes - \$616.50	
Issue			
Recommendation	Approval		
Fiscal Implications	s		
Policy Implication	s		
Legislative History	у		
Discussion			
Time Needed:		Person Appearing:	
-	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided			

# **CONSENT AGENDA REFUND REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/2021

Reason for refund	Main Street Homes canceled permit - BP#8559-2021					
Refund Amount	\$616.50					
Name and complete mailing address for refund recipient	Main Street Homes P.O. Box 461 Midlothian, VA 23113					
Line item identification and breakdown	Build - \$822.00 (minus 25% administrative fee) Surcharge - \$16.44 - Non-Refundable Zoning - \$30.00 - Non-Refundable					
Request prepared by:	W. Watkins, Deputy ( the Board	Clerk of	Telephone	:	804-966-9687	
Date of Request:	6/22/2021					
ATTACHMENTS:						
Description		Ту	/pe			
Main Street Homes Re	efund 8559 (PDF)	Co	over Memo			
<b>REVIEWERS:</b>						
Department	Reviewer	Action		Date		
Clerk	Watkins, Wanda	Approved		8/23/ AM	2021 - 10:09	
Administration	Hathaway, Rodney	Approved			2021 - 4:14 PM	
Attorney	Hefty, Brendan	Approved		8/31/ PM	2021 - 12:04	

•

.

# CONSENT AGENDA REFUND REQUEST

### (TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date	September	8, 2021					
Reason for refund	Builder canc BP# 8559-20	eled permit. 21					
Refund Amount	\$616.50	1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 19					· .
Name and complete m address for refund reci		Main Street Hom PO Box 461 MIdlothian, VA 2					
Line item identification breakdown	n and	Build - \$822.00 m Surcharge - \$16,4 Zoning - \$30.00 -	44 - non-refui	ndable	ve fee		
l certify this to be a comple		or Refunds Reques					, 20,
Signature of Commissioner	r of Revenue, l	his deputy or othe	er designated	official			
Request prepared by:	Tracee McLeo	od, Administrative	Assistant, Bu	ilding Dev	Telephone	804-966-9680	
Date of Request							
For Clerk's Use: Approval date by Board:							
			Rhint Found			89	]



June 22, 2021

County of New Kent P.O. Box 150 12007 Courthouse Circle New Kent, VA 23124

Dear Tracee,

Please cancel the following permit:

• BLDG-008559-2021

This buyer has released their contract and at this time we will not build on this lot.

Please review our request and issue a refund for the fees paid.

Kindest Regards,

**Tonyă Corker** Construction Coordinator Main Street Homes

corrected letter Rec 7/27/21

15871 City View Drive, Suite 100, Midlothian, VA 23113 Mailing Address: P.O. Box 461, Midlothian, VA 23113 Phone: (804) 794-3138 Fax: (804) 794-3124 www.GoMSH.com



# **County of New Kent**

P.O. Box 150 12007 Courthouse Circle New Kent, VA 23124 Permit Kumber

BLDG-008559-2021 Issue Date: 04/15/2021

VUSBC: USBC 2015 Use: R-5

# Permit Type: Building (Residential) Work Class: New Single Family

GPIN		Site Addir	ess	District
H19-0818-007	'2	11421 Pine Needles Dr , I	Providence Forge	4
Ownenlinfo	mation	Mechanics Lie	nAgent	Contractor Information
Name: W V MCCLURE Address: P O Box 461 MIDLOTHIAN, V Phone: (804) 423-0314	INC N A 23113	lame: BON AIR TITLE Adress: 9211 Forest Hill A RICHMOND, VA Phone: (804) 320-1336		MIDLOTHIAN, VA 23113 (804) 423-0314 2705039441

### Project Description NEW SINGLE FAMILY DWELLING 2926SF / 4BED 3.5BATH

PUD X

Nature of Work NEW SINGLE FAMILY DWELLING 2926SF 4BED / 3.5BATH

00 Signature of Approving Official

Date: 04/15/2021

ROUAL FEES:

PER SEC. 110.6 OF THE VUSBC, ANY PERMIT ISSUED EXPIRES SIX (6) MONTHS AFTER ISSUANCE IF NO INSPECTIONS HAVE BEEN MADE .

\$868.44

# **AGENDA ITEM REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting	Date:	9/8/2021	
	Date:	, , , , , , , , , , , , , , , , , , , ,	

to:

### Refunds

Motion: "Mr. Chairman, I move (not required for Conse Agenda items)	a part of the record. e to or ^{ent} I move to approve t	t Agenda as presented the Consent Agenda as the record, with the f	presented and that
Subject	REFUND - Main Stre	et Homes - \$628.50	
Issue			
Recommendation	Approval		
Fiscal Implication	s		
Policy Implication	IS		
Legislative Histor	у		
Discussion			
Time Needed:		Person Appearing:	
prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided			

# **CONSENT AGENDA REFUND REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/2021

Reason for refund	Main Street Homes canceled permit - BP#8807-2021						
Refund Amount	\$628.50						
Name and complete mailing address for refund recipient	Main Street Homes P.O. Box 461 Midlothian, VA 23113						
Line item identification and breakdown	Build - \$838.00 (minus 25% administrative fee) Surcharge - \$16.76 - Non-Refundable Zoning - \$30.00 - Non-Refundable						
Request prepared by:	W. Watkins, Deputy Clerk of Telephone: 804-966-9687						
Date of Request:	6/22/2021						
ATTACHMENTS:							
Description		Ту	/pe				
Main Street Homes Re	efund 8807 (PDF)	Co	over Memo				
<b>REVIEWERS:</b>							
Department	Reviewer	Action		Date			
Clerk	Watkins, Wanda	Approved		8/23/ AM	2021 - 10:14		
Administration	Hathaway, Rodney	Approved			2021 - 4:13 PM		
Attorney	Hefty, Brendan Approved 8/31/2021 - 12:0 PM				2021 - 12:01		

٧

# CONSENT AGENDA REFUND REQUEST

### (TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date	September	8, 2021						
Reason for refund	Builder canc BP# 8807-20	eled permit. )21			, ,			
Refund Amount	\$628.50							
Name and complete n address for refund rec		Main Street Hom PO Box 461 Midlothian, VA 2						
Line item identificatio breakdown	n and	Build - \$838.00 m Surcharge - \$16.7 Zoning - \$30.00 -	76 - non-refui	ndable	e fee		<u> </u>	
l certify this to be a comple Signature of Commissione	ete, full, true a		for refund. Co	ertified this				_, 20
		····						
Request prepared by:		eod, Administrative	e Assistant, Bu	uilding Dev	Telephone	804-966-96	80	
Date of Request								
For Clerk's Use: Approval date by Board: _	4						Attorney	
								and the second of the second
			Print:Form			94		

1



June 22, 2021

County of New Kent P.O. Box 150 12007 Courthouse Circle New Kent, VA 23124

Dear Tracee,

Please cancel the following permit:

- BLDG-008807-0221 5620 Regal Court
- · SF-008805-2021-5620 Regal Court ( Keeping LDP an active no refund)

This buyer has released the contract and we have a new buyer for this property who plans to build a different house. We will submit a new application as soon as we have all the documents prepared.

Please review our request and issue a refund for the fees paid.

Kindest Regards,

**Tony'a Corker** Construction Coordinator Main Street Homes

15871 City View Drive, Suite 100, Midlothian, VA 23113 Mailing Address: P.O. Box 461, Midlothian, VA 23113 Phone: (804) 794-3138 Fax: (804) 794-3124 www.GoMSH.com



# **County of New Kent**

P.O. Box 150 12007 Courthouse Circle New Kent, VA 23124 PERMIT NUMBER

BLDG-008807-2021

Issue Date: 05/05/2021

VUSBC: USBC 2015 Use: R-5

# Permit Type: Building (Residential) Work Class: New Single Family

GPIN	Site Address		District
H19-1298-3126	5620 Regal Ct , Providence Forge		4
Owner Information	Mechanics Lien Agent		Semiractor Information
Name: W V MCCLURE INC Address: P O Box 461 MIDLOTHIAN, VA 23113 Phone: (804) 423-0312	Name: BON AIR TITLE Address: 9211 Forest Hill Ave RICHMOND, VA 23235 Phone: (804) 320-1336	Name: Address: Phone: Lic No: Issue Date: Lic Exp:	MAIN STREET HOMES P O Box 461 MIDLOTHIAN, VA 23113 (804) 423-0314 2705039441 5/31/2022

# Project Description NEW SINGLE FAMILY DWELLING 2845SF / 4BED 3BATH

Zome Code	Firm Zone
PUD	X
RevenueFillerik	

NEW SINGLE FAMILY DWELLING 2845SF 4BED / 3BATH

Signature of Approving Off

Date: 05/05/2021

PER SEC. 110.6 OF THE VUSBC, ANY PERMIT ISSUED EXPIRES SIX (6) MONTHS AFTER ISSUANCE IF NO INSPECTIONS HAVE BEEN MADE.

100000 FEES: \$ 884.76

# **AGENDA ITEM REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/2021	Meeting	Date:	9/8/2021
------------------------	---------	-------	----------

to:

### Refunds

Motion: "Mr. Chairman, I move (not required for Conse Agenda items)	a part of the record. or I move to approve t	t Agenda as presented he Consent Agenda as the record, with the f	presented and that
Subject	REFUND - Interior 2	000 - \$52.12	
Issue			
Recommendation	Approval		
Fiscal Implication	s		
Policy Implication	s		
Legislative Histor	у		
Discussion			
Time Needed:		Person Appearing:	
Request prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided			

# **CONSENT AGENDA REFUND REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/2021

Reason for refund	Interior 2000 canceled permit - BP#9051-2021						
Refund Amount	\$52.12						
Name and complete mailing address for refund recipient	Interior 2000 2434 New Dorset Circle Powhatan, VA 23139						
Line item identification and breakdown	Mech - \$69.50 (minus 25% administrative fee) Surcharge - \$1.39 - Non-Refundable						
Request prepared by:	W. Watkins, Deputy Clerk of Telephone: 804-966-9687						
Date of Request:							
ATTACHMENTS:							
Description			/pe				
Interior 2000 Refund	- 9051 (PDF)	Co	over Memo				
<b>REVIEWERS:</b>							
Department	Reviewer	Action		Date			
Clerk	Watkins, Wanda	Approved		8/23/ AM	2021 - 10:18		
Administration	Hathaway, Rodney	Approved			2021 - 4:14 PM		
Attorney	Hefty, Brendan Approved 8/31/2021 - 12:03 PM						

.

# CONSENT AGENDA REFUND REQUEST

### (TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date	September 8, 2021
Reason for refund	Builder/contractor canceled permit. BP# 9051-2021
Refund Amount	\$52.12
Name and complete m address for refund reci	
Line item identificatior breakdown	Mech - \$69.50 minus 25% Administrative fee Surcharge - \$1.39 - non-refundable n and
l certify this to be a comple	For Refunds Requested by the Commissioner of Revenue te, full, true and exact request for refund. Certified this day of, 20
Signature of Commissioner	of Revenue, his deputy or other designated official
Request prepared by:	Tracee McLeod, Administrative Assistant, Building Dev 804-966-9680
Date of Request	
For Clerk's Use: Approval date by Board:	REVIEWS Admin: Attorney Finance:
	Print Form 99



shower analosures. • gas fireplaces closet systems • mirrors • and mare

2434 New Dorset Circle Powhatan, VA 23139 804-598-0340 804-598-0341 (FAX)

To Whom It May Concern:

RE: Mechanical Permit #MECH 009051-2021

Interior 2000 would like to cancel the above permit number for 3899. Elliot Field Trace for the installation of a gas fireplace under building permit number 8426-21 for Liberty Homes.

Upon cancellation we are requesting a full refund be sent to Interior 2000, 2434 New Dorset Circle, Powhatan, Virginia 23139.

Thank you

Lisa G. Cook Administrative Assistant 804-372-9749



# **County of New Kent**

P.O. Box 150 12007 Courthouse Circle New Kent, VA 23124 PERMIT

MECH-009051-2021

Issue Date: 05/20/2021

VUSBC: USBC 2015 Use: R-5

# Permit Type: Mechanical (Residential) Work Class: New

	GPIN STREET		Site Address		District
	K07-2895-3060		3899 Elllott Field Trce, Quinton		2
	Owner information		Viechanics Lien Agent		Contractor Information
Name:	LIBERTY HOMES VA INC	Name:	JOSEPH A PERINI MEYERGOERGE	Name:	INTERIOR 2000
Address:	8249 Crown Colony Pkwy MECHANICSVILLE, VA 23116	Address:	RICHMOND, VA 23226	Address:	2434 New Dorset Cir POWHATAN, VA 23139
Phone:	(804) 730-7770	Phone:	(804) 288-3600	Phone: Lic No: Issue Date:	(804) 598-0340 2705080900
				Lic Exp:	12/31/2022

### Project Description INSTALL DIRECT VENT FIREBOX (BLDER CHANGED CONTRACTOR)

Zone Code	FitmZope
A1	X

Nature of Work NEW SINGLE FAMILY DWELLING 2227SF 3BED / 2.5BATH

000

Signature of Approving Official

Date: 05/20/2021

PER SEC. 110.6 OF THE VUSBC, ANY PERMIT ISSUED EXPIRES SIX (6) MONTHS AFTER ISSUANCE IF NO INSPECTIONS HAVE BEEN MADE .

TOTAL FEES: \$70

\$ 70.89

Meeting Date: 9/8/2021

# **AGENDA ITEM REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8,	/2021	Refunds	5
Motion: "Mr. Chairman, I move (not required for Conser Agenda items)	a part of the record to ^{or} I move to approve	ent Agenda as presented d. the Consent Agenda as of the record, with the f	s presented and that
Subject	REFUND - Comfort	First Mechanical LLC - s	\$69.37
Issue			
Recommendation	Approval		
Fiscal Implications	5		
Policy Implications	5		
Legislative History	/		
Discussion			
Time Needed:		Person Appearing:	
-	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided to:			

# CONSENT AGENDA REFUND REQUEST

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/2021

Attorney

Reason for refund	Comfort First Mechanical LLC canceled BP# 9828-2021							
Refund Amount	\$69.37							
Name and complete mailing address for refund recipient	Comfort First Mechanical LLC 3611 Edgewood Ave. Richmond, VA 23222							
Line item identification and breakdown	Mech - \$92.50 (minus 25% administrative fee) Surcharge - \$1.85 - Non-Refundable							
Request prepared by:	W. Watkins, Deputy ( the Board	Clerk of	Telephone:		804-966-9687			
Date of Request:	8/5/2021							
ATTACHMENTS: Description Type Comfort First Mechanical LLC Refund - 9828 (PDF) Cover Memo								
<b>REVIEWERS:</b>								
Department	Reviewer	Action		Date				
Clerk	Watkins, Wanda	Approved		8/23/ AM	2021 - 10:25			
Administration	Hathaway, Rodney	Approved		8/29/	2021 - 4:14 PM			

Approved

Hefty, Brendan

103

8/31/2021 - 11:57 AM

# CONSENT AGENDA REFUND REQUEST

### (TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date	September 8, 2021					
Reason for refund	Contractor canceled permit. BP# 9828-2021					
Refund Amount	\$69.37					
Name and complete m address for refund reci						
Line item identification breakdown	Mech - \$92.50 minus 25% Administrative fee Surcharge - \$1.85 - non-refundable In and					
For Refunds Requested by the Commissioner of Revenue						
I certify this to be a complete, full, true and exact request for refund. Certified this day of, 20,						
Signature of Commissioner	r of Revenue, his deputy or other designated official					
Request prepared by:	Tracee McLeod, Administrative Assistant, Building Dev 804-966-9680					
Date of Request						
For Clerk's Use:	REVIEWS Admin: Attorney	· · · · · · · · · · · · · · · · · · ·				
Approval date by Board:	Finance:					
L	Print Faco 104					

### Tracee A. McLeod

From: Sent: To: Subject: Service Department <service@cfmrva.com> Thursday, August 5, 2021 11:38 AM Tracee A. McLeod Re: Cancel permit please

I am with comfort first mechanical I would like a refund for my permit.

Get Outlook for iOS

From: Service Department <service@cfmrva.com> Sent: Thursday, August 5, 2021 11:36:58 AM To: Tracee A. McLeod <tamcleod@newkent-va.us> Subject: Re: Cancel permit please

I would like to request a refund please

Get Outlook for iOS

From: Tracee A. McLeod <tamcleod@newkent-va.us> Sent: Thursday, August 5, 2021 10:10:19 AM To: Service Department <service@cfmrva.com> Subject: RE: Cancel permit please

Jonathan,

In the email, you must request a refund if you chose to receive one otherwise the permit will only be canceled.

1

Tracee

From: Service Department <service@cfmrva.com> Sent: Thursday, August 5, 2021 9:36 AM To: Tracee A. McLeod <tamcleod@newkent-va.us> Subject: Cancel permit please

I am Jonathan west with comfort first mechanical I would like to cancel the permit. My business phone number is 8042562400

Get Outlook for iOS



# **County of New Kent**

P.O. Box 150 12007 Courthouse Circle New Kent, VA 23124 REPAIR NO NEED

MECH-009828-2021

Issue Date: 08/03/2021

VUSBC: USBC 2015 Use: R-5

# Permit Type: Mechanical (Residential) Work Class: New

	GPIN:		Site Address,		District
	30-3364-0835	602	0 Tucker'S Pines Ln , Barhamsville		5 .
	OwnerInformation	e le ser u	Mechanics Lien Agent		Sontractor Information
Name:	ALLEN FRALEY	Name:	NONE DESIGNATED	Name:	COMFORT FIRST MECHANICAL LLC
Address:	6020 Tuckers Pines Ln BARHAMSVILLE, VA 23011	Address:	· .	Address:	3611 Edgewood Ave RICHMOND, VA 23222
Phone:	(757) 846-1927	Phone:	() -	Phone:	(804) 256-2400
				Lic No: Issue Date:	2705179353
				Lic Exp:	4/30/2023

Project Description

### INSTALL DUCTLESS MINI-SPLIT

Zone Code	Firm Zone
A1	X

### Nature of Work ADDITION / 24X30 720SF / TO INCLUDE LIVING RM, FULL BATH & LAUNDRY

Signature of Approving Officia

Date: 08/03/2021

PER SEC. 110.6 OF THE VUSBC, ANY PERMIT ISSUED EXPIRES SIX (6) MONTHS AFTER ISSUANCE IF NO INSPECTIONS HAVE BEEN MADE.

TOTAL FEES:

106

\$ 94.35

to:

# **AGENDA ITEM REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8	5/2021	21 Supplemental Appropriations			
Motion: "Mr. Chairman, I move (not required for Conse Agenda items)	a part of the record to or I move to approve	nt Agenda as presente I. the Consent Agenda as of the record, with the f	s presented and that		
Subject	FY21 Supplemental	FY21 Supplemental Appropriations			
Issue	(\$1,547.84), Co Schools - NKHS Schools - NKHS Soccer - 5/17/2 - 6/11/21 (\$1,0 2. Funds Receive #02-20-37636 3. Interest Earne \$10,046.13 - Tot (\$5,327.10) - To	ity - Colonial Downs - 6/ olonial Downs - 6/25/21 Softball - 6/23/21 - 6/2 Softball - 6/17/21 (\$258 21 - 6/2/21 (\$775.08) ar 065.74), \$4,827.10. d from VRSA Insurance -1-AP DOL 5/23/2021, d on Quinton Elementa tal otal In/Out - General Fu al In/Out - School Constr	- 6/26/21 (\$663.36), 6/21 (\$516.72), 3.36), Schools - Girl's ad Schools - Graduation e - Fire/Rescue - Claim \$500. ry School, \$4,719.03.		
Recommendation					
Fiscal Implications	s				
Policy Implications	s				
Legislative History	У				
Discussion					
-	W. Watkins, Deputy Clerk of the Board	Person Appearing: Telephone:	804-966-9687		

## **ATTACHMENTS:**

Description	
FY21 Supplemental Appropriations (	090820 (PDF)

Туре

Cover Memo

# **REVIEWERS:**

Department Clerk Reviewer Watkins, Wanda Action Approved Date 9/1/2021 - 4:06 PM

.

 $\vec{c}$ 

To: From: Subject: Date:	Rodney A. Hathaway, County Administrator Rebecca F. Guthrie, Director of Financial Services FY21 Supplemental Appropriations For Munis (September 8, 2021 BOS Meeting September 2, 2021	;)		
<b>FY2020-20</b> This memo	<b>21</b> Is to request the following supplemental appropriations:		Revenue	Expenditure
Extra Duty Sheriff Sch	<mark>riate Sheriff Extra Duty</mark> - Sheriff Colonial Downs 6/11/21-6/19/21 (\$1,547.84); Sheriff Colonial Downs 6/. ools NKHS Softball 6/23/21-6/26/21 (\$516.72); Sheriff Schools NKHS Softball 6/17 ools Girl's Soccer 5/17/21-6/2/21 (\$775.08); Sheriff Schools Graduation 6/11/21 (	7/21 (\$	258.36)	
110919-31	9204	\$	(4,827.10)	
Recovered		,	(-,,	
EXPENDIT	URE:			
11312000	401304			
	pplemental Activities		\$	2,211.20
11312000				
Extra Secu	rity Detail - Schools		\$	2,615.90
Fire/Rescu REVENUE: 110918-31 Insurance EXPENDIT 11321000 Insurance To Approp	Recoveries JRE:	\$	(500.00) \$	500.00
REVENUE:				
290501-31		\$	(4,719.03)	
Interest or EXPENDIT	Bond Proceeds			
29451000			\$	4,719.03
	construction-Debt Funds		Ŷ	4,715.05
		\$	(10,046.13) \$	10,046.13
			l In/Out - General I I In/Out - School Co	• •
CC:	The Honorable J. Joseph McLaughlin, Jr., Sheriff Lee Bailey, Chief Deputy - New Kent County Sheriff's Office Nancy Lindsey, Finance Manager			

Lee Bailey, Chief Deputy - New Kent County Sheriff's Office Nancy Lindsey, Finance Manager Maria Davenport, Secretary to the Sheriff Richard Opett, Fire Chief Lisa Baber, Deputy Fire Chief Brian Nichols, Superintendent of Schools Haynie Morgheim, Executive Director of Finance and Budget Shannon Walton, Business Manager

# **AGENDA ITEM REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/20	21 Supplemental Appropriations
Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	approve the Consent Agenda as presented and that it be made a part of the record. or I move to approve the Consent Agenda as presented and that it be made a part of the record, with the following changes:
Subject	FY22 Supplemental Appropriations
Issue	<ol> <li>Animal Shelter Donations, \$1,435.</li> <li>Gifts and Donations to Fire/EMS, \$400.</li> <li>Funds Received from VRSA Insurance - Fire/Rescue - Claim #02-21-38422-1-AP DOL 7/8/2021, \$321.</li> <li>Farmers Market Registration Fees, \$135.</li> <li>Sheriff Extra Duty - Colonial Downs - 7/9/21 - 7/17/21 (\$1,768.96), Colonial Downs - 7/1/21, 8/9/21 (\$7,650.75), Colonial Downs - 7/19/21 - 7/31/21 (\$6,102.91) and Colonial Downs - 7/2/21-7/4/21 (\$1,680.51), \$17,203.13.</li> <li>Additional Funds from DSS, \$30,284.</li> <li>Victim Witness Donation - Kip Kephart Foundation, \$500.</li> <li>Vending Machine Sales - HR (\$60.90) and Sheriff (\$31.51), \$92.41.</li> <li>P&amp;R Sponsorship, \$1,950.</li> <li>Interest Earned on Quinton Elementary School, \$1,060.13.</li> <li>DMV Selective Enforcement Grants, \$76,308.40.</li> <li>Total Response Emergency Medical Dispatch Grant Funds, \$62,405.60.</li> <li>\$192,094.67 - Total (\$21,536.54) - Total In/Out - General Fund (1101) (\$72,004.20) - Total In/Out - Grants (1106) (\$30,284.00) - Total In/Out - Social Services (1201) (\$1,060.13) - Total In/Out - School Construction (1301) (\$62,405.60) - Total In/Out - Capital (1302) (\$4,804.20) - From Fund Balance - General Fund (1101)</li> </ol>
Recommendation	
Fiscal Implications	
Policy Implications	

Legislative History	
Discussion	

Time Needed:		Person Appearing:	
-	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided to:			

# ATTACHMENTS:

DescriptionTypeFY22 Supplemental Appropriations - 090821 (PDF)Cover Memo

# **REVIEWERS:**

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	9/1/2021 - 4:09 PM

To: From: Subject: Date:	Rodney A. Hathaway, County Administrator Rebecca F. Guthrie, Director of Financial Services FY22 Supplemental Appropriations For Munis (September 8, 2021 BOS Meeting September 2, 2021	)			
<b>FY2021-20</b> This mem	<b>022</b> o is to request the following supplemental appropriations:	R	evenue		Expenditure
To Approp	priate Animal Shelter Donations				
\$1,435 red	ceived by Sheriff Department				
REVENUE					
110918-3:		\$	(1,435.00)		
EXPENDIT	elter Donations				
11351000				\$	1,435.00
	lan Services			Ŷ	1,433.00
To Approp	priate Gifts & Donations				
Fire/EMS:					
REVENUE					
110918-32		\$	(400.00)		
Gifts & Do EXPENDIT					
11321000				\$	400.00
	ication Donations - Fire			Ŷ	400,00
	oriate Funds Received from VRSA Insurance ie - Claim # 02-21-38422-1-AP DOL 7/8/2021 (\$321) :				
110918-31	18203	\$	(321.00)		
	Recoveries				
EXPENDIT					
11312000 Insurance	-405840 Damanges/Recoveries			\$	321.00
	iate Farmers Market Registration Fees				
REVENUE					
110918-31		\$	(135.00)		
EXPENDIT	Aarket Reg Fee				
11110200				\$	135.00
Special Ev				Ŷ	100
Extra Duty Extra Duty REVENUE: 110919-31 Recovered	19204 I Costs			!)	17 202 12
EXPENDIT 11312000				\$	17,203.13
	upplemental Activities				

To: From: Subject: Date:	Rodney A. Hathaway, County Administrator Rebecca F. Guthrie, Director of Financial Services FY22 Supplemental Appropriations For Munis (September 8, 2021 B September 2, 2021	OS Meeting)		
<b>FY2021-20</b> This memo	<b>22</b> b is to request the following supplemental appropriations:		Revenue	Expenditure
<u>To Approp</u> REVENUE:	riate Additional Funds Received from DSS:	\$	(15,142.00)	
	4200-20609	Ŷ	(13)142,00)	
State Reim	bursement	\$	(15,142.00)	
	3300-30500			
	imbursement		٨	
EXPENDIT			\$	30,284.00
25532100-	400835 REVENTION SERVICE			
055 IV~E P	REVENTION SERVICE			
To Appror	iate Victim Witness Donation			
	RT FOUNDATION			
<b>REVENUE:</b>				
130918-31	8601-40101	\$	(500.00)	
KIP KEPHA	RT FOUNDATION			
EXPENDIT				
	403100-40101		\$	500.00
Programs				
HR (\$60.90	riate Vending Machine Sales D), Sheriff (\$31.51)			
REVENUE:		<u>ب</u>	(00,44)	
110918-31		\$	(92.41)	
EXPENDIT	lachine Sales			
11122200-			\$	60.90
	rving Supplies - Emp Func		Ŷ	00.50
11312000-			\$	31.51
	rving Supplies		·	
	riate P&R Sponsorship			
110612-31		\$	(1,950.00)	
P&R Co-Sp		Ŷ	(1,550,00)	
EXPENDIT				
11715000-			\$	1,950.00
	ip Family Improvement		·	,
To Approp REVENUE:	riate Interest Earned on Quinton Elementary School			
290501-315107		\$	(1,060.13)	
Interest on Bond Proceeds		Ŧ	, ,,	
EXPENDIT				
29451000-	408641		\$	1,060.13
Elem Sch Construction-Debt Funds				

.

To: From: Subject: Date:	Rodney A. Hathaway, County Administrator Rebecca F. Guthrie, Director of Financial Services FY22 Supplemental Appropriations For Munis (September 8, 2021 BOS September 2, 2021	Meeting)		
FY2021-2				
This mem	o is to request the following supplemental appropriations:		Revenue	Expenditure
To Appro	oriate DMV Selective Enforcement Grants			
REVENUE				
110948-3		\$	(4,804.20)	
	Fund Balance Used			
130949-3		\$	(4,804.20)	
	rom General Fund		· · · ·	
	33300-30120	\$	(39,900.00)	
	inforcement - Alcohol 33300-30121	*	(4.0, 0.0, 0.0)	
	Enforcement - Speed	\$	(18,000.00)	
	33300-30122	\$	(8,800.00)	
	Inforcement - Occupant	Ş	(0,000.00)	
EXPENDIT	•			
11931000			\$	4,804.20
	Grant Fund 1106		Ŷ	4,004.20
	-401300-12007		\$	36,000.00
Sel Enforc	ement - Alcohol		Ŧ	00,000,00
13312000	-402100-12007		\$	2,754.00
Sel Enforc	ement - Alcohol FICA/Medicare			
13312000	-405540-12007		\$	3,900.00
Sel Enforc	ement - Alcohol Travel/Convention			
13312000	-401300-12008		\$	18,000.00
Sel Enforc	ement - Speed			
	-402100-12008		\$	1,377.00
	ement - Speed FICA/Medicare			
	-401300-12009		\$	8,800.00
	ement - Occupant			
	-402100-12009		\$	673.20
Sel Enforc	ement - Occupant FICA/Medicare			
To Appror	priate Total Response Emergency Medical Dispatch Grant Funds			
REVENUE				
310924-32	24200-20204	\$	(62,405.60)	
RSAF Prog	ram	•	( <i>)</i>	
EXPENDIT				
21200000			<u>ـ</u>	C2 405 C2

31380000-438241
Total Response EMG Medical Dis

\$ 62,405.60

To:	Rodney A. Hathaway, County Administrator
From:	Rebecca F. Guthrie, Director of Financial Services
Subject:	FY22 Supplemental Appropriations For Munis (September 8, 2021 BOS Meeting)
Date:	September 2, 2021

#### FY2021-2022

This memo is to request the following supplemental appropriations:

Expenditure

\$ 192,094.67	Total
\$ (21,536.54)	Total In/Out - General Fund (1101)
\$ (72,004.20)	Total In/Out - Grants (1106)
\$ (30,284.00)	Total In/Out - Social Services (1201)
\$ (1,060.13)	Total In/Out - School Construction (1301)
\$ (62,405.60)	Total In/Out - Capital(1302)
\$ (4,804.20)	From Fund Balance - General Fund (1101)
(0.00)	Check

Revenue

cc:

The Honorable J. Joseph McLaughlin, Jr., Sheriff Lee Bailey, Chief Deputy - New Kent County Sheriff's Office Nancy Lindsey, Finance Manager Maria Davenport, Secretary to the Sheriff **Richard Opett, Fire Chief** Lisa Baber, Deputy Fire Chief Justin Stauder, Assistant County Administrator Wanda Watkins, Deputy Clerk of the Board Krista Eutsey, Executive Assistant to the County Administrator Brian Nichols, Superintendent of Schools Haynie Morgheim, Executive Director of Finance and Budget Shannon Walton, Business Manager Suzanne Grable, Social Services Director Dana Boothe, Administrative Office Manager Karen Mortensen, Victim Witness Program Director Karen Wiscott, Human Resources Director Kim Turner - Director of Parks and Recreation Jason Baldwin - Recreational Program Manager Holly Naggy - Parks and Recreation Administrative Assistant

# **AGENDA ITEM REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/20	21 Interdepartmental Budget Transfers
Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	approve the Consent Agenda as presented and that it be made a part of the record. or I move to approve the Consent Agenda as presented and that it be made a part of the record, with the following changes:
Subject	FY21 Interdepartmental Budget Transfers
Issue	
Recommendation	
	<ol> <li>Administration - From Wages - Part-time - Regular (\$10,239.87) and Hospital/Medical Plans (\$2,558.22), \$12,798.09 to Salaries &amp; Wages - Regular (\$3,194.76), to Wages - Overtime - Regular (\$6,968.22), to VRS Employee Health Insur. Cred. (\$7.36), to Group Life Insurance (\$44,88), to St/LT Disability Premium (\$0.20), to FICA/Medicare (\$1,013.71), to Retirement - VRS (\$368.96) and to Vehicle Allowance (\$1,200), \$12,798.09</li> <li>Fire-Rescue - From Salaries to Overtime (\$48,392.32), From Salaries to Medical Plans (\$32,249), From Salaries to Part-Time (\$6,391.44), From LODA to Volunteer LODA (\$139), From FICA/Medicare to FICA Medicare (\$488.65), From OSHA Compliance Expense to Maintenance Service Contracts (\$22,893.35), From Uniforms &amp; Wearing Apparel to Repairs &amp; Maintenance (\$6,607.92), From Heating Service to Electrical Service (\$1,572.55), From Printing &amp; Binding to Postage (\$287.05), From Volunteer Insurance to Leased WAN Lines (\$4,574.32), From Volunteer Insurance to Motor Vehicle Insurance (\$1,674), From Office Supplies to Training (\$1,347.35), From Office Supplies to Janitorial Supplies (\$45.63), From Telecommunications to Dues &amp; Association Memberships (\$1,107) and From Workers Compensation to Vehicle Powered Equipment &amp; Repair (\$67,675.82), \$195,445.40.</li> <li>Fire-Rescue - From Workers Compensation to Vehicle &amp; Powered Equipment Fuel (\$5,585.06), From Uniforms &amp; Wearing Apparel to Books &amp; Subscriptions (\$23.36), From Professional Services to Operational Supplies (\$2,815.11), From Telecommunication - Cellular to Machinery &amp; Equipment (\$1,875.65), From Professional Services to Furniture &amp; Fixtures (\$1,563.89) and From Professional Services to Furniture &amp; Fixtures (\$1,563.89) and From Professional Services to Haz-Mat Response Equipment (\$2,268), \$14,201.07.</li> <li>General Services - From Wages-Part Time Overtime (\$500), From Workers Compensation (\$4,392.61), From Brush Recycling (\$6,121.94), From Contracted Refuse Disposal</li> </ol>

**Fiscal Implications** 

(\$2,461.93), From County Recycling (\$834.98), From Repairs & Maintenance (\$8,752.19), From Postal Services (\$47.17), From Telecommunications - Land (\$2,120.53), From Lease/Rent Equipment (\$1,324.93), From Travel (Convention & Education) (\$500), From Dues & Association Memberships (\$218.24), From Vehicle & Pwerd Equip Fuel (\$877.38), From Vehicle & Pwerd Equip Supplies (\$3,901.63), From Rt 618 Projects (\$52.80), From Wages - Overtime Regular (\$4,299.58), From Professional Services (\$286.20), From Repairs & Maintenance (\$36,582.84), From Maintenance Service Contracts (\$13,101.50), From Electric Services (\$19,841.11), From Telecommunications - Land (\$687.99), From Mileage (\$234.94), From Travel (Convention & Education) (\$240), From Insurance Damages/Recoveries (\$250), From Office Supplies (\$137.80), From Janitorial Supplies (\$1,068.18), From Repairs & Maintenance Supplies (\$4,959.81), From Vehicle & Pwerd Equip Supplies (\$324.56), From Lawn Maintenance Supplies (\$1,518.47) and From Parking Lot Striping/Sealing (\$4,378.90), \$120,018.21 to Salaries & Wages -Regular (\$10,196.82), to Wages-Overtime Regular (\$205.48), to FICA/Medicare (\$1,100.06), to Retirement - VRS (\$708.13), to VRS Employee Health Insur Cred (\$14.78), to Hospital/Medical Plans (\$799.24), to Group Life Insurance (\$85.20), to ST/LT Disability Premium (\$244.98), to Contract Services (\$46,190.49), to Vehicle Insurance (\$469), to Uniforms & Wearing Apparel (\$198.19), to Machinery & Equipment (\$15,121.92), to Salaries & Wages Regular (\$15,562.73), to Wages-Part Time Regular (\$913.47), to FICA/Medicare (\$426.22), to Retirement - VRS (\$1,001.99), to VRS Employee Health Insur Cred (\$20.22), to Hospital/Medical Plans (\$1,139.43), to Group Life Insurance (\$123.27), to ST/LT Disability Premium (\$352.96), to Contract Services (\$4,460.72), to Heating Services (\$1,245.89), to Utility Service - Water (\$12,219.30), to Postal Services (\$15.11), to Insurance -Fire/Property (\$2,449.01), to Vehicle Insurance (\$253), to Vehicle & Pwerd Equipment Fuel (\$333.07), to Uniforms & Wearing Apparel (\$847.20) and to Wages PT (\$3,320.33), \$120,018.21. 5. Human Resources - From Professional Services (\$11,335.02) to Salaries & Wages - ST Disability (\$6,865.29), to Employee Incentives/Awards (\$2,444.06), to Retirement-VRS (\$547.91), to Hospital/Medical Plans (\$545.21), to Office Supplies (\$371.70), to Dues & Association Memberships (\$234.50), to FICA/Medicare (\$215.22), to Group Life Insurance (\$67.28), to ST/LT Disability Premium (\$26.40), to VRS Employee Health Insur Cred (\$11.68) and to Wages-Overtime Regular (\$5.77), \$11,335.02. 6. Information Technology - From Contract Services to Hospital/Medical Plans (\$52.36) and From Internet Access to

- Professional Services (\$1,210), \$1,262.36.
  7. Sheriff's Department From Wages-Overtime Regular (\$3,693) to Salaries & Wages Regular (\$3,692) and to Group Life Insurance (\$1) and From Uniforms & Wearing Apparel (\$2,290) to Maintenance Service Contracts (\$500), to Telecommunications-Cellular (\$379), to Vehicle Insurance (\$8), to Travel (Conv. & Education) (\$900), to Insurance Damages/Recoveries (\$25) and to Dog Tags (\$478), \$5,983.
- Social Services From Dues and Membership to Overtime, \$122.28.

Policy Implication	IS		
Legislative Histor	Ъ		
Discussion			
Time Needed:		Person Appearing:	
Request prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided to:			
ATTACHMENTS:			
Description		Туре	
FY21 Budget Tran	sfers for 090821 (PDF)	Cover Memo	

#### **REVIEWERS:** Department Reviewer Action Date Watkins, Wanda 9/1/2021 - 2:02 PM Clerk Approved Administration Hathaway, Rodney Approved 9/1/2021 - 3:57 PM Attorney Hefty, Brendan Approved 9/1/2021 - 4:58 PM

BUDGE	BUDGET TRANSFER FORM					ACCOUNTING PERIOD: Aug-21 FY21			BATCH # REF #	
FUNDS COMING FROM Account Number	(CREDIT) Account Description	Amo	<u>unt</u>		FUNDS GOING TO Account Number	(DEBIT) Account Description		<u>Amou</u>	<u>int</u>	
11110200-401300	Wages - Part-time - Regular	\$	10,239.87	V	11110200-401100	Salaries & Wages - F	Regular	\$	3,194.76	
11110200-402310	Hospital/Medical Plans	\$	2,558.22	5	11110200-401200	Wages - Overtime - F	Regular	\$	6,968.22	
					11110200-402215	VRS Employee Healt	h Insur. Cred	\$	7.36	
					11110200-402400	Group Life Insurance	e	\$	44.88	
				100s	11110200-402500	ST/LT Disability Prer	nium	\$	0.20	
	2				11110200-402100	FICA/Medicare		\$	1,013.71	
					11110200-402210	Retirement - VRS		\$	368.96	
				100	11110200-402840	Vehicle Allowance		\$	1,200.00	
		REQUIRE \$	S BOS 12,798.09		APPROVA	L		\$	12,798.09	
Explanation for transfer:	End of the fiscal year budget	reconcilation.								
	kme PREPARER'S INITIALS	8/6/2021 DATE					,			
FOR FINANC CHECKED FOR FUNDS: ENTERED: POSTED:	NANCE OFFICE USE ONLY DEPARTMENT: Administration									

ACCOUNTING PERIOD:

-BATCH #_____

#### FY2121

REF #

FUNDS COM Account Num		(CREDIT) Account Description	Amount		FUNDS GOIN Account Num		DEBIT) Account Description	Amount
11321000	401100	Salaries	\$ 48,392.32	-	11321000	401200	Overtime	\$ 48,392.32
11321000	401100	Salaries	32,249.00	100	11321000	402310	Medical Plans	32,249.00
11321000	401100	Salaries	6,391.44		11321500	401300	Part-Time	6,391.44
11321000	402305	LODA	139.00		11321000	403111	Volunteer LODA	 139.00
11321000	402100	FICA/Medicare	488.65	dives.	11321500	402100	FICA/Medicare	488.65
	403115	OSHA Compliance Expense	22,893.35	154	11321000	403320	Maintenance Service Contracts	22,893.35
11321000			6,607.92	No.	11321000	403310	Repairs & Maintenance	6,607.92
11321000	406011	Uniforms & Wearing Apparel	1,572.55	100	11321000	405110		1,572.55
11321000	405120	Heating Service			11321000	405210		287.05
11321000	403500	Printing & Binding	287.05		11321000	405210	Tostage	
11321000	405311	Volunteer Insurance	4,574.32		11321000	405250	Leased WAN Lines	4,574.32
11321000	405311	Volunteer Insurance	1,674.00	a support	11321000	405305	Motor Vehicle Insurance	 1,674.00
11321000	406001	Office Supplies	1,347.35	1000	11321000	405560	Training	1,347.35
11321000	406001	Office Supplies	45.63		11321000	406005	Janitorial Supplies	 45.63
	405230	Telecommunications	1,107.00	19	11321000	405810	Dues & Association Memberships	1,107.00
11321000			67,675.82		11321000	4060	09 Vehicle Powered Equipment & Repair	67,675.82
11321000	402710	Workers Compensation	\$ 195,445.40		11021000			\$ 195,445.40
			\$ 155,445.40					

Explanation for transfer:

End year budget transfers

**BUDGET TRANSFER FORM** 

# REQUIRES BOS APPROVAL

DEPARTMENT: Fire-Rescue DATE INITIALS 8/21 DEPT HEAD: CHECKED FOR FUNDS: 8-17-21 DATE: ENTERED: COUNTY ADMINISTRATOR APPROVAL: POSTED:

ACCOUNTING PERIOD:

**BUDGET TRANSFER FORM** 

BATCH#_____

#### FY2121

REF #

FUNDS GOING TO (DEBIT) Amount FUNDS COMING FROM (CREDIT) Account Description Account Number Amount Account Description Account Number 5,585.06 \$ Vehicle & Powered Equipment Fuel 11321000 406008 5,585.06 Workers Compensation 11321000 402710 93.36 **Books & Subscriptions** 11321000 406012 93.36 Uniforms & Wearing Apparel 11321000 406011 2,815.11 **Operational Supplies** 406014 11321000 2,815.11 Professional Services 403170 11321500 1,875.65 Machinery & Equipment 11321000 408001 1,875.65 Telecommunication - Cellular 11321000 405229 1,563.89 Furniture & Fixtures 11321000 408002 1,563.89 Professional Services 11321000 403170 2,268.00 Haz-Mat Response Equipment 11321000 408027 2,268.00 **Professional Services** 11321000 403170 2 14,201.07 \$ \$ 14,201.07 End year budget transfers from line item overage Explanation for transfer: REQUIRES BOS APPROVAL DEPARTMENT: Fire-Rescue DATE INITIALS 8/18/21 DEPT HEAD: CHECKED FOR FUNDS: DATE: ENTERED: COUNTY ADMINISTRATOR APPROVAL: POSTED:

121

ACCOUNTING PERIOD:

#### **BUDGET TRANSFER FORM**

Jun-21 21

BATCH # REF # _____

	FUNDS COMING FROM	(CREDIT)	1	FUNDS GOING TO	(DEBIT)		
	Account Number	Account Description	Amount	Account Number	Account Description	Amount	
	11423000 401300	WAGES PARETIME REGULARCCOCC	B 8 0 18 276 31	11423000-401100	SALARIES & WAGES-REGULAR	\$ -9,760	.73 \$10,196.82
	11423000-401400	WAGES-PART TIME OVERTIME	\$ 500.00	11423000-401200	WAGES-OVERTIME REGULAR	\$ 149	98. \$ 205.48
	11423000-402710	WORKERS COMPENSATION		11423000-402100	FICA/MEDICARE		1.81. \$1,100.06
	11423000-403172	BRUSH RECYCLING		11423000-402210	RETIREMENT-VRS		3.13
	11423000-403173	CONTRACTED REFUSE DISPOSAL		11423000-402215	VRS EMPLOYEE HEALTH INSUR C		4.78
	11423000-403194	COUNTY RECYCLING		11423000-402310	HOSPITAL/MEDICAL PLANS GROUP LIFE INSURANCE		<u>9.24</u> 5.20
	<u>11423000-403310</u> 11423000-405210	REPAIRS & MAINTENANCE POSTAL SERVICES		11423000-402400	ST/LT DISABILITY PREMIUM		4.98
	11423000-405230	TELECOMMUNICATIONS -LAND		11423000-403160	CONTRACT SERVICES	\$ 46,190	
	11423000-405410	LEASE\RENT EQUIPMENT		11423000-405305	VEHICLE INSURANCE		9.00
	11423000-405540	TRAVEL (CONVENTION&EDUCATION)	\$ 500.00	11423000-406011	UNIFORMS & WEARING APPAREL		3.19
	11423000-405810	DUES & ASSOCIATION MEMBERSHIPS	\$ 218.24	11423000-408001	MACHINERY & EQUIPMENT	\$ 15,121	1.92
	11423000-406008	VEHICLE & PWERD EQUIP FUEL		11432000-401100	SALARIES & WAGES-REGULAR	\$ 15,220	1.92 0.73+\$15,560.73
	11423000-406009	VEHICLE & PWERD EQUIP SUPPLIES		11432000-401300	WAGES-PART TIME REGULAR	\$ 913	3.47
	11423000-408015	RT 618 PROJECTS		11432000-402100	FICA/MEDICARE RETIREMENT-VRS	\$ -400 \$ 1,001	
	<u>11432000-401200</u> 11432000-403170	WAGES - OVERTIME REGULAR PROFESSIONAL SERVICES		11432000-402210	VRS EMPLOYEE HEALTH INSUR C		0.22
		REPAIRS & MAINTENANCE		11432000-402310	HOSPITAL/MEDICAL PLANS	\$ 1,139	
\$ 13,101.50	11432000-403320	MAINTENANCE SERVICE CONTRACTS		11432000-402400	GROUP LIFE INSURANCE		3.27
\$19,841.11-	11432000-405110	ELECTRIC SERVICES	\$ 11,565.28	11432000-402500	ST/LT DISABILITY PREMIUM	\$ 352	2.96
1.4	13432000-405130		\$cc 185.50	11432000-403160	CONTRACT SERVICES	\$ 4,460	
	11432000-405230	TELECOMMUNICATIONS -LAND		/ 11432000-405120	HEATING SERVICES	\$ 1,245	
	11432000-40550 4055			/ 11432000-405130	UTILITY SERVICE - WATER	\$ 12,219	
	11432000-405540	TRAVEL (CONVENTION&EDUCATION)		11432000-405210	POSTAL SERVICES INSURANCE-FIRE/PROPERTY	\$ 15 \$ 2,449	5.11
	11432000-405840 11432000-406001	INSURANCE DAMAGES/RECOVERIES OFFICE SUPPLIES		/ 11432000-405304	VEHICLE INSURANCE		3.00
	11432000-406001	JANITORAL SUPPLIES		/ 11432000-406008	VEHICLE & PWERD EQUIPMENT F		3.07
\$4959.8	11432000-406007	REPAIRS & MAINTENANCE SUPPLIES		11432000-406011	UNIFORMS & WEARING APPAREL		7.20
4.1101.0	11432000-406009	VEHICLE & PWERD EQUIP SUPPLIES	\$ 324.56	11428000-4013	oo wages Pt	\$ 3,32	0-33
	11432000-406053	LAWN MAINTENANCE SUPPLIES	\$ 1,518.47				
	11432000-408013	PARKING LOT STRIPING/SEALING	\$ 4,378.90				
	<u>2</u>	NFF	TDS BOS	APPRO			
				<b>MIKO</b>			
	M		<del>\$ 115,142.88</del>			\$	120,018.2]
		410				v <u> </u>	
		Pla	0,018.21				
						CONTRACTOR OF STREET	10.5
	Explanation for transfer:	FY21 transfer to cover object line item sho	ortages NOH:	Between 8/3	\$ 876, GEN JVS cha effect current ending	naed balance	ls.
			RFG U	indated to V.	effect current ending	a barances.	
						Ref 8	12/2/
						ay	10101
						v	
		- dela					
		CAW 832 PREPARE'S INITIALS DATE					
	FOR FINANC	E OFFICE USE ONLY	Can & Mary	816/21 \$	ATNE Occurs AL		
	CHECKED FOR FUNDS:	Ref 8/6/21 * updated -	TOR A THIN	DEPARTA	VIENT: General Services		
	oneoneon ontronoo.	<u> </u>		DEPT HEAD SIGNAT	TURE: Richard Stewart -		
	ENTERED:				DATE: \$32X		
	POSTED:					TILD-DI	
			COUNTY A	DMINISTRATOR APH	2 AL: And SIME 8/	4/2021	
						l	
					I / Y		
					1 '		

	ACCOUNTING PERIOD:	BATCH #		
BUDGET TRANSFER FORM	Jun-21 FY21	REF #		

FUNDS COMING FROM	(CREDIT)	1	FUNDS GOING TO	(DEBIT)	
Account Number	Account Description	Amount	Account Number	Account Description	Amount
11122200-403170	PROFESSIONAL SERVICES	11,335.02	11122200-401105	SALARIES & WAGES-ST DISABILITY	6,865.29
			11122200-406030	EMPLOYEE INCENTIVES/AWARDS	2,444.06
			11122200-402210	RETIREMENT-VRS	547.91
			11122200-402310	HOSPITAL/MEDICAL PLANS	545.21
			11122200-406001	OFFICE SUPPLIES	371.70
			11122200-405810	DUES & ASSOCIATION MEMBERSHIPS	234.50
			11122200-402100	FICA/MEDICARE	215.22
			11122200-402400	GROUP LIFE INSURANCE	67.28
			11122200-402500	ST/LT DISABILITY PREMIUM	26.40
			11122200-402215	VRS EMPLOYEE HEALTH INSUR CRED	11.68
			11122200-401200	WAGES-OVERTIME REGULAR	5.77
2					

# NEEDS BOS APPROVAL

\$ 11,335.02	\$ 11,335.02

Explanation for transfer: End of year transfers to correct account overages.

PREPARER'S INITIALS DATE

# **BUDGET TRANSFER FORM**

ACCOUNTING PERIOD: June 20- May-21- FY21 BATCH # REF #

FUNDS COMING FROM Account Number	(CREDIT) Account Description <u>Amount</u>			FUNDS GOING TO         (DEBIT)           Account Number         Account Description			Amount	
11125100-403160	Contract Services	\$	52.36	No. 11	11125100-40231(	Hospital/Medical Plans	\$	52.36
11125100-405260	Internet Access	\$	1,210.00		11125100-403170	PROFESSIONAL SERVICES	\$	1,210.00
				- Begg				
					2			
				Call Call				
		REQUIR	ES BO	25	S APPROV	AL		
				Marks.				
				Winds.				
				8-15 A				anna an an an Arthread Anna an Anna Arthread
				1				
		\$	1,262.36				\$	1,262.36
Explanation for transfer:	END OF YEAR CLEAN UP OF A	CCOUNTS.					- -	

	PREPARE'S INITIALS	DATE	
	OFFICE USE ONLY		DEPARTMENT: Information Technology
CHECKED FOR FUNDS:	000 8/10/01		DEPT HEAD SIGNATURE: And And
ENTERED:			DATE: 20100-21-18 9 20 21
POSTED:			COUNTY ADMINISTRATOR APPROVAL:
			124

				ACCOUNTING PERIOD:	BATCH #		
BUDGE	ET TRANSFER FORM			FY21	REF #		
FUNDS COMING FROM Account Number	(CREDIT) Account Description	Amou	nt	FUNDS GOING TO (DEBI Account Number	T) Account Description	Amou	i <u>nt</u>
11351000 401200	Wages-Overtime Regular	\$	3,692.00	11351000 401100	Salaries & Wages-Regular	\$	3,692.00
11351000 401200	Wages-Overtime Regular	\$	1.00	11351000 402400	Group Life Insurance	\$	1.00
11351000 406011	Uniform & Wearing Apparel	\$	500.00	11351000 403320	Maintenance Service Contracts	\$	500.00
11351000 406011	Uniform & Wearing Apparel	\$	379.00	11351000 405229	Telecommunications-Cellular	\$	379.00
11351000 406011	Uniform & Wearing Apparel	\$	8.00	11351000 405305	Vehicle Insurance	\$	8.00
11351000 406011	Uniform & Wearing Apparel	\$	900.00	11351000 405540	Travel (Conv. & Education)	\$	900.00
11351000 406011	Uniform & Wearing Apparel		25.00	11351000 405840	Insurance Damages/Recoveries	\$	25.00
11351000 406011	Uniform & Wearing Apparel	\$	478.00	11351000 406023	Dog Tags	\$	478.00
	N	EEDS \$	5,983.00	APPROVA	L	\$	5,983.00
Explanation for transfer:	This money is to be transferred to cove	r the necess	sary expense	es for budget year FY21.			
	NLC 8/3/20	021					
FOR FINANC CHECKED FOR FUNDS: ENTERED: POSTED:	PREPARE'S INITIALS DATE CE OFFICE USE ONLY CE OFFICE USE ONLY CE OFFICE USE ONLY			DEPARTMENT: DEPT HEAD SIGNATURE: DATE: COUNTY ADMINISTRATOR	New Kent Sheriff's Department		/2021

BUDGE	BUDGET TRANSFER FORM						ACCOUNTING PERIOD: Jun-21 FY21			
FUNDS COMING FROM Account Number	(CREDIT) Account Description	A	Amount			S GOING TO nt Number	(DEBIT) Account Description		<u>Amount</u>	
25531000-405810	Dues and Membership		\$	(122.28)	2553	000-401200	Overtime		\$	122.28
1									7.1 7.1	
					1					
8										
		DEOUT					т			
		REQUIF	(ES	B02	S AP	PROVA	L			
		h-								
										<u></u>
			\$	(122.28)					\$	122.28
Explanation for transfer:	To transfer funds to oversper	nt line item.								
				-						
	DMD	0//0/000/								
	DMB PREPARER'S INITIALS	8/16/2021 DATE								
FOR FINANC	CE OFFICE USE ONLY									
CHECKED FOR FUNDS:	RO2 9/1/21					DEPART	MENT: Social Services			
					DEPT	HEAD SIGNA	TURE: Manne	millia	re	
ENTERED:							DATE: 8/16/2021			
POSTED:			Act	COUNTY	ADMINIST	RATOR APPR	OVAL:	PA .	8/17	121
		0	170				(Y)	1	E/17 1/2021	
						126	XIII	- a.	1/2021	)
							- And the	7 1	100	

# **AGENDA ITEM REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/2	021	Interdepartmental Bu	ldget Transfers
Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	a part of the record or I move to approve	nt Agenda as presente d. the Consent Agenda as of the record, with the t	s presented and that
Subject	FY22 Interdepartm	ental Budget Transfers	
Issue			
Recommendation			
Fiscal Implications	County Repairs 2. Administration Development A 3. School Board - HS HVAC Repa	From Appropriation of Fu	ingency to Economic nds From Prior Years to
Policy Implications			
Legislative History			
Discussion			
Time Needed:		Person Appearing:	
	Watkins, Deputy erk of the Board	Telephone:	804-966-9687
ATTACHMENTS:			

# Description FY22 Budget Transfers for 9/8/21 (PDF)

#### Type Cover Memo

# **REVIEWERS:**

Department Clerk Administration Attorney Reviewer Watkins, Wanda Hathaway, Rodney Hefty, Brendan Action Approved Approved Approved

### Date

9/1/2021 - 12:15 PM 9/1/2021 - 3:57 PM 9/1/2021 - 4:58 PM

BUDGE	T TRANSFER FORM				ACCOUNTING PER Aug-21		BATCH # REF #		
FUNDS COMING FROM Account Number	(CREDIT) Account Description	<u>Amoi</u>	<u>unt</u>		FUNDS GOING TO Account Number	(DEBI	IT) Account Description	<u>Amou</u>	<u>int</u>
11914000-409301	Reserved For Contingency	\$	2,945.64	100	11432000-403310		General County Repairs and Maint.	\$	2,945.64
R	Requires BOS Approval								
		\$	2,945.64					\$	2,945.64

Explanation for transfer: Improvements Made to the Parks and Rec Concession Stand.

	RAH	8/30/2021	
	PREPARE'S INITIALS	DATE	
FOR FINANCI	E OFFICE USE ONLY		DEPARTMENT: Administration
CHECKED FOR FUNDS:	RG 8/31/2]		DEPT HEAD SIGNATURE:
ENTERED:			DATE: 8/30/2021
POSTED:			COUNTY ADMINISTRATOR APPROVAL:
			129

			ACCOUNTING PER	IOD:	BATCH #	
BUDGE	T TRANSFER FORM		Aug-21	FY22	REF #	
FUNDS COMING FROM Account Number	(CREDIT) Account Description	Amount	FUNDS GOING TO Account Number	(DEBIT) Account Description		Amount
		¢ 07 500 00	44045000 405005	Economic Dov Autho	with	¢ 27 500 00

11914000-409301	Reserved For Contingency	\$ 27,500.00		11815000-405685	Economic Dev Authority	\$	27,500.00
			1.14				
		11	No.				
	Requires BOS Approval						
			1000				
			100				
						3	
		\$ 27,500.00				\$	27,500.00

Explanation for transfer: Enginering Services associated with project Solstice.

	RAH PREPARE'S INITIALS	8/30/2021 DATE	
FOR FINANCA CHECKED FOR FUNDS: ENTERED: POSTED:	E OFFICE USE ONLY RG 8/30/21		DEPARTMENT: Administration DEPT HEAD SIGNATURE: DATE: 8/2/2021 COUNTY ADMINISTRATOR APPROVAL: 130

BUDGE	ET TRANSFER FORM			ACCOUNTING PEF August	FY22	BATCH # REF #		
FUNDS COMING FROM Account Number 31690000-468220	(CREDIT) Account Description Appropriation of Funds from Prior Years	<u>Amot</u>	<u>ınt</u> 16,500.00	FUNDS GOING TO Account Number 31690000-468385	(DEBIT) <u>Account Description</u> HS HVAÇ Repair		<u>Amoi</u> \$	unt 16,500.00
		5. 	1.		1		,,	
					· · · · · · · · · · · · · · · · · · ·	1	ï	
	F	REQUIRI	ES BO	S APPROV	/AL			
							-	
		\$	16,500.00				\$	16,500.00

Explanation for transfer:

This request is for variable speed drives for the pump motors for the HVAC system at the HS. There are three needing replacement (2 have

failed). Total cost estimate \$15,975.

	PREPARE'S INITIALS	DATE			
FOR FINANCE	E OFFICE USE ONLY		DEDADTMENT.	Schools	,
CHECKED FOR FUNDS:	RG 8/11/21	DEPT	DEPARTMENT:		$\mathcal{C}$
ENTERED:			DATE:	\$1912021	
POSTED:		COUNTY ADMINIST	- RATOR APPROVAL:		8/12/2021

				ACCOUNTING PER	NOD:	BATCH#		
BUDGE	ET TRANSFER FORM			August	FY22	REF#		
FUNDS COMING FROM Account Number	(CREDIT) Account Description	Amo		FUNDS GOING TO Account Number	Account Description		Amou	unt 15,833.50
31690000-468220	Appropriation of Funds from Prior Years	\$	15,833.50	31690000-468245	Basin Pond		\$	15,633.50
		REQUI	RES E	BOS APPRO	OVAL			
						····;		
	······				· · · · · · · · · · · · · · · · · · ·			
2		\$	15,833.50	141	а		\$	15,833.50

Explanation for transfer:

This request is updating the scope of work on the Basin Pond to include the reinstallation of the fence and one new gate.

	PREPARE'S INITIALS	DATE	····· ·	/
FOR FINANCI			DEPARTMENT:	Schools
CHECKED FOR FUNDS:	<u>RG 8111/21</u>		- DEPT HEAD SIGNATURE:	
ENTERED:			DATE:	817 2224
POSTED:			COUNTY ADMINISTRATOR APPROVAL:	The \$12/2021

# **AGENDA ITEM REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8	3/2021		Treasurer's Report					
Motion: "Mr.	a	part of the record.	t Agenda as presenteo	d and that it be made				
Chairman, I move (not required for Conse								
Agenda items)	Ιı		he Consent Agenda as the record, with the f					
Subject	Tr	easurer's Report -	July 2021					
Issue								
Recommendation								
Fiscal Implication	s							
Policy Implication	s							
Legislative Histor	у							
Discussion		ash as of July 31, 2 nds.	2021, \$69,946,196.24	including escrow				
Time Needed:			Person Appearing:					
		tkins, Deputy of the Board	Telephone:	804-966-9687				
Copy provided to:								
ATTACHMENTS:								
Description			Туре					

Description July 2021 Treasurer's Report (PDF)

### **REVIEWERS:**

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	8/23/2021 - 9:56 AM
Administration	Hathaway, Rodney	Approved	8/29/2021 - 4:13 PM
Attorney	Hefty, Brendan	Approved	8/31/2021 - 12:00 PM

Cover Memo



Cash Account Balance (total per statements)	45,212,038.41
Investments (per statements)	
Certificates of Deposit	15,986,275.86 General Operations
Local Government Investment Pool	4,165.18
Virginia Investment Pool	\$ 1,004,609.76
Total Investments	16,995,050.80
Total Cash and Investments	62,207,089.21
Total Cash and Investments	62,207,089.21
Total Cash and Investments Escrow Accounts (Soil and Erosion)	<b>62,207,089.21</b> 739,107.03

# **AGENDA ITEM REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/2021

SPECIAL PRESENTATIONS & IN	NTRODUCTIONS
----------------------------	--------------

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	
Subject	• Presentation of Certificate of Appreciation to Gage Michael Eutsey - Patricia A. Paige, District 3 Supervisor
Issue	
Recommendation	
Fiscal Implications	
Policy Implications	
Legislative History	
Discussion	This presentation is sponsored by Patricia A. Paige.

Time Needed:			Patricia A Paige, District 3 Supervisor
-	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided to:			

# **ATTACHMENTS:**

Description	Туре
Gage Michael Eutsey Certificate	Cover Memo

<b>REVIEWERS:</b>			
Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	8/25/2021 - 11:54 AM
Administration	Hathaway, Rodney	Approved	8/29/2021 - 4:15 PM
Attorney	Hefty, Brendan	Approved	8/31/2021 - 11:54 AM



# **AGENDA ITEM REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/2021

### SPECIAL PRESENTATIONS & INTRODUCTIONS

Motion: "Mr. Chairman, I move (not required for Conse Agenda items)	nt			
Subject		Introduction	of New Kent School S of New Kent County E ation - Amanda A. Sta	
Issue	•	<ul> <li>New School System Administrators to be introduced include:</li> <li>Mr. Jonathan Hochman, Assistant Superintendent of Operations</li> <li>Ms. Allison Anderson, Executive Director of Human Resources</li> <li>Dr. Amy Stamm, New Kent Elementary School Principal</li> <li>Mr. Kyle Moser, Quinton Elementary School Principal</li> <li>Mr. Frank Wheeler, New Kent Middle School Principal</li> </ul>		
Recommendation				
Fiscal Implication	s			
Policy Implication	s			
Legislative Histor	4			
Discussion				
Time Needed: Request prepared by:			Person Appearing: Telephone:	
Copy provided to:				
<b>REVIEWERS:</b> Department Clerk		ewer kins, Wanda	<b>Action</b> Approved	Date 9/2/2021 - 11:09 AM

# **AGENDA ITEM REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/2021

Administration

Attorney

Motion: "Mr. Chairman, I move (not required for Conser Agenda items)			
Subject	Residency Administra	ator's Report for Augu	st 2021
Issue			
Recommendation			
Fiscal Implications	5		
Policy Implications	5		
Legislative History	,		
Discussion			
Time Needed:		Person Appearing:	
Request prepared by:		Telephone:	
Copy provided to:		<u></u>	
ATTACHMENTS:DescriptionTypeResidency Administrator's Report for August 2021 (PDF)Cover Memo			
<b>REVIEWERS</b> :		A	<b>D</b>
Department Clerk	<b>Reviewer</b> Hathaway, Rodney	Action Approved	Date 8/29/2021 - 4:12 PM

Approved

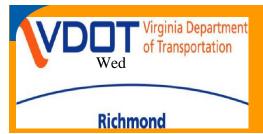
Approved

Hathaway, Rodney

Hefty, Brendan

8/29/2021 - 4:13 PM 8/31/2021 - 11:57

ÁМ



# ASHLAND RESIDENCY MARSHALL WINN RESIDENCY ADMINISTRATOR

VDOT Call Center (800) 367-ROAD

# NEW KENT COUNTY August 2021

# MAINTENANCE:

Jeff Allgood

## **Pothole Repair:**

- Rte 1018 John Smith Trl
- Rte 658 Higgins Rd

## Surface Treatment:

- Rte 615 Mt Castle Rd
- Rte 631 S Garden Rd
- Rte 629 Carriage Rd
- Rte 628 Mt Pleasant Rd

# Grade Gravel Road:

- Rte 678 Clarke Rd
- Rte 617 Criss Cross Rd
- Rte 647 Old Telegraph Rd

### Shoulder Repair:

• Rte 647 Old Telegraph Rd

# Ditching:

- Rte 628 Mt Pleasant Rd; 2060 feet
- Rte 671 Augustus Ln; 3000 feet
- Rte 1153 Firethorn Ln

# Tree Removal / Cleanup:

- Rte 249 New Kent Hwy
- Rte 60 Pocahontas Trl
- Rte 617 Criss Cross Ln
- Rte 604 Poindexter Rd
- Rte 640 Old Roxbury Rd
- Rte 619 Hopewell Rd
- Rte 613 Dispatch Rd
- Rte 666 Bailey Ln
- Rte 628 Mt Pleasant Rd

# Tree Pruning / Cleanup:

- Rte 33 Eltham Rd
- Rte 644 New Town Rd
- Rte 650 Landing Rd
- Rte 657Foxwell Rd
- Rte 627 N Waterside Dr

## Herbicide Spray:

• Rte 627 N Waterside Dr

## Mowing / Right Arm Tractor:

- Rte 602 Townsend Rd & Rte 60 Pocahontas Trl; Intersection
- Rte 629 Boulevard Rd & Rte 60 Pocahontas Trl; Intersection
- Rte 650 Landing Rd & Rte 60 Pocahontas Trl; Intersection

### Mowing:

- Rte 603 Diascund Reservoir Rd
- Rte 627 N Waterside Dr
- Rte 620 Homestead Rd
- Rte 672 Wahrani Ln
- Rte 628 Mt Pleasant Rd
- Toe Ink Wayside
- Rte 1110 Kentland Trl
- Rte 639 N Courthouse Rd

## Sign Repair:

• Rte 273 Farmers Dr; Curve Ahead sign

## **Debris Removal:**

- Rte 627 N Waterside Dr; gravel on roadway
- Rte 155 Courthouse Rd; rack and pipes in roadway
- Rte 633 Barham Rd; recliner in roadway
- Rte 60 Pocahontas Trl; large object in roadway

# Trash / Litter Pickup:

- Park & Ride County wide
- Toe Ink Wayside
- Rte 618 Olivet Church Rd

#### Miscellaneous:

- Deer and animal removal county wide
- Clean and repair mowing equipment

#### Work Requests:

- 61 Received
- 29 Completed

# **Emergency Call Out After Hours (10):**

- Rte 640 Landing Rd; tree limb in roadway
- Rte 627 N Waterside Dr; excessive gravel in roadway
- Rte 155 Courthouse Rd; pipes and large rack in roadway
- Rte 606 Old Church Rd; tree down on roadway
- Rte 647 Old Telegraph Rd; road washout
- Rte 249 New Kent Hwy; high water in roadway
- Rte 648 Courthouse Cir; high water in roadway
- Rte 640 Old Roxbury Rd; dangerous work zone setup
- Rte 30 New Kent Hwy; vehicle accident
- Rte 628 Mt Pleasant Rd; tree down on roadway

# PROJECT DEVELOPMENT

- Smart Scale Shoulder Widening Project; Rte 155 N Courthouse Rd, currently in Utility relocation, expected to be advertised in 2021.
- LM4A/B Latex Modified; Rte 249 New Kent Hwy, Patching complete, final surface install mid-August, expected completion mid-September, ongoing.
- UPC117930 PM43 Resurfacing; Rte 60 Pocahontas Pkwy, contract awarded to Allan Myers, construction began May 24 2021, expected to be complete November 15 2021, concrete pavement patching and crack sealing, paving complete, inlaid markers and guardrail remaining items to be done, ongoing.

# NON-ORDINARY MAINTENANCE

## Phillip Frazer, P.E.

# Pending Study

- **Corridor Study**; Rte 60 Pocahontas Trl; Bottoms Bridge Area, large scale study that will require special funding, study will be tasked out to VDOT's on-call engineer, process will likely take more than the standard 90 days to complete.
- **Corridor Study**; Rte 30/33 Eltham Rd; large scale study that will require special funding, study will be tasked out to VDOT's on-call engineer, process will likely take more than the standard 90 days to complete.
- **Speed Study**; Rte 610 Pine Fork Rd; request to reduce the speed limit. Delayed by New Kent until Summer due to development.

# **Completed Study**

• None at this time

141

# AGENDA ITEM REQUEST

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/2021

PRESENTATIONS
---------------

Motion: "Mr. Chairman, I move (not required for Conse Agenda items)		NA		
Subject		<b>Rappahannock Com</b> President Dr. Shanno	<b>munity College Pres</b> n Kennedy	entation - RCC
Issue		Presentation and update from Dr. Shannon Kennedy, President of Rappahannock Community College		
Recommendation				
Fiscal Implication	IS			
Policy Implication	าร			
Legislative Histor	·у			
Discussion		Presentation on programs and activities at Rappahannock Community College.		
Time Needed:	15 N	linutes	Person Appearing:	Dr. Shannon Kennedy
Request prepared by:		ney Hathaway, nty Administrator	Telephone:	(804) 966-9683

prepared by: Copy provided to:

### **REVIEWERS:**

Department	Reviewer	Action	Date
Administration	Hathaway, Rodney	Approved	8/30/2021 - 1:55 PM
Administration	Hathaway, Rodney	Approved	8/30/2021 - 1:56 PM
Attorney	Hefty, Brendan	Approved	8/31/2021 - 12:00 PM

# **AGENDA ITEM REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/2021

#### PRESENTATIONS

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	<ul> <li>Mr. Chairman, I move to approve the request from JWK</li> <li>Properties 7151, LLC to create 4 new industrial zoned lots on property identified on the New Kent County tax map as parcel number 20-69C, with the following conditions.</li> <li>1. The new lots will not be allowed to establish a new access to the New Kent Airport run-way, although they may be permitted to utilize the existing access provided by the owner of the parent parcel.</li> <li>2. All deed restrictive covenants of the parent parcel shall also apply to the new lots.</li> <li>3. The subdivision shall comply with all requirements in Chapter 91 and 98 of the New Kent County code.</li> </ul>			
Subject	<b>JWK Properties 7151, LLC. Subdivision Request</b> - <i>County</i> <i>Administrator Rodney Hathaway</i>			
Issue	JWK Properties 7151, LLC's property has deed restrictive covenants that requires permission from New Kent County to subdivide their property. A formal request has been submitted for the Board of Supervisors' consideration to approve the creation of four (4) new lots.			
Recommendation	Staff recommends adoption of the proposed motion.			
Fiscal Implications	ΝΑ			
Policy Implications	NA			
Legislative History	New Kent County sold this property to Mr. and Mrs. Willie H. Glass on July 31, 1992, as part of the County's plan to establish an industrial park adjacent to the New Kent County Airport. This parcel is now owned by JWK Properties 7151, LLC and per the deed restive covenants requires permission from the Board of Supervisors to subdivide the property.			
Discussion	The property is 10 acres, zoned industrial and has road frontage along Route 612, Airport Road. The property also has a deeded right to access the New Kent Airport run-way by taxi- way from the property. The proposed new lots are located along Airport Road and are approximately 1 acre. Please see the attached subdivision plan. If it were not for the restrictive covenants in their deed, this subdivision would have been permitted with an administrative subdivision plat approval process. If the Board decides to approve the subdivision the property owner will still be required to comply with the			

subdivision regulations found in Chapter 91 of the County Code, and staff is recommending that the the approval be conditioned with applying the restrictive covenant requirements of the parent tract to the new parcels. The restrictive covenants gives the County a first right of refusal, and limits land uses on the property.

Time Needed:	10 Minutes	Person Appearing:	Rodney Hathaway, County Administrator
Request prepared by:	Rodney Hathaway, County Administrator	Telephone:	(804) 966-9683
Copy provided to:			
ATTACHMENTS			

ATTACIMENTS:	
Description	Туре
Subdivision Plan	Cover Memo
Vision Appraisal Data	Cover Memo
Property Deed	Cover Memo
<b>REVIEWERS</b> :	

Department	Reviewer	Action	Date
Administration	Hathaway, Rodney	Approved	8/30/2021 - 2:04 PM
Administration	Hathaway, Rodney	Approved	8/30/2021 - 2:04 PM
Attorney	Hefty, Brendan	Approved	8/31/2021 - 12:06 PM



# 7151 AIRPORT RD

Location	7151 AIRPORT RD	Map#	20/ / 69/ C/
Acct#	20 69C	Owner	JWK PROPERTIES 7151 LLC
Assessment	\$541,500	PID	7900
Subdivision	ON ROUTE 612	AFD	
Description	10 AC	Legal	DB 182/313 PLAT
Area		Class	4
AFD Name		AFD Expiration	

### **Current Value**

Assessment				
Valuation Year Improvements Land Total				
2020	\$261,000	\$280,500	\$541,500	

#### Owner of Record

Owner	JWK PROPERTIES 7151 LLC	Sale Price	\$0
Co-Owner		Book & Page	641/1064
Address	1445 LANGE DR SANDSTON, VA 23150	Sale Date	05/07/2015

# **Ownership History**

Ownership History				
Owner	Sale Price	Book & Page	Sale Date	
JWK PROPERTIES 7151 LLC	\$0	641/1064	05/07/2015	
JWK PROPERTIES 7151 LLC	\$0	641/1064	05/07/2015	
BALDERSON SHERI GLASS	\$170,200	639/1558	03/13/2015	
BALDERSON SHERI GLASS	\$0	19/1021	10/27/2014	
GLASS SHIRLEY D	\$0	182/313	05/13/2012	

## **Building Information**

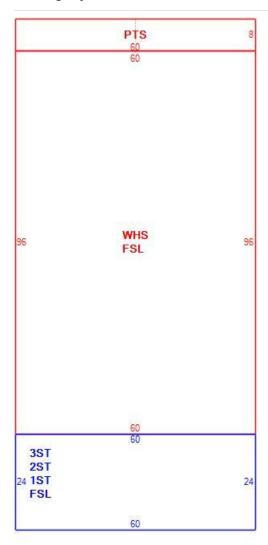
Year Built:	1995
Living Area:	4,320
Building Percent Good:	77
Replacement Cost	\$200.000
Less Depreciation:	\$300,900
E	Building Attributes
Field	Description
STYLE	Office/Warehouse
MODEL	Commercial
Grade	D+
Exterior Wall 1	Concr/Cinder
Exterior Wall 2	
Roof Structure	Flat
Roof Cover	Tar & Gravel
Interior Wall 1	Unfinished
Interior Wall 2	
Interior Floor 1	Concrete
Interior Floor 2	
Heating Fuel	Electric
Heating Type	2 Heat Pump
АС Туре	Heat Pump
Utilities	Private Well/ Private Septic
Heat/AC	HEAT/AC PKGS
Frame Type	STEEL
Baths/Plumbing	TYPICAL
Rooms/Prtns	TYPICAL

## **Building Photo**



(http://images.vgsi.com/photos2/NewKentCountyVAPhotos//\0048\IMG_06

#### **Building Layout**



(ParcelSketch.ashx?pid=7900&bid=7900)

Code	Description	Gross Area	Living Area
1ST	1ST STORY	1,440	1,440
2ST	2ND STORY	1,440	1,440
3ST	3RD STORY	1,440	1,440
FSL	FOUNDATION, SLAB	7,200	0
PTS	PATIO, CONC SLAB	480	0
WHS	WAREHOUSE	5,760	0
		17,760	4,320

#### •

## Extra Features

Extra Feat	res <u>Legen</u>
No Data for E	tra Features

#### **Parcel Information**

Use Code 3	ode 3030
Description C	iption COMM/IND MDL-94
Deeded Acres 1	d Acres 10

#### Land

Land Use		Land L	Land Line Valuation		
Use Code	3030	Size (A	cres)	10	
Description	COMM/IND MDL-94	Assess	ed Value	\$280,500	
Zone	IND				
Neighborhood	WESTERN				
Category					

# Outbuildings

Outbuildings					<u>Legend</u>	
Code	Description	Size	Assessed Value	Bldg #		
1STB	BLDG/STORAGE			1.00 S.F.	\$3,000	1

# Valuation History

Assessment				
Valuation Year	Improvements	Land	Total	
2020	\$261,000	\$280,500	\$541,500	
2019	\$272,700	\$239,800	\$512,500	
2017	\$256,100	\$239,800	\$495,900	
	·	440		

(c) 2021 Vision Government Solutions, Inc. All rights reserved.

THIS DEED OF CORRECTION, made as of <u>January</u> 6, 199<u>7</u>, by and between COUNTY OF NEW KENT, VIRGINIA, GRANTOR and GRANTEE hereunder; and WILLIE H. GLASS and SHIRLEY D. GLASS, husband and wife, GRANTOR and GRANTEE hereunder.

#### WITNESSETH:

WHEREAS, by deed dated July 31, 1992, and recorded in the Office of the Clerk of the Circuit Court of the County of New Kent, Virginia in Deed Book 182, Page 313, the County of New Kent, Virginia, granted to Willie H. Glass and Shirley D. Glass, all that certain lot or parcel of land lying and being in the County of New Kent, Virginia, said property being 10 acres, more or less; and

WHEREAS, said real estate was erroneously conveyed without restrictive covenants thereon as the parties had agreed; and

WHEREAS, the said parties wish to correct said error and impose upon the property conveyed restrictive covenants as previously agreed.

NOW, THEREFORE, in consideration of the sum of One Dollar, cash in hand paid, the receipt of which is hereby acknowledged and the consideration previously paid, and to correct the deed heretofore made, the parties hereto do hereby agree, covenant and impose upon the property heretofore conveyed as above-described the following rights, privileges and restrictions:

1. Nothing in this deed shall be construed as depriving the purchaser of access to the airport runway. Access to the runway shall be guaranteed by the County of New Kent.

 Purchaser and subsequent purchasers shall not subdivide the property further without written approval from the County of New Kent.

In the event that the purchaser elects to divide his property, the County shall have the right of first refusal.

3. All construction on the property is subject to site planning and architectural review by the County of New Kent. Substantial construction must be completed within a year from the date of purchase unless otherwise agreed by County and Purchaser.

Substantial construction is defined as the completion of foundation material being laid or footings being poured. In the event that substantial construction is not begun or Purchaser decides not to develop the parcel within the time agreed, the County at its option may purchase back the property for the original price.

4. The County will insure the compatibility of all industries located in the Industrial Park. Development within the park is restricted to the following permitted uses:

a. Airplane manufacture, maintenance, repair and painting

2

b. Assembly and light manufacturing industries

. Bring and the second

c. Warehousing

d. Cabinet/furniture manufacturing

e. Computer and data-processing centers

f. Laboratories/testing/medical/pharmaceutical/ scientific

g. Machine and welding shops

h. Mini-storage units

i. Upholstery shops

j. Helipad with conditional use permit

5. The storage or displays of raw materials or finished products outdoors will be screened from public view.

6. In the event that the County develops sewage treatment facilities in the area of the Industrial Park, connection to the plant will be mandatory.

7. There shall be no discharge at any point into a sewage disposal system, or into the ground, or any waterway of any liquid or solid material of any substance classified as hazardous waste by local, state or federal agencies. All other discharges must be into an approved sewage disposal system.

8. In the event that access to the airport is provided, each property owner that makes use of the New Kent Airport

3

Hara an the

runway will periodically be assessed a fee to support corporate apron maintenance. The fee shall be directly related to the need for maintenance and repair caused by wear and tear to the corporate apron caused by aircraft with access to the runway from the industrial park. However, it is understood that the County will not be obligated to construct such an apron.

These restrictive covenants shall run with the land and be binding upon Willie D. Glass and Shirley D. Glass, their heirs, successors and assigns.

WITNESS the following signatures and seals.

COUNTY OF NEW KENT, VIRGINIA

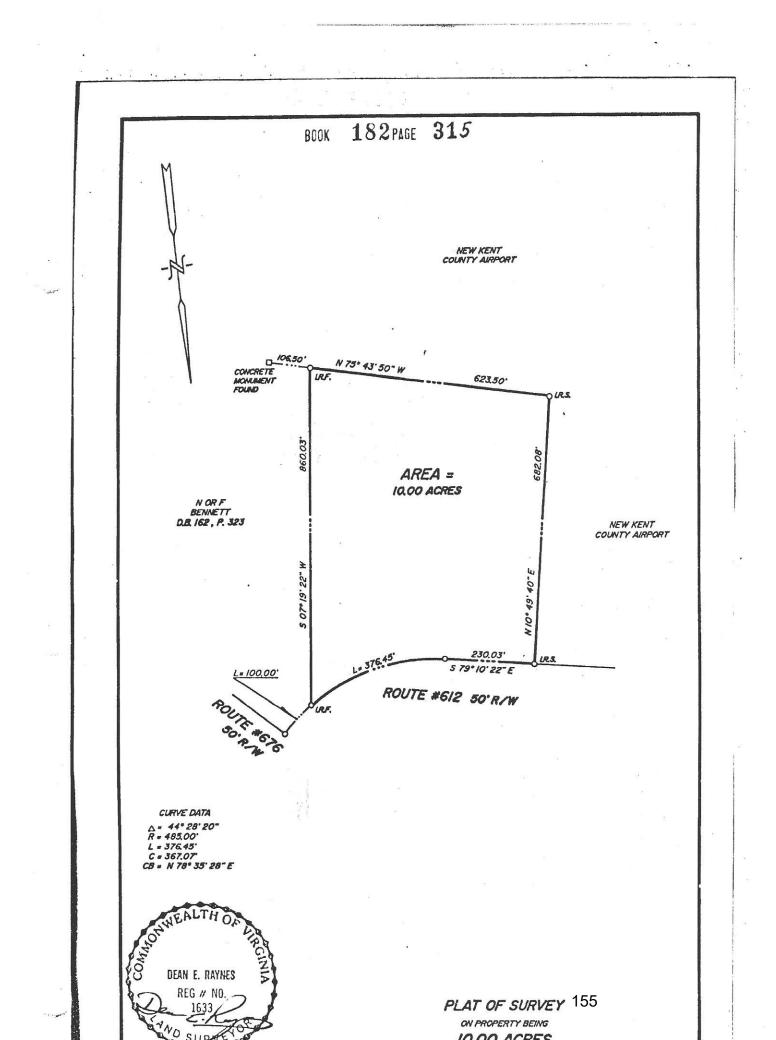
By:

Chairman, Board of Supervisors (SEAL)

7. Masseal)

Isley & Llass (SEAL)

239 PAGE 502 BOOK STATE OF VIRGINIA COUNTY/CITY OF <u>teletianshusa</u>, to-wit: The foregoing instrument was acknowledged before me this 14.1h. day of by thank H. Hennaman, Chairman of the Board of Supervisors of New Kent, Virginia. Notary Public My Commission expires: 11/30/98 STATE OF VIRGINIA COUNTY/CITY OF New Kent, to-wit: The foregoing instrument was acknowledged before me this 6th day of January , 1997, by Willie H. Glass and Shirley D. Glass. Chillin M. Liglett S Notary Public My Commission expires:  $\frac{12}{31}/98$ In the Clerk's Office of the Circuit Court of New Kent County, Va., Jonuar 50, 19-77, This deed was this day received in said office, and, upon the certificate(s) of acknowledgment(s) thereunto annexed & admitted to record at <u>3.34</u> o'clock <u>M.</u>, after payment of: State_____, Local _____, Addit'l_____, tax imposed by Sec. Barbara U. Gregory, Clerk . By Bill (U), Balking 58.54(b). Deputy Clerk 5



New Kent County Board of Supervisors P O Box 150, 12007 Courthouse Circle New Kent, VA 23124

# **AGENDA ITEM REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/2021

# PRESENTATIONS

Motion: "Mr.		Mr. Chairman, I move to adopt resolution R-20-21, to initiate a					
Chairman, I move	5	zoning ordinance amendment to increase the building heights					
(not required for Conse		of structures in the economic opportunity and industrial zoning					
Agenda items)	districts.	districts.					
Subject	Maximum Building Development and I	<b>Initiation of Zoning Ordinance Amendment to Increase the</b> <b>Maximum Building Height of Structures within the Economic</b> <b>Development and Industrial Zoning Districts - Resolution R-</b> <b>20-21</b> - County Administrator Rodney Hathaway					
Issue	Planning Commissio building height of st	The Board of Supervisors would like to direct staff and the Planning Commission to consider increasing the maximum building height of structures in the Economic Opportunity and Industrial zoning districts to be consistent with today's building practices.					
Recommendation	Staff recommends a	doption of the the pro	posed motion.				
Fiscal Implication	s NA						
Policy Implication	s Economic Opportuni	Currently the maximum building height requirement for the Economic Opportunity zoning district is 50 feet, and the maximum height for the Industrial zoning district is 60 feet.					
Legislative Histor	y NA						
Discussion	maximum building h Opportunity and Inc current requirement practices in the ward Please see the attac a maximum building	neight requirement in t dustrial zoning district is are consistent with ehousing and manufac ched resolution reques	s to determine if the todays building cturing industry. sting consideration of 5 feet for structures in				
Time Needed: 10 Minutes		Person Appearing:	Rodney Hathaway, County Administrator				
Request prepared by:	Rodney Hathaway, County Administrator	Telephone:	(804) 966-9683				
Copy provided to:							

# ATTACHMENTS:

Description Resolution R-20-21 **Type** Cover Memo

# **REVIEWERS:**

Department	Reviewer	Action	Date
Administration	Hathaway, Rodney	Approved	8/30/2021 - 1:54 PM
Administration	Hathaway, Rodney	Approved	8/30/2021 - 1:54 PM
Attorney	Hefty, Brendan	Approved	8/31/2021 - 11:58 AM

# BOARD OF SUPERVISORS COUNTY OF NEW KENT VIRGINIA

## R-20-21

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 8th day of September, 2021:

Present:

Vote:

Ronald P. Stiers C. Thomas Tiller, Jr. Patricia A. Paige John N. Lockwood Thomas W. Evelyn

Motion was made by _____, which carried ____: ___, to adopt the following resolution:

Motion was made by ____, which carried ___: ___, to adopt the following resolution:

## RESOLUTION INITIATING AN AMENDMENT TO THE ZONING ORDINANCE TO CONSIDER INCREASING THE MAXIMUM BUILDING HEIGHT IN THE ECONOMIC OPPORTUNITY AND INDUSTRIAL ZONING DISTRICTS

WHEREAS, Virginia Code § 15.2-2286 authorizes the Board of Supervisors of New Kent County, Virginia (the "Board") to, by resolution, initiate amendments to the regulations of the Zoning Ordinance that the Board finds to be prudent; and

WHEREAS, amendments to the Zoning Ordinance may be prudent to address increasing the maximum building height of structures within the Economic Development and Industrial zoning districts; and

WHEREAS, the Board is of the opinion that the public necessity, convenience, general welfare, and good zoning practice warrant the consideration of amendments to the Zoning Ordinance.

**NOW THEREFORE BE IT RESOLVED**, that the Board of Supervisors of New Kent County, Virginia does hereby initiate amendment of Chapter 98, Zoning of the New Kent County Code in order to consider increasing the maximum building height to 75 feet in the Economic Opportunity and Industrial zoning districts, and directs staff to prepare such amendments for consideration by the Planning Commission and the Board of Supervisors. The Planning Commission shall hold at least one public hearing on the consideration of amendment of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with the law.

Adopted this 8th day of September, 2021.

Rodney A. Hathaway County Administrator Thomas W. Evelyn Chairman New Kent County Board of Supervisors P O Box 150, 12007 Courthouse Circle New Kent, VA 23124

# **AGENDA ITEM REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/2021

# PUBLIC HEARINGS

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	Mr. Chairman, I move to adopt Ordinance O-28-21 to amend section 70-192 of the County Code and to continue the designation of streets for the use of golf carts and utility vehicles in the Chickahominy Shores and Patriots Landing subdivisions.
Subject	PUBLIC HEARING - Review of Designated Streets in the Chickahominy Shores and Patriots Landing Subdivisions for the use of Golf Carts and Utility Vehicles - Ordinance O-28- 21 - County Administrator Rodney Hathaway
Issue	The previous designation of streets for the use of golf carts and utility vehicles within the Chickahominy Shores and Patriots Landing subdivisions are set to expire, therefore the Board of Supervisors will consider whether to continue the designations or terminate them.
Recommendation	Staff recommends adoption of the proposed ordinance.
Fiscal Implications	NA
Policy Implications	Section 70-192 of the County code states that the golf cart and utility vehicle designation for Chickahominy Shores expires on September 15, 2021, and the designation for Patriots landing expires on October 15, 2021.
Legislative History	The Board of Supervisors adopted a golf cart and utility vehicle ordinance in accordance with section 46.2-916.2 of the Code of Virginia on May 14, 2018. Ordinance O-04-19(R2) was adopted on August 12, 2019 authorizing the use of golf carts and utility vehicles on designated streets within the Chickahominy Shores subdivision. This authorization was set to expire on September 15, 2021. Ordinance O-18-19 was adopted on October 15, 2019 authorizing the use golf carts and utility vehicles on designated streets within the Patriots Landing subdivision. This authorization was set to expire on October 15, 2021.
Discussion	Staff has reached out to both VDOT and the New Kent County Sheriff's office to inform them that the previous authorizations are set to expire and input was requested on their experience and observations on the usage of golf carts and utility vehicles. I have attached the comments from the Sheriff's office. The purpose of this public hearing is to receive public comments regarding the usage of golf carts and utility vehicles in the two neighborhoods. The Board may chose to continue the authorization, or may chose to let the authorizations expire on the dates stated in the County code. Chickahominy Shores'

authorization will expire on September 15, 2021 and Patriots Landing's authorization will expire on October 15, 2021.

Time Needed:	15 Minutes	Person Appearing:	Rodney Hathaway, County Administrator
Request prepared by:	Rodney Hathaway, County Administrator	Telephone:	(804) 966-9683
Copy provided to:			

# ATTACHMENTS:

Description	Туре
Ordinance, O-28-21	Cover Memo
Sheriff's Comments	Cover Memo
Chickahominy Shores Map	Cover Memo
Patriots Landing Map	Cover Memo

# **REVIEWERS:**

Department	Reviewer	Action	Date
Administration	Hathaway, Rodney	Approved	8/30/2021 - 2:00 PM
Administration	Hathaway, Rodney	Approved	8/30/2021 - 2:00 PM
Attorney	Hefty, Brendan	Approved	8/31/2021 - 11:56 AM

# BOARD OF SUPERVISORS COUNTY OF NEW KENT VIRGINIA

## O-27-21

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 9th day of August, 2021:

Present:

Vote:

Ronald P. Stiers C. Thomas Tiller, Jr. Patricia A. Paige W.R. Davis, Jr. Thomas W. Evelyn

Motion was made by _____, which carried ____: ___, to adopt the following resolution:

# AN ORDINANCE TO AMEND CHAPTER 70, ARTICLE VI OF THE NEW KENT COUNTY CODE TO PERMIT THE USE OF GOLF CARTS AND UTILITY VEHICLES IN THE DEERLAKE SUBDIVISION

WHEREAS, Section 46.2-916.2 of the Code of Virginia enables a locality to enact an ordinance to authorize the operation of golf carts and utility vehicles on designated public streets and highways within its boundaries; and

WHEREAS, the Board of Supervisors of New Kent County adopted an ordinance to authorize the operation of golf carts and utility vehicles on designated public streets and highways on May 14, 2018; and

WHEREAS, in accordance with the adopted ordinance an application was submitted by the Deerlake Homeowners Association to designate the public streets within this neighborhood for the use of golf carts and utility vehicles; and

**WHEREAS**, this application has been reviewed and approved by the Virginia Department of Transportation.

**NOW THEREFORE BE IT ORDAINED**, by the New Kent County Board of Supervisors this the 9th day of August 2021, that Chapter 70, Article VI of the New Kent County Code be, and it is hereby amended as set forth below:

ARTICLE VI. - GOLF CARTS AND UTILITY VEHICLES

Sec. 70-192. - Designated streets.

- (a) Notwithstanding any other provision of the County Code to the contrary, the following streets are designated for use by golf carts and utility vehicles in accordance with the provisions of this article and state law, subject to the limitations expressly stated herein.
  - (1) Chickahominy Shores Subdivision: All streets located within the subdivision known as Chickahominy Shores as shown on all plats now on record in the clerk's office of the county circuit court. This designation shall be valid for a period through September 15, 2021 at which time it shall be reviewed by the board of supervisors.
  - (2) Patriots Landing Subdivision: All streets located within the subdivision known as Chickahominy Shores as shown on all plats now on record in the clerk's office of the county circuit court. This designation shall be valid for a period through October 15, 2021 at which time it shall be reviewed by the board of supervisors.
  - (3) Deerlake Subdivision: All streets located within the subdivision known as Deerlake as shown on all plats now on record in the clerk's office of the county circuit court.

(Ord. No. O-04-18, 5-14-2018, 8-12-2019, 10-15-2019, 07-30-2021, 08-25-21)

Adopted this 09th day of August, 2021.

Rodney A. Hathaway County Administrator Thomas W. Evelyn Chairman

From:	Joe McLaughlin, Jr.
То:	Rodney A. Hathaway
Subject:	RE: Board of Supervisors Review of Golf Cart and Utility Vehicle Prior Authorizations
Date:	Tuesday, August 10, 2021 3:26:39 PM
Attachments:	image002.png
	image003.png
	image004.png
	image005.png

Mr. Hathaway,

This office continues to receive complaints from residents of both Chickahominy Shores and Patriot's Landing regrading safety issues concerning the operation of golf carts in their subdivisions. These complaints include but are not limited to:

- 1. Underage operators
- 2. Unlicensed operators reported that individual who no longer possess valid license are operating
- 3. No slow moving vehicle signs
- 4. Operators under the influence
- 5. Operating while drinking alcohol
- 6. Operators bringing carts into the area from other locations and operating on the designated streets
- 7. Carts operating with too many occupants
- 8. Reckless operations wrong lane, weaving, sliding when braking, etc.
- 9. Failure to obey highway signs stop signs, yield signs, one-way signs etc.
- 10. Improper hours of operation
- 11. Operation on undesignated roadways travel to Food Lion, Tractor Supply, Taco Bell, Marinas of site, other road sections outside of the designated area, etc.

We have no way to verify that the carts in fact have the proper insurance coverage in most cases. In most cases we have used any incidents that we have encountered to educate the individuals involved. In cases of juvenile involvement we have attempted to ensure that parents are made aware.

We have no issue with the ordinance as it stands. Our major concern of course is safety for the operator and for those individuals around these vehicles as they are operated. Safety can be maintained if the rules of the ordinance and the laws of the road are obeyed.

Joe McLaughlin

J. Joseph (Joe) McLaughlin, Jr. Sheriff New Kent County Sheriff's Office P. O. Box 186 New Kent, VA 23124-0186 Office: 804 966-9500 Fax: 804 966-5050 "Then I heard the voice of the Lord saying, "Whom shall I send? And who will go for us?" And I said, "Here am I. Send me!" Isaiah 6:8

#### Confidentiality Notice:

This electronic transmission and any or all attachments to this transmission is intended exclusively for the person(s) and/or entities to whom it is addressed. The information transmitted (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. <u>2510-2521</u> and is intended only for the person(s) or entity/entities to which it is addressed and may contain confidential and/or privileged material. Any review, re-transmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient(s) is prohibited. If you received this in error, please contact the sender immediately and delete the material from any and all computers.

From: Rodney A. Hathaway <rahathaway@newkent-va.us>

Sent: Tuesday, August 10, 2021 08:44

To: Joe McLaughlin, Jr. <jjmclaughlinjr@newkent-va.us>; Lee S. Bailey <lsbailey@newkent-va.us>;
'Winn, Marshall' <marshall.winn@vdot.virginia.gov>; Justin M. Stauder <jmstauder@newkent-va.us>; Kelli Le Duc <klleduc@newkent-va.us>; Frazer, Phillip <phillip.frazer@vdot.virginia.gov>
Cc: Wanda F. Watkins <WFWatkins@newkent-va.us>

Subject: Board of Supervisors Review of Golf Cart and Utility Vehicle Prior Authorizations

Good Morning,

The streets within the Chickahominy Shores and Patriots Landing neighborhoods have been approved for the use of golf carts and utility vehicles, and per the New Kent County ordinance those approvals are to be reviewed by the Board of Supervisors next month for consideration of continuing their golf cart and utility vehicle authorizations. In order to assist the Board of Supervisors with their review, I am reaching out to you for your input and recommendations. Please share with me any concerns that you have or conditions that you would like for the Board to consider. I have copied the VDOT Land Use Permit applications for both neighborhoods to this email for reference. I plan to schedule the reviews for Board consideration at their upcoming September 8th Board meeting, therefore I would appreciate your comments by Friday, August 27th.

Thank you and please let me know if you have any questions.

## **Rodney A. Hathaway**

New Kent County Administrator 12007 Courthouse Circle / PO Box 150 New Kent, VA 23124 (804) 966-9683 – Office



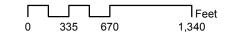


Website: co.new-kent.va.us





# **Chickahominy Shores**

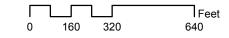








# Patriots Landing



New Kent County Board of Supervisors P O Box 150, 12007 Courthouse Circle New Kent, VA 23124

# **AGENDA ITEM REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/2021

# PUBLIC HEARINGS

Motion: "Mr. Chairman, I move (not required for Conse Agenda items)	to dispose of surplus	property formerly us	R-18-21 as presented ed as a well lot in the	
Subject	Lot in the Greenwo	Surplus Property Sa od Estates Subdivisio strator Rodney Hathav	on - Resolution R-18-	
Issue	discontinued in 2016 use of the property, declared as surplus p	The use of a well lot in the Greenwood Estates subdivision was discontinued in 2016 and the County has planned no further use of the property, therefore staff request that the lot be declared as surplus property and sold in accordance with local and State regulations.		
Recommendation	Staff recommends ad	doption of the propose	ed motion.	
Fiscal Implications The revenues from the sale of the lot would go towards Public Utility Enterprise Fund.		ld go towards the		
Policy Implication		The surplus property will be sold in a manner that is consister with the Code of Virginia.		
Legislative Histor	property owner. The and has since move the County sent noti informing them of th extended an invitation for the purchase of t	In 2018 the County approved the sale of this lot to an adjacant property owner. The property owner never closed on the lot and has since move out of the neighborhood. Earlier this year the County sent notices to all adjacent property owners nforming them of the County's intent to sell the lot, and extended an invitation to those owners to submit a proposal for the purchase of the well lot. The County received 2 proposal, and the highest proposal was from Adam Matanoski.		
		ion R-18-21 approves y used as a well lot to ollowing conditions:		
Discussion	Discussion 1. The property owner shall consolidate the well lot into existing parcel. 2. The property owner shall be responsible for all survey and closing costs.			
		1	Rodney Hathaway,	
Time Needed:	10 Minutes	Person Appearing:	County Administrator	
Request prepared by:	Rodney hathaway, County Administrator	Telephone:	(804) 966-9683	
Copy provided to:	-	<u> </u>		

# ATTACHMENTS:

Description Resolution R-18-21 Vision Appraisal Data Well Lot Map

# Туре

Cover Memo Cover Memo Cover Memo

# **REVIEWERS:**

Department	Reviewer	Action	Date
Administration	Hathaway, Rodney	Approved	8/30/2021 - 1:50 PM
Administration	Hathaway, Rodney	Approved	8/30/2021 - 1:51 PM
Attorney	Hefty, Brendan	Approved	8/31/2021 - 12:07 PM

# BOARD OF SUPERVISORS COUNTY OF NEW KENT VIRGINIA

## R-18-21

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 8th day of September, 2021:

Present:

Vote:

Ronald P. Stiers C. Thomas Tiller, Jr. Patricia A. Paige John N. Lockwood Thomas W. Evelyn

Motion was made by _____, which carried ____: ___, to adopt the following resolution:

Motion was made by ____, which carried ___: ___, to adopt the following resolution:

# RESOLUTION APPROVING THE DISPOSITION OF SURPLUS REAL PROPERTY FORMERLY USED AS A WELL LOT IN THE GREENWOOD ESTATES SUBDIVISION

**WHEREAS,** the County has discontinued the use of a well lot located in the Greenwood Estates subdivision; and

WHEREAS, in accordance with the County's surplus property regulations staff has determined that the subject property is no longer needed or used by the County of new Kent and therefore should be declared as surplus property; and

**NOW THEREFORE BE IT RESOLVED**, by the Board of Supervisors of New Kent County, Virginia that the following property is declared to be surplus property:

• 8897 Greenwood Boulevard, New Kent, VA 23124: Tax Map Parcel # 21D-1C3-00; GPIN L10-2307-4046

**BE IT FURTHER RESOLVED**, that the property will be disposed of by sale to Mr. & Mrs. Adam Matanoski for \$2,000.00.

**BE IT FURTHER RESOLVED,** that the following conditions shall apply with the sale of the property:

- The purchaser shall consolidate the well lot into their existing parcel.
- The purchaser shall be responsible for all surveys, title, and closing cost.
- The property shall not be further subdivided once they are consolidated into the parent parcel.

Adopted this 8th day of September, 2021.

Rodney A. Hathaway County Administrator Thomas W. Evelyn Chairman

# 8897 GREENWOOD BL

Location	8897 GREENWOOD BL	Map#	21/D 1/C3 00/ /
Acct#	21D 1C3 00	Owner	COUNTY OF NEW KENT
Assessment	\$37,500	PID	7864
Subdivision	GREENWOOD ESTATES	AFD	
Description	.395 AC DB 165/51	Legal	WELL LOT
Area		Class	74

AFD Name

AFD Expiration

#### **Current Value**

	Assessment		
Valuation Year Improvements Land			
2020	\$0	\$37,500	\$37,500

#### Owner of Record

Owner	COUNTY OF NEW KENT	Sale Price	\$0
Co-Owner		Book & Page	165/51
Address	PO BOX 150	Sale Date	
	NEW KENT, VA 23124		

#### **Ownership History**

Ownership History			
Owner	Sale Price	Book & Page	Sale Date
COUNTY OF NEW KENT	\$0	165/51	

# **Building Information**

## Building 1 : Section 1

Year Built:		
Living Area:	0	
<b>Building Percent Good:</b>		
Replacement Cost		
Less Depreciation:	\$0	

173

Building Attributes	
Field	Description
Style	Vacant Land
Model	
Grade:	
Exterior Wall 1:	
Exterior Wall 2:	
Roof Structure:	
Roof Cover:	
Interior Wall 1:	
Interior Wall 2:	
Interior FIr 1:	
Interior FIr 2:	
Heat Fuel:	
Heat Type:	
АС Туре:	
Total Bedrooms:	
Total Bathrooms:	
Total Half Baths:	
Extra Kitchens:	
Extra Heat Pump:	
Total Fireplaces:	
Fireplace Type:	
Frame:	
Neighborhood:	
Utilities:	

#### **Building Photo**



(http://images.vgsi.com/photos2/NewKentCountyVAPhotos//default.jpg)

#### **Building Layout**

(ParcelSketch.ashx?pid=7864&bid=7864)

Building Sub-Areas (sq ft) Legend

No Data for Building Sub-Areas

#### Extra Features

Extra Features	Legend
No Data for Extra Features	

#### Parcel Information

Use Code1000DescriptionSITE NDDeeded Acres0.4

#### Land

Land Use		Land Line Valuation	
Use Code	1000	Size (Acres)	0.4

DescriptionSITE NDZoneA1NeighborhoodGREENWOODCategoryCategory

# Outbuildings

Outbuildings	<u>Legend</u>
No Data for Outbuildings	

## Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$0	\$37,500	\$37,500
2019	\$0	\$31,100	\$31,100
2017	\$0	\$31,100	\$31,100

(c) 2021 Vision Government Solutions, Inc. All rights reserved.





ounty Well Lot

**Greenwood Estates** 

County of New Kent assumes no liability or for any errors, omissions, or inaccuracies he information provided regardless of the set of such or for any decision made, action as of such on for taken by the user in reliance on any maps or information provided herein. claimer:

5º

sation Reference

176



260

130

65

New Kent County Board of Supervisors P O Box 150, 12007 Courthouse Circle New Kent, VA 23124

# **AGENDA ITEM REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/2021

PUBLIC HEARINGS
-----------------

Motion: "Mr. Chairman, I move (not required for Conse Agenda items)		BOS Resolut	tion R-19-21	
Subject	Maint Tract	enance and Re or-trailers and	Conditional Use Perr pair Shop Designed RV's - Resolution R and Applicant Andy C	for Heavy Duty -19-21 - Planning
Issue	Condi Shop	Andy Curtis with Curtis Contracting, Inc., has requested a Conditional Use Permit for a Public Maintenance and Repair Shop designed for heavy duty tractor-trailers and RV's, as well as truck fueling facilities, parking, and truck sales.		
Recommendation	The Planning Commission considered this application at their meeting on August 16, 2021 and voted 7:0 to recommend approval.			
Fiscal Implications n/a				
Policy Implication	s n/a	n/a		
Legislative History n		n/a		
Discussion	Condi Shop as tru	tional Use Perm designed for he ck fueling facilit	is Contracting, Inc., l it for a Public Mainte avy duty tractor-trail- ties, parking, and tru y Mix Drive, in Elthar	nance and Repair ers and RV's, as well ck sales. Property is
Time Needed:	10 minutes		Person Appearing:	Kelli Le Duc and Applicant
Request prepared by: Copy provided to:		IC	Telephone:	966-9690

# ATTACHMENTS:

Description Staff Memo Application PC Resolution APO list, ad, affidavit BOS Resolution R-19-21

## Туре

Cover Memo Backup Material Backup Material Backup Material Backup Material

# **REVIEWERS:**

Department	Reviewer	Action	Date
Planning & Zoning	LeDuc, Kelli	Approved	8/26/2021 - 12:03 PM
Administration	Hathaway, Rodney	Approved	8/29/2021 - 4:15 PM
Attorney	Hefty, Brendan	Approved	8/31/2021 - 11:55 AM



# MEMORANDUM

DATE: September 8, 2021

TO: New Kent County Board of Supervisors

SUBJECT: Application Number CUP-03-21, The Truck Shop, LLC

# **REQUEST**

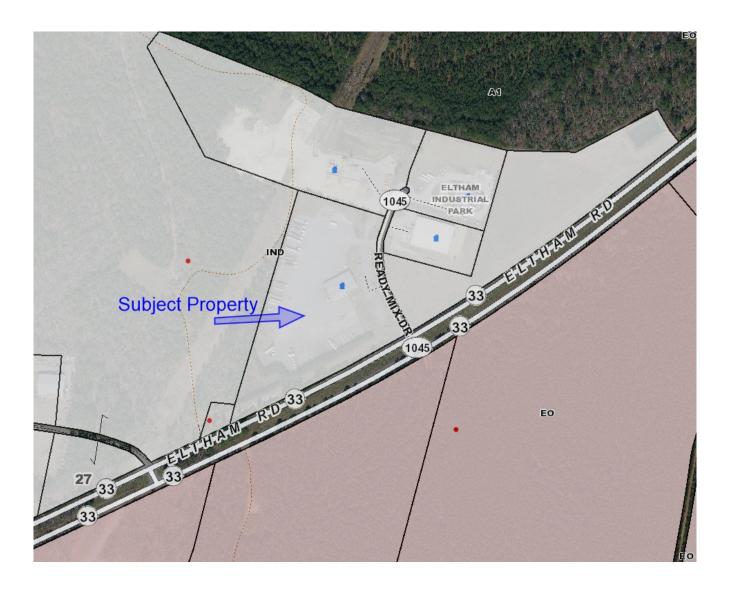
Andy Curtis with Curtis Contracting, Inc. has requested a Conditional Use Permit for a public maintenance and repair shop designed for heavy duty tractors, trailers, and RVs, as well as truck fueling facilities, truck sales, truck parking/storage, and RV parking/storage.

## **PUBLIC HEARINGS**

Planning Commission:	August 16, 2021, 6:30 p.m., County Boardroom
Board of Supervisors:	Tentatively scheduled for September 8, 2021
	7:00 p.m., County Boardroom

# **GENERAL INFORMATION**

Tax Parcel:	27-13B (address is 7450 Ready Mix Drive)
GPIN:	K30-1101-0306
Size:	Parcel is approximately 10 acres in size
Owner:	Curtis Contracting Inc.
Applicant:	The Truck Shop, LLC
Zoning:	Industrial.
Adjacent Zoning:	Industrial to the North, East, and West. HWY 33/Eltham Road to the South



# CONSIDERATIONS

- In 2014, the New Kent County Zoning Ordinance was amended to read "Sec. 98-61 Land uses by conditional use permit If a use is not permitted under section 98-62, a conditional use permit application may be submitted in accordance with article XIX of this chapter." <u>There is no definition in the Code for "truck repair" or "trailer repair"; therefore, a conditional use permit is required for the operation in question.</u>
- The facility has been in operation since the 1990's and has contained tractor-trailers as well as facilitated the maintenance and repair for CT Transportation/Comcar/Commercial Carriers. The CUP is being sought so the business can expand and serve the public as well.
- The property already has a customer parking area, a 6-bay fully equipped shop, and large side/rear lot areas to facilitate truck traffic and additional inventory.
- The shop is centrally located on the property, providing a natural noise buffer to the road and surrounding businesses.

- There is currently a vegetive/screening buffer in place and the application states that further landscaping is planned for the parking lot.
- The property is currently served by county water and sewer.
- No construction or land disturbance will be necessary for the issuance of this Conditional Use Permit. Any future development of the site will be subject to the site plan review process outlined in the Zoning Ordinance.
- This CUP will have no impact on the New Kent County schools or other public services. The application states that the Truck Shop, LLC will have the ability to serve or repair New Kent County School Busses.

# COMMENTS FROM REVIEWING AGENCIES

Staff sent the conditional use permit application and information to all County/State reviewing agencies and received the following comments:

- New Kent County Fire Marshal No Comments
- New Kent County Sheriff's Office No Comments
- New Kent County Economic Development Director I am in full support of the proposed use associated with CUP-03-21. The business will help expand the tax base within the County and I feel it is compatible with surrounding uses.
- New Kent County Public Utilities Director No Comments. Site has public water and sewer.
- VDOT No Comments
- Environmental Division No objection to the proposed use of the property. Site improvements are existing with a stormwater management facility located in the SW corner of the property. Environmental staff conducts periodic inspections of the facilities approximately every five years, and the property owner is responsible for maintenance. Any future development will be subject to the plan of development process to account for Erosion and Sediment Control and Stormwater Management requirements.

## **STANDARDS FOR REVIEW**

The standards for review of Conditional Use Permits are set forth in Section 98-744 of the New Kent County Zoning Ordinance:

- 1. The proposed use shall not be prejudicial to the character of the neighborhood.
- 2. The proposed use shall not adversely affect the general plans for the physical development of the county as embodied in the comprehensive plan.

- 3. The proposed use shall not be detrimental to the use or development of adjacent properties or the general neighborhood nor impair the value of buildings or property in surrounding areas.
- 4. The proposed use shall not unreasonably restrict an adequate supply of light, water, or air to adjacent property nor produce undue congestion in the street.
- 5. The proposed use shall adequately provide for access facilities for the estimated traffic.
- 6. The proposed use shall be subject to any applicable site planning or performance standards enumerated *in article XXII of this chapter.*
- 7. The proposed use shall be reasonable in terms of the logical, efficient, and economical extension of public services and facilities serving the county, such as water, sewer, streets, police and fire protection, transportation, recreation, and public schools.

The Zoning Ordinance also lists specific restrictions for conditional use permits. Restrictions on any conditional use may include, but are not limited to the following:

- 1. Hours of operation
- 2. Access to and from the subject property
- 3. Protection of surface and groundwater
- 4. Lighting of the site, including the intensity and shielding so as to not adversely affect adjacent or nearby property owners
- 5. Adequate sewer and water supply
- 6. Sound limitation as needed to ensure peaceful enjoyment of neighboring property
- 7. Location, size, height, design of buildings, walls, fences, landscaping, and buffer yards
- 8. Covenants and/or homeowners associations for maintenance of applicable restrictions
- 9. Timing or phasing of development
- 10. Type and placement of utilities including underground placements
- 11. Controls for smoke, dust, and odors
- 12. Requirements for performance guarantees ensuring that all conditions are met and plans are implemented
- 13. Any other conditions deemed necessary to protect the health, safety, and general welfare of the public.

# **OVERALL ANALYSIS AND RECOMMENDED DRAFT CONDITIONS**

Staff has reviewed this conditional use permit application in the same manner as other zoning change applications and recommends approval with the following conditions. The following proposed conditions will assist in addressing, protecting, and promoting health, safety, and the general welfare of New Kent County citizens.

- 1. The operational hours for The Truck Shop shall be Monday Friday from 7:30 AM to 5:00 PM. Extended hours of operation are permitted, including 24 hours per day, in the event of a declaration of local, regional, state, or national weather emergency, thereby allowing maintenance, repair, and support services for equipment responding to the declared weather-related emergency.
- 2. The property owner shall maintain and/or enhance the vegetative screening along Route 33 and property lines to assist in visual buffering and reducing noise.
- 3. Any future development will be subject to the site plan and plan of development requirements from the County.
- 4. This Conditional Use Permit shall expire on the 10th anniversary of its issuance.

# PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at their meeting on August 16, 2021 and voted 7:0 to recommend approval.

Attachments:

- Application CUP-03-21
- Advertisement & Adjacent Property Owners List
- Resolution, PC-19-21
- BOS Resolution R-19-21

Copies to:

- Applicant
- File



### MEMORANDUM

Date: Tuesday, June 29, 2021

To: Mr. Rodney Hathaway, County Administrator Mr. Justin Stauder, Assistant County Administrator Mr. Matthew J. Smolnik, Economic Development Director Mr. Brendan Hefty, County Attorney Mr. Josh Airaghi, Environmental Director Mr. Kenneth H. Vaughan, Jr., CZO, Zoning Administrator Mr. Koty Gray, Planner Mr. Brian Mikelaites, Building Official Mr. Larry Dame, Director of Public Utilities Chief Deputy L.S. Bailey, Sheriff's Office Mr. Brian Bennett, Deputy Fire Chief Mr. Robert Butler, Virginia Department of Transportation

From: Mrs. Kelli L. Z. Le Duc, Planning Director

K.L.Z.L.

Re:	Application Number:	CUP-02-21
	Application Type:	Conditional Use Permit for a public maintenance
		and repair shop designed for heavy duty tractors,
		trailers, and RV's on Tax Parcel 27-13B
	Developer/Owner(s):	Andy Curtis/Curtis Contracting, Inc.

Attached to this memorandum is the application and supplemental information for the above referenced application. Please review and send me your comments by Friday, July 23, 2021. You can email your comments to <u>klleduc@newkent-va.us</u>

Thank you.



C. C. T. NUD
Enerod: CUD-000250-2021
New Kent Conditional Use Permit (CUP)
COUNTY VIRGINIA COUNTY VIRGINIA
County of New Kent, Virginia Planning Department
Web site: www.co.new-kent.va.us/209/Planning
New Kent County   Planning Department   P O Box 150   New Kent, VA 23124   Phone 804-966-9690   Fax 804-966-8531  **Use P O Box for all mail. Street address: 12007 Courthouse Circle, New Kent, VA 23124   For DELIVERIES ONLY**
OFFICE USE ONLY
DESCRIPTION OF PROPERTY *DO NOT WRITE IN THIS BOX*
Tax Map Parcel Number(s):27 - 138Total LotArea(Acres):9.89Application No:Cup-02-21GPIN:K30 - 1701 - 0306AFD Status:NA
Property street address: 7450 Ready Mix Drive Date Received: 10/79/71
Current Zoning: IND Proposed Zoning: IND Tax Receipts: Yes No Current Use: Truck Repair for Public Fee Amount: \$ 1,119,50
Does proposed zoning/use include entire property? [X] YES [ ] NO
If no, how much will be used for proposed use? Building parking lot Staff Initials: <u>sla</u>
CUP-000250-2021 (ross référence)
PROPERTY OWNERS INFORMATION Name: <u>Curtis Contracting</u> , Inc.
Address: P.O. Box 586
City: West Point State: VA Zip: 23/81
Telephone: Work: 804-843-4633 Home:
Cellular/Pager: Fax:
E-mail Address: <u>A. Curtis @ Curtiscontracting. net</u>
APPLICANT'S INFORMATION
Name: The Truck Shop, CLC.
Address: 7450 Ready Mix Drive
city: West Point State: NA Zip: 2318)
Telephone:         Work:         804-597-1072         Home:           Collular/Decord         Favor
Cellular/Pager: Fax:
E-mail Address: Contact @ the truck shop westpoint.com
AGENTS INFORMATION
Name:
City:         State:         Zip:
Telephone:         Work:         Home:
Cellular/Pager: Fax:
E-mail Address:
WATER/SEWER SUPPLY
Public Water Public Sewer 🗌 Well 🗌 Septic
Other:

As part of the submission, the following questions must be answered in detail in narrative form. Answers of "Yes" or "No" are **NOT_ACCEPTABLE** and the application is not complete until 25 copies of this narrative have been submitted.

- 1. Describe in detail, the proposed use(s) of the property.
- 2. Describe in detail, how the proposed use may impact surrounding properties. Please relate your response to the existing zoning and land uses in the area, plus the characteristics of the proposed use—hours of operation, activity levels, appearance, etc.
- 3. Describe the proposed water and wastewater utility infrastructure including sources, discharges, permits, construction, ownership, and maintenance responsibilities.
- 4. Describe the environmental impact of the proposed development and the efforts to be undertaken to abate air, water, noise, stormwater, and other environmental impacts during and after construction.
- 5. Describe what techniques will be used to control traffic flow and what impacts the proposed use will have on existing roadways and provide a professionally prepared traffic impact analysis for any development expected to generate 1,000 vehicle trips per day or more.
- 6. Describe the impact of the proposed use on New Kent County's Schools.
- Describe the impact of the proposed use on New Kent County public services—water service, wastewater disposal, solid waste disposal, fire, rescue, law enforcement, libraries, etc.
- 8. Describe the impact the proposed use(s) will have on any historic sites or structures on the property or in the vicinity.
- 9. Describe the impact the proposed use(s) will have on any rare, endangered, or irreplaceable species or natural areas.
- **10**. Describe the impact the proposed use(s) will have on the scenic or natural beauty of the County.

For those plans requiring review by the Planning Commission, the applicant shall, in addition to the plan sheets required above, submit an overall plan on one (1) or more eleven-inch by seventeen inch  $(11'' \times 17'')$  reproducible sheets and shall provide sufficient copies of larger plan sheets as required for the Planning Commission distribution list of twelve (12). In addition, the applicant shall provide electronic copies of all applicable documents.

I/We as the property owner/applicant/agent give permission for County personnel to enter subject properties in relation to the administration of this application and to any applicable New Kent County, State of Virginia or U.S. Federal Government regulations. Additionally, if the County Planning Department deems it necessary for an outside agency or organizations review any technical part of this application, I/we agree to reimburse the County for all costs associated with such outside reviews and consultation within 15 business days of being billed by the County.

Property Owner Signature:	<u>Aq</u>	Date: 6/23/2021
Property Owner Signature:		Date:
Property Owner Signature:		Date:
😡 Applicant/Agent Signature:		Date: 10/23/2021
Applicant/Agent Signature:		Date:
	All property owners must sign the app	olication

#### FEES

The fees for this application consist of an application fee and a Map Maintenance fee (*see below for calculations*). The fee for this application is **<u>\$1600.00 plus \$40.00 per disturbed use acre.</u>** Make checks payable to *Treasurer of New Kent County*. Fees must be submitted at time of application.

Fee:	\$	1600.00
+ \$40.00 per acre(fraction),		
Number of acre(fraction): <u>9,89</u> x \$40=	\$_	395.60
Map Maintenance Fee:	\$_	35.00
+ \$10.00 per acre(fraction),		A 00
Number of acres(fraction): <u>9.89</u> x \$10=	\$_	98.90
Total Due:	\$	2129.50



# New Kent County - Conditional Use Permit Application Summary

JUN 2 8 2021 NEW KENT COUNTY

To Whom it May Concern,

(1) The Truck Shop, LLC located at 7450 Ready Mix Drive is proposing use for a Public Maintenance and Repair Shop designed for Heavy Duty Tractors, Trailers, RV's and More. This business was created in support of the Heavy-Duty Vehicles in the Logging, Hauling, Transportation and Manufacturing businesses of West Point and New Kent County, as well as provide Fuel and Truck Sales. The property is ideal for Tractor-Trailer Service, Fuel and Sales; From the spacious front parking lot for customer's personal vehicles and Trucks for Sale, a 6 bay fully equipped Shop, to a large side/rear lot to facilitate Truck traffic and additional inventory. All while possessing the safety, security and privacy needed for this type of business.

(2) The proposed use at 7450 Ready Mix Drive will have little effect to the surrounding properties. This property has, since the 1990's, contained Tractor-Trailers as well as facilitated the maintenance and repair for CT Transportation/Comcar/Commercial Carriers. The Shop is located centrally on the 9.89 acre lot, providing a natural noise buffer to the road and surrounding businesses. Since procuring this property, Curtis Contracting, Inc has upgraded many aspects of the property to the benefit of those nearby: including new fencing, automatic gate, and landscaping. The neighbors that surround this property are also industrially zoned businesses, with similar operating hours, business structure, and a need for Diesel Fuel, as well as Heavy-Duty Maintenance, Repair, and Sales.

(3) Neither the water, nor wastewater will be affected by the prospective use. This property has water and sewer established, and no changes will be made.

(4) The environmental impact of our prospective use is small, and for the benefit of the County. The Truck Shop, LLC would be responsible for maintaining Emissions Control in accordance with EPA Standards on the Trucks in this area decreasing the environmental impact of New Kent County. All materials used by The Truck Shop, LLC are handled by OSHA standards and are recycled or disposed of in appropriately labeled containers. No additional buildings, or disturbances will be needed for this prospective use, subsiding the need for developmental efforts. Small parts of the 9.89 acre lot are currently asphalt millings (gravel.) In the event The Truck Shop, LLC needs additionally paved portions of the lot, Curtis Contracting, Inc would be responsible for completing the work in accordance with the required procedures, as they are familiar.

187

New Kent County - Conditional Use Permit Application Summary

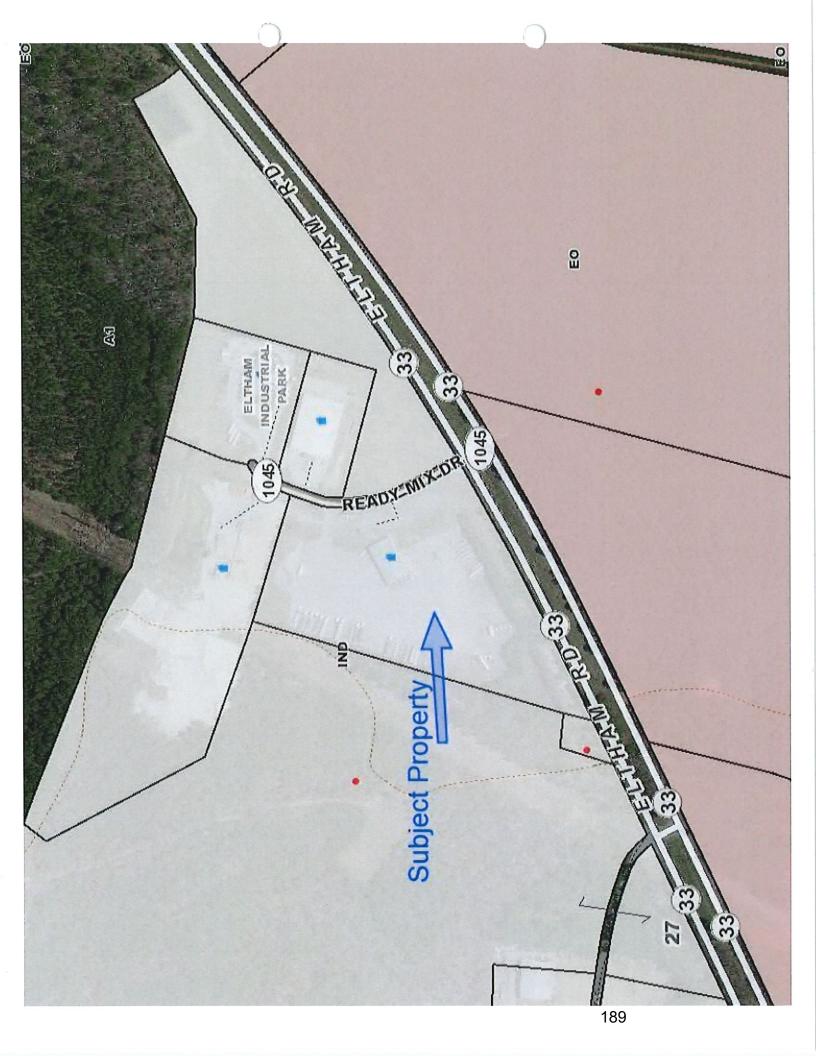


(5) Traffic Flow is not a large concern for The Truck Shop, LLC, with the proposed use. This section of the County has heavy Truck traffic already in existence. Aside from The Truck Shop, LLC operations, Ready Mix Drive is trafficked daily by Heavy Duty Trucks from Vulcan Materials, Concrete Jack/CJ Geotechnical and Virginia Biodiesel without obstruction or concern. The Truck Shop, LLC property is large enough to take on its customers without affecting the neighboring businesses, nor others requiring the use of Ready Mix Drive. Turn lanes adorn Route 33 where Ready Mix Drive intersects, decreasing the impact on the main road. This proposed use will not cause an increase of more than 1,000 vehicle trips per day.

(6) The proposed use does not influence the New Kent County Schools. The Truck Shop, LLC will have the ability to service or repair New Kent County School Busses, adding a great option to the County.

(7) The effect on other New Kent County Public Services is similar; there will be no additional effect on Water Service, Trash, Wastewater Disposal, Solid Waste Disposal, Libraries, or Law Enforcement. The Truck Shop, LLC with the proposed use, can offer maintenance and repair for County Trash Trucks, Fire Trucks, Ambulances and other Heavy-Duty Vehicles and Equipment.

(8, 9, 10) There are no historical concerns amplified by the proposed use. The Truck Shop, LLC is in an industrial area containing similar businesses and no historical landmarks. There is no impact on rare, endangered, or irreplaceable species as this property contains no wildlife. This property has been developed since 1988, and since taking over the property, improvements have been made to preserve the scenic or natural beauty of the County, such as landscaping and building/lot maintenance. There are plans to further landscape, including the planting of several trees in the front parking lot. New Kent County is known for its business, and its beauty - The Truck Shop, LLC has no intentions of marring those reputations.



### PLANNING COMMISSION COUNTY OF NEW KENT VIRGINIA

### PC-19-21

At the regular meeting of the Planning Commission of the County of New Kent, in the Boardroom of the New Kent Administration Building in New Kent, Virginia, on the 16th day of August, 2021:

Present:	<u>Vote:</u>
Katherine Butler	Absent
Marc Bennett	Aye
Joanne Schmit	Aye
Gary Larochelle	Aye
Laura Rose	Aye
Amy Pearson	Aye
Joseph Davis	Aye
John Moyer	Absent
Curtisa Thomas	Aye
Tommy Tiller	Absent
Patricia Townsend	Absent

Motion was made by Joseph Davis, which carried 7:0, to adopt the following resolution:

## A RESOLUTION TO RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT APPLICATION CUP-03-21, THE TRUCK SHOP, LLC (CURTIS CONTRACTING, APPLICANTS) TO ALLOW FOR TRACTOR-TRAILER REPAIR, TRUCK SALES, AND TRUCK FUELING ON A TAX MAP & PARCEL 27-13B (GPIN #K30-1101-0306)

WHEREAS, Andy Curtis with Curtis Contracting (property owner and applicant) has submitted a "Conditional Use Permit Application" dated June 28, 2021; and

WHEREAS, said application requests a conditional use permit to allow for tractor-trailer repair, truck sales, and truck fueling at The Truck Shop, LLC located at 7450 Ready Mix Dr. in Eltham and more specifically identified on the New Kent County digital map as GPIN #K30-1101-0306 (Tax Map and parcel 27-13B); and

WHEREAS, subsequent to receiving a complete application and within the timeframes established by Code, the Planning Commission scheduled and conducted a formal and duly advertised public hearing, carefully considering the public comment received; and

WHEREAS, the Planning Commission has evaluated the application based on the current zoning of the parcel, which is Industrial, the standards set forth in the Conditional Use Permit Provisions of the Zoning Ordinance (Article XIX, § 98-741 et seq.), and the proposed conditions in the staff memo; and

WHEREAS, the Commission finds that approval of CUP-03-21 with the conditions stated herein is appropriate to address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County and the health, safety, and general welfare of the Citizens in the County;

NOW THEREFORE, BE IT RESOLVED that on this, the 16th day of August, 2021, by the New Kent County Planning Commission, that Conditional Use Permit Application CUP-03-21 submitted by Andy Curtis with Curtis Contracting (property owner and applicant), be forwarded to the New Kent County Board of Supervisors with a recommendation of approval with the following conditions:

- 1. The operational hours for The Truck Shop shall be Monday Friday from 7:30 AM to 5:00 PM. Extended hours of operation are permitted, including 24 hours per day, in the event of a declaration of local, regional, state, or national weather emergency, thereby allowing maintenance, repair, and support services for equipment responding to the declared weather-related emergency.
- 2. The property owner shall maintain and/or enhance the vegetative screening along Route 33 and property lines to assist in visual buffering and reducing noise.
- 3. Any future development will be subject to the site plan and plan of development requirements from the County.
- 4. This Conditional Use Permit shall expire on the 10th anniversary of its issuance.

Attested:

Saura Skos

Laura Rose, Chairwoman New Kent County Planning Commission

## NEW KENT COUNTY Notice of Mailing

Applicant Name:	Curtis Contracting Inc
Application Number:	CUP-03-21
Public Hearing Date:	Wednesday, September 8, 2021

## STATE OF VIRGINIA COUNTY OF NEW KENT, to wit

I, Kelli L Z Le Duc, of the New Kent County Planning Department, do make oath that notices as required by Section 15.1-431 of the Code of Virginia, 1950, as amended, were mailed on the 26th day of August, 2021, by first class mail, postage prepaid, to the persons whose names and addresses are attached.

/ Un J. J. L. Signed

Notary Puglic

AYE W

Subscribed and sworn to before me this 26th day of August, 2021.

My commission expires:

12-31-2022

§ 15.2-2204. Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendumnts?

A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferraging this chapter need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a descriptive summary of the proposed action and a reference to the place or places within the locality where copies of the proposed plans, ordinances or amendments may be examined.

The local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in the locality; however, the notice for both the local planning commission and the governing body may be published concurrently. The notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than 21 days after the second advertisement appears in such newspaper. The local planning commission and governing body may hold a joint public hearing after public notice as set forth hereinabove. If a joint hearing is held, then public notice as set forth above need be given only by the governing body. The term "two successive weeks" as used in this paragraph shall mean that such notice shall be published at least twice in such newspaper with not less than six days elapsing between the first and second publication. After enactment of any plan, ordinance or amendment, further publication thereof shall not be required.

B. When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of 25 or fewer parcels of land, then, in addition to the advertising as required by subsection A, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie in other localities of the Commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000

feet of the affected property as may be required by the commission or its agent. However, when a proposed amendment to the zoning ordinance involves a tract of land not less than 500 acres owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be remailed. Costs of any notice required under this chapter shall be taxed to the applicant.

When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of more than 25 parcels of land, or a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition to the advertising as required by subsection A, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner, owners, or their agent of each parcel of land involved, provided, however, that written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner, owners, or their agent of lots shown on a subdivision plat approved and recorded pursuant to the provisions of Article 6 (§ 15.2-2240 et seq.) where such lots are less than 11,500 square feet. One notice sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of the local commission shall make affidavit that such mailings have been made and file such affidavit with the papers in the case. Nothing in this subsection shall be construed as to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure by the representative of the local commission to give written notice to the owner, owners or their agent of any subsequently adopted amendment or ordinance because of any parcel involved.

The governing body may provide that, in the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.

Whenever the notices required hereby are sent by an agency, department or division of the local governing body, or their representative, such notices may be sent by first class mail; however, a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

A party's actual notice of, or active participation in, the proceedings for which the written notice provided by this section is required shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.

C. When a proposed comprehensive plan or amendment thereto; a proposed change in zoning map classification; or an application for special exception for a change in use or to increase by greater than 50 percent of the bulk or height of an existing or proposed building, but not including renewals of previously approved special exceptions, involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 10 days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.

D. When (i) a proposed comprehensive plan or amendment thereto, (ii) a proposed change in zoning map classification, or (iii) an application for special exception for a change in use involves any parcel of land located within 3,000 feet of a boundary of a military base, military installation, military airport, excluding armories operated by the Virginia National Guard, or licensed public-use airport then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 30 days before the hearing to the commander of the military base, military installation, military airport, or owner of such public-use airport, and the notice shall advise the military commander or owner of such public-use airport of the opportunity to submit comments or recommendations.

E. The adoption or amendment prior to July 1, 1996, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise or give notice as may be required by such act or by this chapter, provided a public hearing was conducted by the governing body prior to such adoption or amendment. Every action contesting a decision of a locality based on a failure to advertise or give notice as may be required by this chapter shall be filed within 30 days of such decision with the circuit court having jurisdiction of the land affected by the decision. However, any litigation pending prior to July 1, 1996, shall not be affected by the 1996 amendment to this section.

F. Notwithstanding any contrary provision of law, general or special, the City of Richmond may cause such notice to be published in any newspaper of general circulation in the city.

G. When a proposed comprehensive plan or amendment of an existing plan designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written notice shall also be given by the local planning commission, or its representative, at least 10 days before the hearing to each electric utility with a certificated service territory that includes all or any part of such designated electric transmission corridors or routes.

H. When any applicant requesting a written order, requirement, decision, or determination from the zoning administrator, other administrative officer, or a board of zoning appeals that is subject to the appeal provisions contained in § 15.2-2311 or 15.2-2314, is not the owner or the agent of the owner of the real property subject to the written order, requirement, decision or determination, written notice shall be given to the owner of the property within 10 days of the receipt of such request. Such written notice shall be given by the zoning administrator or other administrative officer or, at the direction of the administrator or officer, the requesting applicant shall be required to give the owner such notice and to provide satisfactory evidence to the zoning administrator or other administrative officer that the notice has been given. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall satisfy the notice requirements of this subsection.

This subsection shall not apply to inquiries from the governing body, planning commission, or employees of the locality made in the normal course of business.

(Code 1950, § 15-961.4; 1962, c. 407, § 15.1-431; 1964, c. 632; 1968, cc. 354, 714; 1973, cc. 117, 334; 1974, cc. 100, 570; 1975, c. 641; 1976, c. 642; 1977, c. 65; 1982, c. 291; 1990, c. 61; 1992, cc. 353, 757; 1993, cc. 128, 734; 1994, c. <u>774</u>; 1995, c. <u>178</u>; 1996, cc. <u>613</u>, <u>667</u>; 1997, c. <u>587</u>; 2001, c. <u>406</u>; 2002, c. <u>634</u>; 2004, cc. <u>539</u>, <u>799</u>; 2005, c. <u>514</u>; 2007, cc. <u>761</u>, <u>813</u>; 2011, c. <u>457</u>; 2012, c. <u>548</u>; 2013, cc. <u>149</u>, <u>213</u>.)

Curtis Contracting Inc. PO Box 769 West Point, VA 23181 SSCRE LLC PO Box 520 Gloucester, VA 23061 Preston H Roberts Holdings LLC 3402 Acorn St. #203 Williamsburg, VA 23188

Virginia Biodiesel Refinery LLC PO Box 426 Kilmarnock, VA 22482 Vulcan Lands INC C/O Vulcan Materials Company 1200 Urban Center Parkway Birmingham, AL 35242 Virginia LC c/o VA Properties Mgmt LLC 4600 N Fairfax Dr, Ste 1002 Arlington, VA 22203

New Kent County PO Box 150 New Kent, VA 23124

195

## NOTICE OF PUBLIC HEARINGS NEW KENT COUNTY BOARD OF SUPERVISORS

The Board of Supervisors of New Kent County, Virginia, will conduct public hearings on Wednesday, September 8, 2021, at 7:00 p.m. or as soon thereafter as possible in the Boardroom of the New Kent County Administration Building located at 12007 Courthouse Circle, New Kent, Virginia to consider the following:

- 1. Ordinance O-28-21: The New Kent County Board of Supervisors will consider an amendment to New Kent County Code, Chapter 70, "Traffic and Vehicles," to review the authorizations granted for the operation of golf carts and utility vehicles on certain public streets and highways within the Chickahominy Shores and Patriots Landing neighborhoods.
- 2. **Resolution R-18-21:** In accordance with section 2.2-1156 of the Code of Virginia, the New Kent County Board of Supervisors will consider the disposition of .395 acres of surplus property to Mr. Adam Matanoski. The property was formerly used by the County as a well lot and is located at 8897 Greenwood Boulevard, New Kent, VA 23141.
- 3. **Resolution R-19-21:** Application CUP-03-21, The Truck Shop, LLC: Andy Curtis with Curtis Contracting, Inc. has requested a Conditional Use Permit for a Public Maintenance and Repair Shop designed for Heavy Duty Tractor-Trailers and RVs, as well as truck fueling facilities, and truck sales. The Property is located at 7450 Ready Mix Drive in Eltham, and is further identified as Tax Map and Parcel 27-13B. The New Kent County Planning Commission considered this application at their meeting on August 16, 2021 and voted 7:0 to send a favorable recommendation to the Board of Supervisors.
- 4. Ordinance O-30-21: Ordinance Amendment OA-07-21, Amendment to New Kent County Floodplain Ordinance (Chapter 18, Article VI): The Commission will consider amendments to the New Kent County Floodplain Ordinance to ensure continued compliance with the National Flood Insurance Program (NFIP) requirements. The New Kent County Planning Commission considered these amendments at their meeting on August 16, 2021 and voted 7:0 to send a favorable recommendation to the Board of Supervisors.
- 5. Ordinance O-31-21: AFD-09-21, Withdrawal From Big Swamp Agricultural and Forestal District: A request by Alicia D. & Jonathan M. Caldwell to withdraw tax map parcel number 42-8, GPIN E17-2183-4954, consisting of approximately 144.4 acres, from the Big Swamp Agricultural and Forestal District. The Agricultural and Forestal District Advisory Committee met on July 15, 2021 and voted 8:0:0 to forward a favorable recommendation. The Planning Commission met on August 16, 2021 and voted 7:0:0 to send a favorable recommendation to the Board of Supervisors. The application will be on file and open to public inspection in the office of the New Kent County Planning Department. Any political subdivision whose territory encompasses or is part of the district may propose a modification which must be filed with the local planning commission within thirty (30) days of the date of this notice. Any owner of additional qualifying land may join the application(s) within thirty (30) days from the date of this notice or, with the consent of the local governing body, at any time before the public hearing the local governing body must hold on the application. Any

owner who joined in the application may withdraw his or her land, in whole or in part, by written notice filed with the local governing body, at any time before the local governing body acts pursuant to Chapter 15.2-4309 of the Code of Virginia. Additional qualifying lands may be added to an already created district at any time upon separate application pursuant to this Chapter.

Persons may appear and present their views at the public hearings. If a member of the public cannot attend, comments may be submitted by mail to P. O. Box 150, New Kent, VA 23124; by fax to (804) 966-9370; or by email to <u>bos@newkent-va.us</u>. Comments received by 12:00 noon on the day of the hearings will be distributed to Board members and made a part of the public record. Copies of any proposed resolutions, ordinances, applications and staff reports may be viewed approximately one week prior to the hearings in the Office of the County Administrator at 12007 Courthouse Circle, New Kent, VA 23124, during regular business hours or at <u>http://www.co.new-kent.va.us</u>. Anyone needing assistance or accommodation under the provisions of the Americans with Disabilities Act should call the County Administrator's Office at (804) 966-9687.

By authority of Rodney A. Hathaway Clerk of the Board

Please use 10 point upper case type in the heading as indicated. Use 8 point type in the body.

Please publish notice once a week for two successive weeks.

Kindly send certification of publication and bill to Wanda Watkins, New Kent Administration Office.

## BOARD OF SUPERVISORS COUNTY OF NEW KENT VIRGINIA

### R-19-21

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 8th day of September, 2021:

Vote:

<u>Present:</u> Thomas W. Evelyn C. Thomas Tiller, Jr. Patricia A. Paige Ron Stiers John N. Lockwood

Motion was made by _____, which carried ____, to adopt the following resolution:

# A RESOLUTION TO APPROVE CONDITIONAL USE PERMIT APPLICATION CUP-03-21, THE TRUCK SHOP, LLC (CURTIS CONTRACTING, APPLICANT) TO ALLOW FOR TRACTOR-TRAILER REPAIR, TRUCK SALES, TRUCK FUELING, TRUCK PARKING/STORAGE, AND RV PARKING/STORAGE ON TAX MAP AND PARCEL 27-13B (GPIN #K30-1101-0306)

WHEREAS, Andy Curtis with Curtis Contracting (property owner and applicant) has submitted a "Conditional Use Permit Application" dated June 28, 2021; and

WHEREAS, said application requests a conditional use permit to allow for tractortrailer repair, truck sales, and truck fueling at The Truck Shop, LLC located at 7450 Ready Mix Dr. in Eltham and more specifically identified on the New Kent County digital map as GPIN #K30-1101-0306 (Tax Map and parcel 27-13B); and

WHEREAS, said application was considered by the New Kent County Planning Commission (the "Planning Commission") in accordance with applicable procedures at a formal and duly advertised public hearing on August 16, 2021, where they carefully considered the public comment received and voted 7:0 to forward a recommendation of approval to the Board of Supervisors; and WHEREAS, within the timeframes established by the Code of Virginia and New Kent County Code, the Board of Supervisors scheduled and conducted a formal and duly advertised public hearing on September 8, 2021, and carefully considered the comments received, the application and conditions; and

WHEREAS, the Board of Supervisors has evaluated the application based on the current zoning of the parcel, which is Industrial, the standards set forth in the Conditional Use Permit Provisions of the Zoning Ordinance (Article XIX, § 98-741 et seq.), and the proposed conditions in the staff memo; and

WHEREAS, the Board of Supervisors finds that the standards for granting a Conditional Use Permit have been satisfied; and

WHEREAS, the Board of Supervisors finds that approval of this application would address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County and the health, safety, and general welfare of the Citizens in the County;

NOW THEREFORE, BE IT RESOLVED that on this, the 8th day of September, 2021, by the New Kent County Board of Supervisors, that Conditional Use Permit Application CUP-03-21 submitted by Andy Curtis with Curtis Contracting, be, and it hereby is, approved, subject to the following conditions:

- 1. The operational hours for The Truck Shop shall be Monday Friday from 7:30 AM to 5:00 PM. Extended hours of operation are permitted, including 24 hours per day, in the event of a declaration of local, regional, state, or national weather emergency, thereby allowing maintenance, repair, and support services for equipment responding to the declared weather-related emergency.
- 2. The property owner shall maintain and/or enhance the vegetative screening along Route 33 and property lines to assist in visual buffering and reducing noise.
- 3. Any future development will be subject to the site plan and plan of development requirements from the County.
- 4. This Conditional Use Permit shall expire on the 10th anniversary of its issuance.

BE IT FURTHER RESOLVED, that the County Administrator be, and he is hereby, directed to have a fully executed copy of this Resolution recorded upon the Land Records of the County in the office of the Clerk of the Circuit Court.

Attest:

Rodney A. Hathaway County Administrator Thomas W. Evelyn Chair New Kent County Board of Supervisors P O Box 150, 12007 Courthouse Circle New Kent, VA 23124

# **AGENDA ITEM REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/2021

# PUBLIC HEARINGS

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	Ordinance O-30-21.
Subject	<b>PUBLIC HEARING - Proposed Amendments to the New Kent</b> <b>County Floodplain Ordinance - Ordinance O-30-21</b> - <i>Environmental Director Joshua Airaghi</i>
Issue	The Board will consider amendments to the New Kent County Floodplain Ordinance to ensure continued compliance with the National Flood Insurance Program (NFIP) requirements.
Recommendation	Planning Commission considered these amendments at their meeting on August 16, 2021 and voted 7:0 to send a favorable recommendation to the Board of Supervisors.
Fiscal Implications	N/A
Policy Implications	N/A
Legislative History	N/A
Discussion	The Board will consider amendments to the New Kent County Floodplain Ordinance to ensure continued compliance with the National Flood Insurance Program (NFIP) requirements.

Time Needed:		Person Appearing:	Joshua Airaghi
Request prepared by:	Joshua Airaghi	Telephone:	8049668784
Copy provided to:			

# **ATTACHMENTS:**

Description Memo PC Resolution Ordinance O-30-21

# Туре

Cover Memo Backup Material Ordinance

<b>REVIEWERS:</b>			
Department	Reviewer	Action	Date
Environmental Division	Airaghi, Josh	Approved	8/24/2021 - 10:11 AM
Administration	Hathaway, Rodney	Approved	8/29/2021 - 4:16 PM
Attorney	Hefty, Brendan	Approved	8/31/2021 - 11:56 AM



### MEMORANDUM

DATE:	September 8, 2021
то:	New Kent County Board of Supervisors
SUBJECT:	Consideration of Proposed Amendments to the New Kent County Floodplain Ordinance

0 2024

### Request:

Consider proposed amendments to the New Kent County Floodplain Ordinance (Chapter 18, Article VI) to ensure continued compliance with National Flood Insurance Program (NFIP) requirements.

### Public Hearings:

Planning Commission:	August 16, 2021 at 6:30 p.m., County Boardroom
Board of Supervisors:	September 8, 2021 at 7:00 p.m., County Boardroom

#### **Background:**

The National Flood Insurance Program (NFIP) is managed by the Federal Emergency Management Agency (FEMA) and provides flood insurance to property owners, renters, and businesses. Homes and businesses in high-risk flood areas with mortgages from government-backed lenders are required to have flood insurance; however, flood insurance through the program is available to anyone living in a participating NFIP community.

New Kent County is a participating community, and as such, our floodplain ordinance must meet the minimum standards of the NFIP. FEMA has revised the Flood Insurance Rate Maps for the County which become effective October 21, 2021. As part of the map revision, our existing ordinance was compared to the model ordinance provided by the Department of Conservation and Recreation. The proposed amendments reflect the necessary changes needed for New Kent County's continued participation in the NFIP.

#### Proposed Amendments:

# ARTICLE VI. FLOODPLAIN DISTRICTS

# **DIVISION 1. DEFINITIONS**

### Sec. 18-233. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Appurtement or accessory structure. <u>A non-residential structure which is on the same parcel of property as</u> <u>the principal structure and the use of which is incidental to the use of the principal structure.</u> Accessory structures not to exceed <del>200</del> <u>600</u> square feet.

Base flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation. The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's flood insurance rate map. For the purposes of this article, the base flood is the one percent annual chance flood.

Basement. Any area of the building having its floor sub-grade (below ground level) on all sides.

*Board of zoning appeals.* The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this article. (See Chapter 98, Article XXVI, Board of Zoning Appeals.)

*Coastal A Zone.* Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and three feet.

*Development.* Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

*Elevated building.* A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

*Encroachment*. The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

*Existing construction.* Structures for which the "start of construction" commenced before December 5, 1990. "Existing construction" may also be referred to as "existing structures."

*Existing manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

*Expansion to an existing manufactured home park or subdivision.* The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA. Federal Emergency Management Agency.

Flood or flooding.

(1) A general or temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters; or
- b. The unusual and rapid accumulation or runoff of surface waters from any source;
- c. Mudflows which are proximately caused by flooding as defined in paragraph (1)b. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)a. of this definition.

*Flood insurance rate map (FIRM).* An official map of our community on which the Federal Emergency Management Agency (FEMA) has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

*Flood insurance study (FIS).* A report by FEMA that examines, evaluates, and determines flood hazards, and if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

*Floodplain or flood-prone area*. Any land area susceptible to being inundated by water from any source.

*Flood proofing.* Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodway.* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

*Freeboard.* A factor of safety usually expressed in feet above a flood level for purposes of floodplain managements. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

*Functionally dependent use.* A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

*Highest adjacent grade.* The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(Supp. No. 21, Update 1)

Created: 2021-05-20 13:59:55 [EST]

- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in states without approved programs.

*Hydrologic and hydraulic engineering analysis.* Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation (VDCR) and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

*Letters of map change (LOMC).* A letter of map change is an official FEMA determination, by letter, that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

- (1) Letter of map amendment (LOMA). An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a land as defined by metes and bounds or structure is not located in a special flood hazard area.
- (2) Letter of map revision (LOMR). A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A letter of map revision based on fill (LOMR-F) is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (3) Conditional letter of map revision (CLOMR). A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study.

Lowest adjacent grade. The lowest natural elevation of the ground surface next to the walls of a structure.

*Lowest floor.* The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of 44 CFR 60.3.

*Manufactured home.* A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

*Manufactured home park or subdivision.* A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Mean sea level.* An elevation point that represents the average height of the ocean's surface (such as the halfway point between the mean high tide and the mean low tide) which is used as a standard in reckoning land elevation. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on a community's FIRM are referenced.

*New construction.* For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after December 5, 1990, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of

(Supp. No. 21, Update 1)

Created: 2021-05-20 13:59:55 [EST]

construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the ordinance from which this article is derived.

*Post-FIRM structures.* A structure for which construction or substantial improvement occurred after December 5, 1990.

*Pre-FIRM structures.* A structure for which construction or substantial improvement occurred on or before December 5, 1990.

Primary frontal dune. A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Recreational vehicle. A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Repetitive loss structure. A repetitive loss (RL) property is an insurable building for which two or more claims of more than \$1,000.00 were paid by the National Flood Insurance Program (NFIP) within any rolling ten-year period, since 1978. A RL property may or may not be currently insured by the NFIP. A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions within ten years, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event, and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

Severe repetitive loss structure. A structure that (a) is covered under a contract for flood insurance made available under the NFIP, and (b) has incurred flood related damage: (i) for which four or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000.00, and with the cumulative amount of such claims payments exceeding \$20,000.00, or (ii) for which at least two separate claim payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

Shallow flooding area. A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Special flood hazard area.* The land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in 18-261 of this article.

Start of construction. For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. 097-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home

on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure.* For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. It also means flood-related damages sustained by a structure on two occasions in a 10-year period, in which the cost of the repairs, on the average, equals or exceeds 25 percent of the market value of the structure at the time of each such flood event.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred repetitive loss or substantial damage regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (3) Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

*Violation.* The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

*Watercourse*. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(Ord. No. O-02-15, 5-20-2015)

### Secs. 18-234, 18-235. Reserved.

# DIVISION 2. GENERAL PROVISIONS

## Sec. 18-236. Statutory authorization and purpose. [44 CFR 59.22(a)(2)]

This article is adopted pursuant to the authority granted to localities by Code of Virginia § 10.1-600 et seq and by Code of Virginia § 15.2-2280.

The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- (b) Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- (c) Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and
- (d) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

(Ord. No. O-02-15, 5-20-2015)

### Sec. 18-237. Applicability.

- (a) These provisions shall apply to all privately and publicly owned lands within the jurisdiction of New Kent County and identified as areas of special flood hazard according to the <u>flood insurance rate map (FIRM) or</u> <u>included in the flood insurance study (FIS)</u> that is <u>are</u> provided to New Kent County by FEMA.
- (b) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this article and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this article.
- (c) The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damage.
- (d) This article shall not create liability on the part of New Kent County or any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made thereunder.

(Ord. No. O-02-15, 5-20-2015)

New Kent County, Virginia, Code of Ordinances (Supp. No. 21, Update 1) Created: 2021-05-20 13:59:55 [EST]

### Sec. 18-238. Records. [44 CFR 59.22(a)(9)(iii)]

Records of actions associated with administering this article shall be kept on file and maintained by the floodplain administrator **in perpetuity**.

(Ord. No. O-02-15, 5-20-2015)

### Sec. 18-239. Abrogation and greater restrictions. [44 CFR 60.1(b)]

This article supersedes any ordinance currently in effect in flood-prone districts. Any ordinance, however, shall remain in full force and effect to the extent that its provisions are more restrictive.

<u>These regulations are not intended to repeal or abrogate any existing ordinances including subdivision</u> <u>regulations, zoning ordinances, or building codes. In the event of a conflict between these regulations and any</u> <u>other ordinance, the more restrictive shall govern.</u>

(Ord. No. O-02-15, 5-20-2015)

### Sec. 18-240. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this article shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this article. The remaining portions of this article shall remain in full force and effect, and for this purpose, the provisions of this article are hereby declared severed.

(Ord. No. O-02-15, 5-20-2015)

### Sec. 18-241. Penalty for violation. [44 CFR 60.2(e)]

Any person who fails to comply with any of the requirements or provisions of this article or directions of the floodplain administrator or any authorized employee of the County of New Kent shall be guilty of the appropriate violation and subject to the penalties thereof.

The VA USBC addresses building code violations and the associated penalties in Section 104 and Section 115. Violations and associated penalties of the Zoning Ordinance of New Kent County are addressed in section 98-11 of the zoning ordinance.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable period of time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the County of New Kent to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

(Ord. No. O-02-15, 5-20-2015)

#### Secs. 18-242—18-250. Reserved.

(Supp. No. 21, Update 1)

# DIVISION 3. ADMINISTRATION

## Sec. 18-251. Designation of the floodplain administrator [44 CFR 59.2(b)] [44 CFR 59.22(b)].

The county building official environmental director is hereby appointed to administer and implement these regulations and is referred to herein as the floodplain administrator. The floodplain administrator may:

- (a) Do the work themselves. In the absence of a designated floodplain administrator, the duties are conducted by the county administrator; and/or
- (b) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees; and/or
- (c) Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 CFR 59.22.

(Ord. No. O-02-15, 5-20-2015)

### Sec. 18-252. Duties and responsibilities of the floodplain administrator [44 CFR 60.3].

The duties and responsibilities of the floodplain administrator shall include but are not limited to:

- (a) Review applications for permits to determine whether proposed activities will be located in the special flood hazard area (SFHA).
- (b) Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- (c) Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- (d) Review applications to determine whether all necessary permits have been obtained from the federal, state or local agencies from which prior or concurrent approval is required, in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the commonwealth.
- (e) Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE) and have submitted copies of such notifications to FEMA.
- (f) Advise applicants for new construction or substantial improvement of structures that are located within an area of the coastal barrier resources system established by the Coastal Barrier Resources Act that federal flood insurance is not available on such structures; areas subject to this limitation are

shown on the flood insurance rate maps as coastal barrier resource system areas (CBRS) or otherwise protected areas (OPA).

- (g) Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
- (h) Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if noncompliance has occurred or violations have been committed.
- (i) Review elevation certificates and require incomplete or deficient certificates to be corrected.
- (j) Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the County of New Kent within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
- (k) Maintain and permanently keep records that are necessary for the administration of these regulations, including:
  - (1) Flood insurance studies, flood insurance rate maps (including historic studies and maps and current effective studies and maps) and letters of map change; and
  - (2) Documentation supporting issuance and denial of permits, elevation certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been flood proofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
- (I) Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- (m) Advise the board of zoning appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
- (n) Administer the requirements related to proposed work on existing buildings;
  - (1) Make determinations as to whether buildings and structures that are located in the flood hazard areas and that are damaged by any cause have been substantially damaged;
  - (2) Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the noncompliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
- (o) Undertake, as determined appropriate by the floodplain administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures, coordinating with other federal, state and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for increased cost of compliance coverage under NFIP flood insurance policies.
- (p) Notify the Federal Emergency Management Agency when the corporate boundaries of the County of New Kent have been modified and:

- (1) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
- (2) If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the county board of supervisors for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
- (q) Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- (r) It is the duty of the community floodplain administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

(Ord. No. O-02-15, 5-20-2015)

## Sec. 18-253. Use and interpretation of FIRMs [44 CFR 60.3].

The floodplain administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data.

- (a) Where field surveyed topography indicates that adjacent ground elevations:
  - (1) Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered a special flood hazard area and subject to the requirements of these regulations;
  - (2) Are above the base flood elevation, the area shall be regulated as a special flood hazard area unless the applicant obtains a letter of map change that removes the area from the SFHA.
- (b) In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a federal, state, or other source shall be reviewed and reasonably used.
- (c) Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
- (d) Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
- (e) If a preliminary flood insurance rate map and/or a preliminary flood insurance study has been provided by FEMA:
  - (1) Upon the issuance of a letter of final determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.

- (2) Prior to the issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to section 18-261(a)(3) and used where no base flood elevation and/or floodway areas are provided on the effective FIRM.
- (3) Prior to issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

(Ord. No. O-02-15, 5-20-2015)

### Sec. 18-254. Jurisdictional boundary changes [44 CFR 59.22, 65.3].

The county floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22(a)(9)(v), all NFIP participating communities must notify the Federal Insurance Administration and optionally the state coordinating office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all flood insurance rate maps accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

(Ord. No. O-02-15, 5-20-2015)

#### Sec. 18-255. District boundary changes.

The delineation of any of the floodplain districts may be revised by the County of New Kent where natural or manmade changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from FEMA. <u>A completed LOMR is a record of this approval.</u>

(Ord. No. O-02-15, 5-20-2015)

### Sec. 18-256. Interpretation of district boundaries.

Initial interpretations of the boundaries of the floodplain districts shall be made by the floodplain administrator. Should a dispute arise concerning the boundaries of any of the districts, the board of zoning appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence if he so desires.

(Ord. No. O-02-15, 5-20-2015)

## Sec. 18-257. Submitting technical data [44 CFR 65.3].

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify FEMA of the changes by submitting technical or scientific data. <u>The community</u> <u>may submit data via a LOMR</u>. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

(Ord. No. O-02-15, 5-20-2015)

### Sec. 18-258. Letters of map revision.

When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a conditional letter of map revision and then a letter of map revision.

Examples:

- (1) Any development that cause a rise in the base flood elevations within the floodway.
- (2) Any development occurring in Zones A1-30 and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
- (3) Alteration or relocation of a stream (including but not limited to installing culverts and bridges). (44 CFR 65.3 and 65.6(a)(12).)

(Ord. No. O-02-15, 5-20-2015)

### Secs. 18-259, 18-260. Reserved.

## DIVISION 4. ESTABLISHMENT OF ZONING DISTRICTS

### Sec. 18-261. Description of special flood hazard districts [44 CFR 59.1, 60.3].

(a) Basis of districts. The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for the County of New Kent prepared by FEMA, Federal Insurance Administration, dated August 3, 2015 October 21, 2021 and any subsequent revisions or amendments thereto.

The County of New Kent may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a "local flood hazard map" using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.

The boundaries of the SFHA districts are established as shown on the FIRM which is declared to be a part of this article and which shall be kept on file at the office of building development environmental department office.

(1) The floodway district is in an AE Zone and is delineated, for purposes of this article, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one foot at

(Supp. No. 21, Update 1)

Created: 2021-05-20 13:59:55 [EST]

any point. According to the firms **FIS and FIRM**, there are no delineated floodways for New Kent County.

The following provisions shall apply within the floodway district of an AE Zone [44 CFR 60.3(d)]:

a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analysis shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the floodplain administrator.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies, with New Kent County's endorsement, for a conditional letter of map revision (CLOMR), and receives the approval of FEMA.

If subsection 18-261(a)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Division 5.

- b. The placement of manufactured homes (mobile homes) is prohibited, except in existing manufactured home (mobile home) parks or subdivisions. A replacement home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.
- (2) The AE, or AH Zones on the FIRM accompanying the FIS shall be those areas for which one percent annual chance flood elevations have been provided and the floodway has not been delineated. The flowing following provisions shall apply within an AE or AH Zone [44 CFR 60.3(c)].*

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30 and AE or AH on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within New Kent County.

Development activities in Zones A1-30 and AE or AH, on the New Kent County's FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies, with New Kent County's endorsement, for a conditional letter of map revision, and receives the approval of FEMA.

* The requirement in 44 CFR 63.3(c)(10) 44 CFR 60.3(c)(10) only applies along rivers, streams, and other watercourses where FEMA has provided base flood elevations. The requirement does not apply along lakes, bays and estuaries, and the ocean coast.

(3) The A Zone on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply [44 CFR 60.3(b)].

The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using

other sources of data, such as the U.S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development, and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted non-detailed technical concepts, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough review by the floodplain administrator.

The floodplain administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood level of no less than one foot.

During the permitting process, the floodplain administrator shall obtain:

- a. The elevation of the lowest floor (including the basement) of all new and substantially improved structures; and
- b. If the structure has been flood-proofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been flood-proofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed 50 lots or five acres, whichever is the lesser.

- (4) The AO Zone on the FIRM accompanying the FIS shall be those areas of shallow flooding identified as AO on the FIRM. For these areas, the following provisions shall apply [44 CFR 60.3(c)]:
  - a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.
  - b. All new construction and substantial improvements of nonresidential structures shall:
    - 1. Have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or
    - 2. Together with attendant utility and sanitary facilities be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - c. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.
- (5) The coastal A Zone shall be those areas, as defined by the VA USBC, that are subject to wave heights between 1.5 feet and three feet, and identified on the FIRM as areas <u>seaward</u> of <u>the</u> limits of moderate wave action (LiMWA) <u>line</u>. For these areas, the following provisions shall apply:

Building and structures within this zone shall have the lowest floor elevated to or above the base flood elevation plus one foot of freeboard, and must comply with the provisions in section 18-261 (A)(2) and sections 18-267 and 18-268.

- (6) The VE Zone or V Zones on FIRMs accompanying the FIS shall be those areas that are known as coastal high hazard areas, extending from offshore to the inland limit of a primary frontal dune along an open coast. For these areas, the following provisions shall apply [44 CFR 60.3(e)]:
  - a. All new construction and substantial improvements including manufactured homes in Zones V and VE (V if base flood elevation is available) shall be elevated on pilings or columns so that:
    - 1. The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to no less than one foot or greater above the base flood level if the lowest horizontal structural member is parallel to the direction of wave approach or elevated at least one foot above the base flood level if the lowest horizontal structural member is perpendicular to the direction of wave approach; and
    - 2. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (one percent annual chance).
  - b. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of section 18-261(a)(6)a.
  - c. The floodplain administrator shall obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V and VE. The floodplain management administrator shall maintain a record of all such information.
  - d. All new construction shall be located landward of the reach of mean high tide.
  - e. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open woodlatticed work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
    - 1. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
    - 2. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year.
  - f. The enclosed space below the lowest floor shall be used solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation.

- g. The use of fill for structural support of buildings is prohibited. When nonstructural fill is proposed in a coastal high hazard area, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of a building permit.
- h. The manmade alteration of sand dunes, which would increase potential flood damage, is prohibited.

#### Sec. 18-262. Overlay concept.

The floodplain districts described above shall be overlays to the existing underlying districts as shown on the official zoning ordinance map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

If there is any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

In the event any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

(Ord. No. O-02-15, 5-20-2015)

#### Secs. 18-263—18-265. Reserved.

DIVISION 5. DISTRICT PROVISIONS [44 CFR 59.22, 60.2, 60.3]

#### Sec. 18-266. Permit and application requirements.

- (a) Permit requirement. All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this article and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the County of New Kent Subdivision Ordinances. Prior to the issuance of any such permit, the floodplain administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system.
- (b) *Site plans and permit applications.* All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:
  - (1) The elevation of the base flood at the site.
  - (2) The elevation of the lowest floor (including basement) or, in V Zones, the lowest horizontal structural member.
  - (3) For structures to be flood-proofed (nonresidential only), the elevation to which the structure will be flood-proofed.
  - (4) Topographic information showing existing and proposed ground elevations.

(Ord. No. O-02-15, 5-20-2015)

⁽Supp. No. 21, Update 1)

## Sec. 18-267. General standards.

The following provisions shall apply to all permits:

- (a) New construction and substantial improvements shall be according to section 18-261 of this article and the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- (c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (e) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

In addition to subsections (a) through (h) above, in all special flood hazard areas, the additional provisions shall apply:

- (i) Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U.S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies, and FEMA.
- (j) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

(Ord. No. O-02-15, 5-20-2015)

#### Sec. 18-268. Elevation and construction standards [44 CFR 60.3].

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with section 18-261(a)(3), the following provisions shall apply:

(a) Residential construction. New construction or substantial improvement of any residential structure (including manufactured homes) in Zones A1-30, AE, AH and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above not less than one foot above the base

(Supp. No. 21, Update 1)

flood level. See sections 18-261(a)(5) and 18-261(a)(6) for requirements in the Coastal A, and VE Zones, and V Zones.

- (b) Nonresidential construction. New construction or substantial improvement of any commercial, industrial, or nonresidential building (or manufactured home) shall have the lowest floor, including basement, elevated to not less than one foot or greater above the base flood level. See sections 18-261(a)(5) and 18-261(a)(6) for requirements in the coastal A, and VE Zones, and V Zones. Nonresidential buildings located in all A1-30, AE and AH Zones may be flood-proofed in lieu of being elevated provided that all areas of the building components, including attendant utility and sanitary facilities, below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are flood-proofed, shall be maintained by the floodplain administrator.
- (c) Space below the lowest floor. In Zones A, AE, AH, AO, and A1-A30, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:
  - (1) Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator);
  - (2) Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
  - (3) Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
    - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding;
    - b. The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding;
    - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit;
  - (4) The bottom of all required openings shall be no higher than one foot above the adjacent grade;
  - (5) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions;
  - (6) Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

#### (d) Accessory structures. Accessory structures in the SFHA shall comply with the elevation requirements and other requirements of section 18-268(b) or, if not elevated or dry floodproofed, shall:

- (1) Not be used for human habitation;
- (2) Be limited to no more than 600 square feet in total floor area;

- (3) Be useable only for parking of vehicles or limited storage;
- (4) Be constructed with flood damage-resistant materials below the base flood elevation;
- (5) Be constructed and placed to offer the minimum resistance to the flow of floodwaters;
- (6) Be anchored to prevent floatation;
- (7) Have electrical service and mechanical equipment elevated to or above the base flood elevation;
- (8) Shall be provided with flood openings which shall meet the following criteria:
  - (a)
     There shall be a minimum of two flood openings on different sides of each enclosed

     area; if a building has more than one enclosure below the lowest floor, each such

     enclosure shall have flood openings on exterior walls.
  - (b)The total net area of all flood openings shall be at least one square inch for each<br/>square foot of enclosed area (non-engineered flood openings), or the flood openings<br/>shall be engineered flood openings that are designed and certified by a licensed<br/>professional engineer to automatically allow entry and exit of floodwaters; the<br/>certification requirement may be satisfied by an individual certification or an<br/>Evaluation Report issued by the ICC Evaluation Service, Inc.
  - (c) The bottom of each flood opening shall be 1 foot or less above the high of the interior floor or grade, or the exterior grade, immediately below the opening.
  - (d) Any louvers, screens or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.
- (d) (e) Standards for manufactured homes and recreational vehicles.
  - (1) All manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in 18-267(b) and 18-268.
  - (2) All manufactured homes placed, or substantially improved, on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's FIRM in which a manufactured home has incurred substantial damage are subject to the provisions in section 18-268(a), 18-268(b) or 18-261(a)(4) and must be elevated so that the lowest floor of the manufactured home is one foot or greater above the base flood elevation.
  - (3) All manufactured homes placed, or substantially improved, on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the community's FIRM in which a manufactured home has not incurred substantial damage must be elevated so that the lowest floor of the manufactured home is one foot or greater above the base flood elevation or the manufactured home chassis must be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and can be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - (4) All recreational vehicles placed on sites must either:
    - a. Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
    - b. Meet all the requirements for manufactured homes.

#### Sec. 18-269. Standards for subdivision proposals.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivisions proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- (4) Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed 50 lots or five acres, whichever is the lesser.

(Ord. No. O-02-15, 5-20-2015)

# DIVISION 6. EXISTING STRUCTURES IN FLOODPLAIN AREAS

#### [Sec. 18-270. Conditions for continuance Existing structures in floodplain areas.]

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- (a) Existing structures in the floodway area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
- (b) Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain area to an extent or amount of less than 50 percent of its market value shall conform to the VA USBC and the appropriate provisions of this article.
- (c) The modification, alternation, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with this article and shall require the entire structure to conform to the VA USBC and the appropriate provisions of this article.

Any structure or use of a structure or premises must be brought into conformity with these provisions when it is changed, repaired, or improved unless one of the following exceptions is established before the change is made:

- (a) The floodplain administrator has determined that:
  - (1) Change is not a substantial repair or substantial improvement AND
  - (2) No new square footage is being built in the floodplain that is not compliant AND
  - (3) <u>No new square footage is being built in the floodway AND</u>
  - (4) The change complies with this ordinance and the VA USBC.

(Supp. No. 21, Update 1)

- (b) <u>The changes are required to comply with a citation for a health or safety violation.</u>
- (c) <u>The structure is a historic structure and the change required would impair the historic nature of the structure.</u>

# DIVISION 7. VARIANCES

#### [Sec. 18-271. Factors to be considered [44 CFR 60.6].]

Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the board of zoning appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the board of zoning appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

While the granting of variances is generally limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the board of zoning appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

In passing upon applications for variances, the board of zoning appeals shall satisfy all relevant factors, and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- (a) The danger to life and property due to increase in flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any floodway district that will cause any increase in one percent chance flood elevation.
- (b) The danger that materials may be swept on to other lands or downstream to the injury of others.
- (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- (e) The importance of the services provided by the proposed facility to the community.
- (f) The requirements of the facility for a waterfront location.
- (g) The availability of alternative locations not subject to flooding for the proposed use.
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (i) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

(Supp. No. 21, Update 1)

- (j) The safety of access by ordinary and emergency vehicles to the property in time of flood.
- (k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (I) The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

#### (m) No variance shall be issued for an accessory structure exceeding 600 square feet.

(m)(n) Such other factors which are relevant to the purposes of this article.

The board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the board of zoning appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the board of zoning appeals has determined that the variance will be the minimum required to provide relief.

The board of zoning appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one percent chance flood elevation (a) increase the risks to life and property and (b) will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage.

A record shall be maintained of the above notifications as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

(Ord. No. O-02-15, 5-20-2015)

# PLANNING COMMISSION COUNTY OF NEW KENT VIRGINIA

#### PC-20-21

At the regular meeting of the Planning Commission of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 16th day of August, 2021:

Present:	Vote:
Katherine Butler	Absent
Marc Bennett	Aye
Joanne Schmit	Aye
Laura Rose	Aye
Amy Pearson	Aye
Gary Larochelle	Aye
John Moyer	Absent
Joseph Davis	Aye
C. Thomas Tiller	Absent
Patricia Townsend	Absent
Curtisa Thomas	Aye

Motion was made by Dr. Joanne Schmit which carried 7:0:0, to adopt the following resolution:

# A RESOLUTION TO RECOMMEND APPROVAL OF AMENDMENTS TO THE NEW KENT COUNTY FLOODPLAIN ORDINANCE

WHEREAS, the Federal Emergency Management Agency is in the process of updating floodplain maps for New Kent County; and

WHEREAS, the Virginia Department of Conservation and Recreation, Dam Safety and Floodplain program has promulgated guidance for Local Floodplain Ordinances in Virginia; and

WHEREAS, localities are tasked with ensuring that the local floodplain ordinance reflects the new maps and the guidance on Local Floodplain Ordinances; and

**WHEREAS**, the Commission has conducted a duly advertised public hearing and carefully considered the public comment received;

**THEREFORE, BE IT RESOLVED** this 16th day of August 2021, by the New Kent County Planning Commission, that the Commission recommends to the Board of Supervisors that the following sections of the New Kent County Code be readopted as follows:

Attested:

Saura Skose

Laura Rose, Chairwoman, New Kent County Planning Commission

# ARTICLE VI. FLOODPLAIN DISTRICTS

# **DIVISION 1. DEFINITIONS**

## Sec. 18-233. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Appurtement or accessory structure. <u>A non-residential structure which is on the same parcel of property as</u> <u>the principal structure and the use of which is incidental to the use of the principal structure.</u> Accessory structures not to exceed <del>200</del> <u>600</u> square feet.

Base flood. The flood having a one percent chance of being equaled or exceeded in any given year.

*Base flood elevation.* The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's flood insurance rate map. For the purposes of this article, the base flood is the one percent annual chance flood.

Basement. Any area of the building having its floor sub-grade (below ground level) on all sides.

*Board of zoning appeals.* The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this article. (See Chapter 98, Article XXVI, Board of Zoning Appeals.)

*Coastal A Zone.* Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and three feet.

*Development.* Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

*Elevated building.* A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

*Encroachment*. The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

*Existing construction.* Structures for which the "start of construction" commenced before December 5, 1990. "Existing construction" may also be referred to as "existing structures."

*Existing manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

*Expansion to an existing manufactured home park or subdivision.* The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA. Federal Emergency Management Agency.

Flood or flooding.

- (1) A general or temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters; or
  - b. The unusual and rapid accumulation or runoff of surface waters from any source;
  - c. Mudflows which are proximately caused by flooding as defined in paragraph (1)b. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)a. of this definition.

*Flood insurance rate map (FIRM).* An official map of our community on which the Federal Emergency Management Agency (FEMA) has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

*Flood insurance study (FIS).* A report by FEMA that examines, evaluates, and determines flood hazards, and if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Floodplain or flood-prone area. Any land area susceptible to being inundated by water from any source.

*Flood proofing.* Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodway.* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

*Freeboard.* A factor of safety usually expressed in feet above a flood level for purposes of floodplain managements. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

# *Functionally dependent use.* A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

*Highest adjacent grade.* The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in states without approved programs.

*Hydrologic and hydraulic engineering analysis.* Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation (VDCR) and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

*Letters of map change (LOMC).* A letter of map change is an official FEMA determination, by letter, that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

- (1) Letter of map amendment (LOMA). An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a land as defined by metes and bounds or structure is not located in a special flood hazard area.
- (2) Letter of map revision (LOMR). A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A letter of map revision based on fill (LOMR-F) is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (3) *Conditional letter of map revision (CLOMR).* A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study.

Lowest adjacent grade. The lowest natural elevation of the ground surface next to the walls of a structure.

*Lowest floor.* The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of 44 CFR 60.3.

*Manufactured home*. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

*Manufactured home park or subdivision.* A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Mean sea level.* An elevation point that represents the average height of the ocean's surface (such as the halfway point between the mean high tide and the mean low tide) which is used as a standard in reckoning land elevation. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on a community's FIRM are referenced.

*New construction.* For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after December 5, 1990, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the ordinance from which this article is derived.

*Post-FIRM structures.* A structure for which construction or substantial improvement occurred after December 5, 1990.

*Pre-FIRM structures.* A structure for which construction or substantial improvement occurred on or before December 5, 1990.

Primary frontal dune. A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Recreational vehicle. A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Repetitive loss structure. A repetitive loss (RL) property is an insurable building for which two or more claims of more than \$1,000.00 were paid by the National Flood Insurance Program (NFIP) within any rolling ten year period, since 1978. A RL property may or may not be currently insured by the NFIP. A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions within ten years, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event, and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

Severe repetitive loss structure. A structure that (a) is covered under a contract for flood insurance made available under the NFIP, and (b) has incurred flood related damage: (i) for which four or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000.00, and with the cumulative amount of such claims payments exceeding \$20,000.00, or (ii) for which at

least two separate claim payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

Shallow flooding area. A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Special flood hazard area.* The land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in 18-261 of this article.

Start of construction. For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. 097-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure.* For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. It also means flood-related damages sustained by a structure on two occasions in a 10-year period, in which the cost of the repairs, on the average, equals or exceeds 25 percent of the market value of the structure at the time of each such flood event.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred repetitive loss or substantial damage regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (3) Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

*Violation.* The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

*Watercourse*. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(Ord. No. O-02-15, 5-20-2015)

#### Secs. 18-234, 18-235. Reserved.

# DIVISION 2. GENERAL PROVISIONS

#### Sec. 18-236. Statutory authorization and purpose. [44 CFR 59.22(a)(2)]

This article is adopted pursuant to the authority granted to localities by Code of Virginia § 10.1-600 et seq and by Code of Virginia § 15.2-2280.

The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- (b) Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- (c) Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and
- (d) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

(Ord. No. O-02-15, 5-20-2015)

#### Sec. 18-237. Applicability.

(a) These provisions shall apply to all privately and publicly owned lands within the jurisdiction of New Kent County and identified as areas of special flood hazard according to the <u>flood insurance rate map (FIRM) or</u> <u>included in the flood insurance study (FIS)</u> that is <u>are</u> provided to New Kent County by FEMA.

- (b) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this article and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this article.
- (c) The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damage.
- (d) This article shall not create liability on the part of New Kent County or any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made thereunder.

## Sec. 18-238. Records. [44 CFR 59.22(a)(9)(iii)]

Records of actions associated with administering this article shall be kept on file and maintained by the floodplain administrator **in perpetuity**.

(Ord. No. O-02-15, 5-20-2015)

## Sec. 18-239. Abrogation and greater restrictions. [44 CFR 60.1(b)]

This article supersedes any ordinance currently in effect in flood-prone districts. Any ordinance, however, shall remain in full force and effect to the extent that its provisions are more restrictive.

<u>These regulations are not intended to repeal or abrogate any existing ordinances including subdivision</u> <u>regulations, zoning ordinances, or building codes. In the event of a conflict between these regulations and any</u> <u>other ordinance, the more restrictive shall govern.</u>

(Ord. No. O-02-15, 5-20-2015)

#### Sec. 18-240. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this article shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this article. The remaining portions of this article shall remain in full force and effect, and for this purpose, the provisions of this article are hereby declared severed.

(Ord. No. O-02-15, 5-20-2015)

## Sec. 18-241. Penalty for violation. [44 CFR 60.2(e)]

Any person who fails to comply with any of the requirements or provisions of this article or directions of the floodplain administrator or any authorized employee of the County of New Kent shall be guilty of the appropriate violation and subject to the penalties thereof.

The VA USBC addresses building code violations and the associated penalties in Section 104 and Section 115. Violations and associated penalties of the Zoning Ordinance of New Kent County are addressed in section 98-11 of the zoning ordinance.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable period of time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the County of New Kent to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

(Ord. No. O-02-15, 5-20-2015)

#### Secs. 18-242-18-250. Reserved.

# **DIVISION 3. ADMINISTRATION**

#### Sec. 18-251. Designation of the floodplain administrator [44 CFR 59.2(b)] [44 CFR 59.22(b)].

The county building official environmental director is hereby appointed to administer and implement these regulations and is referred to herein as the floodplain administrator. The floodplain administrator may:

- (a) Do the work themselves. In the absence of a designated floodplain administrator, the duties are conducted by the county administrator; and/or
- (b) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees; and/or
- (c) Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 CFR 59.22.

(Ord. No. O-02-15, 5-20-2015)

#### Sec. 18-252. Duties and responsibilities of the floodplain administrator [44 CFR 60.3].

The duties and responsibilities of the floodplain administrator shall include but are not limited to:

- (a) Review applications for permits to determine whether proposed activities will be located in the special flood hazard area (SFHA).
- (b) Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- (c) Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.

(Supp. No. 21, Update 1)

- (d) Review applications to determine whether all necessary permits have been obtained from the federal, state or local agencies from which prior or concurrent approval is required, in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the commonwealth.
- (e) Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE) and have submitted copies of such notifications to FEMA.
- (f) Advise applicants for new construction or substantial improvement of structures that are located within an area of the coastal barrier resources system established by the Coastal Barrier Resources Act that federal flood insurance is not available on such structures; areas subject to this limitation are shown on the flood insurance rate maps as coastal barrier resource system areas (CBRS) or otherwise protected areas (OPA).
- (g) Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
- (h) Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if noncompliance has occurred or violations have been committed.
- (i) Review elevation certificates and require incomplete or deficient certificates to be corrected.
- (j) Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the County of New Kent within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
- (k) Maintain and permanently keep records that are necessary for the administration of these regulations, including:
  - (1) Flood insurance studies, flood insurance rate maps (including historic studies and maps and current effective studies and maps) and letters of map change; and
  - (2) Documentation supporting issuance and denial of permits, elevation certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been flood proofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
- (I) Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- (m) Advise the board of zoning appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
- (n) Administer the requirements related to proposed work on existing buildings;
  - (1) Make determinations as to whether buildings and structures that are located in the flood hazard areas and that are damaged by any cause have been substantially damaged;
  - (2) Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the noncompliant repair of

(Supp. No. 21, Update 1)

substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.

- (o) Undertake, as determined appropriate by the floodplain administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures, coordinating with other federal, state and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for increased cost of compliance coverage under NFIP flood insurance policies.
- (p) Notify the Federal Emergency Management Agency when the corporate boundaries of the County of New Kent have been modified and:
  - (1) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
  - (2) If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the county board of supervisors for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
- (q) Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- (r) It is the duty of the community floodplain administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

(Ord. No. O-02-15, 5-20-2015)

## Sec. 18-253. Use and interpretation of FIRMs [44 CFR 60.3].

The floodplain administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data.

- (a) Where field surveyed topography indicates that adjacent ground elevations:
  - Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered a special flood hazard area and subject to the requirements of these regulations;
  - (2) Are above the base flood elevation, the area shall be regulated as a special flood hazard area unless the applicant obtains a letter of map change that removes the area from the SFHA.
- (b) In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a federal, state, or other source shall be reviewed and reasonably used.

(Supp. No. 21, Update 1)

- (c) Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
- (d) Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
- (e) If a preliminary flood insurance rate map and/or a preliminary flood insurance study has been provided by FEMA:
  - (1) Upon the issuance of a letter of final determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
  - (2) Prior to the issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to section 18-261(a)(3) and used where no base flood elevation and/or floodway areas are provided on the effective FIRM.
  - (3) Prior to issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

#### Sec. 18-254. Jurisdictional boundary changes [44 CFR 59.22, 65.3].

The county floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22(a)(9)(v), all NFIP participating communities must notify the Federal Insurance Administration and optionally the state coordinating office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all flood insurance rate maps accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

(Ord. No. O-02-15, 5-20-2015)

#### Sec. 18-255. District boundary changes.

The delineation of any of the floodplain districts may be revised by the County of New Kent where natural or manmade changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from FEMA. <u>A completed LOMR is a record of this approval.</u>

(Ord. No. O-02-15, 5-20-2015)

(Supp. No. 21, Update 1)

#### Sec. 18-256. Interpretation of district boundaries.

Initial interpretations of the boundaries of the floodplain districts shall be made by the floodplain administrator. Should a dispute arise concerning the boundaries of any of the districts, the board of zoning appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence if he so desires.

(Ord. No. O-02-15, 5-20-2015)

## Sec. 18-257. Submitting technical data [44 CFR 65.3].

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify FEMA of the changes by submitting technical or scientific data. <u>The community</u> <u>may submit data via a LOMR</u>. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

(Ord. No. O-02-15, 5-20-2015)

#### Sec. 18-258. Letters of map revision.

When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a conditional letter of map revision and then a letter of map revision.

Examples:

- (1) Any development that cause a rise in the base flood elevations within the floodway.
- (2) Any development occurring in Zones A1-30 and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
- (3) Alteration or relocation of a stream (including but not limited to installing culverts and bridges). (44 CFR 65.3 and 65.6(a)(12).)

(Ord. No. O-02-15, 5-20-2015)

#### Secs. 18-259, 18-260. Reserved.

# DIVISION 4. ESTABLISHMENT OF ZONING DISTRICTS

## Sec. 18-261. Description of special flood hazard districts [44 CFR 59.1, 60.3].

(a) Basis of districts. The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for the County of New Kent prepared by FEMA, Federal Insurance Administration, dated August 3, 2015 October 21, 2021 and any subsequent revisions or amendments thereto.

(Supp. No. 21, Update 1)

The County of New Kent may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a "local flood hazard map" using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.

The boundaries of the SFHA districts are established as shown on the FIRM which is declared to be a part of this article and which shall be kept on file at the office of building development environmental department office.

(1) The floodway district is in an AE Zone and is delineated, for purposes of this article, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one foot at any point. According to the firms FIS and FIRM, there are no delineated floodways for New Kent County.

The following provisions shall apply within the floodway district of an AE Zone [44 CFR 60.3(d)]:

a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analysis shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the floodplain administrator.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies, with New Kent County's endorsement, for a conditional letter of map revision (CLOMR), and receives the approval of FEMA.

If subsection 18-261(a)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Division 5.

- b. The placement of manufactured homes (mobile homes) is prohibited, except in existing manufactured home (mobile home) parks or subdivisions. A replacement home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.
- (2) The AE, or AH Zones on the FIRM accompanying the FIS shall be those areas for which one percent annual chance flood elevations have been provided and the floodway has not been delineated. The flowing following provisions shall apply within an AE or AH Zone [44 CFR 60.3(c)].*

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30 and AE or AH on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within New Kent County.

Development activities in Zones A1-30 and AE or AH, on the New Kent County's FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies, with New Kent County's endorsement, for a conditional letter of map revision, and receives the approval of FEMA.

#### (Supp. No. 21, Update 1)

* The requirement in 44 CFR 63.3(c)(10) 44 CFR 60.3(c)(10) only applies along rivers, streams, and other watercourses where FEMA has provided base flood elevations. The requirement does not apply along lakes, bays and estuaries, and the ocean coast.

(3) The A Zone on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply [44 CFR 60.3(b)].

The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development, and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted non-detailed technical concepts, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough review by the floodplain administrator.

The floodplain administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood level of no less than one foot.

During the permitting process, the floodplain administrator shall obtain:

- a. The elevation of the lowest floor (including the basement) of all new and substantially improved structures; and
- b. If the structure has been flood-proofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been flood-proofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed 50 lots or five acres, whichever is the lesser.

- (4) The AO Zone on the FIRM accompanying the FIS shall be those areas of shallow flooding identified as AO on the FIRM. For these areas, the following provisions shall apply [44 CFR 60.3(c)]:
  - a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.
  - b. All new construction and substantial improvements of nonresidential structures shall:
    - 1. Have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or
    - 2. Together with attendant utility and sanitary facilities be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially

impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

- c. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.
- (5) The coastal A Zone shall be those areas, as defined by the VA USBC, that are subject to wave heights between 1.5 feet and three feet, and identified on the FIRM as areas <u>seaward</u> of <u>the</u> limits of moderate wave action (LiMWA) <u>line</u>. For these areas, the following provisions shall apply:

Building and structures within this zone shall have the lowest floor elevated to or above the base flood elevation plus one foot of freeboard, and must comply with the provisions in section 18-261 (A)(2) and sections 18-267 and 18-268.

- (6) The VE Zone or V Zones on FIRMs accompanying the FIS shall be those areas that are known as coastal high hazard areas, extending from offshore to the inland limit of a primary frontal dune along an open coast. For these areas, the following provisions shall apply [44 CFR 60.3(e)]:
  - a. All new construction and substantial improvements including manufactured homes in Zones V and VE (V if base flood elevation is available) shall be elevated on pilings or columns so that:
    - 1. The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to no less than one foot or greater above the base flood level if the lowest horizontal structural member is parallel to the direction of wave approach or elevated at least one foot above the base flood level if the lowest horizontal structural member is perpendicular to the direction of wave approach; and
    - 2. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (one percent annual chance).
  - b. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of section 18-261(a)(6)a.
  - c. The floodplain administrator shall obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V and VE. The floodplain management administrator shall maintain a record of all such information.
  - d. All new construction shall be located landward of the reach of mean high tide.
  - e. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open woodlatticed work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

- 1. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
- 2. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year.
- f. The enclosed space below the lowest floor shall be used solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation.
- g. The use of fill for structural support of buildings is prohibited. When nonstructural fill is proposed in a coastal high hazard area, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of a building permit.
- h. The manmade alteration of sand dunes, which would increase potential flood damage, is prohibited.

#### Sec. 18-262. Overlay concept.

The floodplain districts described above shall be overlays to the existing underlying districts as shown on the official zoning ordinance map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

If there is any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

In the event any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

(Ord. No. O-02-15, 5-20-2015)

## Secs. 18-263—18-265. Reserved.

# DIVISION 5. DISTRICT PROVISIONS [44 CFR 59.22, 60.2, 60.3]

#### Sec. 18-266. Permit and application requirements.

(a) Permit requirement. All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this article and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the County of New Kent Subdivision Ordinances. Prior to the issuance of any such permit, the floodplain administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system.

- (b) *Site plans and permit applications.* All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:
  - (1) The elevation of the base flood at the site.
  - (2) The elevation of the lowest floor (including basement) or, in V Zones, the lowest horizontal structural member.
  - (3) For structures to be flood-proofed (nonresidential only), the elevation to which the structure will be flood-proofed.
  - (4) Topographic information showing existing and proposed ground elevations.

#### Sec. 18-267. General standards.

The following provisions shall apply to all permits:

- (a) New construction and substantial improvements shall be according to section 18-261 of this article and the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- (c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (e) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

In addition to subsections (a) through (h) above, in all special flood hazard areas, the additional provisions shall apply:

(i) Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U.S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies, and FEMA.

(j) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

(Ord. No. O-02-15, 5-20-2015)

#### Sec. 18-268. Elevation and construction standards [44 CFR 60.3].

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with section 18-261(a)(3), the following provisions shall apply:

- (a) Residential construction. New construction or substantial improvement of any residential structure (including manufactured homes) in Zones A1-30, AE, AH and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above not less than one foot above the base flood level. See sections 18-261(a)(5) and 18-261(a)(6) for requirements in the Coastal A, and VE Zones, and V Zones.
- (b) Nonresidential construction. New construction or substantial improvement of any commercial, industrial, or nonresidential building (or manufactured home) shall have the lowest floor, including basement, elevated to not less than one foot or greater above the base flood level. See sections 18-261(a)(5) and 18-261(a)(6) for requirements in the coastal A, and VE Zones, and V Zones. Nonresidential buildings located in all A1-30, AE and AH Zones may be flood-proofed in lieu of being elevated provided that all areas of the building components, including attendant utility and sanitary facilities, below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are flood-proofed, shall be maintained by the floodplain administrator.
- (c) Space below the lowest floor. In Zones A, AE, AH, AO, and A1-A30, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:
  - (1) Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator);
  - (2) Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
  - (3) Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
    - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding;
    - b. The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding;
    - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit;

- (4) The bottom of all required openings shall be no higher than one foot above the adjacent grade;
- (5) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions;
- (6) Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.
- (d) Accessory structures. Accessory structures in the SFHA shall comply with the elevation requirements and other requirements of section 18-268(b) or, if not elevated or dry floodproofed, shall:
- (1) Not be used for human habitation;
- (2) Be limited to no more than 600 square feet in total floor area;
- (3) Be useable only for parking of vehicles or limited storage;
- (4) Be constructed with flood damage-resistant materials below the base flood elevation;
- (5) Be constructed and placed to offer the minimum resistance to the flow of floodwaters;
- (6) Be anchored to prevent floatation;
  - (7) Have electrical service and mechanical equipment elevated to or above the base flood elevation;
- (8) Shall be provided with flood openings which shall meet the following criteria:
  - (a)There shall be a minimum of two flood openings on different sides of each enclosed<br/>area; if a building has more than one enclosure below the lowest floor, each such<br/>enclosure shall have flood openings on exterior walls.
  - (b)The total net area of all flood openings shall be at least one square inch for each<br/>square foot of enclosed area (non-engineered flood openings), or the flood openings<br/>shall be engineered flood openings that are designed and certified by a licensed<br/>professional engineer to automatically allow entry and exit of floodwaters; the<br/>certification requirement may be satisfied by an individual certification or an<br/>Evaluation Report issued by the ICC Evaluation Service, Inc.
  - (c) The bottom of each flood opening shall be 1 foot or less above the high of the interior floor or grade, or the exterior grade, immediately below the opening.
  - (d) Any louvers, screens or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.
- (d) (e) Standards for manufactured homes and recreational vehicles.
  - (1) All manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in 18-267(b) and 18-268.
  - (2) All manufactured homes placed, or substantially improved, on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's FIRM in which a manufactured home has incurred substantial damage are subject to the provisions in section 18-268(a), 18-268(b) or 18-261(a)(4) and must be elevated so that the lowest floor of the manufactured home is one foot or greater above the base flood elevation.
  - (3) All manufactured homes placed, or substantially improved, on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the community's FIRM in which a

(Supp. No. 21, Update 1)

manufactured home has not incurred substantial damage must be elevated so that the lowest floor of the manufactured home is one foot or greater above the base flood elevation or the manufactured home chassis must be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and can be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- (4) All recreational vehicles placed on sites must either:
  - a. Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
  - b. Meet all the requirements for manufactured homes.

(Ord. No. O-02-15, 5-20-2015)

#### Sec. 18-269. Standards for subdivision proposals.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivisions proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- (4) Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed 50 lots or five acres, whichever is the lesser.

(Ord. No. O-02-15, 5-20-2015)

# DIVISION 6. EXISTING STRUCTURES IN FLOODPLAIN AREAS

#### [Sec. 18-270. Conditions for continuance Existing structures in floodplain areas.]

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- (a) Existing structures in the floodway area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
- (b) Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain area to an extent or amount of less than 50 percent of its market value shall conform to the VA USBC and the appropriate provisions of this article.

(Supp. No. 21, Update 1)

(c) The modification, alternation, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with this article and shall require the entire structure to conform to the VA USBC and the appropriate provisions of this article.

Any structure or use of a structure or premises must be brought into conformity with these provisions when it is changed, repaired, or improved unless one of the following exceptions is established before the change is made:

- (a) The floodplain administrator has determined that:
  - (1) Change is not a substantial repair or substantial improvement AND
  - (2) No new square footage is being built in the floodplain that is not compliant AND
  - (3) No new square footage is being built in the floodway AND
  - (4) The change complies with this ordinance and the VA USBC.
- (b) <u>The changes are required to comply with a citation for a health or safety violation.</u>
- (c) <u>The structure is a historic structure and the change required would impair the historic nature of the structure.</u>

(Ord. No. O-02-15, 5-20-2015)

# DIVISION 7. VARIANCES

# [Sec. 18-271. Factors to be considered [44 CFR 60.6].]

Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the board of zoning appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the board of zoning appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

While the granting of variances is generally limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the board of zoning appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

In passing upon applications for variances, the board of zoning appeals shall satisfy all relevant factors, and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

(a) The danger to life and property due to increase in flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any floodway district that will cause any increase in one percent chance flood elevation.

(Supp. No. 21, Update 1)

- (b) The danger that materials may be swept on to other lands or downstream to the injury of others.
- (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- (e) The importance of the services provided by the proposed facility to the community.
- (f) The requirements of the facility for a waterfront location.
- (g) The availability of alternative locations not subject to flooding for the proposed use.
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (i) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- (j) The safety of access by ordinary and emergency vehicles to the property in time of flood.
- (k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (I) The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

#### (m) No variance shall be issued for an accessory structure exceeding 600 square feet.

#### (m)(n) Such other factors which are relevant to the purposes of this article.

The board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the board of zoning appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the board of zoning appeals has determined that the variance will be the minimum required to provide relief.

The board of zoning appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one percent chance flood elevation (a) increase the risks to life and property and (b) will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage.

A record shall be maintained of the above notifications as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

(Ord. No. O-02-15, 5-20-2015)

# BOARD OF SUPERVISORS COUNTY OF NEW KENT VIRGINIA

#### **O-30-21**

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 8th day of September, 2021:

Present: Thomas W. Evelyn C. Thomas Tiller, Jr. Patricia Paige Ron Stiers John N. Lockwood Vote:

Motion was made by ______, which carried _____, to adopt the following ordinance:

# AN ORDINANCE TO AMEND THE NEW KENT COUNTY FLOODPLAIN ORDINANCE

WHEREAS, the Federal Emergency Management Agency has issued updated floodplain maps for New Kent County; and

WHEREAS, the Virginia Department of Conservation and Recreation, Dam Safety and Floodplain program has promulgated guidance for Local Floodplain Ordinances in Virginia; and

WHEREAS, New Kent County participates in the National Flood Insurance Program; and

**WHEREAS**, the Planning Commission is charged with reviewing and recommending Code/Ordinance changes to the Board of Supervisors when such changes affect the Land Development sections of the Code; and

**WHEREAS**, the Planning Commission conducted a duly advertised public hearing on August 16, 2021, carefully considered the public comment received, and took action to recommend approval of these Code/Ordinance Amendments by a vote of 7:0:0; and

**WHEREAS**, the Code/Ordinance Amendments have been advertised for public hearing before the Board of Supervisors in full accord with applicable provisions of the Code of Virginia;

**NOW THEREFORE, BE IT ORDAINED** this 8th day of September 2021, by the New Kent County Board of Supervisors, that the following sections of the New Kent County Code be readopted as follows:

# ARTICLE VI. FLOODPLAIN DISTRICTS

# **DIVISION 1. DEFINITIONS**

## Sec. 18-233. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Appurtement or accessory structure. <u>A non-residential structure which is on the same parcel of property as</u> <u>the principal structure and the use of which is incidental to the use of the principal structure.</u> Accessory structures not to exceed <del>200</del> <u>600</u> square feet.

Base flood. The flood having a one percent chance of being equaled or exceeded in any given year.

*Base flood elevation.* The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's flood insurance rate map. For the purposes of this article, the base flood is the one percent annual chance flood.

Basement. Any area of the building having its floor sub-grade (below ground level) on all sides.

*Board of zoning appeals.* The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this article. (See Chapter 98, Article XXVI, Board of Zoning Appeals.)

*Coastal A Zone.* Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and three feet.

*Development.* Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

*Elevated building.* A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

*Encroachment.* The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

*Existing construction.* Structures for which the "start of construction" commenced before December 5, 1990. "Existing construction" may also be referred to as "existing structures."

*Existing manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

*Expansion to an existing manufactured home park or subdivision.* The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA. Federal Emergency Management Agency.

Flood or flooding.

- (1) A general or temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters; or
  - b. The unusual and rapid accumulation or runoff of surface waters from any source;
  - c. Mudflows which are proximately caused by flooding as defined in paragraph (1)b. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)a. of this definition.

*Flood insurance rate map (FIRM).* An official map of our community on which the Federal Emergency Management Agency (FEMA) has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

*Flood insurance study (FIS).* A report by FEMA that examines, evaluates, and determines flood hazards, and if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

*Floodplain or flood-prone area.* Any land area susceptible to being inundated by water from any source.

*Flood proofing.* Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodway.* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

*Freeboard.* A factor of safety usually expressed in feet above a flood level for purposes of floodplain managements. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

*Functionally dependent use.* A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

*Highest adjacent grade.* The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(Supp. No. 21, Update 1)

- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in states without approved programs.

*Hydrologic and hydraulic engineering analysis.* Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation (VDCR) and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

*Letters of map change (LOMC).* A letter of map change is an official FEMA determination, by letter, that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

- (1) Letter of map amendment (LOMA). An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a land as defined by metes and bounds or structure is not located in a special flood hazard area.
- (2) Letter of map revision (LOMR). A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A letter of map revision based on fill (LOMR-F) is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (3) Conditional letter of map revision (CLOMR). A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study.

*Lowest adjacent grade.* The lowest natural elevation of the ground surface next to the walls of a structure.

*Lowest floor.* The lowest floor of the lowest enclosed area (including basement). An unfinished or floodresistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of 44 CFR 60.3.

*Manufactured home*. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

*Manufactured home park or subdivision.* A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Mean sea level.* An elevation point that represents the average height of the ocean's surface (such as the halfway point between the mean high tide and the mean low tide) which is used as a standard in reckoning land elevation. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on a community's FIRM are referenced.

*New construction.* For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after December 5, 1990, and includes any subsequent improvements to such

structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the ordinance from which this article is derived.

*Post-FIRM structures.* A structure for which construction or substantial improvement occurred after December 5, 1990.

*Pre-FIRM structures.* A structure for which construction or substantial improvement occurred on or before December 5, 1990.

Primary frontal dune. A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Recreational vehicle. A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Repetitive loss structure. A repetitive loss (RL) property is an insurable building for which two or more claims of more than \$1,000.00 were paid by the National Flood Insurance Program (NFIP) within any rolling ten-year period, since 1978. A RL property may or may not be currently insured by the NFIP. A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions within ten years, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event, and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

Severe repetitive loss structure. A structure that (a) is covered under a contract for flood insurance made available under the NFIP, and (b) has incurred flood related damage: (i) for which four or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000.00, and with the cumulative amount of such claims payments exceeding \$20,000.00, or (ii) for which at least two separate claim payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

Shallow flooding area. A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Special flood hazard area.* The land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in 18-261 of this article.

Start of construction. For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. 097-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the

construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure.* For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. It also means flood-related damages sustained by a structure on two occasions in a 10-year period, in which the cost of the repairs, on the average, equals or exceeds 25 percent of the market value of the structure at the time of each such flood event.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred repetitive loss or substantial damage regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (3) Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

*Violation.* The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

*Watercourse*. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(Ord. No. O-02-15, 5-20-2015)

#### Secs. 18-234, 18-235. Reserved.

# DIVISION 2. GENERAL PROVISIONS

#### Sec. 18-236. Statutory authorization and purpose. [44 CFR 59.22(a)(2)]

This article is adopted pursuant to the authority granted to localities by Code of Virginia § 10.1-600 et seq and by Code of Virginia § 15.2-2280.

The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- (b) Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- (c) Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and
- (d) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

(Ord. No. O-02-15, 5-20-2015)

#### Sec. 18-237. Applicability.

- (a) These provisions shall apply to all privately and publicly owned lands within the jurisdiction of New Kent County and identified as areas of special flood hazard according to the <u>flood insurance rate map (FIRM) or</u> <u>included in the flood insurance study (FIS)</u> that is <u>are</u> provided to New Kent County by FEMA.
- (b) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this article and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this article.
- (c) The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damage.
- (d) This article shall not create liability on the part of New Kent County or any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made thereunder.

(Ord. No. O-02-15, 5-20-2015)

⁽Supp. No. 21, Update 1)

#### Sec. 18-238. Records. [44 CFR 59.22(a)(9)(iii)]

Records of actions associated with administering this article shall be kept on file and maintained by the floodplain administrator **in perpetuity**.

(Ord. No. O-02-15, 5-20-2015)

#### Sec. 18-239. Abrogation and greater restrictions. [44 CFR 60.1(b)]

This article supersedes any ordinance currently in effect in flood-prone districts. Any ordinance, however, shall remain in full force and effect to the extent that its provisions are more restrictive.

<u>These regulations are not intended to repeal or abrogate any existing ordinances including subdivision</u> <u>regulations, zoning ordinances, or building codes. In the event of a conflict between these regulations and any</u> <u>other ordinance, the more restrictive shall govern.</u>

(Ord. No. O-02-15, 5-20-2015)

#### Sec. 18-240. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this article shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this article. The remaining portions of this article shall remain in full force and effect, and for this purpose, the provisions of this article are hereby declared severed.

(Ord. No. O-02-15, 5-20-2015)

#### Sec. 18-241. Penalty for violation. [44 CFR 60.2(e)]

Any person who fails to comply with any of the requirements or provisions of this article or directions of the floodplain administrator or any authorized employee of the County of New Kent shall be guilty of the appropriate violation and subject to the penalties thereof.

The VA USBC addresses building code violations and the associated penalties in Section 104 and Section 115. Violations and associated penalties of the Zoning Ordinance of New Kent County are addressed in section 98-11 of the zoning ordinance.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable period of time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the County of New Kent to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

(Ord. No. O-02-15, 5-20-2015)

#### Secs. 18-242—18-250. Reserved.

(Supp. No. 21, Update 1)

# DIVISION 3. ADMINISTRATION

#### Sec. 18-251. Designation of the floodplain administrator [44 CFR 59.2(b)] [44 CFR 59.22(b)].

The county building official environmental director is hereby appointed to administer and implement these regulations and is referred to herein as the floodplain administrator. The floodplain administrator may:

- (a) Do the work themselves. In the absence of a designated floodplain administrator, the duties are conducted by the county administrator; and/or
- (b) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees; and/or
- (c) Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 CFR 59.22.

(Ord. No. O-02-15, 5-20-2015)

#### Sec. 18-252. Duties and responsibilities of the floodplain administrator [44 CFR 60.3].

The duties and responsibilities of the floodplain administrator shall include but are not limited to:

- (a) Review applications for permits to determine whether proposed activities will be located in the special flood hazard area (SFHA).
- (b) Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- (c) Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- (d) Review applications to determine whether all necessary permits have been obtained from the federal, state or local agencies from which prior or concurrent approval is required, in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the commonwealth.
- (e) Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE) and have submitted copies of such notifications to FEMA.
- (f) Advise applicants for new construction or substantial improvement of structures that are located within an area of the coastal barrier resources system established by the Coastal Barrier Resources Act that federal flood insurance is not available on such structures; areas subject to this limitation are

shown on the flood insurance rate maps as coastal barrier resource system areas (CBRS) or otherwise protected areas (OPA).

- (g) Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
- (h) Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if noncompliance has occurred or violations have been committed.
- (i) Review elevation certificates and require incomplete or deficient certificates to be corrected.
- (j) Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the County of New Kent within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
- (k) Maintain and permanently keep records that are necessary for the administration of these regulations, including:
  - (1) Flood insurance studies, flood insurance rate maps (including historic studies and maps and current effective studies and maps) and letters of map change; and
  - (2) Documentation supporting issuance and denial of permits, elevation certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been flood proofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
- (I) Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- (m) Advise the board of zoning appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
- (n) Administer the requirements related to proposed work on existing buildings;
  - (1) Make determinations as to whether buildings and structures that are located in the flood hazard areas and that are damaged by any cause have been substantially damaged;
  - (2) Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the noncompliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
- (o) Undertake, as determined appropriate by the floodplain administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures, coordinating with other federal, state and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for increased cost of compliance coverage under NFIP flood insurance policies.
- (p) Notify the Federal Emergency Management Agency when the corporate boundaries of the County of New Kent have been modified and:

- (1) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
- (2) If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the county board of supervisors for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
- (q) Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- (r) It is the duty of the community floodplain administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

(Ord. No. O-02-15, 5-20-2015)

#### Sec. 18-253. Use and interpretation of FIRMs [44 CFR 60.3].

The floodplain administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data.

- (a) Where field surveyed topography indicates that adjacent ground elevations:
  - (1) Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered a special flood hazard area and subject to the requirements of these regulations;
  - (2) Are above the base flood elevation, the area shall be regulated as a special flood hazard area unless the applicant obtains a letter of map change that removes the area from the SFHA.
- (b) In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a federal, state, or other source shall be reviewed and reasonably used.
- (c) Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
- (d) Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
- (e) If a preliminary flood insurance rate map and/or a preliminary flood insurance study has been provided by FEMA:
  - (1) Upon the issuance of a letter of final determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.

- (2) Prior to the issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to section 18-261(a)(3) and used where no base flood elevation and/or floodway areas are provided on the effective FIRM.
- (3) Prior to issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

(Ord. No. O-02-15, 5-20-2015)

#### Sec. 18-254. Jurisdictional boundary changes [44 CFR 59.22, 65.3].

The county floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22(a)(9)(v), all NFIP participating communities must notify the Federal Insurance Administration and optionally the state coordinating office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all flood insurance rate maps accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

(Ord. No. O-02-15, 5-20-2015)

#### Sec. 18-255. District boundary changes.

The delineation of any of the floodplain districts may be revised by the County of New Kent where natural or manmade changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from FEMA. <u>A completed LOMR is a record of this approval.</u>

(Ord. No. O-02-15, 5-20-2015)

#### Sec. 18-256. Interpretation of district boundaries.

Initial interpretations of the boundaries of the floodplain districts shall be made by the floodplain administrator. Should a dispute arise concerning the boundaries of any of the districts, the board of zoning appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence if he so desires.

(Ord. No. O-02-15, 5-20-2015)

#### Sec. 18-257. Submitting technical data [44 CFR 65.3].

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify FEMA of the changes by submitting technical or scientific data. <u>The community</u> <u>may submit data via a LOMR</u>. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

(Ord. No. O-02-15, 5-20-2015)

#### Sec. 18-258. Letters of map revision.

When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a conditional letter of map revision and then a letter of map revision.

Examples:

- (1) Any development that cause a rise in the base flood elevations within the floodway.
- (2) Any development occurring in Zones A1-30 and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
- (3) Alteration or relocation of a stream (including but not limited to installing culverts and bridges). (44 CFR 65.3 and 65.6(a)(12).)

(Ord. No. O-02-15, 5-20-2015)

#### Secs. 18-259, 18-260. Reserved.

## DIVISION 4. ESTABLISHMENT OF ZONING DISTRICTS

#### Sec. 18-261. Description of special flood hazard districts [44 CFR 59.1, 60.3].

(a) Basis of districts. The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for the County of New Kent prepared by FEMA, Federal Insurance Administration, dated August 3, 2015 October 21, 2021 and any subsequent revisions or amendments thereto.

The County of New Kent may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a "local flood hazard map" using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.

The boundaries of the SFHA districts are established as shown on the FIRM which is declared to be a part of this article and which shall be kept on file at the office of building development environmental department office.

(1) The floodway district is in an AE Zone and is delineated, for purposes of this article, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one foot at

(Supp. No. 21, Update 1)

Created: 2021-05-20 13:59:55 [EST]

any point. According to the firms **<u>FIS and FIRM</u>**, there are no delineated floodways for New Kent County.

The following provisions shall apply within the floodway district of an AE Zone [44 CFR 60.3(d)]:

a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analysis shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the floodplain administrator.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies, with New Kent County's endorsement, for a conditional letter of map revision (CLOMR), and receives the approval of FEMA.

If subsection 18-261(a)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Division 5.

- b. The placement of manufactured homes (mobile homes) is prohibited, except in existing manufactured home (mobile home) parks or subdivisions. A replacement home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.
- (2) The AE, or AH Zones on the FIRM accompanying the FIS shall be those areas for which one percent annual chance flood elevations have been provided and the floodway has not been delineated. The flowing following provisions shall apply within an AE or AH Zone [44 CFR 60.3(c)].*

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30 and AE or AH on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within New Kent County.

Development activities in Zones A1-30 and AE or AH, on the New Kent County's FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies, with New Kent County's endorsement, for a conditional letter of map revision, and receives the approval of FEMA.

* The requirement in 44 CFR 63.3(c)(10) 44 CFR 60.3(c)(10) only applies along rivers, streams, and other watercourses where FEMA has provided base flood elevations. The requirement does not apply along lakes, bays and estuaries, and the ocean coast.

(3) The A Zone on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply [44 CFR 60.3(b)].

The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using

other sources of data, such as the U.S. Army Corps of Engineers Floodplain Information Reports, U.S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development, and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted non-detailed technical concepts, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough review by the floodplain administrator.

The floodplain administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood level of no less than one foot.

During the permitting process, the floodplain administrator shall obtain:

- a. The elevation of the lowest floor (including the basement) of all new and substantially improved structures; and
- b. If the structure has been flood-proofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been flood-proofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed 50 lots or five acres, whichever is the lesser.

- (4) The AO Zone on the FIRM accompanying the FIS shall be those areas of shallow flooding identified as AO on the FIRM. For these areas, the following provisions shall apply [44 CFR 60.3(c)]:
  - a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two feet above the highest adjacent grade.
  - b. All new construction and substantial improvements of nonresidential structures shall:
    - 1. Have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or
    - 2. Together with attendant utility and sanitary facilities be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - c. Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.
- (5) The coastal A Zone shall be those areas, as defined by the VA USBC, that are subject to wave heights between 1.5 feet and three feet, and identified on the FIRM as areas <u>seaward</u> of <u>the</u> limits of moderate wave action (LiMWA) <u>line</u>. For these areas, the following provisions shall apply:

Building and structures within this zone shall have the lowest floor elevated to or above the base flood elevation plus one foot of freeboard, and must comply with the provisions in section 18-261 (A)(2) and sections 18-267 and 18-268.

- (6) The VE Zone or V Zones on FIRMs accompanying the FIS shall be those areas that are known as coastal high hazard areas, extending from offshore to the inland limit of a primary frontal dune along an open coast. For these areas, the following provisions shall apply [44 CFR 60.3(e)]:
  - a. All new construction and substantial improvements including manufactured homes in Zones V and VE (V if base flood elevation is available) shall be elevated on pilings or columns so that:
    - 1. The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to no less than one foot or greater above the base flood level if the lowest horizontal structural member is parallel to the direction of wave approach or elevated at least one foot above the base flood level if the lowest horizontal structural member is perpendicular to the direction of wave approach; and
    - 2. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (one percent annual chance).
  - b. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of section 18-261(a)(6)a.
  - c. The floodplain administrator shall obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V and VE. The floodplain management administrator shall maintain a record of all such information.
  - d. All new construction shall be located landward of the reach of mean high tide.
  - e. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open woodlatticed work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
    - 1. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
    - 2. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year.
  - f. The enclosed space below the lowest floor shall be used solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation.

- g. The use of fill for structural support of buildings is prohibited. When nonstructural fill is proposed in a coastal high hazard area, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of a building permit.
- h. The manmade alteration of sand dunes, which would increase potential flood damage, is prohibited.

(Ord. No. O-02-15, 5-20-2015)

#### Sec. 18-262. Overlay concept.

The floodplain districts described above shall be overlays to the existing underlying districts as shown on the official zoning ordinance map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

If there is any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

In the event any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

(Ord. No. O-02-15, 5-20-2015)

#### Secs. 18-263—18-265. Reserved.

DIVISION 5. DISTRICT PROVISIONS [44 CFR 59.22, 60.2, 60.3]

#### Sec. 18-266. Permit and application requirements.

- (a) Permit requirement. All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this article and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the County of New Kent Subdivision Ordinances. Prior to the issuance of any such permit, the floodplain administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system.
- (b) *Site plans and permit applications.* All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:
  - (1) The elevation of the base flood at the site.
  - (2) The elevation of the lowest floor (including basement) or, in V Zones, the lowest horizontal structural member.
  - (3) For structures to be flood-proofed (nonresidential only), the elevation to which the structure will be flood-proofed.
  - (4) Topographic information showing existing and proposed ground elevations.

(Ord. No. O-02-15, 5-20-2015)

⁽Supp. No. 21, Update 1)

#### Sec. 18-267. General standards.

The following provisions shall apply to all permits:

- (a) New construction and substantial improvements shall be according to section 18-261 of this article and the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- (c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (e) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

In addition to subsections (a) through (h) above, in all special flood hazard areas, the additional provisions shall apply:

- (i) Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U.S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies, and FEMA.
- (j) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

(Ord. No. O-02-15, 5-20-2015)

#### Sec. 18-268. Elevation and construction standards [44 CFR 60.3].

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with section 18-261(a)(3), the following provisions shall apply:

(a) Residential construction. New construction or substantial improvement of any residential structure (including manufactured homes) in Zones A1-30, AE, AH and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above not less than one foot above the base flood level. See sections 18-261(a)(5) and 18-261(a)(6) for requirements in the Coastal A, and VE Zones, and V Zones.

- (b) Nonresidential construction. New construction or substantial improvement of any commercial, industrial, or nonresidential building (or manufactured home) shall have the lowest floor, including basement, elevated to not less than one foot or greater above the base flood level. See sections 18-261(a)(5) and 18-261(a)(6) for requirements in the coastal A, and VE Zones, and V Zones. Nonresidential buildings located in all A1-30, AE and AH Zones may be flood-proofed in lieu of being elevated provided that all areas of the building components, including attendant utility and sanitary facilities, below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are flood-proofed, shall be maintained by the floodplain administrator.
- (c) Space below the lowest floor. In Zones A, AE, AH, AO, and A1-A30, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:
  - (1) Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator);
  - (2) Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
  - (3) Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
    - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding;
    - b. The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding;
    - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit;
  - (4) The bottom of all required openings shall be no higher than one foot above the adjacent grade;
  - (5) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions;
  - (6) Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

#### (d) Accessory structures. Accessory structures in the SFHA shall comply with the elevation requirements and other requirements of section 18-268(b) or, if not elevated or dry floodproofed, shall:

- Not be used for human habitation;
- (2) Be limited to no more than 600 square feet in total floor area;

- (3) Be useable only for parking of vehicles or limited storage;
- (4) Be constructed with flood damage-resistant materials below the base flood elevation;
- (5) Be constructed and placed to offer the minimum resistance to the flow of floodwaters;
- (6) Be anchored to prevent floatation;
- (7) Have electrical service and mechanical equipment elevated to or above the base flood elevation;
- (8) Shall be provided with flood openings which shall meet the following criteria:
  - (a)
     There shall be a minimum of two flood openings on different sides of each enclosed

     area; if a building has more than one enclosure below the lowest floor, each such

     enclosure shall have flood openings on exterior walls.
  - (b)
     The total net area of all flood openings shall be at least one square inch for each

     square foot of enclosed area (non-engineered flood openings), or the flood openings

     shall be engineered flood openings that are designed and certified by a licensed

     professional engineer to automatically allow entry and exit of floodwaters; the

     certification requirement may be satisfied by an individual certification or an

     Evaluation Report issued by the ICC Evaluation Service, Inc.
  - (c) The bottom of each flood opening shall be 1 foot or less above the high of the interior floor or grade, or the exterior grade, immediately below the opening.
  - (d) Any louvers, screens or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.
- (d) (e) Standards for manufactured homes and recreational vehicles.
  - (1) All manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in 18-267(b) and 18-268.
  - (2) All manufactured homes placed, or substantially improved, on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's FIRM in which a manufactured home has incurred substantial damage are subject to the provisions in section 18-268(a), 18-268(b) or 18-261(a)(4) and must be elevated so that the lowest floor of the manufactured home is one foot or greater above the base flood elevation.
  - (3) All manufactured homes placed, or substantially improved, on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the community's FIRM in which a manufactured home has not incurred substantial damage must be elevated so that the lowest floor of the manufactured home is one foot or greater above the base flood elevation or the manufactured home chassis must be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and can be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - (4) All recreational vehicles placed on sites must either:
    - a. Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
    - b. Meet all the requirements for manufactured homes.

(Ord. No. O-02-15, 5-20-2015)

#### Sec. 18-269. Standards for subdivision proposals.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivisions proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- (4) Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed 50 lots or five acres, whichever is the lesser.

(Ord. No. O-02-15, 5-20-2015)

# DIVISION 6. EXISTING STRUCTURES IN FLOODPLAIN AREAS

#### [Sec. 18-270. Conditions for continuance Existing structures in floodplain areas.]

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- (a) Existing structures in the floodway area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
- (b) Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain area to an extent or amount of less than 50 percent of its market value shall conform to the VA USBC and the appropriate provisions of this article.
- (c) The modification, alternation, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with this article and shall require the entire structure to conform to the VA USBC and the appropriate provisions of this article.

Any structure or use of a structure or premises must be brought into conformity with these provisions when it is changed, repaired, or improved unless one of the following exceptions is established before the change is made:

- (a) The floodplain administrator has determined that:
  - (1) Change is not a substantial repair or substantial improvement AND
  - (2) No new square footage is being built in the floodplain that is not compliant AND
  - (3) <u>No new square footage is being built in the floodway AND</u>
  - (4) The change complies with this ordinance and the VA USBC.

(Supp. No. 21, Update 1)

- (b) <u>The changes are required to comply with a citation for a health or safety violation.</u>
- (c) <u>The structure is a historic structure and the change required would impair the historic nature of the structure.</u>

(Ord. No. O-02-15, 5-20-2015)

## DIVISION 7. VARIANCES

#### [Sec. 18-271. Factors to be considered [44 CFR 60.6].]

Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the board of zoning appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the board of zoning appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

While the granting of variances is generally limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the board of zoning appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

In passing upon applications for variances, the board of zoning appeals shall satisfy all relevant factors, and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- (a) The danger to life and property due to increase in flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any floodway district that will cause any increase in one percent chance flood elevation.
- (b) The danger that materials may be swept on to other lands or downstream to the injury of others.
- (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- (e) The importance of the services provided by the proposed facility to the community.
- (f) The requirements of the facility for a waterfront location.
- (g) The availability of alternative locations not subject to flooding for the proposed use.
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (i) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

(Supp. No. 21, Update 1)

Created: 2021-05-20 13:59:55 [EST]

- (j) The safety of access by ordinary and emergency vehicles to the property in time of flood.
- (k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (I) The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

#### (m) No variance shall be issued for an accessory structure exceeding 600 square feet.

(m)(n) Such other factors which are relevant to the purposes of this article.

The board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the board of zoning appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the board of zoning appeals has determined that the variance will be the minimum required to provide relief.

The board of zoning appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one percent chance flood elevation (a) increase the risks to life and property and (b) will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage.

A record shall be maintained of the above notifications as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

(Ord. No. O-02-15, 5-20-2015)

Attest:

Rodney A. Hathaway County Administrator Thomas W. Evelyn Chairman

Created: 2021-05-20 13:59:55 [EST]

New Kent County Board of Supervisors P O Box 150, 12007 Courthouse Circle New Kent, VA 23124

# **AGENDA ITEM REQUEST**

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/2021

### PUBLIC HEARINGS

Motion: "Mr. Chairman, I move to	adopt ordinance number O-31-21, application AFD-09-21, to withdraw tax map parcel number 42-8, GPIN E17-2183-4954, consisting of 144.4 acres, from the Big Swamp Agricultural and Forestal District'			
(not required for Consent	OR			
Agenda items)	'I move to deny application AFD-09-21, ordinance O-31-21, in whole or in part for the following reason(s):'			
Subject	<b>PUBLIC HEARING - AFD-09-21, Withdrawal from Big</b> <b>Swamp AFD - Ordinance O-31-21</b> - AFD Program Administrator Sheri L. Adams			
Issue	AFD-09-21, Withdrawal from Big Swamp AFD: A request by Alicia D. & Jonathan M. Caldwell to withdraw tax map parcel number 42-8, GPIN E17-2183-4954, from the Big Swamp Agricultural and Forestal District. The applicants wish to withdraw this parcel to pursue their by-right options for future development on the property.			
Recommendation	Staff recommends approval of this request. The Agricultural and Forestal District Advisory Committee forwarded a favorable recommendation of this request by a vote of 8:0:0. The Planning Commission forwards a favorable recommendation by a vote of 7:0:0 through the adoption of resolution PC-21-21.			
Fiscal Implications	Increased future real estate tax revenue will be captured as a result of an approved AFD withdrawal.			
Policy Implications	None			
Legislative History	15.2-4314 of the Code of Virginia states withdrawal may be permitted 'for good and reasonable cause.'			
Discussion	Consider the withdrawal request by the applicants.			
Time Needed:	Person Appearing: Sheri L. Adams			

Time Needed:		Person Appearing:	Sheri L. Adams
Request prepared by:	Sheri L. Adams	Telephone:	804-966-9690
Copy provided to:	Kelli Le Duc and Wanda	Watkins	

# **ATTACHMENTS:**

Description AFD-09-21 Withdrawal Application Type Presentation Big Swamp AFD Map AFD Advisory Committee Recommendation Mailing of Notice Planning Commission Recommendation Ordinance

Backup Material Exhibit Exhibit Resolution Letter Ordinance

<b>REVIEWERS:</b>			
Department	Reviewer	Action	Date
Planning & Zoning	LeDuc, Kelli	Approved	8/26/2021 - 11:35 AM
Administration	Hathaway, Rodney	Approved	8/29/2021 - 4:11 PM
Attorney	Hefty, Brendan	Approved	8/31/2021 - 12:00 PM



New Kent County 

Planning Department 
PO Box 150 
New Kent, VA 23124 
Phone 804-966-9690 
Fax 804-966-8531
**Use PO Box for all mail. Street address: 12007 Courthouse Circle, New Kent, VA 23124 FOR DELIVERIES ONLY**

### **INSTRUCTIONS FOR WITHDRAWING FROM AN AFD**

1. The Property Owner(s) shall prepare this Agricultural and Forestal District Withdrawal Application which must include the following information:

			-2			
5	PROPERT	Y OWNER # 1	De la se			States and the second
	Name(s):	Jonathan M Caldwell				
	Address:	9241 Talleysville Road				
	City:	New Kent	State:	VA	Zip: 231	
	Phone:	757-345-8095			Fax:	
	Email:	jcaldwell@rockahock.com				
~	PROPERT	Y OWNER # 2		6.47		
	Name(s):	Alicia D Caldwell				
	Address:	9241 Talleysville Road				
	City:	New Kent	State:	VA	Zip: 23	124
	Phone:	757-345-8717			Fax:	
	Email:	aliciacaldwell@rockahock.com				
		ty Owners must be listed so please list an attach to this application.)	ny additio	onal Pro	perty Owners or	a separate piece of
	PROPERT	Y INFORMATION		State State		and the second second second
V		istrict being Withdrawn from: Big Swam	n	and the second second		QUA 2024
						exp. 2024
	Reason for	Request of Withdrawal: Sub- div	SION			
	Tax Assess	or's Map and Parcel No.(s): 428			Acreage(s):	144.4
		E17-2183-4954				
		/Plat Book Reference No.(s): 🍡 🔉 🖇	295	371		
	1 IA IA	Dwellings on Parcel(s): 0	1			
		pes of Other Buildings/Improvements on	Parcel(s	): 0		
		Acres Devoted to Pas Acres Devoted to Marsh/Wetl				
		Acres Devoted to Marsh Weth Acres Devoted to Tilled Crop	dilus. Jand: 15	5.80		
		Acres Devoted to Tilled Crop	mbor $1^{\circ}$	23 20		
		Current Assessed V		20.20		
	5 11	Current Assessed V	nina A4	21,100	/	
	5.41	ingualified - shi corrent Zo	All Al			
	Page 1 of 3					10/22/20

A REAL PROPERTY OF A

# ADJACENT PROPERTY OWNERS

	Tax Map & Parcel Number	Name	<u>Address</u> (Include City, State & Zip)
1.	42-8A POBOX 86	Providence Forge Recreation Assoc	9900 Carriage Road Prov. Forge, VA 23140
2.	42-8D	Sue Gammon PO Box 36	-9800 Carriage Road Prov. Forge, VA 23140
V3.	42-4-4-6 whitney	Joshua Highlander	9619 Old Forge Road Prov. Forge, VA 23140
V 45.	42-4-4-5	Roy Evans & Jean H	9620 Old Forge Road Prov. Forge, VA 23140
× 56.	33B5-1	Kentland Investment LLC 7443	Fullerton Rd Springfield VAZZ153
- 6	42-9B Linda+	Stuphen Tuck 10320 Carria	re Rd Providence Forge 23 140
~ 8.	42-15A Cody		e Rd Providence Forge 23140
v 8.	42-15B Sharon Lit		eRd Providence Forge 23140
110.	42=15D Thelma At	Kobert L weagley 10201	Carriage Rd Providence Forge 23140
~(0H.	42-16E Mary R	Mac Donald 3429 Layfie	12Dr. P.F. 23140
1112.	42-16 L Kathryn	* William J Barnys PO Box	463 P.F. 23140
V1213.	42 - 7 P.F. Presb	yfor ian Church Inc POBC	X.239 P.F. 23140
1 14,	42-7B Ronald B	. Nolasco 10001 Carriage	
15.	42-6B AlvesEr	Herprises LLC 9950 Pocah	
45 16.	42-5-1A Benjamin		
-to 17.	42-5-1 Sherry DH	eath 980's Pocahontastrl F	.F. 23140
18	41A2-2-16 Jane	He+williamH. Gammon 96	ROPO cahowas Ir Pr 23170
1819.	4(AZ-Z-1 william B	aileyest cro Annette Jacobs 4"	08 E Caryhurst Rd Richmond 23223
20.		1	
21.			
22.			
23.			
24.			
25.			

de

Agricultural and Forestal District Withdrawal Application

- Swourban Housing Detached

2. The Property Owner(s) shall pay the application fee of \$50.00 per parcel plus \$0.25 per acre at the time the application is submitted to the Planning Department. Applications can not be accepted without fee payment.

FLU

Comprehensive Plan Designation:

3. The AFD Program Administrator will review the application to verify its completeness, create an adjacent Property Owners List and generate the maps relating to this application. Any missing data from the property owner(s) will be collected then a public hearing by the governing body will be schedule to hear this Withdrawal Application. You will be notified by the AFD Program Administrator of the place, date and time of the public hearing should you wish to attend.

4. The Property Owner(s) shall sign this application to certify the information given above.

(All Property Owners must sign this application so please let the AFD Program Administrator know if additional signature boxes are required.)

Signature of Property Owner	5/20/21 Date	Jonathan Caldwell Printed Name of Property Owner
Signature of Property Owner	5 20 21 Date	Alicia Caldwell Printed Name of Property Owner
Signature of Property Owner	Date	Printed Name of Property Owner
Signature of Property Owner	Date	Printed Name of Property Owner

# New Kent County, Virginia

# PID: Hardware Account ID: Hardware GPIN: Hardware Hardware</thardware</thardware</th> Hardware Har

#### 

Owner's Name:	CALDWELL JONATHAN M	D
Location:	CARRIAGE RD	D
Subdivision:	KAMES NR PROV FORGE	0
Topography:	4,1	
Topography Description:	Rolling,Level	0
Utilitles:	N/A	- v
Utilities Description:	N/A	
Location:	N/A	
Street/Road:	]	
Street/Road Description:	Paved	
Sale Price:	\$600,000	
Sale Date:	11/17/2020	

Deed Book Reference:	N/A
Deed Book Page Reference:	N/A
Owner's Name:	CALDWELL JONATHAN M and CALDWELL ALICIA D
Owner Address:	9241 TALLEYSVILLE RD NEW KENT, VA 23124
Validity Code:	10
Qualified Sale/Unqualified Sale:	U
Vacant/Improved:	ν
AFD:	KAMES NR PROV FORGE
Description:	AFD
Legal:	144.4 AC DB 295/371
Total Acres:	144

Improvements added definition of the definition

#### Improvement 1

Vacant/Improved:	V
Style:	N/A
Style Description:	N/A
Stories:	N/A
Roof Structure Description:	N/A
Roof Cover:	N/A
Heat Fuel:	N/A
Heat Type:	N/A

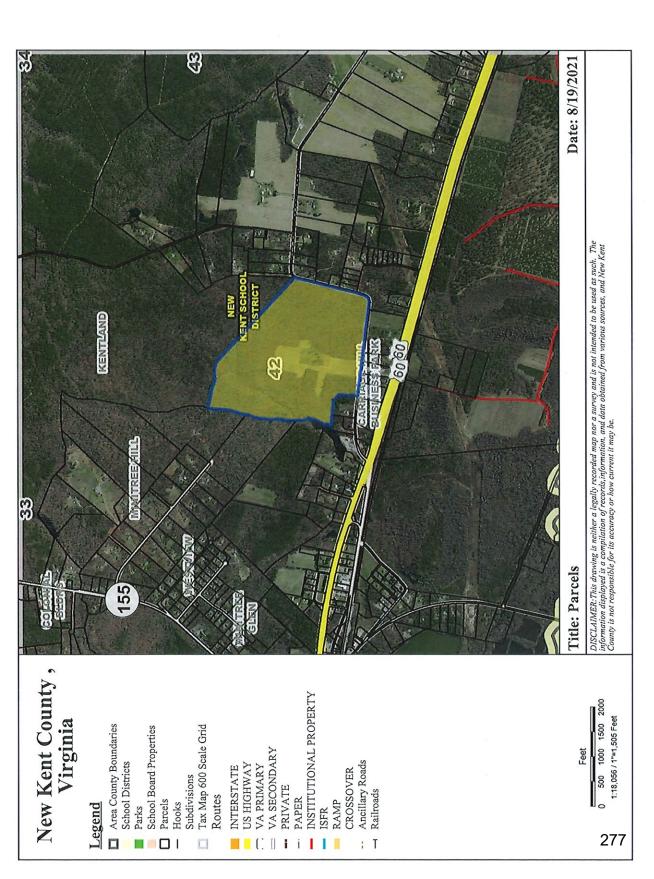
N/A	
N/A	· · · · · ·
N/A	
	N/A N/A N/A N/A N/A N/A

Assessment

Total Assessed Building:	S
Outbuilding Assessment:	S
Extra Features Assessment:	S
Improvement Assessment:	S
Land Assessment;	\$627,700
Total Assessed Value:	\$627,700

DISCLAIMER: This data is provided without warranty of any kind, either expressed or implied, including, but not limited to, the implied warranties of merchantability and funess for a particular purpose. Any person, firm or corporation which uses this map or any of the enclosed information assumes all risk for the inaccuracy thereof, as New Kent County expressly disclaims any liability for loss or damage arising from the use of said information by any third party.

276



# **CARRIAGE RD**

Location	CARRIAGE RD	Map#	42//8//
Acct#	42 8	Owner	CALDWELL JONATHAN M
Assessment	\$627,700	PID	4785
Subdivision	KAMES NR PROV FORGE	AFD	AFD
Description	144.4 AC DB 295/371	Legal	WB 11/368
Area		Class	6
AFD Name	BIG SWAMP	AFD Expiration	8/31/2024

#### **Current Value**

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$0	\$627,700	\$627,700

#### **Owner of Record**

Owner	CALDWELL JONATHAN M	Sale Price	\$600,000
Co-Owner	CALDWELL ALICIA D	Book & Page	1
Address	9241 TALLEYSVILLE RD	Sale Date	11/17/2020
	NEW KENT, VA 23124		

### **Ownership History**

Ownership History			
Owner	Sale Price	Book & Page	Sale Date
CALDWELL JONATHAN M	\$600,000	1	11/17/2020
MOUNTCASTLE GEORGE WARREN JR TR ETAL	\$0	21/78	10/03/2019
MOUNTCASTLE ESTELLE TRUSTEE	\$0	295/371	
MOUNTCASTLE ESTELLE TRUSTEE	\$0	295/371	

### **Building Information**

Building 1 : Section 1

.

#### Living Area:

0

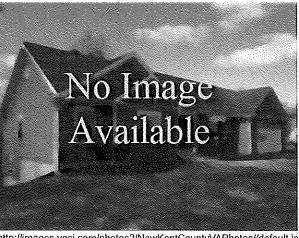
\$0

**Building Percent Good:** 

**Replacement Cost** 

Less Depreciation:

Building Attributes		
Field Description		
Style	Vacant Land	
Model		
Grade:		
Exterior Wall 1:		
Exterior Wall 2:		
Roof Structure:		
Roof Cover:		
Interior Wall 1:		
Interior Wall 2:		
Interior Flr 1:		
Interior Flr 2:		
Heat Fuel;		
Heat Type:		
AC Type:		
Total Bedrooms:		
Total Bathrooms:		
Total Half Baths:		
Extra Kitchens:		
Extra Heat Pump:		
Total Fireplaces:		
Fireplace Type:		
Frame:		
Neighborhood:		
Utilities:		



(http://images.vgsi.com/photos2/NewKentCountyVAPhotos//default.jpg)

#### **Building Layout**

(ParcelSketch.ashx?pid=4785&bid=4785)

Building Sub-Areas (sq ft) Legend

No Data for Building Sub-Areas

#### **Extra Features**

 Extra Features
 Legend

 No Data for Extra Features

#### **Parcel Information**

Use Code	1061	
Description	SITE ND FO	
Deeded Acres	144.4	

#### Land Use

Use Code1061DescriptionSITE ND FOZoneA1NeighborhoodCENTRALCategoryCategory

 Size (Acres)
 144.4

 Assessed Value
 \$627,700

#### Outbuildings

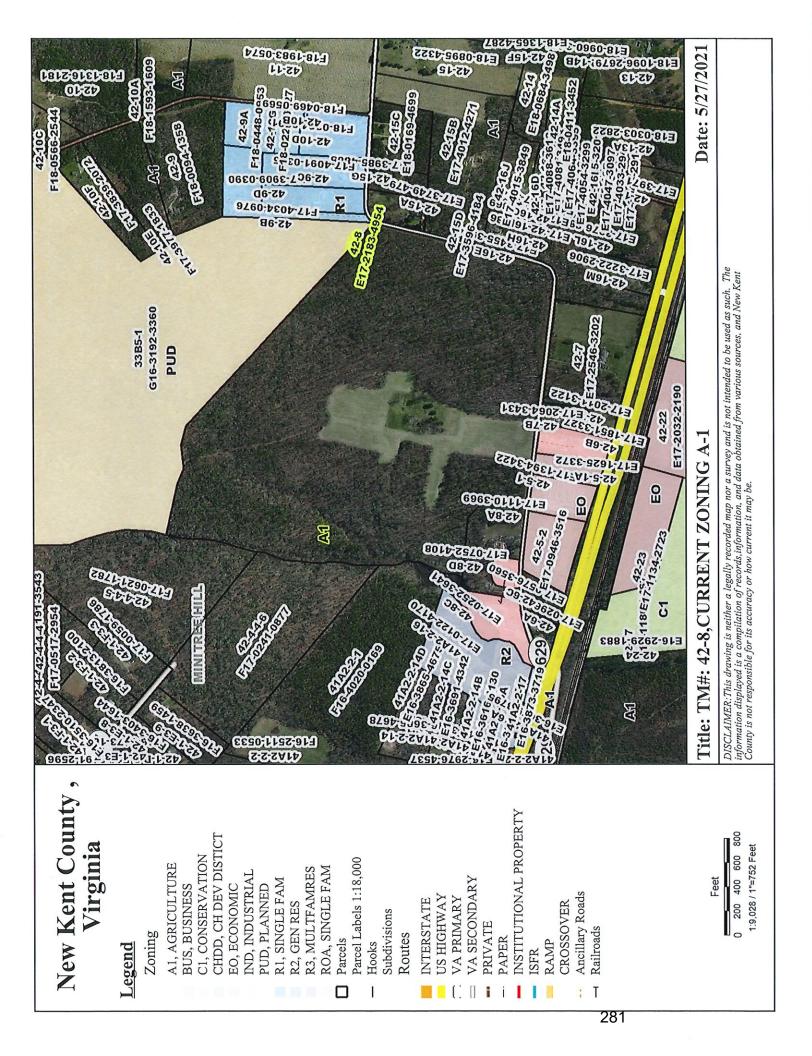
Outbuildings Legenc	1
No Data for Outbuildings	

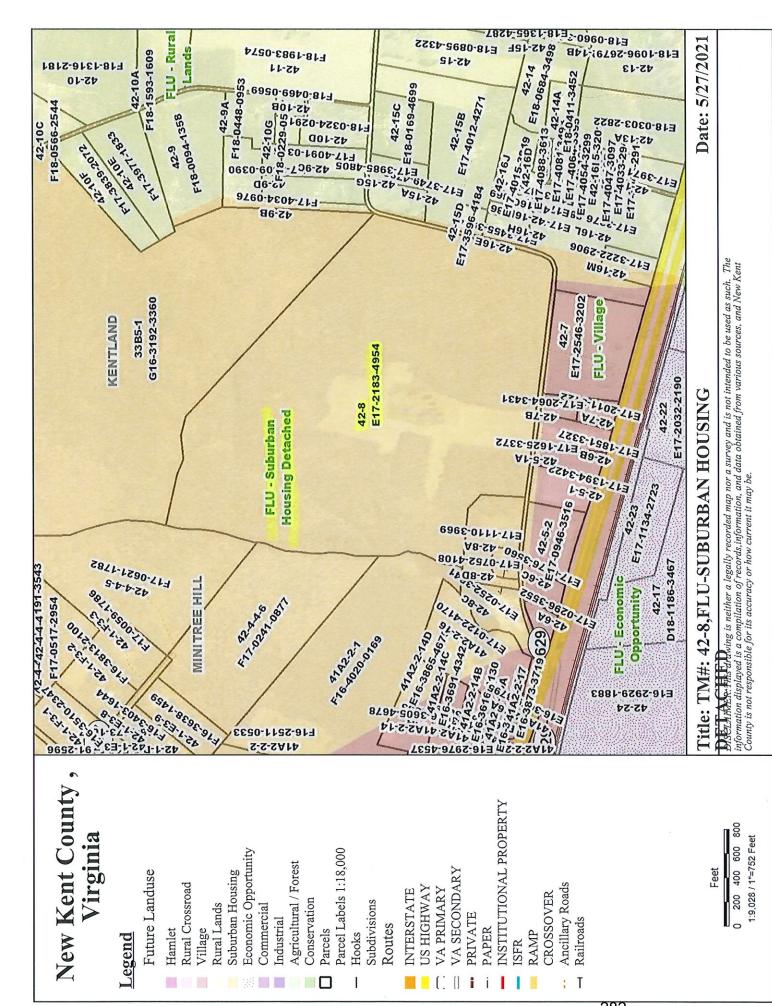
#### Valuation History

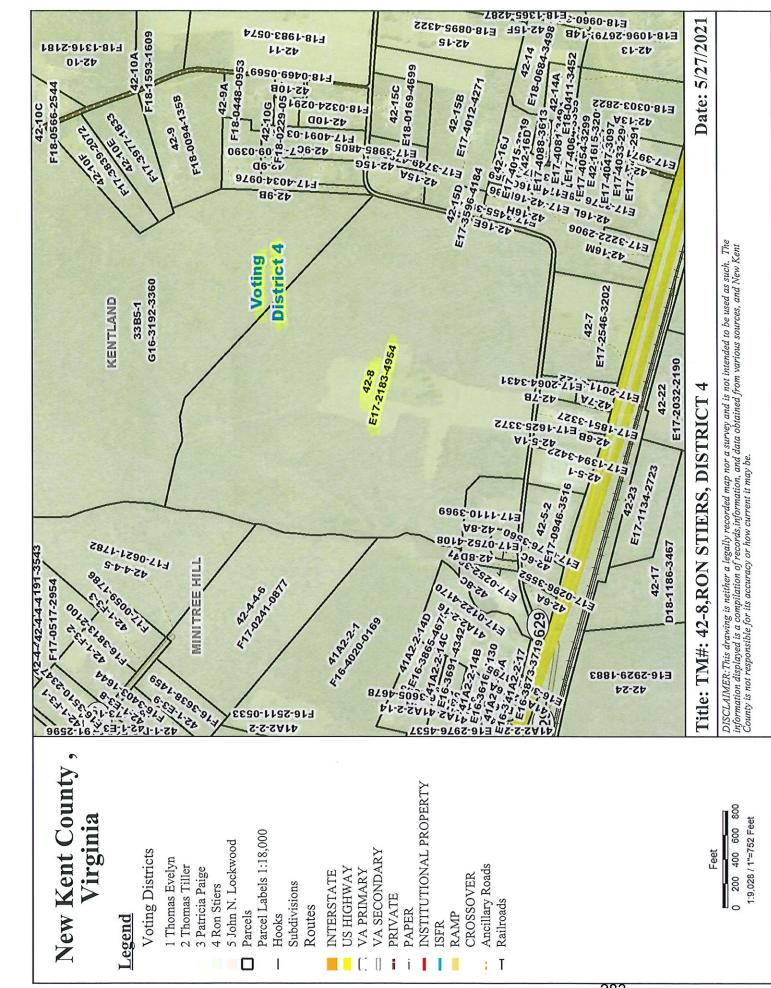
Assessment			
Valuation Year	Improvements	Land	Total
2020	\$0	\$627,700	\$627,700
2019	\$0	\$487,800	\$487,800
2017	\$0	\$487,800	\$487,800

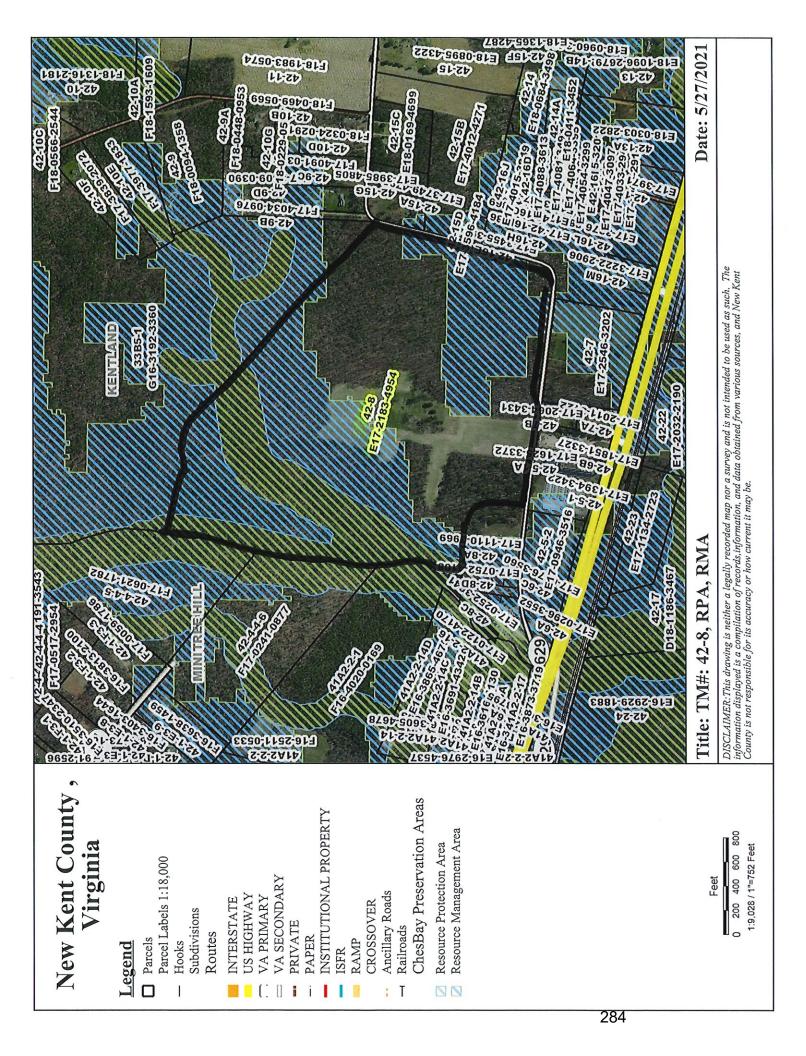
.

(c) 2021 Vision Government Solutions, Inc. All rights reserved.

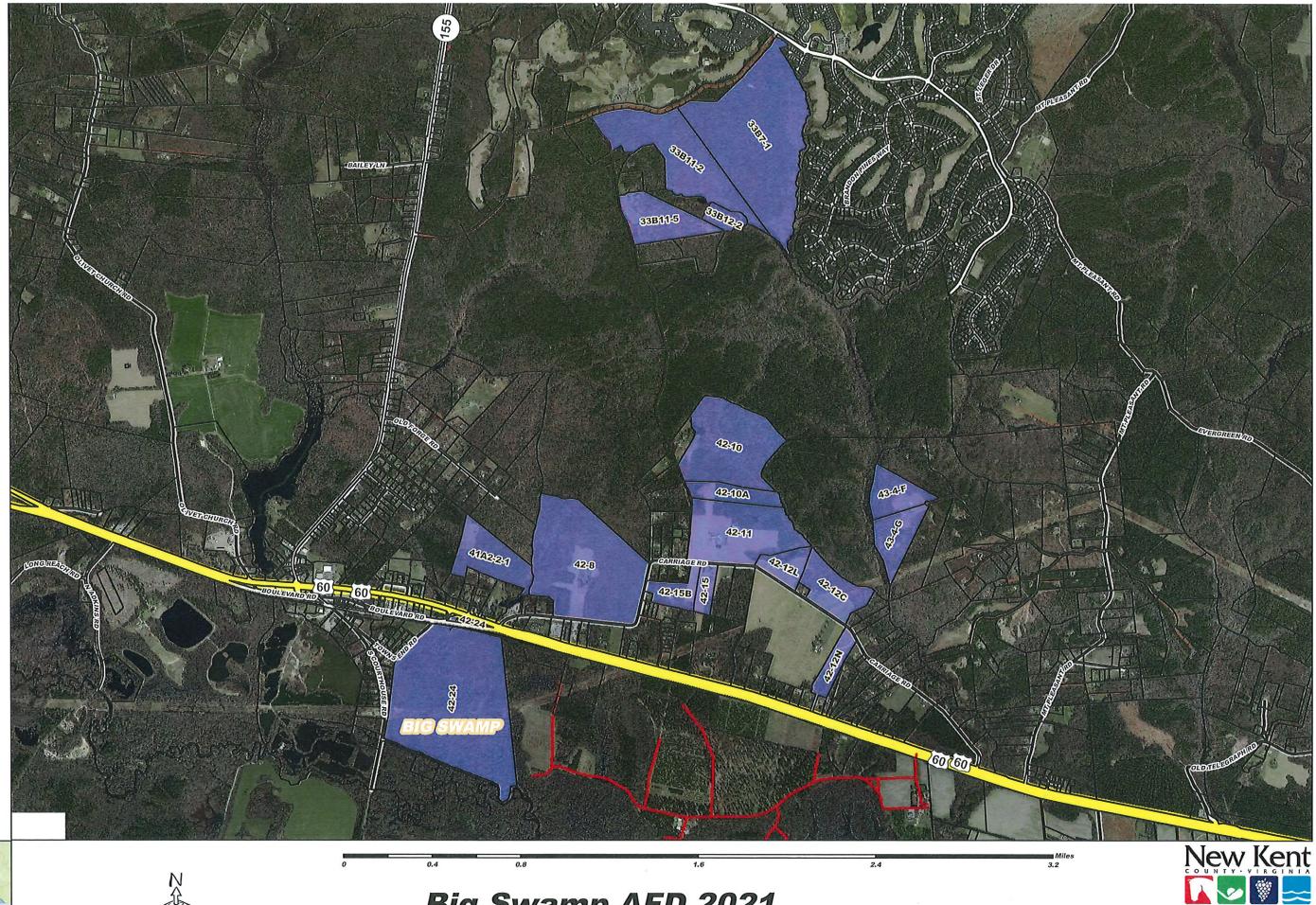
















# **Big Swamp AFD 2021**

Date: 4/22/2021 Disclaimer:The County of New Kent assumes no liability either for any errors, omissions, or inaccuracies in the information provided regardless of the cause of such or for any decision made, action taken, or action not taken by the user in reliance upon any maps or information provided herein. Aerial imagery 2013 Commonwealth of VA. Created by the New Kent GIS Office Document Path: Q:/Planning!Environmental/AFD/AFDs2021;York River AFD 2021,mxx



PLANNING DEPARTMENT

DATE: July 15, 2021

TO: New Kent County Planning Commission

FROM: Mr. Charles E. Moss, 2021 Chairman, AFD Advisory Committee

RE: **RECOMMENDATION OF AFD-09-21**, Withdrawal of tax map parcel # 42-8, GPIN E17-2183-4954, from the **Big Swamp** AFD

The New Kent County Agricultural and Forestal District Advisory Committee met on Thursday, July 15, 2021 and considered application AFD-09-21, a request by Alicia D. & Jonathan M. Caldwell, to withdraw tax map parcel 42-8, GPIN E17-2183-4954, from the Big Swamp Agricultural and Forestal District.

After careful consideration, the Agricultural and Forestal District Advisory Committee voted 8:0:0 to forward a favorable recommendation to you, the Planning Commission, for your review and consideration.

Sincerely,

arles E. Mise, Sr. /sla

Charles E. Moss, 2021 Chairman, AFD Advisory Committee

7-15-21

Date

## NEW KENT COUNTY **Mailing of Notices**

Applicants Name: Alicia D. & Jonathan M. Caldwell Application Number: AFD-09-21

# STATE OF VIRGINIA COUNTY OF NEW KENT, to wit

(I) Sheri L. Adams, AFD Program Administrator of the New Kent County Planning Department, do herby make oath that notices as required by Section 15.2-4307 of the Code of Virginia, 1950, as amended, were mailed on the 21 day of May, 2021, by first class mail, postage prepaid, to the persons whose names and addresses appear below.

un Lynn

__ day of _____ 10 Subscribed and sworn to before me this

, 2021.

My commission expires:

8.31.2023



<u>TM #'s</u>	Name	Address	City, State, Zip Code
See Attached List	See Attached List	See Attached List	See Attached List

§ 15.2-4307. Review of application; notice; hearing.

Upon the receipt of an application for a district or for an addition to an existing district, the program administrator shall refer such application to the advisory committee.

The advisory committee shall review and make recommendations concerning the application or modification thereof to the local planning commission, which shall:

1. Notify, by first-class mail, adjacent property owners, as shown on the maps of the locality used for tax assessment purposes, and where applicable, any political subdivision whose territory encompasses or is part of the district, of the application. The notice shall contain (i) a statement that an application for a district has been filed with the program administrator pursuant to this chapter; (ii) a statement that the application will be on file open to public inspection in the office of the clerk of the local governing body; (iii) where applicable a statement that any political subdivision whose territory encompasses or is part of the district may propose a modification which must be filed with the local planning commission within thirty days of the date of the notice; (iv) a statement that any owner of additional qualifying land may join the application within thirty days from the date of the notice

or, with the consent of the local governing body, at any time before the public hearing the local governing body must hold on the application; (v) a statement that any owner who joined in the application may withdraw his land, in whole or in part, by written notice filed with the local governing body, at any time before the local governing body acts pursuant to § 15.2-4309; and (vi) a statement that additional qualifying lands may be added to an already created district at any time upon separate application pursuant to this chapter;

2. Hold a public hearing as prescribed by law; and

3. Report its recommendations to the local governing body including but not limited to the potential effect of the district and proposed modifications upon the locality's planning policies and objectives.

(1977, c. 681, § 15.1-1511; 1979, c. 377; 1981, c. 546; 1984, c. 20; 1985, c. 13; 1987, c. 552; 1993, cc. 745, 761; 1997, c. 587; 1998, c. 833; 2011, cc. 344, 355.)

1-800-GO-AVERY

PROVIDENCE FORGE RECREATION ASSOCIATION – TM 42-8A PO BOX 86 PROVIDENCE FORGE, VA 23140

SUE GAMMON PO BOX 36 PROVIDENCE FORGE, VA 23140 TM 42-8D

WHITNEY & JOSHUA HIGHLANDER 9619 OLD FORGE RD PROVIDENCE FORGE, VA 23140 TM 42-4-4-6

JEAN H & ROY EVANS 9620 OLD FORGE RD PROVIDENCE FORGE, VA 23140 TM 42-4-4-5

KENTLAND INVESTMENT LLC 7643 FULLERTON RD SPRINGFIELD, VA 22153 TM 33B5-1

LINDA & STEPHEN TUCK 10320 CARRIAGE RD PROVIDENCE FORGE, VA 23140 TM 42-9B

CODY G ADAMS 10301 CARRIAGE RD PROVIDENCE FORGE, VA 23140 TM 42-15A

SHARON L & DAVID C ROOKS 10251 CARRIAGE RD PROVIDENCE FORGE, VA 23140 TM 42-15B

THELMA A & ROBERT L WEAGLEY 10201 CARRIAGE RD PROVIDENCE FORGE, VA 23140 TM 42-15D

MARY R MACDONALD 3429 LAYFIELD DR PROVIDENCE FORGE, VA 23140 TM 42-16E



eb nits studsch al é sailgen ^{mr}qU-qo9 brodet al telèvèt chargement Sens de A

KATHRYN & WILLIAM J BRNES PO BOX 463 PROVIDENCE FORGE, VA 23140 TM 42-16L

PROVIDENCE FORGE PRESBYTERIAN CHURCH ( PO BOX 239 PROVIDENCE FORGE, VA 23140

RONALD B NOLASCO 10001 CARRIAGE RD PROVIDENCE FORGE, VA 23140 TM 42-7B

ALVES ENTERPRISES LLC 9950 POCAHONTAS TRL PROVIDENCE FORGE, VA 23140 TM 42-6B

BEN & CHRISTOPHER VINCENT PO BOX 191 WEST POINT, VA 23181 TM 42-5-1A

SHERRY D HEATH 9805 POCAHONTAS TRL PROVIDENCE FORGE, VA 23140 TM 42-5-1

JANETTE & WILLIAM H GAMMON 9620 POCAHONTAS TRL PROVIDENCE FORGE, VA 23140 TM 41A2-2-16

APO'S TO TM # 42-8

William BaileyEstate 4708 E Carynurst Rd. Richmond, UA 23223 TM 41AZ - 2-1

sibdel[®] Labels Use Avery[®] Template 5160[®] ح

Étiquettes faciles à peler Utilisez le gabarit AVERY® 5160®

#### PUBLIC NOTICE FROM THE NEW KENT COUNTY PLANNING COMMISSION DATED JULY 16, 2021

Notice is hereby given that the following Agricultural and Forestal District application has been filed with the Program Administrator pursuant to Chapter 15.2-4307 of the Code of Virginia:

A. AFD-09-21, WITHDRAWAL FROM THE BIG SWAMP AFD: A request by Alicia D. & Jonathan M. Caldwell to withdraw tax map parcel number 42-8, GPIN E17-2183-4954, consisting of 144.4 acres from the Big Swamp Agricultural and Forestal District. The Agricultural and Forestal District Advisory Committee met on July 15, 2021 to review this application and voted 8:0:0 to forward a favorable recommendation to withdraw to the Planning Commission and the Board of Supervisors. The Planning Commission will review this application and make a recommendation to the Board of Supervisors.

The application will be on file open to public inspection in the office of the clerk of the local governing body.

Any political subdivision whose territory encompasses or is part of the district may propose a modification which must be filed with the local Planning Commission within thirty (30) days of the date of this notice.

Any owner of additional qualifying land may join the application within thirty (30) days from the date of this notice or, with the consent of the local governing body, at any time before the public hearing the local governing body must hold on the application.

Any owner who joined in the application) may withdraw his or her land, in whole or in part, by written notice filed with the local governing body, at any time before the local governing body acts pursuant to Chapter 15.2-4309 of the Code of Virginia.

Additional qualifying lands may be added to an already created district at any time upon separate application pursuant to this Chapter.

The Planning Commission will hold a Public Hearing on Monday, August 16, 2021 at 6:30 p.m. in the Board Room of the County Administration Building, 12007 Courthouse Circle, New Kent, Virginia, 23124, to review this application and report its recommendation to the local governing body including but not limited to the potential effect on the district and proposed modifications upon the locality's planning policies and objectives.

Questions concerning this public hearing may be directed to the Department of Planning at 804-966-9690. All interested persons may appear and present their opinions at the above time and place. If a member of the public cannot attend the hearing, comments may be submitted in writing to the New Kent County Department of Planning, P.O. Box 150, New Kent, VA 23124; by fax to 804-966-8531, or by email to planning@newkent-va.us.

Comments received by 12:00 P.M. on the day of the hearing will be distributed to Planning Commission members and made a part of the public record. A copy of the application, proposed resolution, and staff report may be viewed approximately one week prior to the hearing in the New Kent County Department of Planning at 12007 Courthouse Circle, New Kent, VA 23124 during regular business hours or at <u>http://www.co.new-kent.va.us/index.aspx?NID=143</u>. Anyone needing assistance or accommodation under the provisions of the Americans with Disabilities Act should call the County Administrator's Office at (804)966-9683 at least 24 hours in advance of the hearing. If a meeting cannot be held due to inclement weather, the meeting will be held on the next business day that the New Kent County offices are open.

New Kent County Planning Commission

#### PLANNING COMMISSION COUNTY OF NEW KENT VIRGINIA

#### PC-21-21

At the regular meeting of the Planning Commission of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 16th day of August, 2021:

Present:	<u>Vote:</u>
C. Thomas Tiller, Jr.	Absent
Dr. Joanne Schmit	Aye
Joseph Davis	Aye
Katherine Butler	Absent
Patricia Townsend	Absent
Amy Pearson	Ауе
Gary Larochelle	Ауе
Curtis Thomas	Aye
V. Marc Bennett	Aye
John Moyer	Absent
Laura Rose	Aye

Motion was made by Amy Pearson, which carried 7:0:0, to adopt the following resolution:

#### A RESOLUTION TO RECOMMEND APPROVAL FOR THE WITHDRAWAL OF TAX MAP PARCEL 42-8, GPIN E17-2183-4954 FROM THE BIG SWAMP AGRICULTURAL AND FORESTAL DISTRICT, AFD-09-21

WHEREAS, Alicia D. & Jonathan M. Caldwell have applied to withdraw tax map parcel 42-8, GPIN E17-2183-4954, containing approximately 144.4 acres from the Big Swamp Agricultural and Forestal District; and

WHEREAS, granting this request will decrease the acreage of the Big Swamp Agricultural and Forestal District to approximately 899.89 acres; and

WHEREAS, this request is in accordance with state and local laws governing Agricultural and Forestal Districts; and

WHEREAS, the Big Swamp Agricultural and Forestal District term is set to expire on August 31, 2024; and

WHEREAS, this application was thoroughly considered by the Agricultural and Forestal District Advisory Committee; and

WHEREAS, after conducting a duly advertised public meeting on the 15th day of July, 2021, the Agricultural and Forestal District Advisory Committee voted 8:0:0 to forward a favorable recommendation of withdrawal to the Planning Commission; and

WHEREAS, the Planning Commission scheduled and conducted a formal and duly advertised public hearing in accordance with the applicable requirements of the Code of Virginia, carefully considering the public comments received; and

WHEREAS, the Planning Commission has carefully reviewed the application and recommendation of the Agricultural and Forestal District Advisory Committee and considered the goals and objectives of the County's Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED that on this, the 16th day of August, 2021, by the New Kent County Planning Commission, that a favorable recommendation be forwarded to the New Kent County Board of Supervisors for the withdrawal of tax map parcel 42-8, GPIN E17-2183-4954, containing approximately 144.4 acres from the Big Swamp Agricultural and Forestal District and authorizes the collection of any applicable roll-back taxes.

Attested:

Jura Skose

Laura Rose, Chairwoman, New Kent County Planning Commission

#### BOARD OF SUPERVISORS COUNTY OF NEW KENT VIRGINIA

#### 0-31-21

At the regular meeting of the Board of Supervisors of the County of New Kent in the Boardroom of the Administration Building, in New Kent, Virginia, on the 8th day of September, 2021:

Present:

Vote:

C. Thomas Tiller, Jr. Patricia A. Paige Ron Stiers John N. Lockwood Thomas W. Evelyn

Motion was made by _____, which carried _____, to adopt the following ordinance:

### AN ORDINANCE APPROVING APPLICATION AFD-09-21 TO WITHDRAW TAX MAP PARCEL 42-8, GPIN E17-2183-4954 FROM THE BIG SWAMP AGRICULTURAL AND FORESTAL DISTRICT

WHEREAS, Alicia D. & Jonathan M. Caldwell have applied to withdraw tax map parcel 42-8, GPIN E17-2183-4954, containing approximately 144.4 acres, from the Big Swamp Agricultural and Forestal District; and

WHEREAS, the Big Swamp Agricultural and Forestal District was established August 9, 2010, renewed August 31, 2014 and is set to expire on August 31, 2024, and contains approximately 1,044.29 acres, of which, 144.4 acres are requested for withdrawal from the district; and

WHEREAS, the withdrawal of the 144.4 acres from the district was thoroughly considered by the Agricultural and Forestal District Advisory Committee; and

WHEREAS, after conducting a duly advertised public meeting on July 15, 2021, the Agricultural and Forest District Advisory Committee voted 8:0:0 with a favorable recommendation to approve this application to withdraw; and

WHEREAS, the Planning Commission scheduled and conducted a formal and duly advertised public hearing on August 16, 2021 in accordance with the applicable requirements of the Code of Virginia, carefully considering the public comments received and voted 7:0:0 to forward a favorable recommendation to withdraw.

NOW THEREFORE BE IT ORDAINED, that on this, the 8th day of September, 2021, pursuant to Section 15.2-4314 of the Code of Virginia, the New Kent County Board of Supervisors approves the withdrawal of tax map parcel 42-8, GPIN E17-2183-4954, consisting of approximately 144.4 acres, from the Big Swamp Agricultural and Forestal District and authorizes the collection of any applicable roll-back taxes associated with this withdrawal by the Commissioner of Revenue effective upon the date of adoption.

Adopted this 8th day of September, 2021.

Rodney A. Hathaway County Administrator Thomas W. Evelyn Board Chairman New Kent County Board of Supervisors P O Box 150, 12007 Courthouse Circle New Kent, VA 23124

# AGENDA ITEM REQUEST

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/2021

<b>APPOINTMENTS</b>	
ALL OTHER 15	

Motion: "Mr. Chairman, I move (not required for Cons Agenda items)				
Subject	ubject Appointments - D		gated by District	
Issue				
Recommendation				
Fiscal Implication	าร			
Policy Implicatior	าร			
Legislative History				
Discussion				
Time Needed:			Person Appearing:	
Request prepared by:		Vatkins, Deputy k of the Board	Telephone:	804-966-9687
Copy provided to:				
ATTACHMENTS:				
Description Appointments De	escription Type pointments Delegated by District (PDF) Cover Memo			
<b>REVIEWERS</b> :				
Department Clerk		Reviewer Watkins, Wanda	Action Approved	Date 8/31/2021 - 9:53 AM

## **DISTRICT ONE APPOINTMENTS**

I move to appoint _______ as District One representative to the Board of Road Viewers to serve a four-year term beginning January 1, 2021 and ending December 31, 2024. (*The term of George Tate, Jr. expired with the adoption of Resolution R-16-21 chartering/restructuring the Board of Road Viewers on July 28, 2021.*)

I move to appoint ______ as a District One representative to the Transportation Safety Commission to serve a four-year term beginning January 1, 2021 and ending December 31, 2024. (The term of J. Joseph McLaughlin, III expired December 31, 2020 and Mr. McLaughlin no longer lives in District 1.)

I move to appoint ______ as a District One representative to the Social Services Advisory Board to serve a four-year term beginning July 1, 2021 and ending June 30, 2025. (*The term of S. Paul Rowles expired June 30, 2021. Mr. Rowles has served two consecutive terms and is not eligible for reappointment.*)

## **DISTRICT TWO APPOINTMENTS**

I move to appoint ______ as District Two representative to the Purchase of Development Rights Committee to complete a three-year term ending June 30, 2021. *(The term of Joanne Panek expired June 30, 2018.)* 

I move to appoint _______ as District Two representative to the Board of Road Viewers to serve a three-year term beginning January 1, 2021 and ending December 31, 2023. (*The term of Charles Edwards expired with the adoption of Resolution R-16-21 chartering/restructuring the Board of Road Viewers on July 28, 2021.*)

I move to appoint ______ as a District Two representative to the Transportation Safety Commission to complete a four-year term ending December 31, 2023. *(The term of Thomas Richart expired December 31, 2015.)* 

## DISTRICT THREE APPOINTMENTS

I move to appoint ______ as District Three representative to the Board of Road Viewers to serve a two-year term beginning January 1, 2021 and ending December 31, 2022. (*The term James Moody expired on December 31, 2020. The adoption of Resolution R-16-21 chartered and restructured the Board of Road Viewers on July 28, 2021.*)

# **DISTRICT FOUR APPOINTMENTS**

NONE

## **DISTRICT FIVE APPOINTMENTS**

I move to appoint ______ as District Five representative to the Board of Road Viewers to serve a three-year term beginning January 1, 2021 and ending December 31, 2023. (*The term of Sharon Oakley expired with the adoption of Resolution R-16-21 chartering/restructuring the Board of Road Viewers on July 28, 2021.*)

I move to appoint ______ as a District Five representative to the Social Services Advisory Board to serve a four-year term beginning July 1, 2021 and ending June 30, 2025. (*The term of Kim Claytor expired June 30, 2021. Ms. Claytor has served two consecutive terms and is not eligible for reappointment.*) New Kent County Board of Supervisors P O Box 150, 12007 Courthouse Circle New Kent, VA 23124

# AGENDA ITEM REQUEST

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/2021

Motion: "Mr. Chairman, I move (not required for Cons Agenda items)					
Subject	Appointments - Not I	Appointments - Not Delegated by District			
Issue					
Recommendation					
Fiscal Implication	IS				
Policy Implicatior	IS				
Legislative Histor	у				
Discussion					
Time Needed:		Person Appearing:			
Request prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687		
Copy provided to:					
ATTACHMENTS:DescriptionTypeAppointments NOT Delegated by District (PDF)Cover Memo					
<b>REVIEWERS</b> :					
Department Clerk	<b>Reviewer</b> Watkins, Wanda	Action Approved	Date 8/31/2021 - 9:59 AM		

## **Boards and Commissions not Delegated by District**

I move to appoint ______ as a member of the Airport Advisory Commission to serve a four-year term beginning January 1, 2021 and ending December 31, 2024. (Harold Repasky has moved and resigned his position. This appointment should be made by the <u>District 3 BOS</u> <u>Member</u>.)

I move to appoint ______ as an at large member of the Board of Building Code Appeals/Board of Fire Prevention Code Appeals to complete a four-year term ending December 31, 2023. (The term of Donald Seeterlin expired December 31, 2019. This appointment should be made by the <u>District 2 BOS Member</u>.)

I move to appoint ______ as an <u>alternate</u> member of the Board of Building Code Appeals/Board of Fire Prevention Code Appeals to serve a term ending December 31, 2021. *(This position has been vacant since 2013.)* 

I move to appoint ______ as an at-large representative to the Board of Road Viewers to serve a four-year term beginning January 1, 2021 and ending December 31, 2024. (*The is a new position created upon the adoption of Resolution R-16-21 chartering/restructuring the Board of Road Viewers on July 28, 2021.*)

I move to appoint ______ as an at-large representative to the Board of Road Viewers to serve a one-year term beginning January 1, 2021 and ending December 31, 2021. (*The is a new position created upon the adoption of Resolution R-16-21 chartering/restructuring the Board of Road Viewers on July 28, 2021.*)

I move to appoint ______ as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2021. (*This appointment should be made by the* <u>District 1 BOS Member</u>.)

I move to appoint ______ as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2021. (*This appointment should be made by the* <u>District 1 BOS Member</u>.)

I move to appoint ______ as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2021. (*This appointment should be made by the District 2 BOS Member*.)

I move to appoint ______ as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2021. (*This appointment should be made by the* <u>District 2 BOS Member</u>.)

I move to appoint ______ as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2021. (*This appointment should be made by the* <u>District 2 BOS Member</u>.)

I move to appoint **<u>Alexia Sarquah</u>** as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2021. (*This appointment should be made by the* <u>District 3 BOS Member</u>.)

I move to appoint **Andel Sarquah** as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2021. (*This appointment should be made by the District 3 BOS Member*.)

I move to appoint ______ as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2021. (*This appointment should be made by the* <u>District 4 BOS Member</u>.)

I move to appoint ______ as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2021. (*This appointment should be made by the* <u>District 4 BOS Member</u>.)

I move to appoint ______ as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2021. (*This appointment should be made by the* <u>District 4 BOS Member</u>.)

I move to appoint ______ as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2021. (*This appointment should be made by the* <u>District 5 BOS Member</u>.)

I move to appoint ______ as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2021. (*This appointment should be made by the* <u>District 5 BOS Member</u>.)

I move to appoint ______ as a youth member of the New Kent County Youth Community Service Committee to serve a one-year term ending December 31, 2021. (*This appointment should be made by the* <u>District 5 BOS Member</u>.)

New Kent County Board of Supervisors P O Box 150, 12007 Courthouse Circle New Kent, VA 23124

# AGENDA ITEM REQUEST

(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO THE MEETING)

Meeting Date: 9/8/2021

ADJOURNMENT
7 (B) 0 0 1 (11) 1 E) (1)

Motion: "Mr. Chairman, I move (not required for Cons Agenda items)		adjourn.			
Subject		Adjournment			
Issue					
Recommendation		Approval			
Fiscal Implications					
Policy Implications					
Legislative History					
Discussion		The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on Tuesday, October 12, 2021 and the next work session will be held at 9:00 a.m. on Wednesday September 29, 2021, both in the Boardroom of the County Administration Building. The Board will also participate in a joint meeting with the Planning Commission at 6:30 p.m. on Monday, September 20, 2021 in the Boardroom of the County Administration Building.			
Time Needed:			Person Appearing:		
•		Watkins, Deputy k of the Board	Telephone:	804-966-9687	
ATTACHMENTS: Description Closed Session Motion		ns (PDF)	<b>Type</b> Cover Memo		
<b>REVIEWERS</b> :					
Department		Reviewer	Action	Date 8/31/2021 - 10:05	
Clerk		Watkins, Wanda	Approved	8/31/2021 - 10:05 AM	

### MOTIONS FOR CONVENING A CLOSED SESSION

- 1 I move to go into closed session pursuant to §2.2-3711A.1 of the Code of Virginia for (discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or County employees) involving
- 3 I move to go into closed session pursuant to §2.2-3711A.3 of the Code of Virginia for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County) involving
- 4 I move to go into closed session pursuant to §2.2-3711A.4 of the Code of Virginia for (*the protection of the privacy of individuals in personal matters not related to public business*) involving ______.
- 5 I move to go into closed session pursuant to §2.2-3711A.5 of the Code of Virginia for (discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community) involving
- 6 I move to go into closed session pursuant to §2.2-3711A.6 of the Code of Virginia for *(discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the County would be adversely affected)* involving ______.
- 7 I move to go into closed session pursuant to \$2.2-3711A.7 of the Code of Virginia for (consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel) involving ______.
- 19 I move to go into closed session pursuant to \$2.2-3711A.19 of the Code of Virginia for (discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such activity or a related threat to public safety; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure) involving _____.
- I move to go into closed session pursuant to \$2.2-3711A.28 of the Code of Virginia for (discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of \$ 2.2-3705.6 by a responsible public entity or an affected local jurisdiction, as those terms are defined in \$ 56-557, or any independent review panel appointed to review information and advise the responsible public entity concerning such records) involving

- 29 I move to go into closed session pursuant to §2.2-3711A.29 of the Code of Virginia for (discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Board) involving ______.
- 33 I move to go into closed session pursuant to \$2.2-3711A.32 of the Code of Virginia for (discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of \$ 2.2-3705.6.) involving _____

### **CERTIFICATION OF CLOSED SESSION**

### A. Motion

I move that the Board certify by roll call vote that to the best of each member's knowledge only public business matters lawfully exempted from open session requirements of the Freedom of Information Act and identified in the motion to go into closed session were heard, discussed or considered in the closed session.

#### B. Vote taken on certification.

Present:

Vote:

Thomas W. Evelyn C. Thomas Tiller, Jr. Patricia A. Paige Ron Stiers John N. Lockwood