

# **NEW KENT COUNTY BOARD OF SUPERVISORS**

May 9, 2022, 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. March 14, 2022 Business Session Minutes

#### 2. Miscellaneous

- a. Approval of Easement Encroachment Agreement with Virginia Natural Gas
- Approval of Water/Wastewater Treatment Chemical Renewal Agreements
- c. Approval of Resolution R-15-22 Street Acceptance -The Fields at Pine Fork

#### 3. Refunds

a. REFUND - Real Estate Tax - Veteran Exemption

# 4. Supplemental Appropriations

a. FY22 Supplemental Appropriations

# 5. Interdepartmental Budget Transfers

a. FY22 Interdepartmental Budget Transfers

# 6. Treasurer's Report

a. Treasurer's Report - March 2022

# **CITIZENS COMMENT PERIOD**

# **RESIDENCY ADMINISTRATOR'S REPORT**

**Residency Administrator's Report for April 2022** 

# **PRESENTATIONS**

ITEM 1 The Groves at New Kent Sidewalk Maintenance Agreement - County Administrator Rodney Hathaway

# **ITEM 2 2022 Virginia Derby Sponsorship** - County Administrator Rodney Hathaway

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

#### **PUBLIC HEARINGS**

- ITEM 3 PUBLIC HEARING: Application CUP-02-22, Faith Recovery
  Treatment Facility, Resolution R-13-22 Principal Planner Kelli
  Le Duc and Applicant
- ITEM 4 PUBLIC HEARING: Applications ZM-01-22 and CUP-03-22, Jacqueline and Mark Smith, Event Venue and Cidery, Ordinance O-04-22 and Resolution R-14-22 Principal Planner Kelli Le Duc and Applicant
- TITEM 5 PUBLIC HEARING: Application ZM-02-22, Schiminoe

  Development Rezoning, Ordinance O-05-22 Principal Planner

  Kelli Le Duc and Applicant
- ITEM 6 PUBLIC HEARING: Application OA-01-22, Ordinance Amendment to add Definitions and Performance Standards for Energy Storage Projects and Solar Generation Facilities, Ordinance O-06-22 Principal Planner Kelli Le Duc
- **TITEM 7** PUBLIC HEARING: Proposed FY23 New Kent County General Government Budget County Administrator Rodney Hathaway
- ITEM 8 PUBLIC HEARING: Proposed FY23 New Kent County Public Utilities Budget County Administrator Rodney Hathaway

# **ELECTED OFFICIALS REPORTS**

STAFF REPORTS

**OTHER BUSINESS** 

#### **APPOINTMENTS**

Appointments - Delegated by District

Appointments - Not Delegated by District

Appointments - Regional Boards and Commissions

#### **ADJOURNMENT**

# **Adjournment**

MEETING SCHEDULE: The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on Monday, June 13, 2022 and the next work session at 9:00 a.m. on Wednesday, May 25, 2022, both 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: 5/9/2022 Approval of Minutes

Motion: "Mr.	a part of the record.	t Agenda as presented	and that it be made
Chairman, I move to (not required for Consent Agenda items)		he Consent Agenda as the record, with the f	
Subject	March 14, 2022 Busi	ness Session Minutes	
Issue			
Recommendation			
Fiscal Implications			
Policy Implications			
Legislative History			
Discussion			
Time Needed:		Person Appearing:	
prepared by: Cle	Watkins, Deputy rk of the Board	Telephone:	804-966-9687
Copy provided to:			
ATTACHMENTS: Description March 14, 2022 Meet	ing Minutes (PDF)	<b>Type</b> Cover Memo	
REVIEWERS:			
Department Clerk	Reviewer Watkins, Wanda	Action Approved	Date 4/20/2022 - 9:44 AM
Administration	Hathaway, Rodney	Approved	4/20/2022 - 12:57 PM
Attorney	Hefty, Brendan	Approved	4/20/2022 - 1:43 PM

A REGULAR MEETING WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 14TH DAY OF MARCH IN THE YEAR TWO THOUSAND TWENTY-TWO IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

Mr. Evelyn called the meeting to order. He announced Stran L. Trout, former District Four Supervisor from 2004 to 2011, had recently passed away. Mr. Trout had been a member of numerous organizations and had done much for the community. He had written several books and produced a historical calendar which he distributed free of charge each year. Mr. Evelyn referred to him as "Mr. New Kent" and stated nobody cared about New Kent more than Mr. Trout. He called for a moment of silence in his memory.

IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Paige gave the invocation and led the Pledge of Allegiance.

IN RE: ROLL CALL

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

All members were present. Mr. Evelyn welcomed everyone and noted he recognized several in the audience who were present for a special presentation to be made during the meeting.

#### IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

- 1. Minutes
  - a. January 26, 2022 Work Session Minutes
  - b. February 14, 2022 Regular Session Minutes
- 2. Miscellaneous
  - a. Adoption of Resolution R-08-22 Setting the Board of Equalization Member Compensation
- 3. Refunds
  - a. REFUND Liberty Homes, BP#009483-2021 \$471
  - b. REFUND Overpayment on Gross Receipts \$4,901
- 4. FY 22 Supplemental Appropriations
  - a. Animal Shelter Donations, \$480.
  - b. Gifts and Donations to Fire/Rescue Mark Plostock (\$75), Patsy and Michael Madill (\$100), Therese Lowe and Edward Madill (\$250), Bruce and Jill Mercier (\$100), Brett-Reed Memorial (\$100), \$625 and to Parks & Recreation Cumberland Hospital, \$694.

- c. VRS Insurance Sheriff Claim # 02-21-40991-1-AP DOL 11/12/2021 (\$38,881.61); Sheriff 02-21-41326-1-AP DOL 12/6/21 (\$135); Fire/Rescue Claim #02-21-42012-1-AP DOL 1-16-22 (\$2,709.18); Financial Services Claim #02-21-39919-1-CL DOL 8-24-21 (\$241.94); Public Utilities Claim #02-21-42685-1-PR DOL 11-14-21 (\$5,927.50); Parks & Rec Claim #02-21-42460-1-PR DOL 2-3-22 (\$6,190), \$54,085.23.
- d. Additional DSS Funds \$14,336.
- e. Sheriff/Fire-Rescue Extra Duty Private Sheriff Colonial Downs 1/7/22-1/15/22 (\$1,998.18) and Fire-Rescue Providence Forge Volunteer Fire and Rescue Santa Run December 13-17, 2021 (\$2,861.31), \$4,859.49.
- f. Parks & Recreation Sponsorship \$350.
- g. ARPA VA Tourism Funds, \$40,000.
- h. Vending Machine Sales, \$86.92.
- i. Justice Assistance Grant Bulletproof Vest, \$5,600.
- j. Extension Program Sponsorship 2022 4-Rivers Ag Conference C&F Bank, \$100.
- k. CVTA Funds for Transportation Planner Position, \$44,792.

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$166,008.64 - Total
($91,269.14) - Total In/Out - General Fund (1101)
($14,336.00) - Total In/Out - Social Services (1201)
($5,927.50) - Total In/Out - Water/Sewer (1514)
($6,884.00) - Total In/Out - Capital (1302)
($2,800.00) - From Fund Balance - General Fund (1101)
($44,792.00) - From Fund Balance - CVTA (1303)
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- 5. FY 22 Interdepartmental Budget Transfers
  - a. Administration From Contingency to Travel (Convention & Education), \$1,500
- 6. Treasurer's Report: Cash as of January 31, 2022, \$84,060,356.06 including escrow funds.

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: SPECIAL PRESENTATION – OUTSTANDING ACHIEVEMENT AWARD

Ms. Paige stated it was always exciting when the Board had the opportunity to show appreciation for work done in excellence. She reported there had never been a Fortune 500 Company calling New Kent home and it had taken an extreme amount of time, knowledge and business sense to make this happen. Those receiving awards were not the only ones who had worked diligently on this project and it had in fact taken a village to bring

AutoZone to New Kent. She called Assistant County Administrator Justin Stauder, County Attorney Brendan Hefty, County Administrator Rodney Hathaway and Economic Development Director Matthew Smolnik to come forward to be recognized. She also asked Christy (Cricket) Smolnik and Tamika Hathaway to join their husbands and noted that although the men would be receiving awards, the support received at home had been crucial. She expressed appreciation to the ladies for their understanding and support.

Ms. Paige called all Board members to join her for the presentation of awards. The awards were inscribed as follows: "Outstanding Achievement Award – In appreciation of your dedication, outstanding service, and overall contributions to the County of New Kent, Virginia. March 2022" She asked Mr. Tiller to share a few words. Mr. Tiller noted the four individuals called to come forward as well as Mr. Evelyn had worked hard on this project. He added it had also been very much a joint effort on the part of the Board of Supervisors and he expressed appreciation to his fellow Board members for their involvement.

Ms. Paige called Ms. Carrie Evelyn to the floor. She reported Mr. Evelyn had begged her to not recognize him and stated she had not told him she wouldn't but had told him "I hear you begging." She noted everything she had said to Ms. Smolnik and Ms. Hathaway also applied to Ms. Evelyn and she expressed appreciation for her support. She again expressed appreciation to the award recipients. Awards were presented by Mr. Lockwood to Mr. Stauder, by Mr. Stiers to Mr. Hefty, by Mr. Tiller to Mr. Hathaway, by Mr. Evelyn to Mr. Smolnik and by Ms. Paige to Mr. Evelyn.

Mr. Evelyn thanked Ms. Paige for the recognitions. Following up on Mr. Tiller's comments, he reported it had taken a team to make this happen and they had started working on this project over a year ago. When discussions had first started, he had felt good about this company and had found them to be down to earth and trustworthy. AutoZone would be providing great job opportunities and having a Fortune 300 Company in New Kent would be wonderful. All County department directors had been heavily involved and a great deal of information had been compiled and provided to AutoZone. He thanked them for their efforts and noted there would be more work to come. He expressed appreciation to Mr. Smolnik who he recognized as the leader of the team and noted he had done a great job.

#### IN RE: CITIZENS COMMENT PERIOD

Mr. Evelyn opened the citizens comment period and provided brief instructions. He called Isabel White Jarvis of 18910 Lynnlake Road, Barhamsville to the podium. Ms. Jarvis stated the proposed drug rehab facility (Makemie Woods) wasn't needed in the County or in Barhamsville. She hoped the Board would reconsider this request and added it seemed like her end of the County never got anything worth having and residents in that area were completely forgotten. She again stated the community and neighbors didn't want this facility and urged the Board to think of a better use for the property.

Mr. Evelyn thanked Ms. Jarvis for her comments.

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

VDOT Residency Administrator Marshall Winn reviewed a written report on a variety of work

completed over the past thirty days including pothole repair, sinkhole repair, pipe cleaning, shoulder repair, ditching, tree removal/pruning/cleanup, right-arm mowing, debris removal and litter pickup. 36 work orders had been received and 43 completed. There had been

three emergency call outs for mud in the roadway, a tree in the roadway and a vehicle accident. VDOT was currently working on a ditching and pipe replacement project on Stage Road. A pre-construction meeting regarding the Smart Scale shoulder widening project along Route 155/N. Courthouse Road had been held the previous week. This project would start south of Kentland Trail, skip the I-64 ramp area and then continue on beyond the ramps to Route 249. This project, scheduled to begin March 21st, was expected to be completed in 180 days. The contractor would provide a two-week look ahead throughout the project and County officials would receive regular updates. He noted Mr. Lockwood had reported a pipe issue on Routes 600 and 273 which would be addressed later in the week.

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

Mr. Stiers questioned the Route 155 project report. He noted Mr. Winn had stated the project would start south of Kentland Trail and go north. He asked for the status of the portion of Route 155 between Kentland Trail and Old Forge Road. Mr. Winn indicated he did not believe that portion would be included. He stated VDOT was very familiar with this contractor and they would do their best to complete the work as quickly as possible. He also noted they would work around events at Rosie's Gaming Emporium/Colonial Downs and urged County staff to provide them with any dates to be considered. Mr. Stiers also asked for repainting of two crosswalks on Kentland Trail. Mr. Winn indicated he would refer this to traffic engineering. Mr. Stiers requested an update on repaving Rockahock Road. Mr. Winn indicated he would send the paving schedule to Mr. Hathaway for distribution.

Mr. Tiller reported potholes at the end of Route 612 and Terminal Road and requested a Bottoms Bridge Corridor Study update. Mr. Winn had nothing new to report.

Mr. Lockwood expressed appreciation to Mr. Winn and the crew preparing for bridge work at Goddin's Pond. It had been reported this work would be done early to middle April and he asked for any timing updates. Mr. Winn indicated he would confirm with the bridge crew but early to middle April was the last he had heard. Message boards notifying the public would be in place a few weeks prior to beginning work.

Ms. Paige indicated she had nothing to report at this time.

Mr. Evelyn indicated he had nothing to report and thanked Mr. Winn for the updates. He offered a shoutout to his parents, oldest son and his wife and thanked them for attending.

# IN RE: THRIVE VIRGINIA UPDATE

Thrive Virginia Chief Operations Officer Chris Napier introduced himself and noted Chief Executive Officer Gillian Barney was not able to attend due to a death in her family. He had been serving in a variety of capacities with Thrive for a little over eight years and would be sharing information on how they were serving New Kent citizens and how the Board could best support Thrive. He stated he would be remiss if he did not acknowledge the struggles in leadership Thrive had experienced over the past few years but despite these difficulties, they continued to do some amazing work. He noted Supervisors had been provided with a slide presentation and although he could go over all of the details, what he wanted most was for the take away to be that Thrive's goal was to disrupt the cycle of poverty and contribute to the long-term healthy outcomes of New Kent citizens including housing, workforce development, healthy relationships, food security and positive parenting. The slide presentation indicated Thrive's mission was, "As New Kent County's Community Action Agency, we are dedicated to supporting and uplifting communities, using a whole family

approach to help persons fighting poverty overcome barriers to their success." Thrive had a \$2.5 million budget, 25 team members serving over 2,000 customers annually across their service area and they were governed by a volunteer Board of Directors. They worked to address the impact of childhood poverty which carried through an individual's lifetime. Research had demonstrated that individuals who experience poverty at a young age were significantly more likely to face negative outcomes as an adult.

Mr. Napier reported there were nine counties and two cities in Thrive's service area. He reviewed a list of key points regarding the Thrive/New Kent County partnership including:

- They were investing approximately \$400,000 annually through program delivery expenses in New Kent.
- Services had been provided to 73 households and 508 individuals in FY21 (approximately 25% of entire case load).
- \$43,000 in emergency financial assistance had been provided.
- Five members of the Board of Directors were New Kent County residents.
- Five critical programs were being delivered free of charge.

He noted results did matter and thanks to their programs, customers had been able to avoid eviction, improve financial well-being, improve mental and behavioral health, improve their role of parent/caregiver, obtain safe and affordable housing, obtain employment and meet basic needs. Most of Thrive's funding was federal and while this funding could be used to help New Kent citizens, the guidelines were rigid. Financial support from New Kent would allow them to be more flexible with serving clients. Local support also helped meet federal and state match requirements which allowed them to provide all services free of charge. He listed a number of services being provided including: a domestic violence intervention/ prevention program, housing and financial counseling services, at home visitation program as a part of the Healthy Families program and an emergency financial services program. He closed by stating he hoped the Board could find it in their hearts and in the data provided to financially support Thrive through its programming. He further stated that should Thrive not make it into the FY23 budget, his commitment to the Board would be to get to know them better over the next year and to continue to provide the most optimal services they could to the citizens of New Kent. He noted he looked forward to working with the Board.

Mr. Evelyn thanked him for the update.

#### IN RE: ARTS ALIVE ANNUAL REPORT

Arts Alive Board Member Farron Cowles presented the Arts Alive Annual Report. Ms. Cowles thanked the Board for the opportunity to speak and for allowing her to represent New Kent County. She noted that although she had not known what she was getting into ten years ago, she had loved serving. She provided an overview of the 2021-22 year as well as a preview of events scheduled for 2022-23.

Arts Alive had offered a \$1,000 scholarship and three \$500 scholarships to graduating seniors within the service area pursuing a visual or performing arts career. New Kent students had received three of the four scholarships in 2021. The \$1,000 Andy Conklin Visual Arts Scholarship had been awarded to Magnolia Lang and Annabelle Brame and Jillian Harrison had been recipients of \$500 Dr. Shirley Carter Olsson Recurring Scholarships.

A number of very affordable (\$15 each) visual arts workshops were offered each year and had attracted 64 participants in 2021 with almost all sessions selling out. Instruction was provided by Virginia Museum of Fine Arts educators as well as local artists. A number of

visual arts exhibits featuring works by area artists were hosted at the Robinson/Olsson Civic Auditorium in West Point in conjunction with the annual concert series.

Arts Alive, the Virginia Museum of Fine Arts and New Kent Parks and Recreation had partnered to bring the Artmobile to New Kent in May 2021. Approximately 170 participants had taken advantage of the opportunity to view this free exhibit. Arts Alive had also created a fundraising opportunity for civic organizations and school groups to provide refreshments at the series performances with proceeds being kept by the sponsoring organization. Other highlights from 2021 included the collection of supplies by Arts Alive board members and volunteers to help a New Kent art teacher and providing free tickets to the John Denver Tribute performance for School Superintendents to use as they saw fit.

Seven concerts, two of which had been rescheduled from the 2019-20 season due to COVID, had been presented during the 2021-22 season. Those concerts included performances by the Fantastic Patrick, a John Denver tribute band, Sons of Serendip, Seals & Crofts 2, Let's Rock Broadway starring the Diamonds, Sail on – The Beach Boys Tribute and 3 Redneck Tenors. Performances scheduled for 2022-23 included the Atlantic City Boys, The Everly Set, Divas 3, Hits & Grins and Chester Gregory. Ms. Cowles encouraged Board members to consider attending some of these performances or becoming season subscribers. She pointed out that hosting these performances close to home was especially valuable to a rural community and they were much more affordable than similar performances in the Richmond and Hampton Roads areas. There had been 388 season subscribers in 2021-22 and 110, or 28.5%, had been from New Kent County.

Arts Alive also offered two annual children's summer camps including an arts camp in June and the Missoula Drama Camp in August. 42 of the 105 students attending arts camp were from New Kent. 19 of the 51 participating in the Missoula Drama Camp presentation of Alice in Wonderland were from New Kent. Over 280 individuals had attended Children's Theatre performances. This year's Missoula performance would be Johnny Appleseed.

Ms. Cowles thanked the Board again for the opportunity to present and encouraged them to consider attending a performance or two. She noted the Beach Boys performance would be coming up in just a couple of weeks. Mr. Evelyn thanked Ms. Cowles for the presentation.

#### IN RE: FY23 COUNTY ADMINISTRATOR'S BUDGET PRESENTATION

County Administrator Rodney Hathaway shared a presentation on the proposed FY23 Budget recommendations. He had planned to distribute budget booklets at the Budget Retreat but since the retreat had been rescheduled to 9:00 a.m. Thursday, March 24<sup>th</sup> at The Ordinary, booklets would be distributed on Friday, March 18<sup>th</sup>. He reviewed the proposed budget totaling \$90,462,839 which included a school budget of \$43,667,946. This was almost a \$10 million increase over the previous year's budget and did not include the \$9,642,940 Public Utilities budget. He reported the value of one penny of the real estate rate was equivalent to \$390,722. This budget was based on a \$0.69 per \$100 of assessed value real estate tax rate. The previous year's tax rate had been \$0.79 and, with this being a reassessment year, the equalized tax rate would be \$0.66 meaning a \$0.03 increase was proposed. The County was required by law to equalize the tax rate by reducing the rate to a level that would not generate more than a 1% increase in revenue over the current rate. He reported three goals had been considered while developing this budget recommendation. Those goals had included focusing on addressing the rising costs of delivering services to the community and meeting personnel and staffing needs as well as salary needs.

Mr. Hathaway reviewed a revenue summary spreadsheet providing details on how the \$80 million FY21-22 budget had grown to \$90 million in FY22-23. He drew attention to the projected General Fund revenue which noted an increase of \$5,115,224. The General Fund was supported by revenue from real estate tax, personal property tax, various fees and state funding. The County had little control over other listed fund areas where funding levels were driven by federal and state formulas. He reviewed a chart depicting how the \$90 million budget would be allocated. Top allocations included a school budget of \$43,667,946, public safety at \$12,980,893 and annual debt service at \$8,607,797. He noted it was typical for approximately 50% of a locality's budget to be allocated to schools.

As previously stated, General Fund revenues were projected to increase by \$5,115,224 over FY22. He drew attention to a list of several revenue sources including an increase of \$3,477,651 in personal property tax revenue. He noted this was a huge number compared to previous years and this was partly due to conservative budgeting in the current fiscal year. Personal property tax revenue increases had been approximately \$500,000 to \$700,000 in past years. Staff had been shocked in FY22 when the increase had come in much higher and as a result, approximately \$750,000 had not been budgeted to make sure projections were met. Projections had been met and exceeded in FY22 and the projected increase in FY23 did not reflect an increase in rates. The increase was solely due to growth resulting from an increase in the number of vehicles as well as higher assessed values for personal property including both new and used vehicles. He was recommending the personal property rates remain level. An increase of \$1,140,034 in real estate tax revenue primarily from the proposed \$0.03 tax rate increase was also projected. He noted he was pleased to report a healthy increase (\$408,811) in sales and use tax which was an indication of a very strong economic environment. Drawing attention to the SAFER (Staffing for Adequate Fire and Emergency Response) Grant with a negative balance of \$308,614, Mr. Hathaway reported New Kent would not receive any SAFER funding in FY23 for the twelve fire/rescue staff positions and it would be the County's responsibility to fund the additional commitment of \$308,614. Increases of \$175,000 in local recordation tax, \$166,894 in business licenses and \$166,894 in meals tax revenue were also projected. Grantors taxes were expected to go down \$105,000 due to changes in the State Code. The General Assembly had eliminated this tax from localities and had funneled most of this revenue to the Hampton Roads Transportation Authority. Compensation Board funding (Constitutional Officers) was expected to increase by \$90,784 and a loss of \$79,165 in vehicle registration, consumer utility tax, permits and fees and interest collectively was also expected. The County had no control over these loss areas as the funding was based on state formulas.

The list of recommendations for the allocation of the \$5,115,224 in new revenue included:

• Annual School Board transfer of \$2,000,000 to fund existing operations. This would be above the previous year's funding.

The next two items were offsetting revenues and would have no impact on new revenue expenditures.

- Transfer of \$1,419,861 to FY23 Ouinton Elementary School startup/operating costs.
- Contingency Decrease of \$1,419,861 This was a one-time appropriation for Quinton school operations (\$2,045,000 less \$625,139 allocated during the current budget to begin the hiring process).
- Contingency Increase of \$1,200,000 to be set aside for the salary study. Results were expected in early April and this set aside funding would be used to address the results.
- New Personnel Actions totaling \$1,021,301 Details on the actions comprising this increase were included in the handout and would be reviewed later in the presentation.
- Increase in Debt Service Transfer of \$976,209 for 2022 debt issuance. Borrowing totaling \$16,150,000 for three capital projects including a new animal shelter, a new Fire

Station #4 and the renovation of the Historic School was in the works. A refunding the previous year had resulted in a debt service reduction of \$64,744 making the increased annual debt service for the 2022 borrowing \$976,209.

- Proposed 2% meals tax set aside totaling \$591,880 to be repurposed for a portion of the principal and interest for the 2022 debt issuance. Approximately \$380,000 in additional funding would be needed.
- Information Technology totaling \$159,730 for backup server replacements. This equipment was on a replacement schedule based on the length of warranties.
- Non-Major Capital Procurements totaling \$71,725 included voting equipment, a Gator utility vehicle for General Services and various maintenance items.
- Fire Rescue increase of \$56,952 to cover increasing fuel costs, cost of equipment and high call volume. Fuel was a big issue and staff would be monitoring this closely.
- General Services increase of \$45,000 for contract services for increased hauling and landfill fees. The General Services Director would be coming to the Board at the March work session to discuss the rising costs of operating refuse centers and to make some recommendations for ways to save while keeping the service free for residents.
- Heritage Public Library increase of \$39,092 to address increases in the minimum wage and a reduction in Payroll Protection funding. This would fully fund the Library's request.
- Economic Development increase of \$30,000 for target market analysis software to assist with project recruitment and with targeting certain industrial and commercial sectors.
- Hanover Health District increase of \$25,762 due to an increase to 42.006% for the locality rate. The County had no control over this fee.
- General Services Building and Grounds increase of \$22,195 for maintenance service contracts, three dash cam units and landscaping for the Visitor's Center.
- County Attorney increase of \$20,000 for Hefty Wiley & Gore contract increase. This contract had not been increased for some time. Mr. Hathaway indicated he felt the increase was fair and noted the firm was doing a great job for the County.
- Various other collective increases and decreases totaling \$19,638.
- Information Technology increase of \$19,500 for anti-malware software.

Expanding on proposed personnel actions totaling \$1,416,797, Mr. Hathaway noted the following recommendations:

- Increase in VRS Retirement Rate from 10.94% to 13.07% totaling \$233,803. The County had little control over these rates which were set by the state.
- Overtime increase totaling \$118,403. This was the result of a change in policy which
  had eliminated comp time accrual. Although this would be an increase in the budget,
  the elimination of the liability for paying out comp time would result in a cost savings.
- 5% COLA for Constitutional Officers, DSS, Registrar and Electoral Board totaling \$100,324. This was in the General Assembly's budget which had not been adopted but if approved, there would be some offsetting revenues to address the cost.
- Animal Control Sergeant position approved mid-FY22 at a base salary of \$51,600 totaling \$74,076 with benefits. An existing staff member had been promoted.
- New Patrol Deputy position at a base salary of \$49,184 totaling \$71,320 with benefits.
   The true cost of a new deputy position was approximately \$150,00 with the addition of the cost of a vehicle and equipment.
- Creating 12 Lieutenant positions in Fire-Rescue at a total of \$69,124. This would create another level of upward mobility for Fire-Rescue staff and would result in 12 existing staff receiving promotions. Many firefighters leaving New Kent had indicated one of the reasons for leaving was the lack of opportunities for advancement.
- New Human Resources Safety Coordinator position at a base salary of \$47,000 totaling \$66,595 with benefits.

- New Commissioner of Revenue Tax Program Administrator position at a base salary of \$45,000 totaling \$64,044 with benefits.
- New Environmental Planner 1 position at a base salary of \$41,600 totaling \$60,288 with benefits. This position was previously approved but had not been funded and this recommendation would put the funding back into the budget. This department was extremely busy as a result of the increase in construction and development and filling this position would address some of the workload issues.
- New Parks & Recreation Recreation Specialist 1 position at a base salary of \$36,301 totaling \$54,346 with benefits.
- Various FY23 salary adjustments including minimum wage increases and staff turnover totaling \$65,650.
- Upgrading part time Administrative Assistant position in the Sheriff's Office to full time with a base salary of \$43,898 for a total increase of \$32,328 with benefits.
- Two new Utility Specialist 1 positions in Public Utilities each with base salaries of \$39,537 and totaling \$116,856 with benefits.
- New Transportation Planner position with a base salary of \$80,000 totaling \$107,718 with benefits. Staff was currently in the process of filling this position.
- Position upgrades in Public Utilities totaling \$57,873 with benefits.
- Increased costs funded by Charles City County for Children's Services Act (CSA) programming including a salary adjustment for the director and a part time Administrative Assistant position totaling \$55,768. New Kent would have oversight of the Charles City CSA program and would be billing Charles City for services provided.
- Other non-general fund increases resulting from the VRS rate increase and staff turnover totaling \$37,084.
- Part time position upgraded to full time Family Services Specialist approved mid-FY22 totaling \$20,197.

A review of employee compensation and benefits indicated the following:

- Salary Study set aside totaling \$1,200,000. Staff was anxiously awaiting the results of the Salary Study which were expected to be available in early April.
- Health insurance rates no increase for employees. The County would be receiving a 3% decrease in premiums which was the first decrease in many years. Rates for employees would be held steady at this time. Rates to the County had increased over the past three years and these increases had not been passed on to employees. Mr. Hathaway reported the County's health insurance provider contract would be up for renewal soon and he felt this rate reduction may be an effort to keep the contract.
- VRS rates would increase from 10.94% to 13.07%.
- Health Credit rates would remain at 0.22%.
- VRS Group Term Life Insurance rates would decrease from 1.34% to 1.19%.
- VML Auto, Liability and Workers Compensation Insurance rates were not yet available.

A major capital improvement budget totaling \$4,963,576 was being recommended. Mr. Hathaway reported he had been over the list of capital projects at a previous meeting and would not review them again. Items included but not limited to were:

- \$612,334 for Self-contained breathing apparatus with County's share being \$61,234.
- \$600,000 for Airport Obstruction Removal-Design with the County's share being \$12,000.
- \$599,718 for the replacement of five school buses.
- \$427,212 for Sheriff's vehicles five of which were replacements and one was for a new position.
- \$405,000 for High School roof replacement.
- \$400,000 for data networking infrastructure upgrades.

Projects would be funded through several sources including non-proffer capital cash reserves totaling \$3,495,476, existing proffer allocation cash reserves totaling \$100,000 and state grants totaling \$1,368,100.

Mr. Hathaway presented the Public Utilities budget and noted no changes in water and sewer rates and connection and availability fees were recommended. He was pleased to report rates had somewhat stabilized and although rates had increased for many years, there had been minor decreases for the past two years. The budget proposal included dropping the Bottoms Bridge Service District ad valorem tax rate by \$0.05 to \$0.05 per \$100 of assessed value (decrease from \$0.10 to \$0.05). The proposed FY23 budget was \$9,642,940 compared to \$8,134,874 in FY22. This increase was due to \$3,356,230 in capital projects scheduled for FY23 compared to \$3,127,000 in FY22. Mr. Hathaway reported he had been over the list of capital projects for Public Utilities at a previous meeting and would not review them again. Items included but not limited to were:

- \$600,000 for water system interconnections Phase 1B New Kent Highway.
- \$500,000 for surface water withdrawal project land acquisition.
- \$475,000 for utilities operations center site planning.
- \$430,00 for a Talleysville pump station grinder.

Mr. Hathaway noted the General Fund Budget and the Public Utilities Budget were separated because the Public Utilities budget was funded totally through fees and rates. No tax dollars such as those generated by real estate and personal property were put into Public Utilities. He noted additional information would be provided at the Budget Retreat on March 24<sup>th</sup> and the public hearing for tax rates and fees would be held on April 11<sup>th</sup>. He was recommending the real estate tax rate be advertised with a \$0.03 increase and noted the Board could adopt a lower rate but could not go higher. The public hearing for the budget itself would be held on May 9<sup>th</sup> with budget adoption scheduled for May 25<sup>th</sup>. He entertained questions.

Mr. Evelyn thanked him for the presentation and suggested Board members would have questions for the budget retreat. He stated for the record that the real estate tax rate would be advertised with a \$0.03 increase but the Board could always take action to set the rate at a lower level. The rate could not be set any higher than what was advertised.

IN RE: PUBLIC FACILITIES LEASE REVENUE BOND, SERIES 2022 - RESOLUTION R-10-22

Before the Board for consideration was Resolution R-10-22 approving public facilities lease revenue bond, series 2022 in an amount of \$16,150,000. Sands Anderson Bond Counsel Daniel Siegel reminded the Board of discussions at its previous meeting where proposals from several lending institutions had been reviewed. Webster Bank had offered the most appealing proposal and the Board had authorized staff to move forward with this option. The funding would provide up to \$16,150,000 for contemplated projects including:

- Renovation of the Historic School and relocation of the School Maintenance Building -\$7,000,000.
- Construction of a new fire station to replace Fire Station #4 \$4,000,000.
- Construction of a new Animal Shelter \$5,000,000.

This financing would also be through the EDA (Economic Development Authority) and, depending on the Board's action on Resolution R-10-22, the EDA could be meeting later in the week to address necessary actions on their part for the financing. Mr. Siegel reported the interest rate on this financing for a 20 year term would be 2.65%. He noted the Board

had received details on this transaction previously and he would be happy to review more if they wished. Mr. Evelyn agreed details had previously been covered and stated that unless there were questions from the Board, they were ready to take action.

Mr. Tiller moved to adopt Resolution R-10-22 to approve the public facilities lease revenue bond, series 2022. 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 – WATER AND SEWER REVENUE BOND, SERIES 2022 – RESOLUTION R-09-22

Before the Board for consideration was Resolution R-09-22 authorizing the issuance and sale of up to \$9,000,000 principal amount of a water and sewer revenue bond and providing for the form, details and payment thereof. Sands Anderson Bond Counsel Daniel Siegel reported he would do a short presentation prior to the public hearing. This financing had been written as broadly as possible so that it could be used to address a number of public utilities projects but its focus would be the biosolids project currently in design. This financing would be for up to \$9,000,000 and Citizens and Farmers Bank (C&F) had offered the most appealing proposal. C&F had given the County a great deal with a 2.27% interest rate for twenty years and the loan would be payable at any time in whole or in part. There would be no penalty unless funding from another lending institution was used to make prepayment within the first three years and in that case, a 1% penalty would apply. This financing would be on parity with existing water and sewer debt through the VRA (Virginia Resources Authority) and VRA consent would be needed. Details had been provided at a previous meeting but he would be happy to review more or answer questions as needed.

Mr. Evelyn thanked Mr. Siegel for the presentation and opened the public hearing. There being no individuals wishing to speak, he closed the public hearing. He stated he felt the Board had made the right decision to not wait on this financing given the interest rate.

Mr. Lockwood moved to adopt Resolution R-09-22 authorizing the issuance and sale of up to \$9,000,000 principal amount of a water and sewer revenue bond and providing for the form, details and payment thereof. 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: ELECTED OFFICIALS REPORTS

Mr. Stiers and Mr. Tiller indicated they had nothing to report at this time.

Mr. Lockwood thanked the community for coming to the County recycling event the previous Saturday. Although the day had been cold, wet and snowy, the turnout had been good. He thanked Ms. Paige, volunteers, members of the Clean County and County staff for their involvement. He reported tons of paper had been shredded and electronics recycled and a forty-foot trailer had been filled with tires by 10:30 a.m. He thanked everyone who had contributed and who had brought items to be recycled. He was looking forward to possibly having these events more frequently and added that it had been well received by the public.

Ms. Paige made several announcements including:

- She thanked all citizens who had been helping in the efforts to widen the 29 miles of I-64 through New Kent County. This would be an over \$700 million project and she was hopeful for the outcome of several pending House and Senate bills. She thanked citizens for their letter writing and encouraged them to continue to reach out to their representatives as well as those representing the Hampton and Peninsula areas.
- New Kent Relay for Life would be at Colonial Downs on June 18<sup>th</sup>. This was something near and dear to her heart since 2006 and had not been held in New Kent for several years. She stated that as a Board of Supervisors member she had received regular updates on COVID numbers but reported those numbers had been nothing compared to the over 1.8 million diagnosed with cancer or the 647,000 losing the battle each year. She stated we could not stop fighting to find a cure. She was a breast cancer survivor and was committed to help anyone and everyone that she could. This Relay for Life would be a much smaller version than had been held in the past and funds would be raised to support services through the American Cancer Society. Every year new cures were being found as well as new treatments that were helping people to live longer with cancer. She stated we know there is a cure and will not stop fighting until everyone who hears the words, "you have cancer" will also hear the words, "but we have a cure."
- She reported she served on the Central Virginia Waste Management Authority Board and one of the biggest issues they faced in terms of recycling was what to do with plastic bags. She announced the New Kent Lions Club was collecting plastic bags to be recycled into benches. This would keep bags out of the landfills and out of the recycling process where they often caused equipment to break down. She thanked them for their efforts.
- She was pleased the Board had taken the opportunity to recognize staff earlier in the meeting and hoped there would be many similar recognitions to come. She thanked all who had joined in the earlier recognitions and the family members in attendance.

Mr. Evelyn reported the New Kent Educational Foundation (NKEF) would be hosting the annual Strides for Education fundraiser on May 7<sup>th</sup> at Colonial Downs. Those interested in signing up could do so by going to the NKEF website and he encouraged everyone to consider donating. He also noted the Blue Knights motorcycle club would be hosting a Brunswick stew sale to benefit Tony Hamlet, brother of retired New Kent Deputy Chris Hamlet. The cost was \$10 a quart and orders were due by Wednesday, March 16<sup>th</sup>. This was being organized by retired New Kent Sheriff Wakie Howard and Sheriff Joe McLaughlin.

Mr. Evelyn also stated he believed there had been some confusion surrounding the earlier VDOT report regarding a construction project on Route 155 and questions raised by Mr. Stiers. He asked if Chief Deputy Lee Bailey or Fire Chief Rick Opett could provide more information. Chief Deputy Bailey reported his information indicated the work would be from Old Forge Road traveling north until reaching Kentland Trail. The project would then stop and pick back up just north of I-64 and continue on to Route 249. The project was estimated to take 180 days and was scheduled to begin on March 21st. Mr. Stiers indicated it was his understanding that a one foot wide shoulder would be added. Deputy Baily

agreed and noted they would be working to the north and once reaching Route 249 would turn and begin working to the south. County Administrator Rodney Hathaway stated he believed it would be a three-foot shoulder and noted funding had been provided by VDOT for the Courthouse to Courthouse bike path about twenty years ago. That project had transformed over the years and was now a shoulder extension along Route 155. Mr. Stiers stated it would be on both sides of the road. Deputy Bailey indicated he believed that was correct and noted they were trying to complete the project without doing any major ditching or trenching. VDOT had been advised by the Sheriff's Office to contact New Kent Schools Superintendent and the Transportation Director to inform them of possible delays for bus traffic. They had also been asked to provide information to be shared by the Sheriff's Office and County on social media informing parents of possible traffic issues. They had also been encouraged to do all they could over spring break to minimize issues with school traffic.

IN RE: STAFF REPORTS - CLUSTER SUBDIVISION DISCUSSION - RESOLUTION R-11-22

County Administrator Rodney Hathaway distributed copies of Resolution R-11-22 initiating a text amendment to the Subdivision and Zoning Ordinance to amend the provisions for Open Space or Cluster Subdivisions. He had been directed several meetings ago to look at the County's Cluster Subdivision Ordinance and to bring back recommendations for ways to potentially slow down growth resulting from this type of development. He had considered this from a different perspective because he understood the goals was not to stop growth but to control growth. The goal would be for the growth to be in accordance with the County's future land use plan contained in the Comprehensive Plan. He reported the County had very little control given the way the current Cluster Subdivision Ordinance was written. Cluster Subdivision development was a by right process and as such, did not come to the Board of Supervisors for approval. The requirements, which were relatively lenient, made it easy for this type of growth to take place and some of the growth was in areas where maintaining rural aspects were preferred per the Comprehensive Plan. He had worked with staff and had prepared recommended changes. He noted some may ask why don't you just stop allowing Cluster Subdivisions but by law, any locality which had experienced a growth rate greater than 10% since the last census was required to have Cluster Subdivision provisions in its ordinance. He also noted the County was required to have a Cluster Subdivision Ordinance that was no more lenient in terms of density than Zoning Ordinance. As a result, he was also proposing changes to the Zoning Ordinance. Recommended changes to the ordinances had been included in the handout and he would review the highlights. The major proposed change would be the density calculation. The current calculation was the total acres divided by the minimum lot size permitted in the Zoning Ordinance. New Kent was also requiring that all wetlands and environmentally sensitive lands be removed from the calculation. He noted this was not in line with State Code and even if no other changes were approved, revisions would be necessary in order to be in compliance. He was proposing a density of one lot per 10 acres of land as opposed to the current one lot per 1.5 acres of land. He also noted current ordinance had no minimum or maximum lot size and he was proposing the maximum lot size be two acres with the intention being to preserve open space. The current set aside of 50% of the acreage in conservation would be increased to 80% which was more in line with the original intent of the State's Cluster Subdivision Ordinance. The current ordinance required a minimum of 70 acres for a Cluster Subdivision which he was recommending be dropped to 50 acres.

He was also recommending amending the Zoning Ordinance to increase the minimum lot size in A1 zoning from 1.5 acres to 10 acres. He stated the 10 acre minimum lot size may seem extreme but noted the 1.5 acre minimum was actually a false minimum because there

was no way to get to the 1.5 acre size in the current ordinance. A by right subdivision in A1 zoning was 25 acres without public road frontage and 15 acres if on a public road. The only other option for subdividing land in A1 would be through a Parent Tract Subdivision which would have a minimum lot size of two acres. He was proposing continuing to allow this exception for Parent Tract Subdivisions as well as an exception for Family Subdivisions which required a minimum of 1.5 acres. He was also recommending a grandfather clause to allow building on existing lots not meeting the minimum acreage as of the date the proposed revisions were adopted as long as setback requirements could be met. These revisions would only impact new lots created going forward. He noted there was no way to get to a new 10 acre lot today other than by Parent Tract or Family Subdivision which would continue to be allowed and he didn't think increasing the minimum lot size standard would really impact development. He noted these were the highlights of the changes. He was also proposing a change to boundary line adjustments which would allow adjustments to smaller lots. More details were included in the handout. He also noted if the Board wished to move forward with this, a resolution and proposed motion to forward this to the Planning Commission had been prepared. He entertained questions.

Mr. Lockwood stated he would like to have more time to review the proposed changes before sending it to the Planning Commission.

Ms. Paige asked for confirmation that if the Board sent this to the Planning Commission, it would still come back to the Board for a public hearing. Mr. Hathaway confirmed.

Referencing the calculations, Mr. Evelyn noted Mr. Hathaway had said New Kent required wetlands to be backed out but had learned this was not in compliance with State Code. He asked if it was necessary to send this change to the Planning Commission or could the Board move forward now. Mr. Hathaway reported this change to Subdivision Ordinance would still need to go to the Planning Commission. For the record, Mr. Evelyn asked the question, "When was the last subdivision approved by this Board?" Mr. Hathaway reported he believed the last subdivision approved by the Board had been in 2006. Mr. Evelyn stated much of the growth in the County now such as at the Farms of New Kent was the result of approvals granted in the late 1990s and early 2000s and developers were now catching up. New subdivisions seen popping up around the County were Cluster Subdivisions.

Mr. Tiller asked when this would go to the Planning Commission if approved. Mr. Hathaway reported the item could be introduced to the Planning Commission as early as the March 21<sup>st</sup> meeting but the earliest date for a public hearing would be April. Mr. Tiller asked Mr. Lockwood if he would be okay with sending this to the Planning Commission with the understanding it would not come back to the Board until May. Mr. Lockwood agreed.

Mr. Tiller moved to adopt Resolution R-11-22 to initiate text amendments to the subdivision and zoning ordinances for the amendment of provisions for open space and cluster subdivisions. 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: STAFF REPORTS – INDUSTRIAL ACCESS ROAD TRANSFER

County Administrator Rodney Hathaway distributed a proposed motion and Budget Transfer Form requesting a \$69,988 transfer from Reserved for Contingency to the Economic Development Authority (EDA). The requested funds were in support of the construction of the Industrial Access Road to serve the AutoZone project and would be used to purchase nutrient credits totaling \$68,728 and to pay Virginia Stormwater Management Program fees totaling \$1,260. The County was working with property owner, SPF Investments, for the construction of this road and the EDA would be paying for project engineering.

Ms. Paige moved to approve the requested transfer of funds totaling \$69,988 from the Reserved from Contingency line item to the Economic Development Authority line item. 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: OTHER BUSINESS – TRANSPORTATION PLANNER POSITION

Mr. Stiers distributed copies of the proposed budget for the Transportation Planner position as well as related department expenses. He noted everything the Board had seen at this meeting was the County spending more money and he suggested there was a way for the County to have a nice transportation program and not spend any money. He reviewed information on the spreadsheet and noted wages for the position would be \$80,000 but the expenses didn't stop there. Total payroll including benefits would be \$107,718, operations totaled \$34,545 and non-major capital totaled \$500 for a total budget of \$143,038. This \$80,000 a year position would end up costing the County almost \$150,000 annually. He reminded the Board they had created a Broadband Advisory Committee and had appointed County residents to serve. This group had spent nine months working on a plan for the County to go forward with broadband. The Board had listened to this committee and had adopted their proposal which was the model being used to move forward with county-wide broadband. He suggested the Board could do the same thing with transportation planning instead of spending more money creating a new position. He proposed that the Board create a committee comprised of the Sheriff, Fire Chief, a School Transportation representative, the Board of Road Viewers and the Transportation Safety Commission. These would be people living in the County and who would know the roads better than anyone hired from outside the County. They could discuss the needs of the County and forward their recommendations to the Board of Supervisors for final determination of how the funds would be spent. He stated he had initially thought a Board member should serve on the committee but had since decided against that. In six years, the County would spend \$1 million on this position that could be spent on road improvements.

County Administrator Rodney Hathaway asked if the Sheriff or Fire-Rescue would be responsible for required reporting, project management and meetings. He felt a point person would be needed to organize this effort. The plan had always been to get feedback from the public and it would be great to get all mentioned entities involved. He indicated he felt it would be necessary to have someone to be accountable for managing the dollars,

submitting required reports and managing construction projects. Mr. Stiers noted the Broadband Committee had a director in charge and suggested the transportation group could select a chair who would come to the Board for project approvals. He stated the money would not go anywhere without Board approval. Mr. Hathaway agreed all projects would be approved by the Board. Mr. Stiers suggested that instead of growing the budget by \$10 million, the Board should be cutting spending. He felt the position was unwarranted.

Mr. Lockwood noted agreement with Mr. Stiers in regard to saving money but noted the burden on the Transportation Planner position for reporting to the state and for making sure expenditures were in compliance would not be a part time job. He also noted another responsibility of this position would be to multiply available funds by soliciting grants. There were grant opportunities for which the County was not able to pursue and the cost of this position would be small in comparison to the millions of dollars the County was not going after due to lack of resources. The money would be well spent to have a professional who understood utilizing the County's money in conjunction with available state and federal funding. He felt moving forward and finding the right person for the position would be critical to New Kent's ability to multiply funds. Mr. Stiers noted appreciation for the comments and stated Fire Chief Rick Opett knew how to write grants and had proven that to this Board. He also noted the Sheriff's Office knew how to write grants and it wasn't hard to determine where the money was and write for it. Mr. Lockwood stated there was a difference between the specialized aspects of transportation, fire/rescue and law enforcement and asked did the Board really want to burden the Sheriff or Fire Chief with road responsibilities. He noted there were people specializing in transportation and he felt a specialist would be needed given the amount of money to be spent on road projects.

Mr. Evelyn reported the position had been advertised and an offer had been made and declined. Mr. Hathaway reported there were two top candidates and the offer extended to one had been declined. That individual had been looking to work from home and the County did not have a policy allowing this. He noted perhaps he was a little old school in this regard but felt that as public servants, staff should be present to serve the public. Although the top candidate had declined, he felt the other candidate was just as qualified and an offer would be extended to that individual. Mr. Evelyn asked if that offer had been made. Mr. Hathaway reported no other offer had been made. Mr. Stiers reported he had served on the interview panel and it had been the second candidate who had indicated they wanted to work from home. Mr. Hathaway agreed and reported the first candidate had not indicated during the interview process that they also wished to work from home. This had not come up until after the offer had been made. Mr. Stiers noted he appreciated what Mr. Hathaway was saying but reported the first thing the second candidate had asked was would they be able to do teleconferencing from home. Mr. Hathaway agreed but noted he had not felt this was a requirement for this individual to accept the position. He reported there had been some communication with this individual since and they had indicated they were actively looking for housing arrangements closer to New Kent.

Mr. Evelyn noted the Board would be meeting for the Budget Retreat on March 24<sup>th</sup> and suggested perhaps more information and justification for the position could be presented then. Mr. Hathaway agreed and noted he had a job description which he would be happy to provide. He stated he was not against what was recommended but felt a point person would be necessary and whether it was the Sheriff's Office or Fire-Rescue, that would be fine. Mr. Evelyn stated the Sheriff's Office and Fire-Rescue did not want this responsibility.

Ms. Paige noted this position would be more than just being in New Kent County and grants. It would be necessary for this individual to know the state and federal regulations governing

spending of CVTA (Central Virginia Transportation Authority) funding and they would also attend various transportation meetings outside of the County. The funding would be several million dollars and she did not feel New Kent was set up for a particular group to handle this. She noted the Board of Road Viewers had not met for many years and the Board had recently taken action to expand the responsibilities of that board and its membership to include members of the Transportation Safety Committee. The Transportation Planner position would be funded through the County with revenue from the CVTA which could be designated for a Transportation Director or an entire transportation department. If the Board wished, she could get more information for discussion at the retreat.

Referencing the earlier presentation from Thrive Virginia, Mr. Stiers noted the information provided indicated they had an annual budget of \$2.5 million dollars, were serving 2,000 customers annually and were governed by a volunteer board of directors.

Mr. Evelyn asked if the Board wanted to wait for more details at the budget retreat or move forward. The general consensus was to discuss this further at the budget retreat. Mr. Lockwood suggested the candidate should be informed that the Board was working on this.

### IN RE: APPOINTMENTS - DELEGATED BY DISTRICT

Mr. Evelyn moved to appoint Larry Clark as 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 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.

### IN RE: APPOINTMENTS - NOT DELEGATED BY DISTRICT

Ms. Paige moved to appoint Jackie Randall as an at-large representative to the Board of Road Viewers to complete a term ending December 31, 2024. 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.

This vacancy had inadvertently been left on the list of proposed motions when in fact it had previously been filled. Although the appointment of Ms. Randall was approved, there were no unfilled seats remaining on the Board of Road Viewers.

# IN RE: APPOINTMENTS - REGIONAL BOARDS AND COMMISSIONS

There were no regional board and commission appointments.

# 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, April 11, 2022 and the next work session at 9:00 a.m. on Wednesday, March 30, 2022 both in the Boardroom of the County Administration Building. The Budget Retreat scheduled for 9:00 a.m. on Friday, March 18, 2022 had been moved to 9:00 a.m. on Thursday, March 24, 2022 at The Ordinary, 12000 New Kent Highway, New Kent, VA.

Mr. Tiller moved to adjourn. 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.

The meeting was adjourned at 8:08 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: 5/9/2022 Miscellaneous

a part of the record.  or  I move to approve th	e Consent Agenda as			
Approval of Easement Encroachment Agreement with Virginia Natural Gas				
Waterlines in the new Dispatch Station Section 2 will cross a 16-inch VNG gas main. Despite an existing agreement between the developer/owner and VNG, VNG is requiring an easement encroachment agreement with the County.				
Consider the agreement carefully before authorizing the County Administrator to sign				
The agreement requires DPU to relocate the waterline upon request of VNG. VNG would not agree to remove this language even though it contradicts the property owner's right to construct utilities within the easement. Potential cost to relocate facilities could be up to \$35,000 or more when design, construction, materials, bypass pumping, etc. are considered.				
none				
none				
The agreement contains terms that are not favorable to New Kent DPU. Specifically the requirement to relocate water lines at the request of VNG. 14 proposed residences would be affected if a water outage were necessary to accomplish this.				
e	Person Appearing:			
e Lang	Telephone:	966 9625		
County Attorney				
	a part of the record.  or  I move to approve the it be made a part of the made a part of	a part of the record.  or  I move to approve the Consent Agenda as it be made a part of the record, with the formal part of the made a part of the record, with the formal part of the par		

# **ATTACHMENTS:**

Description Type

Proposed agreement with attachments Cover Memo

# **REVIEWERS:**

Department	Reviewer	Action	Date
Public Utilities	Dame, Larry	Approved	4/26/2022 - 2:22 PM
Administration	Hathaway, Rodney	Approved	5/1/2022 - 5:54 PM
Attorney	Hefty, Brendan	Approved	5/2/2022 - 12:58 PM



Virginia Natural Gas 544 S. Independence Blvd Virginia Beach, VA 23452 Phone- 757-466-5400 www.virginianaturalgas.com

Rodney A. Hathaway, County Administrator County of New Kent PO Box 150 New Kent, VA 23124 804 966 9683

RE: Encroachment on VNG Easement of Right of Way VNG Facilities: Size: 16" Natural Gas Pipeline

Encroachment: Proposed use of VNG easement for 8-inch waterline crossing, Black Creek Road, Dispatch Station-Section 2, Quinton, Virginia

Mr. Hathaway:

You have requested that Virginia Natural Gas, Inc. ("VNG") grant County of New Kent ("Applicant") permission to encroach on VNG's easement of right-of-way containing the VNG facilities identified above, to install the Encroachment facilities referenced above, as identified on the following plan sheets that are acknowledged and made a part of this agreement with the noted exceptions:

- **Exhibit A** Approved Plan sheet number 4.3 (Revision 3), Dispatch Station Section 2 identifying the one area of encroachment on VNG's easement right of way for the construction of the proposed facilities on Business Name's property.
- **Exhibit B** Approved Plan sheet number 6.2 (Revision 3), titled Dispatch Station Section 2 identifying the existing grade, the grade after clearing, VNG's requirements for subgrade, concrete, and asphalt, and their respective spans, construction methods, and final grade over the pipeline.

**Exception:** No exceptions.

VNG, insofar as its rights and interests are concerned, hereby grants permission to Applicant, its successors and assigns, to install its facilities and maintain the proposed Encroachment, **subject to the following conditions:** 

- 1. No utilities other than those shown on the referenced Plan Sheets shall be installed on the VNG easement Right of Way.
- 2. No excavation or construction is permitted within VNG's easement of right-of-way or over the Pipeline(s) without a VNG representative being present. Applicant will notify VNG directly 48 hours prior to excavating within VNG's easement of right-of-way, provided however that for excavations on Mondays, Applicant will notify VNG no later than 12:00 pm (Noon) on the prior Thursday. Contact Travis Lucas at 757-438-7326 or Zach Gravely at 757-508-0455. Additionally, Applicant will



Virginia Natural Gas 544 S. Independence Blvd Virginia Beach, VA 23452 Phone- 757-466-5400 www.virginianaturalgas.com

comply with all requirements of the Virginia Underground Utility Damage Prevention Act (the "Miss Utility" law).

- 3. The roadway identified on plans acknowledged above will be installed to maintain at a minimum the existing cover over the 16" VNG transmission pipeline identified above ("the Pipeline"). In the future, if Applicant finds it necessary to request the Pipeline be relocated as a result of improvements to the proposed Encroachment, such relocation will be at the expense of Applicant.
- 4. The soils within the area of the Encroachment designed to support vehicular parking and access will be thoroughly and carefully compacted to ensure a sound backfill over and around the Pipeline. Select fill will be placed and compacted in the area along the pipe, to the satisfaction of the VNG Inspector. Remaining fill will be placed and compacted to ensure suitable sub-base acceptable for streets and parking areas. Base and pavement materials will meet all VDOT specifications and will be applied in accordance with VDOT specifications for the expected weight and size of the vehicular traffic anticipated by Applicant. These specifications will be referenced on the construction drawings.
- 5. No mechanized ditching or excavation will be allowed within the VNG easement right-of-way within twelve feet from centerline of the VNG Facilities.
- 6. No trees may be planted on the easement of right-of-way. All other landscaping on the right-of-way must be approved by VNG prior to planting. If at any time growth of landscaping installed by Applicant obstructs the operation and maintenance of the Pipeline, Applicant will be notified by VNG and will be responsible for cutting back such growth to the satisfaction of VNG.
- 7. Fences are not allowed within the right-of-way.
- 8. Permanent structures are not permitted on the right-of-way.
- 9. The impoundment of water in the right-of-way is not allowed.
- 10. The right-of-way will be maintained clear of vehicles and material at all times, except in this case, as for normal use for vehicular traffic.
- 11. Blasting within VNG's easement of right-of-way is prohibited.

Virginia Natural Gas 544 S. Independence Blvd Virginia Beach, VA 23452 Phone- 757-466-5400 www.virginianaturalgas.com

- 12. Suitable padding (e.g. timber mats) must be placed on undisturbed ground over the Pipeline where construction equipment in excess of 28,000 pounds GVW must cross the Pipeline without benefit of a paved road. Any padding shall be approved by VNG before being installed. Any padding used shall be removed by Applicant upon completion of the proposed Encroachment, and the easement shall be returned as near as practical to its' original condition.
- 13. Construction must comply with all state and local erosion and sedimentation control laws and regulations.
- 14. Except in emergencies, Applicant will give at least two (2) days advance notice directly to VNG of any future work being performed within VNG's easement of right-of-way in order to have an inspector present while the work is in progress, and Applicant will pay the cost for the inspector, if such inspector is required.
- 15. Pipeline markers made unusable or damaged will be repaired or replaced at the Applicant's expense. In addition, no pipeline markers will be obscured from public view.
- 16. VNG reserves all rights for construction, operation and maintenance of the Pipeline and access thereto, including the right to open cut, excavate, and dig across the proposed Encroachment described herein, nevertheless, VNG will exercise reasonable care in the performance of any work that might disturb the proposed Encroachment so as to minimize the work and materials required to be applied by Applicant to repair same. Should VNG deem it necessary to reconfigure its facilities within the easement right-of-way, Applicant will bear the responsibility for modifying or rearranging or removing its facilities to enable VNG to exercise its easement rights without conflict or interference from Applicant's facilities.
- 17. Applicant shall reimburse VNG promptly for expenses incurred by VNG to repair damage to its equipment or facilities resulting from, arising out of or in any way connected with: (i) use of the easement right-of-way by Applicant, its employees, contractors or agents; and (ii) the exercise by Applicant of the rights granted by or activity undertaken pursuant to this letter agreement.
- 18. Applicant shall not assign, grant, permit or otherwise convey to any other party any rights, privileges or encroachments of any nature in, on or with respect to the easement right-of-way without the prior written approval of VNG.

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- 19. No cathodic protection is approved with this letter agreement.
- 20. In the event that any of Applicant's facilities are determined to be unsafe at any time, the unsafe condition shall be corrected, at Applicant's expense, within sixty (60) days after notification by VNG or within forty-eight (48) hours if the Applicant's facilities or construction, operation or maintenance activities associated therewith jeopardize VNG's facilities.
- 21.VNG shall not be responsible or liable for injuries to persons (including bodily harm or death) or damage to property caused by or arising out of this letter agreement and all activities related thereto unless such damages or injuries are due to the gross negligence or willful misconduct of VNG, its agents, employees, successors or assigns.
- 22. Applicant, its agents, assigns, contractors or sub-contractors shall obtain or keep, in full force and effect, with respect to its/their work within the Licensed Premises and before entering the Licensed Premises, insurance coverage with insurance companies authorized to do business in the Commonwealth of Virginia, as follows:
  - a. Workers compensation insurance as required by the statutory benefit laws of the Commonwealth of Virginia or approved self-insurance and employers liability insurance with limits of at least \$1,000,000.00 bodily injury by accident and \$1,000,000.00 each employee for bodily injury by disease.
  - b. Commercial general liability insurance with coverage limits of at least \$2,000,000.00 each occurrence, \$2,000,000.00 aggregate. Such insurance shall include, but not be limited to, specific coverage for contractual liability encompassing the previously referenced indemnity and liability requirements.
  - c. Automobile liability insurance covering bodily injury and property damage with a total limit of at least \$2,000,000.00 per accident. Such insurance shall cover liability arising out of any auto (including owned, hired and non-owned autos).



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23. VNG may revoke this letter agreement immediately, by giving notice to the Applicant, if VNG, in its sole discretion, determines that the Applicant's facilities or construction activities connected therewith interferes in any way with the operation of VNG's facilities and Applicant fails to correct the same after receiving thirty (30) days prior written notice from VNG.

Upon the failure of Applicant and its successors and assigns to comply with any of the terms of this agreement, VNG reserves the right to revoke the permission granted herein in its entirety, to prevent Applicant from continuing any activity in violation of the terms of this agreement or VNG's rights under its easements and prior agreements, and to make any necessary repairs or adjustments to its Pipeline(s) or easements of right-of-way with its own forces at the expense of Applicant. This agreement applies only to the project drawings and Encroachment identified herein. Any modifications to this project or drawings or Encroachment within VNG's easement of right of way must be approved by VNG prior to implementation or construction.



Virginia Natural Gas 544 S. Independence Blvd Virginia Beach, VA 23452 Phone- 757-466-5400 www.virginianaturalgas.com

A copy of the fully executed agreement, signed by an authorized representative of Virginia Natural Gas, will be provided for your records. For avoidance of doubt, this agreement will not become effective until fully executed by both parties.

Please signify acceptance of the above conditions by a proper official signature in the space provided below.

Sincerely,									
Virginia Natu	ral Gas, Ind	C.							
D. Dill D. Li									
By: Bill Robir Manager		ring Service	s						
City/County of	of								
Commonweal	lth of Virgi	nia							
The	foregoing	instrument	was	acknowledged	before	me	this	 day	of
	, 2021	, by		tl	he				
of									
<b>Notary Public:</b>	:								
Signature									
Print Name									
My Commissio	n Expires:								
[Notary Seal]									



Virginia Natural Gas 544 S. Independence Blvd Virginia Beach, VA 23452 Phone- 757-466-5400 www.virginianaturalgas.com

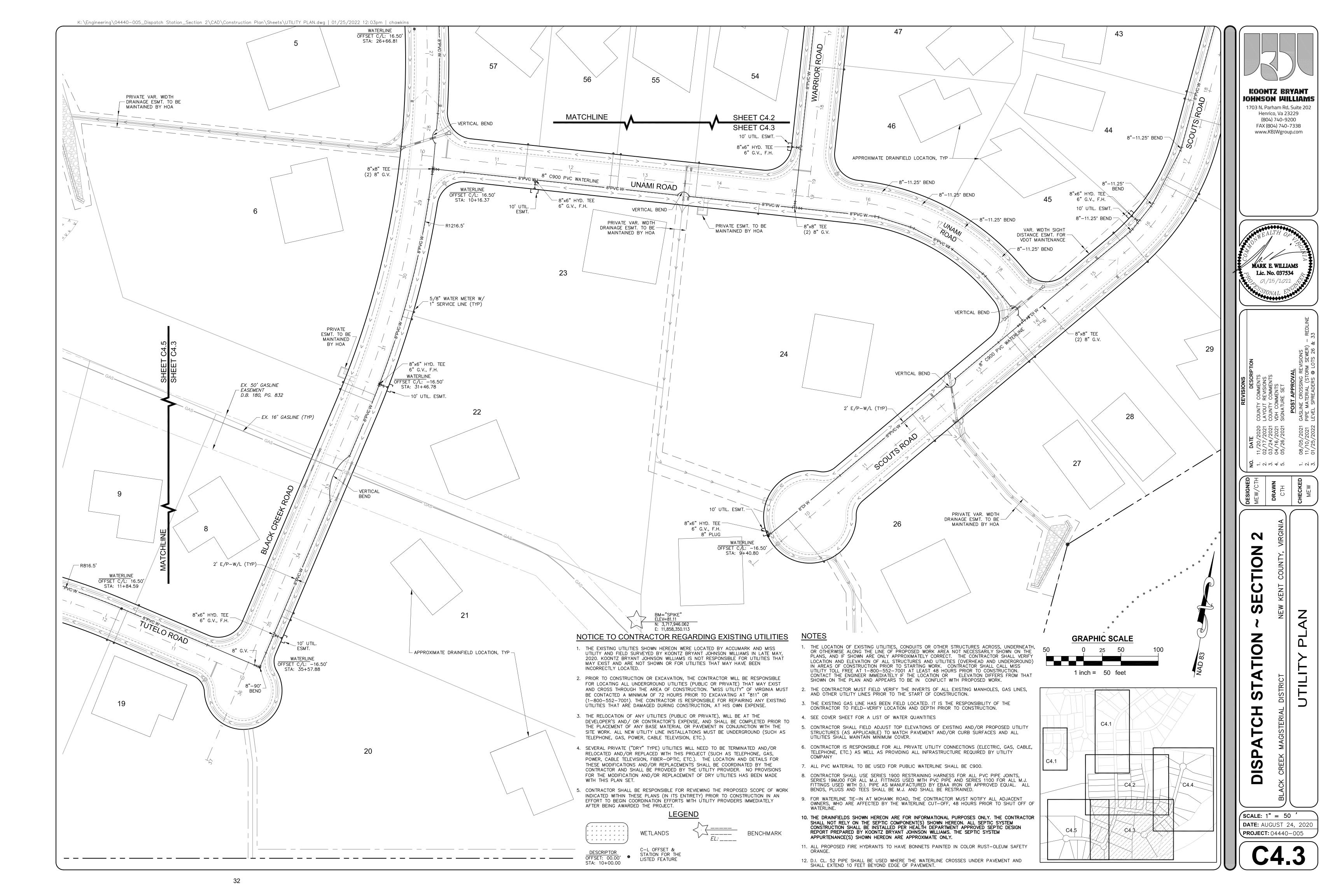
The undersigned, intending to be legally bound hereby, agrees to and accepts the conditions stated in the foregoing letter agreement.

	County of New Kent:	
	Signature:	
	By:	
	Title:	
	Date:	-
City/County of	Phone:	
Commonwealth of Virginia		
The foregoing instrument	was acknowledged before me this	day of
, 2022, by	the	
of		
Notary Public:		
Signature		
Print Name		
My Commission Expires:		
[Notary Seal]		



Virginia Natural Gas 544 S. Independence Blvd Virginia Beach, VA 23452 Phone- 757-466-5400 www.virginianaturalgas.com

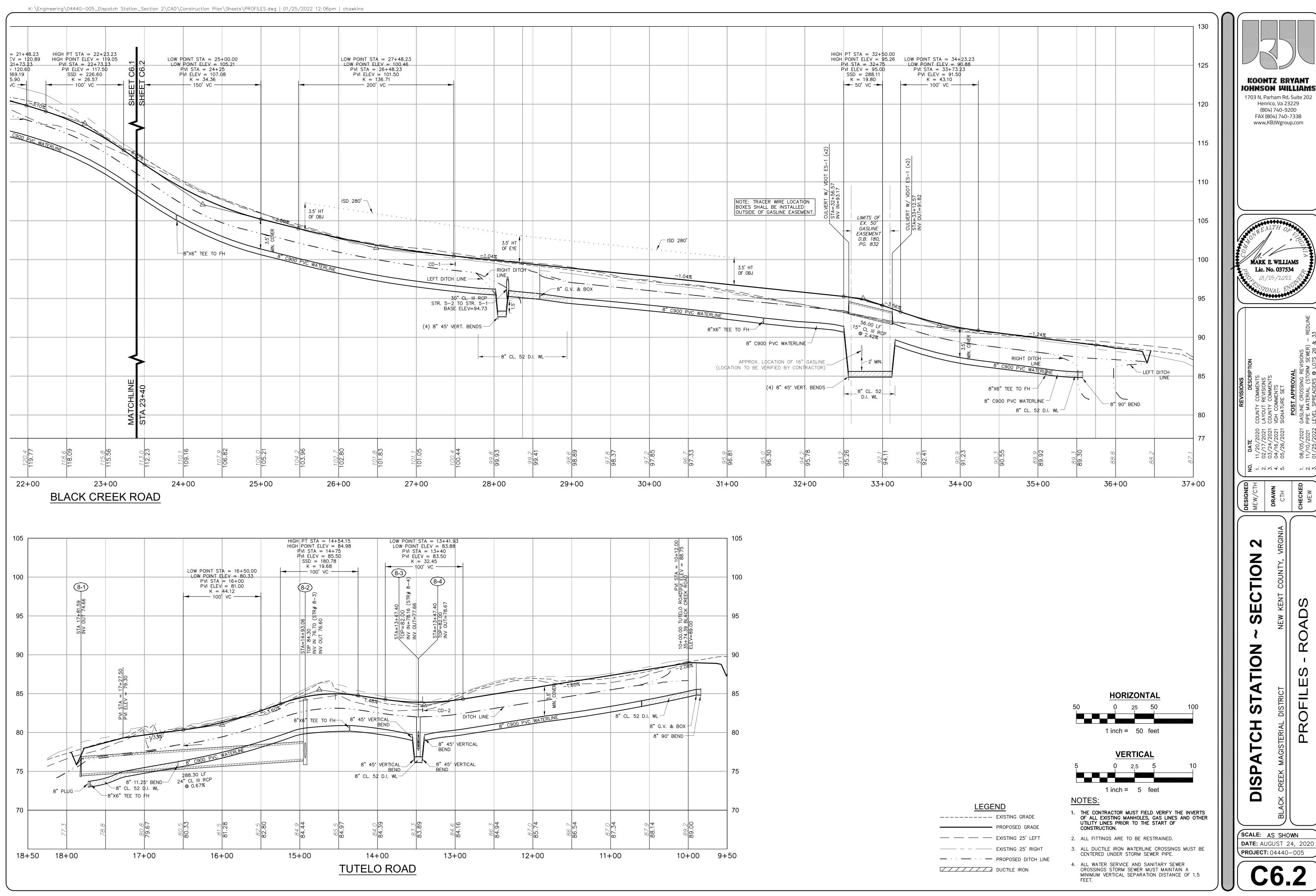
# **EXHIBIT A**





Virginia Natural Gas 544 S. Independence Blvd Virginia Beach, VA 23452 Phone- 757-466-5400 www.virginianaturalgas.com

# **EXHIBIT B**



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: 5/9/2022 Miscellaneous

approve the Consent Agenda as presented and that it be made a part of the record. Motion: "Mr. Chairman, I move to (not required for Consent I move to approve the Consent Agenda as presented and that Agenda items) it be made a part of the record, with the following changes: Approval of Water/Wastewater Treatment Chemical Renewal Subject Agreements Issue chemical agreements are renewed each year authorize the County Administrator to sign the renewal Recommendation agreements none- treatment chemicals are included in DPU's annual Fiscal Implications operating budgets Policy Implications none The BOS approved agreements for supply of treatment chemicals in May 2021. An agreement to tie the cost of Legislative History glycerin to the Jacobsen index (due to production/supply shortages) was approved later in 2021. the chemicals are necessary for adequate water/wastewater Discussion treatment, and are therefore necessary to protect human health and the environment. N/A Time Needed: Person Appearing: none Request 966 9625 Mike Lang Telephone: prepared by: Copy provided County Attorney to:

### **ATTACHMENTS:**

Description Type

Univar agreement Cover Memo
Suffolk Sales Agreement Cover Memo
Water Guard Agreement Cover Memo

#### **REVIEWERS:**

Department Reviewer Action Date

Public Utilities Dame, Larry Approved 4/26/2022 - 2:23 PM

Hathaway, Rodney Approved Administration Hefty, Brendan Attorney

Approved

5/1/2022 - 5:54 PM 5/2/2022 - 12:57 PM

### FIRST AMENDMENT TO CONTRACT AGREEMENT

THIS FIRST AMENDA	MENT TO CONTRACT ("First Amendment") made this
day of	, 2022 by and between <b>THE BOARD OF</b>
SUPERVISORS OF NEW K	ENT COUNTY, the governing body of a political
subdivision of the Commonwea	alth of Virginia, hereafter referred to as the ("County"),
and Univar USA, Inc., hereinaf	fter referred to as the ("Contractor").

### **RECITALS**

WHEREAS, County and Contractor entered into a Contract (Contract #21-2106), dated May 10, 2021 ("Original Contract") pursuant to which Water & Wastewater Chemicals are provided, pursuant to the terms listed in the Original Contract.

**WITNESSETH**, THAT THE PARTIES TO THE ORIGINAL CONTRACT NOW WISH TO

AMEND THAT DOCUMENT by exercising the option to renew the contract for one year for a term commencing on May 11, 2022 and ending May 10, 2023, subject to the terms and conditions as outlined in the Original Contract and any subsequent amendments.

ALL OTHER PROVISIONS OF THE ORIGINAL CONTRACT REMAIN IN EFFECT.

Remainder of this page is blank.

Water Guard, Inc.		
By:		
Print Name:		
Title:		
	Board of Super	visors of New Kent County
	By:	
	· ————	County Administrator Clerk of the Board
Reviewed as to form:		
Reviewed as to form.		
Prandan Hafty		
Brendan Hefty County Attorney		

### SECOND AMENDMENT TO CONTRACT AGREEMENT

	THIS SECOND A	MENDMENT TO CONTRACT ("First Amendment") made
this	day of	, 2022 by and between <b>THE BOARD OF</b>
SUPE	RVISORS OF NEV	W KENT COUNTY, the governing body of a political
subdiv	vision of the Commo	nwealth of Virginia, hereafter referred to as the ("County"),
and U	nivar USA, Inc., her	einafter referred to as the ("Contractor").

### **RECITALS**

WHEREAS, County and Contractor entered into a Contract (Contract #21-2106), dated May 10, 2021 ("Original Contract") pursuant to which Water & Wastewater Chemicals are provided, pursuant to the terms listed in the Original Contract.

**WHEREAS,** County and Contractor amended the Original Contract on August 9, 2021.

**WITNESSETH**, THAT THE PARTIES TO THE ORIGINAL CONTRACT NOW WISH TO

AMEND THAT DOCUMENT by exercising the option to renew the contract for one year for a term commencing on May 11, 2022 and ending May 10, 2023, subject to the terms and conditions as outlined in the Original Contract and any subsequent amendments.

ALL OTHER PROVISIONS OF THE ORIGINAL CONTRACT REMAIN IN EFFECT.

# Remainder of this page is blank.

Water Guard, Inc.	
Ву:	
Print Name:	
Title:	
	Board of Supervisors of New Kent County
	By:
	By: County Administrator Clerk of the Board
Reviewed as to form:	
Brendan Hefty County Attorney	

### FIRST AMENDMENT TO CONTRACT AGREEMENT

THIS FIRST AMENDM	ENT TO CONTRACT ("First Amendment") made this
day of	, 2022 by and between <b>THE BOARD OF</b>
SUPERVISORS OF NEW KE	NT COUNTY, the governing body of a political
subdivision of the Commonweal	th of Virginia, hereafter referred to as the ("County"),
and Water Guard, Inc., hereinaft	er referred to as the ("Contractor").

### **RECITALS**

WHEREAS, County and Contractor entered into a Contract (Contract #21-2106), dated May 10, 2021 ("Original Contract") pursuant to which Water & Wastewater Chemicals are provided, pursuant to the terms listed in the Original Contract.

**WITNESSETH**, THAT THE PARTIES TO THE ORIGINAL CONTRACT NOW WISH TO

AMEND THAT DOCUMENT by exercising the option to renew the contract for one year for a term commencing on May 11, 2022 and ending May 10, 2023, subject to the terms and conditions as outlined in the Original Contract and any subsequent amendments.

ALL OTHER PROVISIONS OF THE ORIGINAL CONTRACT REMAIN IN EFFECT.

Remainder of this page is blank.

Water Guard, Inc.		
By:		
Print Name:		
Title:		
	Board of Super	visors of New Kent County
	By:	
	· ————	County Administrator Clerk of the Board
Reviewed as to form:		
Reviewed as to form.		
Prandan Hafty		
Brendan Hefty County Attorney		

# **AGENDA ITEM REQUEST**

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

Meeting Date: 5/9/2022 Miscellaneous

		approve the Consent a part of the record.	Agenda as presented	and that it be made	
Motion: "Mr. Chairman, I move	or or				
(not required for Cons Agenda items)		I move to approve the Consent Agenda as presented and that it be made a part of the record, with the following changes:			
Subject		Approval of Resolutio at Pine Fork	n R-15-22 - Street Ac	ceptance -The Fields	
Issue		VDOT is of the opinion that streets within The Fields at Pine Fork are ready to be brought into the secondary system of state highways and has requested a resolution from the Board requesting the State to accept this street.			
Recommendation		Adoption of Resolution R-15-22			
Fiscal Implications None					
Policy Implication	ns	None			
Legislative Histor	У	N/A			
Discussion		N/A			
Time Needed:			Person Appearing:		
Request prepared by:		Watkins, Deputy k of the Board	Telephone:	804-966-9687	
Copy provided to:					
ATTACHMENTS:			Time		
Description Resolution R-15-2	22 -	The Fields at Pine For	Type k (PDF) Cover Memo		
		he Fields at Pine Fork	* *		
REVIEWERS:					
Department		Reviewer	Action	Date	

Clerk

### BOARD OF SUPERVISORS COUNTY OF NEW KENT VIRGINIA

### R-15-22

At the 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 9<sup>th</sup> day of May 2022:

<u>Present:</u>	<u>Vote:</u>
C. Thomas Tiller, Jr. Patricia A. Paige Ron Stiers John N. Lockwood Thomas W. Evelyn	
Motion was made by, whi following resolution:	ch carried, to adopt the

## A RESOLUTION TO REQUEST THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO ADD STREETS WITHIN THE FIELDS AT PINE FORK INTO THE STATE SYSTEM FOR MAINTENANCE

WHEREAS, streets within The Fields at Pine Fork been completed, and

WHEREAS, the streets of The Fields at Pine Fork meet the public service criteria of the Secondary Street Acceptance Requirements; and

**WHEREAS**, the development sketch and VDOT Form AM 4.3, attached and incorporated herein as part of this resolution, define additions required in the Secondary System of State Highways as a result of construction; and

**WHEREAS**, certain segments identified on the incorporated Form AM 4.3 are ready to be accepted into the Secondary System of State Highways.

**NOW THEREFORE, BE IT RESOLVED**, this Board requests the Virginia Department of Transportation to add the segments identified on the incorporated Form AM 4.3 to the Secondary System of State Highways, pursuant to §33.2-705 of the *Code of Virginia*, for which segments this Board hereby guarantees the right of way to be clear and unrestricted, including any necessary easements for cuts, fills, and drainage, and

**BE IT FINALLY RESOLVED THAT**, a certified copy of this resolution be forwarded to the Virginia Department of Transportation.

Rodney A. Hathaway
County Administrator

Thomas W. Evelyn
Board Chair

### In New Kent County

by Resolution of the governing body adopted May 09, 2022

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes to the secondary system of state highways.

A Copy Testee Signed (County Official):

### Report of Changes in the Secondary System of State Highways

Project/Subdivision: The Fields at Pine Fork

# Addition - New subdivision street §33.2-705

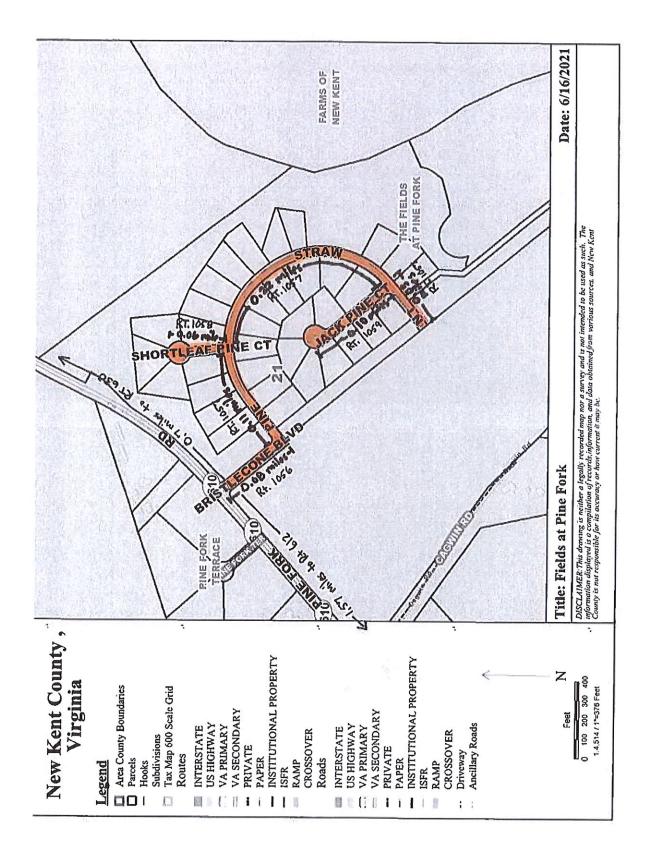
Rte Numb er	Street Name	From Termini	To Termini	Length	Num ber Of Lan es	Recordation Reference	Row Widt h
1056	Bristlecon e Blvd.	Rt 610	New Rt 1057 Pine Straw Lane	0.08	2		120
1057	Pine Straw Lane	New Rt 1056	New Rt 1058 Shortleaf Pine Court	0.11	2		100
1057	Pine Straw Lane	New Rt 1058 Shortleaf Pine Court	New Rt 1059 Jack Pine Court	0.22	2		100
1057	Pine Straw Lane	New Rt 1059 Jack Pine Court	SSAR Stub	0.03	2		100
1058	Shortleaf Pine Court	New Rt 1057 Pine Straw Lane	Cul de sac	0.06	2		100
1059	Jack Pine Court	New Rt 1057 Pine Straw Lane	Cul de sac	0.1	2		100

# In New Kent County

37664753

by Resolution of the governing body adopted May 09, 2022

Page: 2/2



# **AGENDA ITEM REQUEST**

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

Meeting Date: 5/9/2022 Refunds

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	Mr. Chairman, I move to approve the request as presented and that it be made a part of the record.
Subject	REFUND - Real Estate Tax - Veteran Exemption
Issue	
Recommendation	Approval
Fiscal Implications	
Policy Implications	
Legislative History	
Discussion	
Time Needed:	Person Appearing:
Request prepared by:	Telephone:
Copy provided	

# CONSENT AGENDA REFUND REQUEST

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

Meeting Date: 5/9/2022

breakdown	2021 - \$1,919.70			
Request prepared		Tolonh	ono:	
Request prepared		Teleph	one:	
identification and breakdown	2021 - \$1,919.70			
Line item	2019 - \$1,789.24 2020 - \$1,919.70			
Name and complete mailing address for refund recipient				
Refund Amount	\$5,628.64			
Reason for refund	Veteran exempt as o (2019, 2020, & 2021		Refund 3	prior years

Department	Reviewer	Action	Date
Commissioner of Revenue	McLaughlin, Shannon	Approved	4/27/2022 - 11:58 AM
Administration	Hathaway, Rodney	Approved	5/1/2022 - 5:56 PM
Attorney	Hefty, Brendan	Approved	5/2/2022 - 12:56 PM

# **AGENDA ITEM REQUEST**

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

Meeting Date: 5/9/2022 Supplemental Appropriations

Motion: "Mr.	a part of the record.
Chairman, I move to (not required for Consent Agenda items)	or I move to approve the Consent Agenda as presented and that
Agenda items)	it be made a part of the record, with the following changes:
Subject	FY22 Supplemental Appropriations
Issue	
Recommendation	
Fiscal Implications	<ol> <li>Animal Shelter Donations, \$732.</li> <li>Gifts and Donations to Fire/Rescue: The Fellowship Church (\$200) and Major Thomas Benson (\$5,000), \$5,200.</li> <li>Sheriff &amp; Fire/Rescue Extra Duty Private - Sheriff - Colonial Downs 3/25-4/2/22, \$1,998.18.</li> <li>Insurance Reimbursements: Sheriff - Claim #02-21-43461-1-AL DOL 3/28/2022 (\$9,986.01), Sheriff - Claim #02-21-42019-1-AP DOL 10/4/2021 (\$185,28), Fire/Rescue - Claim #02-21-42012-1-AP DOL 1/6/2022 (\$261.50), Sheriff - Claim #02-21-43770-1-AP DOL 4/17/2022 (\$1,667.77) and Airport - Claim #02PC18-35582-01PR DOL 2/19/2019 (\$92.30), \$12,192.86.</li> <li>Funds Received for Charles City County Radio Project Billing: Nov 2021 (\$1,899.12), Dec 2021 (\$793.31) and Jan 2022 (\$1,577.24), \$4,269.67.</li> <li>Funds Received for Charles City CSA: \$55,271.06.</li> <li>Funds Received for Farmers Market: State Farm, \$100.</li> <li>Interest Revenue for Quinton ES: \$8,350.67</li> <li>\$88,114.44 - Total (\$24,400.41) - Total In/Out - General Fund (1101) (\$55,271.06) - Total In/Out - CSA (1208) (\$92.30) - Total In/Out - Airport (1210) (\$8,350.67) - Total In/Out - School Construction (1301)</li> </ol>
Policy Implications	
Legislative History	

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

# **ATTACHMENTS:**

Description Type

Supplemental Appropriations for 050922 Cover Memo

# **REVIEWERS:**

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	4/29/2022 - 4:18 PM
Administration	Hathaway, Rodney	Approved	5/1/2022 - 5:55 PM
Attorney	Hefty, Brendan	Approved	5/2/2022 - 12:57 PM

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### Interoffice MEMORANDUM

To: From: Rodney A. Hathaway, County Administrator

Rebecca F. Guthrie, Director of Financial Services

Subject:

FY22 Supplemental Appropriations For Munis (May 9, 2022 BOS Meeting)

Date: April 28, 2022

FY2021-2022			1
This memo is to request the following supplemental appropriations:		Revenue	Expenditure
To Appropriate Animal Shelter Donations			
Donations totaling \$732 received by Sheriff Department			
REVENUE: 110918-318402	خ	(732.00)	
Animal Shelter Donations	\$	(732,00)	
EXPENDITURE:			
11351000-403190		\$	732.00
Veterinarian Services			
To Appropriate Gifts & Donations			
Fire/Rescue: The Fellowship Church (\$200), Major Thomas Benson (\$5,000)			
REVENUE:		/r. 000 001	
110918-318401	\$	(5,200.00)	
Gifts & Donations  EXPENDITURE:			
11321000-405894		\$	5,200.00
Public Education Donations - Fire		Ψ	3,200.00
To Appropriate Sheriff and Fire/Rescue Extra Duty Private			
Sheriff: Colonial Downs 3/25-4/2/22 (\$1,998.18) REVENUE:			
110919-319204	\$	(1,998.18)	
Recovered Costs - Misc.	*	(2)3301201	
EXPENDITURE:			
11312000-401304		\$	1,998.18
Salaries-Supplemental Activities			
To Appropriate Insurance Reimbursements			
Sheriff - Claim # 02-21-43461-1-AL DOL 3/28/2022 (\$9,986.01); Sheriff - 02-21-40209-1-AP.			
Fire/Rescue - Claim # 02-21-42012-1-AP DOL 1/6/2022 (\$261.50); Sheriff - 02-21-43770-1-A	P DOL 4/	17/22 (\$1,667.77)	
Airport - Claim # 02PC18-35582-01PR DOL 2/19/2019 (\$92.30) REVENUE:			
110918-318203	\$	(12,100.56)	
Insurance Recoveries	Ą	(12,100.30)	
280918-318203	\$	(92.30)	
Insurance Recoveries		,,	
EXPENDITURE:			
11312000-405840		\$	11,839.06
Insurance Damages/Recoveries			
11321000-405840		\$	261.50
Insurance Damages/Recoveries 28881000-405840		خ	92.30
Insurance Damages/Recoveries		\$	92.30
To Appropriate funds received for Charles City County Radio Project Billing			
Nov 2021 (\$1,899.12), Dec 2021 (\$793.31), Jan 2022 (\$1,577.24)			
REVENUE: 110919-319204	\$	(4,269.67)	
Recovered Costs	ب	(4,203.07)	
EXPENDITURE:			
11318000-403320		\$	3,966.50
Maintenance Service Contracts		·	•
11321000-401100		\$	303.17
Salaries and Wages Regular			

### Interoffice MEMORANDUM

To: From:

Rodney A. Hathaway, County Administrator

Rebecca F. Guthrie, Director of Financial Services

Subject:

FY22 Supplemental Appropriations For Munis (May 9, 2022 BOS Meeting)

Date: April 28, 2022

FY2021-2022			
This memo is to request the following supplemental appropriations:		Revenue	Expenditure
			_
To Appropriate funds received for Charles City CSA			
REVENUE:			
270919-319205	\$	(55,271.06)	
Charles City Combined CSA Reimb	Υ	(55,271.00)	
EXPENDITURE:			
27531100-401100		\$	25,000.00
Salaries & Wages - Regular		r	,
27531100-401300		\$	23,400.00
Wages - Part Time Regular		•	,
27531100-402100		\$	3,702.50
FICA/Medicare		·	,
27531100-402210		\$	2,735.00
Retirement-VRS		,	·
27531100-402215		\$	55.00
VRS Health Ins Credit			
27531100-402400		\$	335.00
Group Life Ins			
27531100-402710		\$	43.56
Workers Comp			
To Appropriate funds received for the Farmers Market			
State Farm (\$100)			
REVENUE:		(400.00)	
110918-318305	\$	(100.00)	
Farmers Market Registration Fee			
EXPENDITURE:			100.00
11110200-405843		\$	100.00
Special Events			
To Appropriate Interest Revenue for Quinton ES			
REVENUE:			
290501-315107	\$	(8,350.67)	
Interest on Bond Proceeds	•	\-/ <i>\</i>	
EXPENDITURE:			
29451000-408641			8350.67
Elementary School Construction - Debt Funds			====
•			
	\$	(88,114.44) \$	88,114.44

### Interoffice MEMORANDUM

To: Rodney A. Hathaway, County Administrator
From: Rebecca F. Guthrie, Director of Financial Services

Subject: FY22 Supplemental Appropriations For Munis (May 9, 2022 BOS Meeting)

Date: April 28, 2022

### FY2021-2022

This memo is to request the following supplemental appropriations:

_	
\$ 88,114.44	Total
\$ (24,400.41)	Total In/Out - General Fund (1101)
\$ (55,271.06)	Total In/Out - CSA (1208)
\$ (92.30)	Total In/Out - Airport (1210)
\$ (8,350.67)	Total In/Out - School Construction (1301)

Revenue

Expenditure

Check

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 Ellen Browne, Administrative Assistant Justin Stauder, Assistant County Administrator Wanda Watkins, Deputy Clerk of the Board Krista Eutsey, Public Relations Specialist Amanda Stanger, Executive Assistant to the County Administrator Brian Nichols, Superintendent of Schools Haynie Morgheim, Executive Director of Finance and Budget Shannon Walton, Business Manager Duane Goss, Airport Manager DeDreama Harrod, Director of CSA

**ATTACHMENTS:** 

Description

# **AGENDA ITEM REQUEST**

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

Meeting Date: 5/9/2022 Interdepartmental Budget Transfers

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	a part of the record.  or  I move to approve the	Agenda as presented ne Consent Agenda as the record, with the fo			
Subject	FY22 Interdepartmen	ital Budget Transfers			
Issue					
Recommendation					
Fiscal Implications	<ol> <li>Fire-Rescue &amp; Administration: From Reserved for Contingency to Professional Services, \$8,008.</li> <li>Information Technology: From Professional Services to IT Surveillance Cameras, \$1,772.49.</li> <li>School Board: From Appropriation of Funds from Prior Years to Athletic Supplies, \$42,340.</li> <li>School Board: From Appropriation of Funds from Prior Years to Athletic Supplies, \$12,968.</li> <li>Victim Witness: From Contract Services, \$1,800 to Wages, Part Time Regular (\$1,345) and to Office Supplies (\$455), \$1,800.</li> </ol>				
Policy Implications					
Legislative History					
Discussion					
Time Needed:		Person Appearing:			
	Watkins, Deputy rk of the Board	Telephone:	804-966-9687		
Copy provided to:					

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Type

Budget Transfers for 050922

Cover Memo

# **REVIEWERS:**

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	4/29/2022 - 3:26 PM
Administration	Hathaway, Rodney	Approved	5/1/2022 - 5:55 PM
Attorney	Hefty, Brendan	Approved	5/2/2022 - 12:57 PM

ACCOUNTING PERIOD: BATCH # \_\_\_\_\_\_

Apr-22 FY22 REF #

FUNDS COMING FROM Account Number	(CREDIT) Account Description	Amo	<u>unt</u>		FUNDS GOING TO Account Number	(DEBIT) <u>Account Description</u>	Amou	<u>unt</u>
11914000-409301	Reserved For Contingency	\$	8,008.00		11321000-403170	Professional Services	\$	8,008.00
	,	•						-,
					_			
		<u> </u>						
R	Requires BOS Approval							
	*							
		\$	8,008.00				\$	8,008.00
Explanation for transfer:	Environmental engineering services	for now Fire S	Station 4 site	2				
Explanation for transfer.	Environmental engineering services	101 110W 1 110 C	riation + site	<i>,</i> .				
						9		
	RAH 4/2	22/2022				-		
	PREPARE'S INITIALS DATE	2212022						
FOR FINANC	E OFFICE USE ONLY							
CHECKED FOR FUNDS:	QCL 4/26/22				DEPART	MENT: Fire & Rescue & Administration		
ENTERED:	0				DEPT HEAD SIGNAT	TURE:		
					J	DATE: 4/22/2022		
POSTED:			COUNTY	ADI	MINISTRATOR APPR	OVAL:		

ACCOUNTING PERIOD:

May-22 FY2022

BATCH# \_\_\_\_\_

FUNDS COMING FROM Account Number 11125100-403170	(CREDIT) Account Description PROFESSIONAL SERVICES	<u>Amo</u> \$	unt 1,772.49		FUNDS GOING TO Account Number 31180000-41803()		IT) Account Description IT SURVEILLANCE CAMERAS		\mount	1,772.49
	THE ESTIMATE SERVICES	•	1,112.40				TO STATE OF THE TAXABLE OF TAXABLE		Ψ	1,112.40
				San San			Increase			
					119310000-	-400	9211 transfer to	capit	al	1302
					310949-34	1920	1 transfer from	n GF	111	)(
		T								
		REQUIR	RES BO	)5	S APPROV	AL				
				100						
		\$	1,772.49						\$	1,772.49
Explanation for transfer:	DUE TO THE NEED FOR AD	DITIONAL CAMERA	S DURING	ТНІ	E UPGRADE PRO	JECT	WE OVERSPENT THE LINE	ITEM BY	51,772	2.49.
	<del></del>						-			
	PREPARE'S INITIALS	DATE								
FOR FINANC	DE OFFICE USE ONLY									
CHECKED FOR FUNDS:	QQ 414/22				DEPARTM	MENT:	Information Technology			
ENTERED:	0				DEPT HEAD SIGNAT	TURE(	forgeth Ass			
POSTED:						DATE:	1 Apr/22	. 4 104		
bear-and/05/05/05/05/05			COUNTY	ADN	MINISTRATOR APPRO	OVAL:	hot Hall	4-24	-25	2

ACCOUNTING PER January

RIOD:	BATCH #	
FY22	RFF#	

FUNDS COMING FROM Account Number	(CREDIT) Account Description	Amou	<u>ınt</u>	FUNDS GOING TO Account Number	(DEBIT) Account Description	Amo	<u>unt</u>
31690000-468220	Appropriation of Funds from Prior Years	\$	30,000.00	54111103-606041	Athletic Supplies	\$	30,000.00
	· ·		38				
31690000-468220	Appropriation of Funds from Prior Years	\$	9,800.00	54111103-606041	Athletic Supplies	\$	9,800.00
31690000-468220	Appropriation of Funds from Prior Years	\$	2,540.00	54111103-606041	Athletic Supplies	\$	2,540.00
						***************************************	
	· · · · · · · · · · · · · · · · · · ·						
	RE	EQUII	RES B	OS APPRO	OVAL		
							CONTRACTOR DOTTER
***************************************		\$	42,340.00	10.5		\$	42,340.00
Explanation for transfer:							1.
	Transfer of Year End Funds FY21 into 0			T-12 At 12 A		id laser leveling of	the
	Softball and Baseball fields. All-weathe	r sound sys	tem for the	High School Athletic	field.		
	PREPARE'S INITIALS DATE						
EOR EINANO	E OFFICE USE ONLY						
	RG 4/13/22			DEPART	MENT: SAS		
CHECKED FOR FUNDS:	129 1117100			DEPT HEAD SIGNA	TURE: Homorphi	<del>-</del>	
ENTERED:				1	DATE: 1 18 12 2		
POSTED:			COLINITY	DMINISTRATOR APPR	CH4111	4-14-70	72

# ACCOUNTING PERIOD: **BUDGET TRANSFER FORM** February FY22 REF# FUNDS COMING FROM (CREDIT) FUNDS GOING TO (DEBIT) Account Number Account Description Account Number Account Description <u>Amount</u> **Amount** 31690000-468220 Appropriation of Funds from Prior Years 54111103-606041 Athletic Supplies \$ 12,968,00 12,968.00 REQUIRES BOS APPROVAL \$ 12,968.00 \$ 12,968.00 Explanation for transfer: Baseball and Softball Field Covers and Storage PREPARE'S INITIALS DATE FOR FINANCE OFFICE USE ONLY DEPARTMENT:

CHECKED FOR FUNDS:

ENTERED: POSTED:

DEPT HEAD SIGNATURE:

COUNTY ADMINISTRATOR APPROVAL:

ACCOUNTING PERIOD:

Apr-22 FY22

BATCH#	 	
RFF#		

FUNDS COMING FROM	(CREDIT)		4	FUNDS GOING TO		Amou	ınt
Account Number	Account Description	<u>Amor</u>		Account Number	Account Description	2-11.	
11219000-403160	CONTRACT SERVICES	\$	1,800.00	11219000-401300	WAGES - PART TIME REGULAR	\$	1,345.00
				11219000-406001	OFFICE SUPPLIES	\$	455.00
promise and the second							
		REQUIF	RES B	OS APPRO	VAL —		
			4.111111411				
		.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,				<del>, ,</del>	
		\$	1,800.00			\$	1,800.00
Explanation for transfer:	VICTIM WITNESS GRANT	NO LONGER ALLOW	S FOR THE	USE OF CONSULT	ANT SERVICES, THUS \$1,800 WAS RI	EALLOCA	TED
	TO PART TIME WAGES AN						
	TOTALL TIME WAGEGAIN	D OTTIOL COLL LILL	·				
	PREPARER'S INITIALS	DATE					
FOR FINANC	E OFFICE USE ONLY						
	RGL 4/28/23	2		DEPART	MENT: VICTIM WITNESS		
CHECKED FOR FUNDS:	C. G. 11001018			DEPT HEAD SIGNA	TURE: Kaven Morten	sen	
ENTERED:		x.i			DATE: 4 28122111		
POSTED:	POSTED:					7022	
COUNTY ADMINISTRATOR APPROVAL:							
					/ / V		

Administration

Attorney

# **AGENDA ITEM REQUEST**

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

Meeting Date: 5/9/2022 Treasurer's Report

Motion: "Mr. Chairman, I move (not required for Conse Agenda items)	a part of the recore to or  I move to approve	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	Treasurer's Report	- March 2022			
Issue					
Recommendation					
Fiscal Implication	ıs				
Policy Implication	ns				
Legislative Histor	ТУ				
Discussion	Cash as of March 3 funds.	31, 2022, \$79,290,658.4	11 including escrow		
Time Needed:		Person Appearing:			
Request prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687		
Copy provided to:					
ATTACHMENTS: Description Treasurer's Repor	t - March 2022 (PDF)	<b>Type</b> Cover Memo	)		
<b>REVIEWERS:</b> Department Clerk	<b>Reviewer</b> Watkins, Wanda	<b>Action</b> Approved	Date 4/29/2022 - 4:29 PM		

Approved

Approved

Hathaway, Rodney

Hefty, Brendan

5/1/2022 - 5:57 PM

5/2/2022 - 12:54 PM



Cash Account Balance (total per statements) 69,908,929.44

**Investments** (per statements)

Certificates of Deposit\* 7,753,021.37 General Operations

Local Government Investment Pool 4,168.13

Virginia Investment Pool \$ 1,005,341.22

Total Investments 8,762,530.72

Total Cash and Investments 78,671,460.16

Escrow Accounts (Soil and Erosion) 619,198.25

Total Cash in Bank 79,290,658.41 including escrow funds

Interest rates are anticipated to rise over the next several months.

We are monitroing rates and will transfer funds to accomplish our investment objectives as needed.

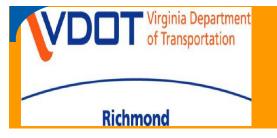
<sup>\*</sup>Six investment CD's allowed to mature and transferred to Gen Op to capture higher return.

# **AGENDA ITEM REQUEST**

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

Meeting Date: 5/9/2022 RESIDENCY ADMINISTRATOR'S REPORT

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)				
Subject	Residency Administrator's Report for April 2022			
Issue				
Recommendation				
Fiscal Implications				
Policy Implications				
Legislative History				
Discussion				
Time Needed:		Person Appearing:		
Request prepared by:		Telephone:		
Copy provided to:		_		
ATTACHMENTS: Description Residency Administra (PDF)	ator's Report for April	Type 2022 Cover Memo		
REVIEWERS: Department Clerk Administration Attorney	Reviewer Watkins, Wanda Hathaway, Rodney Hefty, Brendan	Action Approved Approved Approved	Date 4/29/2022 - 4:23 PM 5/1/2022 - 5:57 PM 5/2/2022 - 12:52 PM	



# ASHLAND RESIDENCY MARSHALL WINN RESIDENCY ADMINISTRATOR

VDOT Call Center (800) 367-ROAD

# NEW KENT COUNTY April 2022

MAINTENANCE: Jeff Allgood

### **Pothole Repair:**

- 60 Pocahontas Trl
- 603 Good Hope Rd
- 605 Egypt Rd
- 1110 Kentland Trl
- 1280 Flowering Peach Ln
- 1264 Linkshire Ln
- 627 N Waterside Dr
- 640 Old Roxbury Rd
- 249 New Kent Hwy
- 604 Poindexter Rd
- 627 Stage Rd
- 632 Stage Rd
- 620 Homestead Rd
- 601 Tabernacle Rd
- 635 Triangle Rd

### **Asphalt Repair:**

- 679 Mt Prospect Rd
- 249 New Kent Hwy
- 632 Stage Rd
- 600 Holly Fork Rd
- 605 Egypt Rd
- 1322 Creeks Edge Rd
- 623 Cooks Mill Rd
- 632 Beaver Dam Rd
- 1205 Cardinal Dr
- 155 N Courthouse Rd
- 620 Homestead Rd

### **Surface Treat:**

632 Stage Rd

### **Grade Road:**

617 Criss Cross Rd

### **Driveway Repair:**

- 623 Cooks Mill Rd
- 106 Roxbury Rd

### Sinkhole / Erosion Repair:

• 106 Emmaus Church Rd

249 New Kent Hwy

### **Shoulder Repair:**

- 600 Holly Fork Rd
- 635 Triangle Rd
- 705 Richardson Rd
- 601 Tabernacle Rd

### Pipe Replace:

- 600 Holly Fork Rd @ 601 Tabernacle Rd; Culvert
- 600 Holly Fork Rd
- 1112 Brickshire Dr

### Pipe Repair:

- 249 New Kent Hwy
- 600 Holly Fork Rd

### **Pipe Cleaning:**

- 601 Tabernacle Rd
- 665 Henpeck Rd
- 249 New Kent Hwy
- 647 Old Telegraph Rd

### Ditching:

- 600 Holly Fork Rd
- 601 Tabernacle Rd
- 635 Triangle Rd
- 705 Richardson Rd

### Tree Removal / Cleanup:

• 665 Henpeck Rd

### **Tree Pruning / Cleanup:**

- 600 Holly Fork Rd
- 665 Henpeck Rd

### **Tree Debris Removal:**

- 600 Holly Fork Rd
- 155 N Courthouse Rd

### Sign Repair:

- 669 Virginia Ave; Stop sign
- 249 New Kent Hwy; Directional sign
- 273 Farmers Dr; Stop sign

#### Debris:

60 Pocahontas Trl; glass in roadway

### Trash / Litter Pickup:

- Park & Ride County wide
- Toe Ink Wayside
- 249 New Kent Hwy

- 60 Pocahontas Trl
- 33 Eltham Rd
- 627 N Waterside Dr
- 608 Old River Rd

### Miscellaneous:

- Deer and animal removal county wide
- Work on equipment
- Restock materials
- Training; BEOC, SHRP
- 249 New Kent Hwy; Pipe project preparation
- 627 Old Telegraph Rd; High Water in roadway
- 273 Farmers Dr; sign down

### Work Requests:

- 77 Received
- 104 Completed

### **Emergency Call Out After Hours (7):**

- 669 Virginia Ave; Stop sign down
- 273 Farmers Dr; Deer in roadway
- 33 Eltham Rd; Trash and debris in roadway
- 273 Farmers Dr; Sign down
- 647 Old Telegraph Rd; High water in roadway
- 249 New Kent Hwy; Repair settled asphalt patch
- 60 Pocahontas Trl; Glass in roadway

### PROJECT DEVELOPMENT

Brian Ramsey, P.E.

- UPC92652 Smart Scale Shoulder Widening Project; 155 N Courthouse Rd, Contract executed, NTP 4/2/2022. Trench widening complete. Temporary edge lines have been placed. E & S silt fence installation underway ahead of shoulder and ditch grading where applicable. Final mill and overlay late summer, ongoing.
- UPC119811 PM43 Paving; 60 Pocahontas Trl, Saw-cutting existing slabs, ongoing.
- PM4A Paving; 649 Rockahock Rd on the schedule for later this year.
- **UPC113641 On call Bridge Repair**; 106 Emmaus Church Rd over I-64 Interstate. To be completed by the summer.

### **NON-ORDINARY MAINTENANCE**

Phillip Frazer, P.E.

# Pending Study

- **Corridor Study**; 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; 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.

## **AGENDA ITEM REQUEST**

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

Meeting Date: 5/9/2022 PRESENTATIONS

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)

Mr. Chairman, I move to authorize the County Administrator to execute the proposed agreement with The Groves at New Kent Homeowners Association for the maintenance of sidewalks within land bay 5. I also move to authorize the County Administrator to execute an agreement with the Virginia Department of Transportation for the acceptance of streets within phase I of The Groves at New Kent into the State Maintenance system.

Subject

The Groves at New Kent Sidewalk Maintenance
Agreement - County Administrator Rodney Hathaway

Issue

Proposed agreement for The Groves at New Kent Homeowners Association to assume maintenance responsibility of the sidewalks within phase 1 of The Groves at New Kent.

Recommendation

Staff recommends adoption of the proposed motion.

Fiscal Implications

The attached agreement would relieve the County of financial responsibility for the maintenance of the sidewalks within the first phase of The Groves at New Kent neighborhood.

**Policy Implications** 

Since the sidewalks which were originally intended to be for private use was not built to VDOT standards, VDOT is requiring that the County enter into an agreement with them to maintain the sidewalks located in phase 1 of THe Grove. The County has drafted an agreement with The Groves HOA for the HOA to assume that maintenance responsibility. Therefore staff is requesting authorization to execute the agreements.

Legislative History

The Farms of New Kent Planned Unit Development was approved in July 2004.

Discussion

The roads and sidewalks within Land Bay 5 were originally approved as private roads, and the PUD requirements states that the roads whether public or private had to be built to VDOT standards, but that requirement did not apply to the sidewalks. In 2020 the County was approached by residents of the The Groves to have their roads taken into the VDOT State maintenance system. When VDOT inspected the road they determined that the sidewalks would be only partially located within the right-of-way, therefore the County would be required to enter into an agreement with VDOT to assume maintenance responsibility of the sidewalks. The County has worked with the homeowners association to draft an agreement, that would require the homeowners association to assume the County's maintenance responsibility. This agreement would only apply to phase 1 of The Groves at New Kent. The sidewalks and roads in the other phases will be constructed to VDOT

standards.

Time Needed: 15 minutes Person Appearing: Rodney Hathaway, County

Request Rodney Hathaway, Tolonbono: (804) 966-968

prepared by: County Administrator Telephone: (804) 966-9683

Copy provided

to:

### **ATTACHMENTS:**

Description Type

The Groves at New Kent HOA Sidewalk
Maintenance Agreement

Sidewalk Improvement Construction Plan

VDOT Sidewalk Maintenance Agreement

Cover Memo

Cover Memo

### **REVIEWERS:**

Department	Reviewer	Action	Date
Administration	Hathaway, Rodney	Approved	5/2/2022 - 10:10 AM
Administration	Hathaway, Rodney	Approved	5/2/2022 - 10:11 AM
Attorney	Hefty, Brendan	Approved	5/2/2022 - 12:54 PM

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#### SIDEWALK MAINTENANCE AGREEMENT

THIS SIDEWALK MAINTENANCE AGREEMENT ("Agreement"), made this day of \_\_\_\_\_\_\_, 2022, by and between THE GROVES AT NEW KENT VINEYARDS COMMUNITY ASSOCIATION, INC., a Virginia nonstock corporation, ("The Groves") and THE COUNTY OF NEW KENT, VIRGINIA a political subdivision of the Commonwealth of Virginia ("County").

#### WITNESSETH:

**WHEREAS**, The Groves is the property owner's association for the residents of the The Groves at New Kent Vineyards residential subdivision in New Kent County, Virginia ("Area"); and

**WHEREAS**, the Virginia Department of Transportation ("VDOT") is willing take all streets built to VDOT standards in the Area into the secondary system of state highways, pursuant to Section 33.2-705 of the Code of Virginia; and

**WHEREAS**, VDOT will maintain all streets taken into the secondary system of highways, however, VDOT will not be responsible for maintaining any sidewalks or portions of sidewalks within the VDOT right of way within the Area; and

**WHEREAS**, The Groves desires to undertake certain sidewalk improvements inside of the Virginia Department of Transportation's right of way inside the Area as necessary to maintain the sidewalks ("Improvements"); and

WHEREAS, the County has entered into a sidewalk maintenance agreement with VDOT dated \_\_\_\_\_\_, 2022 ("VDOT Agreement") pursuant to which the County, its designee, and/or their third party contractors may perform sidewalk maintenance work ("Work") in the VDOT right of way in the Area; and

**WHEREAS**, The Groves and the County desire to enter into this Agreement to permit The Groves and/or its contractors to perform the Work, and ensure the Improvements perform as originally designed, intended and as required by law and the VDOT Agreement.

#### **NOW, THEREFORE**, the parties agree as follows:

- 1. Term. The term of this Agreement shall be perpetual, unless and until such time as the VDOT Agreement is terminated.
- 2. Improvements. The Groves shall cause the Work to be performed as follows:
  - (a) The Groves shall comply with the terms and requirements of the VDOT Agreement, which is attached hereto and incorporated herein as <u>Exhibit "A"</u>. The Groves shall be responsible for obtaining any necessary permits from VDOT and other governing authorities to perform the Work. The Groves

- shall not commence any Work without prior written approval from the County, which approval will not unreasonably be withheld.
- (b) The Improvements shall be repaired, maintained, and operated at the The Groves' sole cost and expense, and the same shall be performed in compliance with the Sidewalk Plan (as defined in the VDOT Agreement).
- (c) The Groves, at its sole expense, shall inspect the Improvements once every five (5) years, or such other period as the parties may mutually decide, to be performed by a licensed professional engineer, and provide documentation of such inspections to the County upon demand. The purpose of the inspection is to ensure safe and proper functioning of the Improvements. Any deficiencies shall be noted on the report as well as recommended measures to address them, if any. The inspection report shall also contain the date of the inspection and contact information for the licensed professional engineer who conducted the inspection.
- (d) The Groves shall, at its sole expense, make changes or modifications to the Improvements as the County may, in its reasonable discretion, determine is necessary to ensure that they are properly maintained and continue to operate as designed and approved in the Sidewalk Plan. This includes, but is not limited to, (i) the obligation of The Groves to make any corrections at its sole cost and expense to the Work made necessary by a determination of VDOT pursuant to Section 5(c) of the VDOT Agreement and (ii) the obligation of The Groves at its sole cost and expense to remove the sidewalk and curbing from within the VDOT right of way upon termination of the VDOT Agreement for any reason pursuant to Section 10 of the VDOT Agreement.
- (e) Should the County determine, in its reasonable discretion, that the Improvements are not being maintained properly or adequately, then upon advance written notification by the County, The Groves shall correct within 30 days the deficiencies or make arrangements to have the deficiencies corrected. If the The Groves fails to correct the deficiencies, then the County may perform the required work to correct the deficiencies, which expenses will be paid by the The Groves within thirty (30) days' of receipt of an invoice therefore.
- (f) Except for routine maintenance, material alterations of the Improvements shall not be permitted without the prior written approval of the County.
- (g) The Groves, its heirs, successors, or assigns will hold the County, its agents and employees harmless, indemnify and defend the County from any liability or claims of any kind resulting from the maintenance of the Improvements, except to the extent arising due to the acts or omissions of the County, its agents or employees.
- (h) The provisions of this Agreement shall be severable and if any phrase, clause, sentence or provision is declared unconstitutional, or the applicability thereof any party hereto and/or its assigns is held invalid, the remainder of this Agreement shall not be affected.

- 3. Insurance. The Groves shall provide evidence to the County before any of the Work is initiated that it and its contractors have the insurance policies and limits as described in the VDOT Agreement.
- 4. Governing Law and Venue. This Agreement shall be governed by the laws of the Commonwealth of Virginia. Any action arising out the terms of this Agreement shall be brought in the Circuit Court of New Kent County, Virginia.

WITNESS the following signatures:

COUNTY OF NEW KENT, VIRGINIA	THE GROVES AT NEW KENT VINEYARDS COMMUNITY ASSOCIATION, INC.
Rodney A. Hathaway County Administrator	Name: Title:

#### EXHIBIT "A"

## **VDOT** Agreement

[Attached]

# KENT FARMS HOLDING COMPANY, LLC

GENERAL SITE INFORMATION

GPIN: K13-3182-0536 TAX ID: 22A-5 (459.93 ACRES)

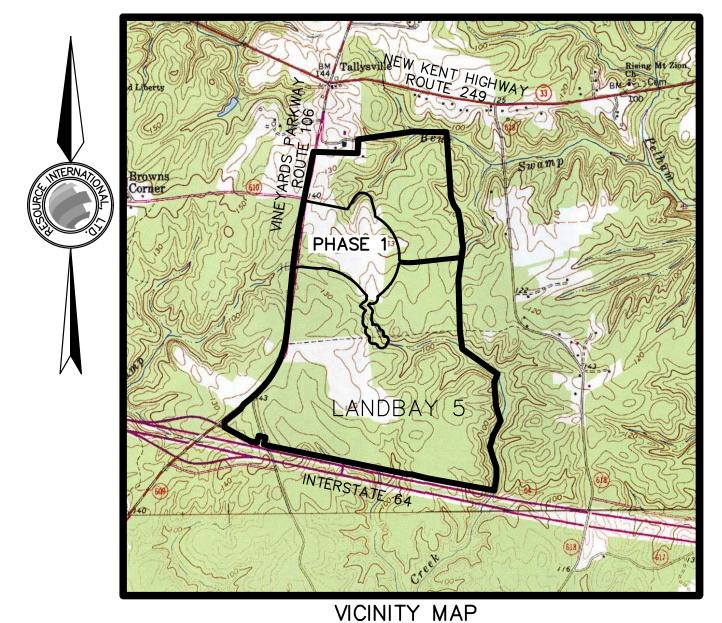
ZONING: PUD PUD ORDINANCE: 0-09-05(R3), DB: 443, PG.199-282 (5-23-2005) AMENDED ORDINANCE: 0-25-17 (R2), 676, PG.664 REZONING CASE NO.: PUD 0304

DISTRICT: ST. PETERS DISTRICT OVERLAY: N/A

LANDBAY 5, PHASE 1 THE GROVES (FORMERLY FOUR SEASONS) ROAD ACCEPTANCE REPAIR PLAN

## GENERAL NOTES

- 1. REFERENCES TO DRAINAGE AND ROAD STRUCTURES INDICATE STANDARDS IN ACCORDANCE WITH CURRENT VIRGINIA DEPARTMENT OF TRANSPORTATION ROAD AND BRIDGE STANDARDS. CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST STANDARDS OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION AND NEW KENT COUNTY DEPARTMENTS OF PUBLIC UTILITIES AND PUBLIC WORKS
- 2. PROPERTY LINE INFORMATION COMPILED FROM PLATS BY RESOURCE INTERNATIONAL, LTD.
- 3. THE CONTRACTOR SHALL NOTIFY RESOURCE INTERNATIONAL, LTD AT 804-550-9200, FOURTEEN (14) DAYS PRIOR TO CONSTRUCTION.
- 4. THIS PROPERTY IS LOCATED IN ZONE "X", AREA ON MINIMAL FLOODING AS DEFINED BY FEMA FLOOD INSURANCE RATE MAP FEMA FIRM 51127C0090B, SEPTEMBER 25, 2009.
- 5. LOCATION OF EXISTING SEWERS, WATER AND GAS PIPES, CONDUITS AND OTHER STRUCTURES ACROSS UNDERNEATH, OR OTHERWISE ALONG THE LINE OF PROPOSED WORK ARE NOT NECESSARILY SHOWN ON PLANS, AND IF SHOWN ARE ONLY APPROXIMATELY CORRECT. THE CONTRACTOR SHALL BE LIABLE FOR ALL DAMAGE DONE TO ANY STRUCTURES OR PROPERTY THROUGH HIS NEGLIGENCE OR CARELESSNESS. CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES SHOWN ON PLAN IN AREAS OF CONSTRUCTION PRIOR TO STARTING WORK. CONTACT ENGINEER IMMEDIATELY IF LOCATION OR ELEVATION IS DIFFERENT FROM THAT SHOWN ON PLAN OR UPON DISCOVERY OF ANY UTILITY NOT SHOWN ON PLAN. FOR ASSISTANCE IN LOCATING EXISTING UTILITIES, CALL "MISS UTILITY" AT 1-800-552-7001 OR 811 48 HOURS PRIOR TO EXCAVATION.
- 6. CONTRACTOR SHALL IMMEDIATELY NOTIFY ENGINEER IF EXISTING CONDITIONS ARE MATERIALLY DIFFERENT FROM THE PLANS.



U.S.G.S. 7.5 MINUTE SERIES QUADRANGLE TUNSTALL, VA SCALE: 1" = 2,000'

LEGEND

EXISTING		PROPOSED
	PROPERTY LINE RIGHT-OF-WAY EDGE OF PAVEMENT ROAD CENTERLINE DITCH/DRAINAGE CHANNEL SANITARY SEWER SANITARY MANHOLE SANITARY SEWER DESIGNATION	
	STORM SEWER DROP INLET STORM SEWER DESIGNATION	
110 X 110.00	WATERLINE FIRE HYDRANT ELECTRIC LINE TREELINE CURB AND GUTTER EDGE OF SHOULDER LIMITS OF DISTURBANCE CONTOUR SPOT ELEVATION SLOPE EASEMENT UTILITY EASEMENT TRAFFIC FLOW DIRECTION CULVERT WETLAND SOIL TYPE FLOODPLAIN RMA RPA	
	FENCE SIGN TELEPHONE PEDESTAL BENCH MARK TREE POWER POLE SPRINKLER HEAD LIGHT POLE VALVE WATER METER	× + □ ▲ □ Ø × * ⊗ ▲
	GRAVEL	

SOME LINETYPES AND SYMBOLS SHOWN ON THIS LEGEND MAY NOT BE USED ON THIS PROJECT.

CONCRETE

# COMMUNICATION INFORMATION

PROPERTY OWNER: FOUR SEASONS AT NEW KENT VINEYARDS

C/O KENT FARMS HOLDING COMPANY, LLC 1021 EAST CARY STREET, 2 JAMES CENTER, 18th FLOOR RICHMOND, VA 23219 CONTACT: DAVID GUY

KENT FARMS DEVELOPMENT COMPANY, LLC 1021 EAST CARY STREET, 18th FLOOR RICHMOND, VA 23219

PHONE: 704-231-9934 EMAIL: DAVID@GSCAROLINA.COM

CONTACT: DAVID GUY PHONE: 704-231-9934 EMAIL: DAVID@GSCAROLINA.COM

CIVIL ENGINEER:

RESOURCE INTERNATIONAL, LTD. 9560 KINGS CHARTER DRIVE P.O. BOX 6160
ASHLAND, VIRGINIA 23005-6160
PHONE: (804) 550-9200
FAX: (804) 550-9259
CONTACT: CHARLES D. RIEDLINGER, P.E. EMAIL: CRIEDLINGER@RESOURCEINTL.COM

# DRAWING INDEX

1 OF 6 TITLE SHEET VDOT LIST OF REPAIRS

HANDICAP RAMP PLAN SIDEWALKS

5 OF 6 FOUR SEASON RIDGE BOULEVARD 6 OF 6 NOTES AND DETAILS

PROJECT NO.: 220023.01

PROJECT NO.: 220023.01

2 OF 6

RESULTS OF THE VDOT ON-SITE EVALUATION OF THE ROADS AS PERFORMED ON 12-4-2018

GENERAL COMMENTS:

All CG 12 Curb Cut Ramps to be in accordance with VDOT Road and Bridge Standards. Though the plans call out Type A ramps, the design detail shown on plan sheet D-5 are not in accordance with VDOT Standard designs. Monitor checks in field revealed lengths, slopes did not meet VDOT R&B standard.

**Response:** All ramps surveyed and shown on sheet 3. Ramps that exceed allowable slope will be replaced. Ramps that do not meet a minimum length of 6' will be replaced as directed by VDOT by email of 10-8-2020.

Provide copies of materials testing, density testing and geotechnical field reports under cover of certified Professional

**Response:** Provided to Brent Pollard on February 2, 2018 by email.

Coring for depth verification shall be performed on the Pavement Structure (Asphalt courses & aggregate base course) under cover of a certified Professional Engineer.

Response: Results sent to VDOT on 12-9-2020.

Post installation inspections are required on drainage structures and underdrains to be in accordance with current VDOT Road and Bridge Specifications.

**Response:** Prism has performed a video evaluation and provided a cleaning and repair quote. Repairs will be made by Prism to storm sewer segments located on Four Seasons Ridge Boulevard and James Blair Lane.

Asphalt pavement evaluation on all streets: transverse and longitudinal cracks should be asphalt crack sealed.

FOUR SEASONS WEST BLVD.:

Install pavement markings as indicated on plans.

Repair concrete median section of curb on outbound side next to rte. 106.

Seal concrete median curb cracks up at Southamptonshire Way intersection.

Place surface asphalt course on stub out and repair curb cracks at intersection Southamptonshire Way.

**Response:** To be addressed and corrected with the Section 2 project under construction.

**SOUTHAMPTONSHIRE WAY:** 

Between Intersection with Four Seasons West Blvd to East Lord Botetourt Loop: Crack seal concrete curb and gutter. Repair section of curb out in radius.

Club House Lot: repair and seal concrete curb and gutter.

Address 7775: repair and seal concrete curb and gutter.

Address 7827: repair and seal concrete curb and gutter.

Stub Out Section: repair and seal concrete curb and gutter.

Address 7826: repair and seal concrete curb and gutter.

Address 7778: repair and seal concrete curb and gutter.

Address 7766: repair and seal concrete curb and gutter.

Address 7702: repair and seal concrete curb and gutter.

**ROCKBRIDGE RUN PLACE:** 

Club House Lot: repair and seal concrete curb and gutter.

Address 7761: repair and seal concrete curb and gutter.

Address 7755: repair and seal concrete curb and gutter.

Address 7715: repair and seal concrete curb and gutter.

EAST LORD BOTETOURT LOOP:

Address 8418: repair and seal concrete curb and gutter.

Address 8408: repair and seal concrete curb and gutter.

Address 8396: repair and seal concrete curb and gutter.

Address 8386: repair and seal concrete curb and gutter.

Address 8368: repair and seal concrete curb and gutter. Address 8362: repair and seal concrete curb and gutter.

Address 8354: surface repair concrete curb and gutter.

Address 8308: repair and seal concrete curb and gutter.

Address 8284: repair and seal concrete curb and gutter.

Address 8266: repair and seal concrete curb and gutter.

Address 8256: repair and seal concrete curb and gutter.

Address 8216: repair and seal concrete curb and gutter.

Address 8206: repair and seal concrete curb and gutter.

Address Lot across from 8170: repair and seal concrete curb and gutter.

Address 8191: repair and seal concrete curb and gutter.

Address 8223: repair and seal concrete curb and gutter.

Address 8355: repair and seal concrete curb and gutter.

Address Club House Lot: repair and seal concrete curb and gutter.

WEST LORD BOTETOURT LOOP:

Address Lot across from 7840: repair and seal concrete curb and gutter.

Address Lot across from 7894: repair and seal concrete curb and gutter.

Address 7915: repair and seal concrete curb and gutter.

Address 7933: repair and seal concrete curb and gutter.

Intersection radius with Robert Dinwiddie Terrace: repair and seal concrete curb and gutter.

Address 8100: repair pot holes in road with asphalt pavement patch.

Address 8090: repair and seal concrete curb and gutter.

Address 8072: repair and seal concrete curb and gutter.

Address 8030: repair and seal concrete curb and gutter.

Address Lot across from 7967: repair and seal concrete curb and gutter.

Address Lot across from 7959: repair and seal concrete curb and gutter.

Address 7850: repair and seal concrete curb and gutter.

Address 7840: repair and seal concrete curb and gutter.

Address 7820: surface patch concrete curb and gutter.

Address 7808: surface patch concrete curb and gutter.

Address 7790: surface patch concrete curb and gutter. Address 7780: repair and seal concrete curb and gutter.

ROBERT DINWIDDIE TERRACE:

Address 7783: repair settled VNG patch in asphalt pavement.

Address 7807: repair settled VNG patch in asphalt pavement.

Address 7833: repair settled VNG patch in asphalt pavement.

Address 7843: repair and seal concrete curb and gutter.

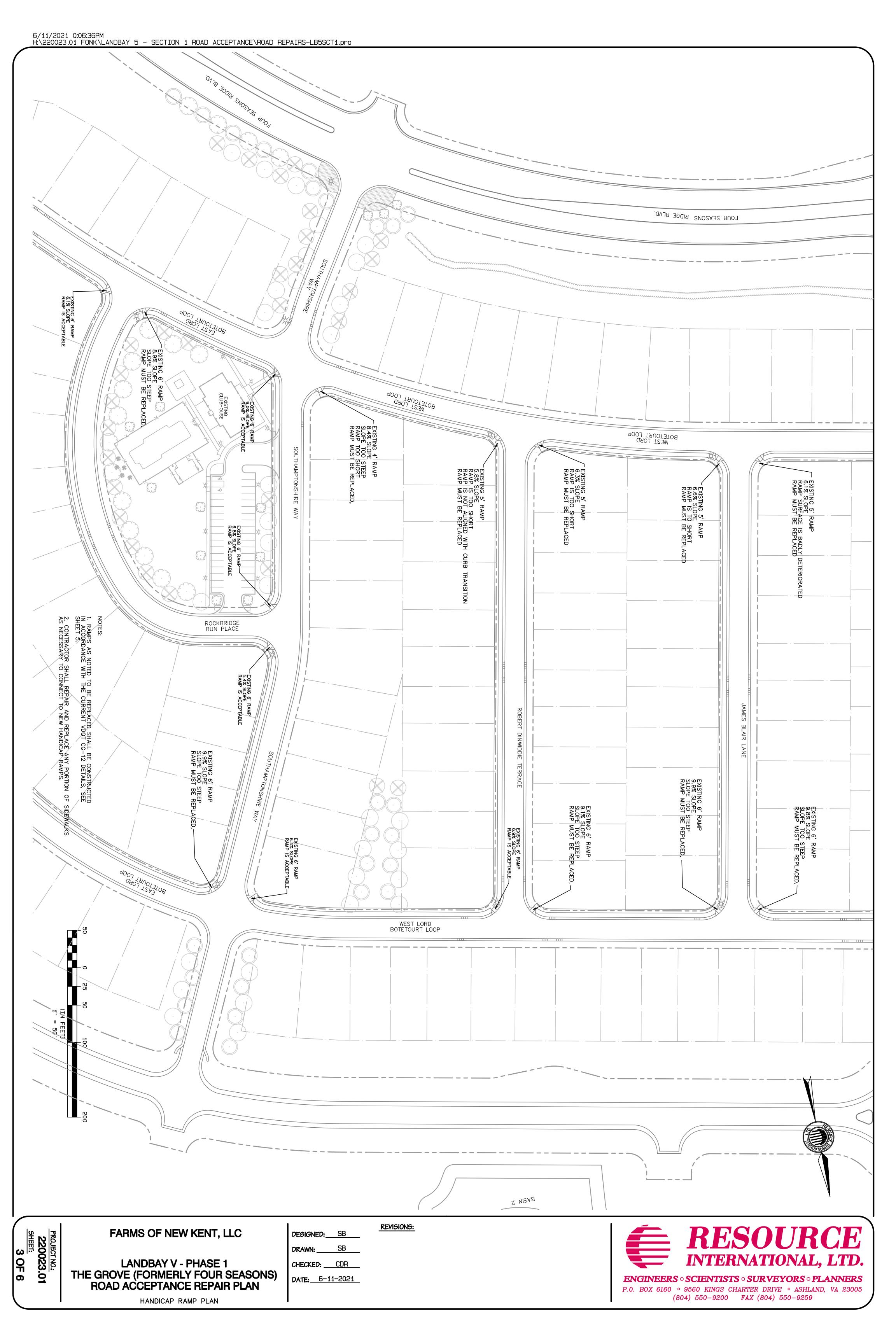
JAMES BLAIR LANE:

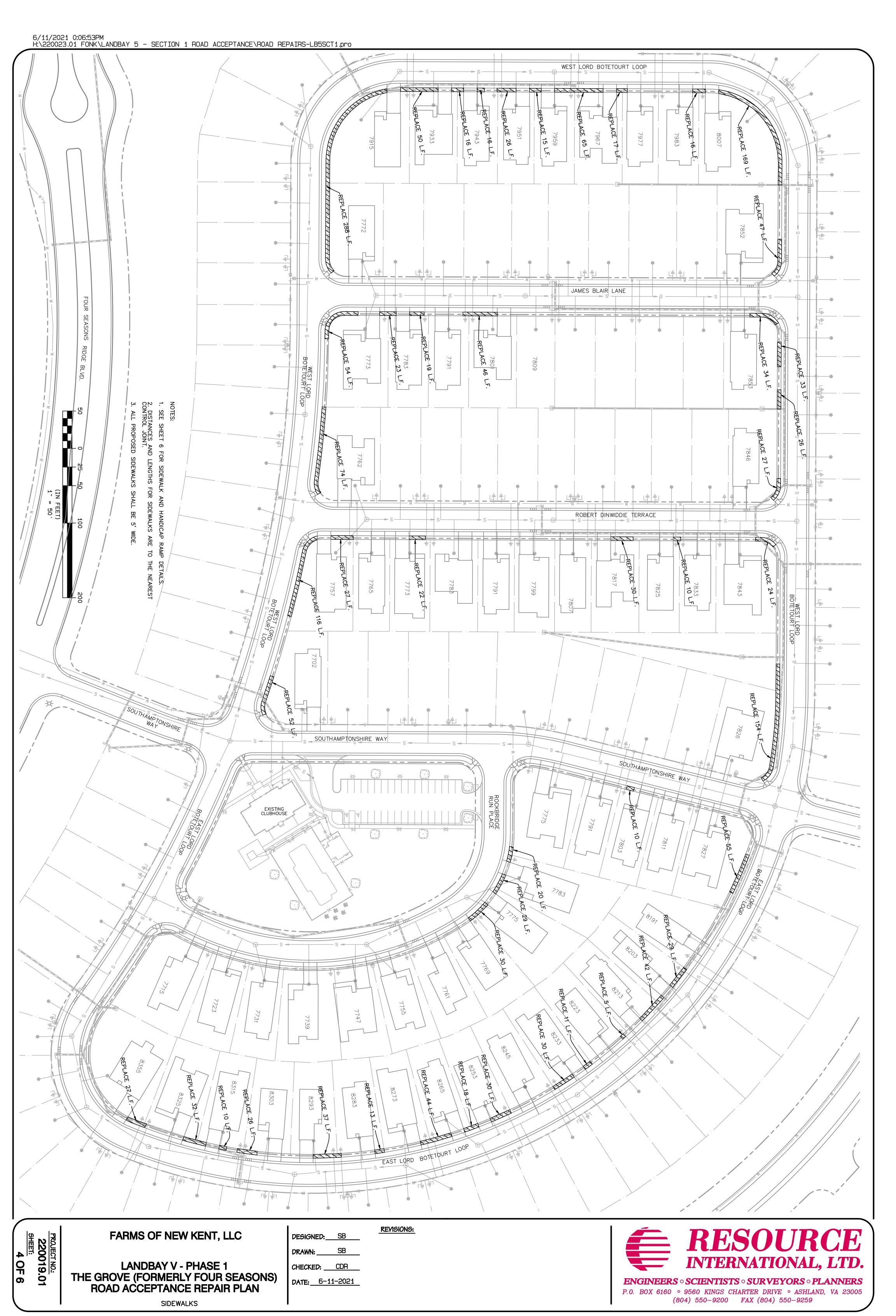
Address 7773: repair and seal concrete curb and gutter.

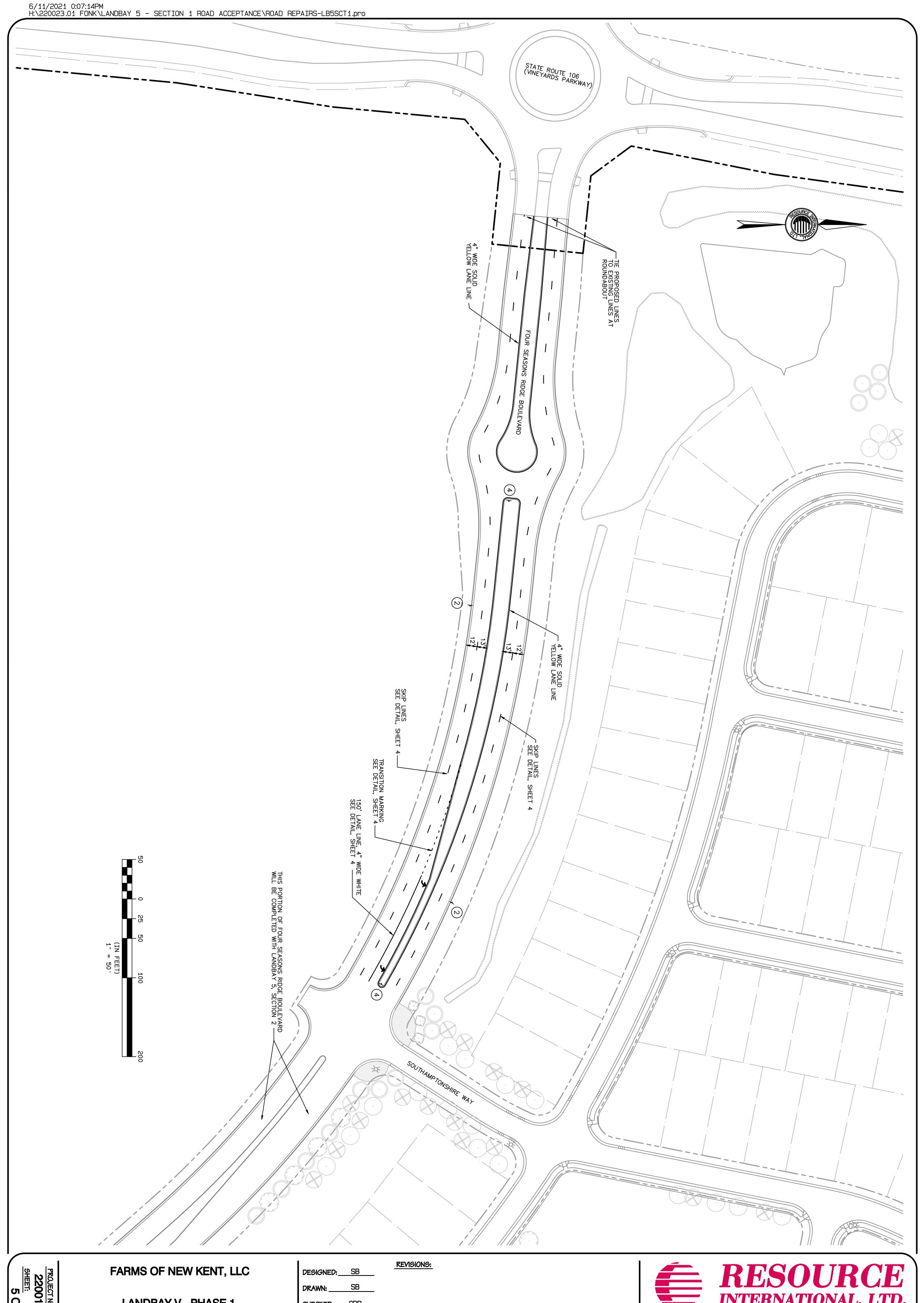
Address 7788: repair and seal concrete curb and gutter.

Address 7809: repair settled VNG patch in asphalt pavement.

Repairs will be made by Shoosmith Construction, Inc. and Prism Contractors & Engineers, Inc.







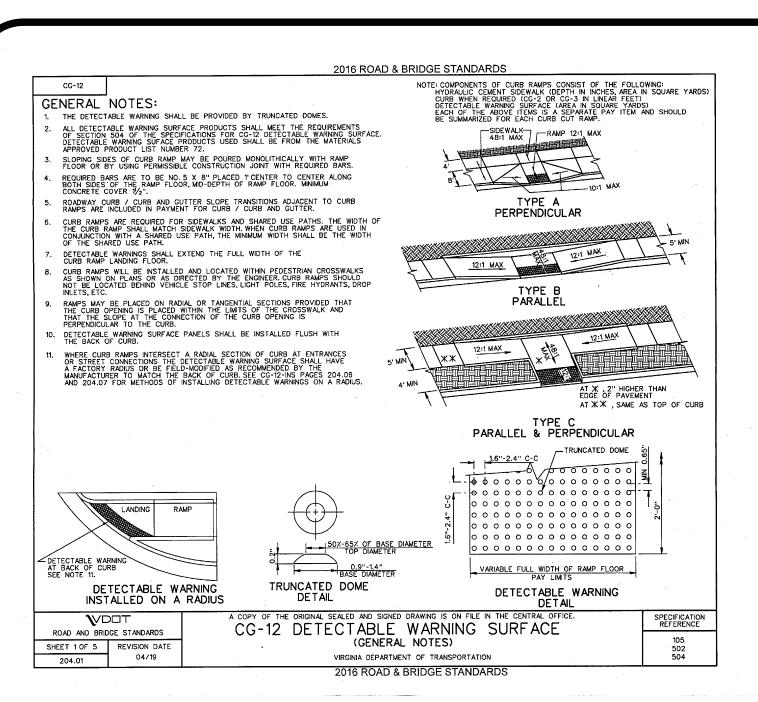
LANDBAY V - PHASE 1 THE GROVE (FORMERLY FOUR SEASONS)
ROAD ACCEPTANCE REPAIR PLAN

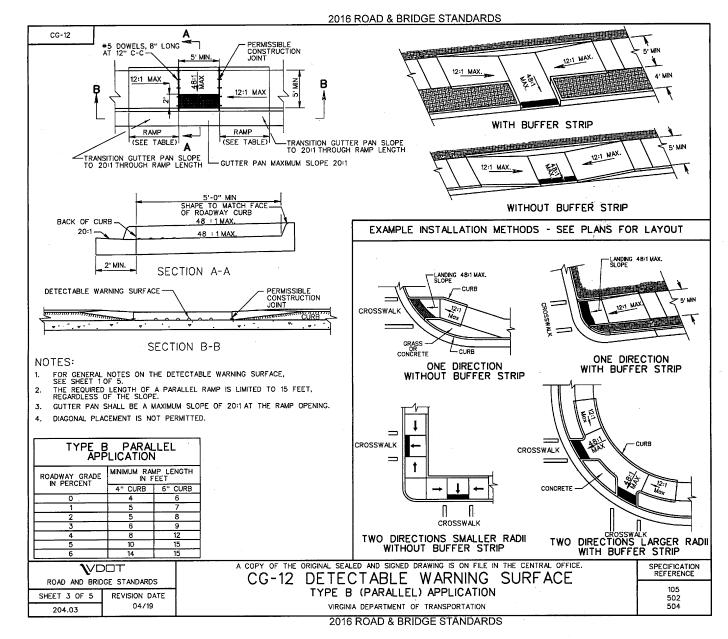
FOUR SEASONS RIDGE BOULEVARD

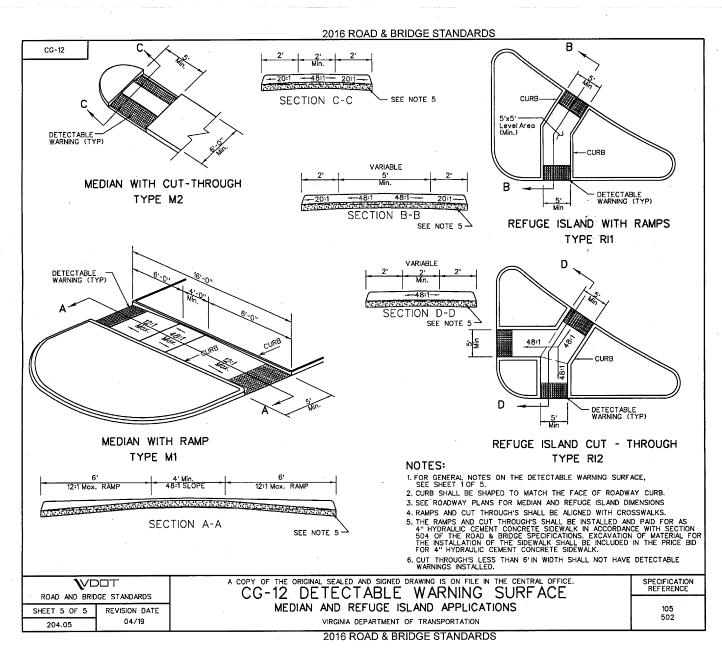
CHECKED: CDR DATE: 6-11-2021 **E**RESOURCE

INTERNATIONAL, LTD.

**ENGINEERS** • **SCIENTISTS** • **SURVEYORS** • **PLANNERS** P.O. BOX 6160 • 9560 KINGS CHARTER DRIVE • ASHLAND, VA 23005 (804) 550-9200 FAX (804) 550-9259

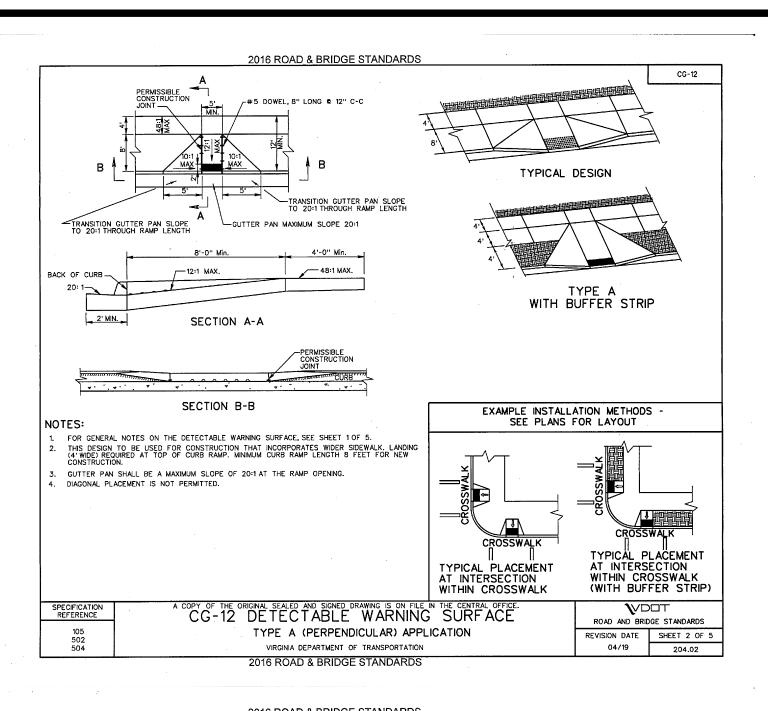


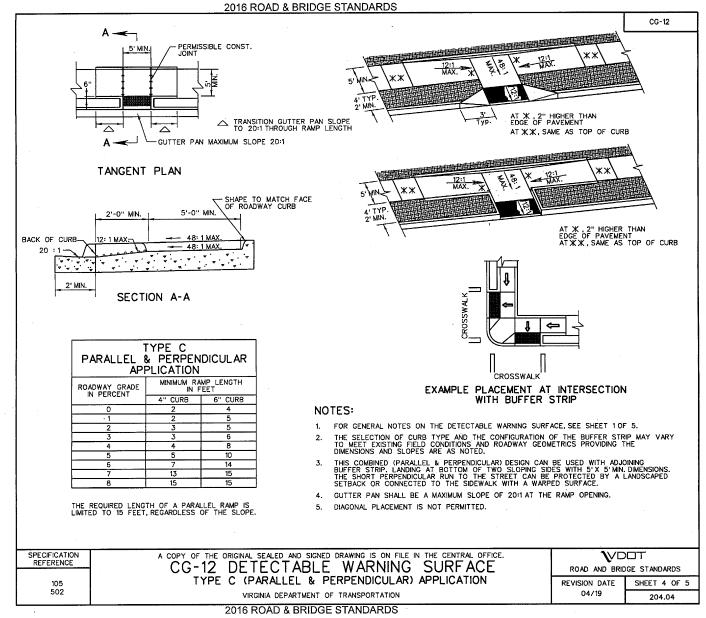




# NOTES:

1. CONTRACTOR SHALL PROVIDE 1.0' WIDE WHITE PAINTED LINES FOR 6' WIDE CROSSWALK MARKINGS AT ALL CG-12 HANDICAP RAMPS IN ACCORDANCE WITH THE VDOT CG-12 DETAILS.





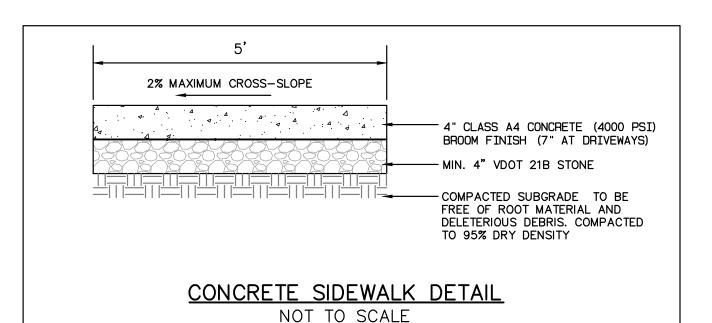
# NOTES:

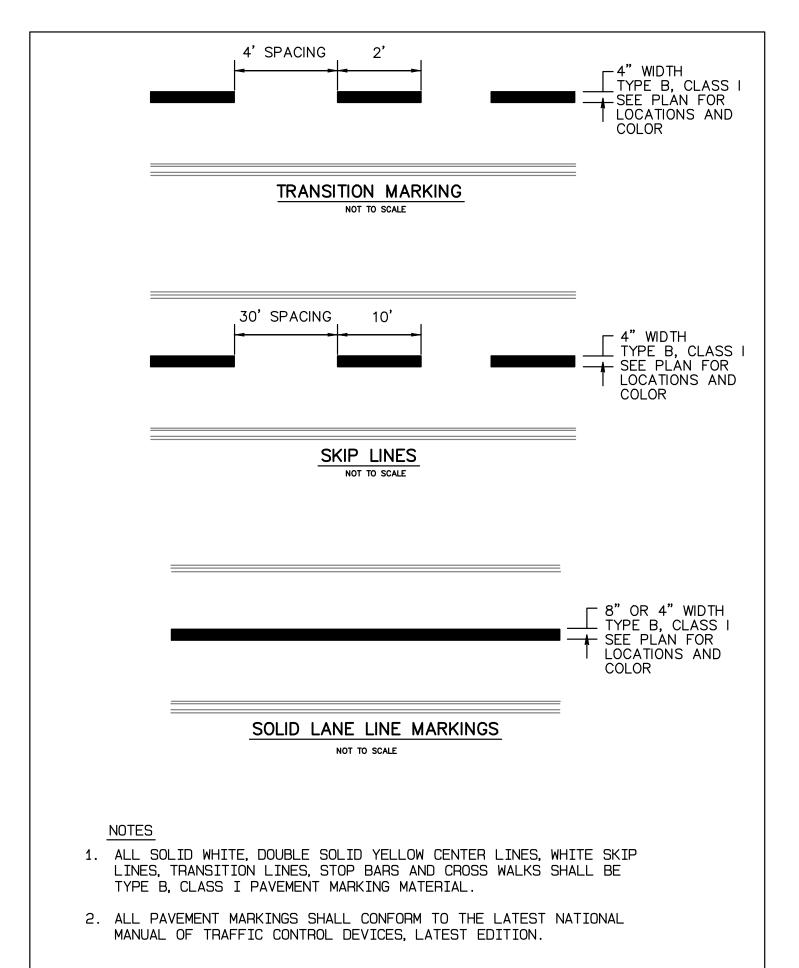
1. ALL CG-12 HANDICAP RAMPS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITION OF THE DEPARTMENT OF JUSTICE ADA STANDARDS FOR ACCESSIBLE DESIGN.

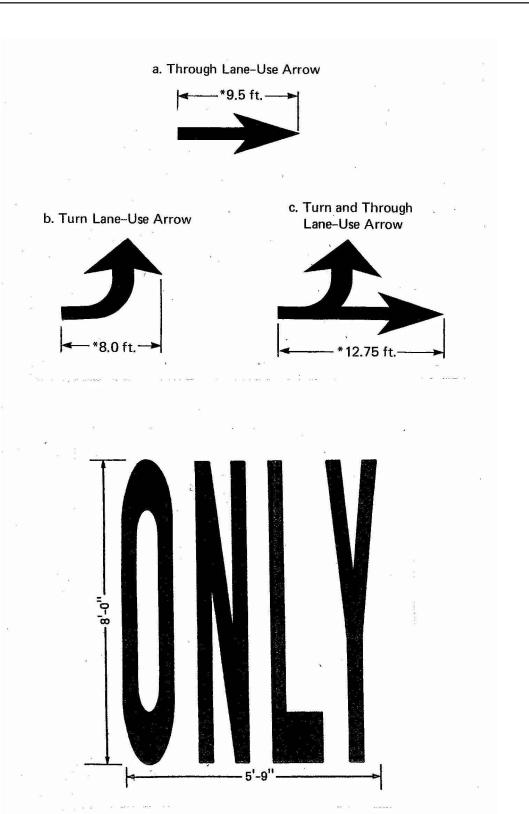
LEGEND		Sign S	ummaı	ry
	M.U.T.C.D.	M.U.T.C.D. SPECIF		SIGN
SIGN SYMBOL	NUMBER	WIDTH	HEIGHT	31011
1	R1-1	30"	30"	STOP
2	R2-1	24"	30"	SPEED LIMIT 25
3	R11-2	24"	18"	ROAD CLOSED
4	R4-7A	18"	24"	KEEP

# NOTES:

1. ALL SIGNS SHALL BE MOUNTED IN ACCORDANCE WITH VDOT STANDARD SQUARE TUBE POST (STP-1).







KENT FARMS HOLDING COMPAN

PROJECT NO.: 220023.01

6 OF 6

#### SIDEWALK MAINTENANCEAGREEMENT

THIS SIDEWALK MAINTENANCE AGREEMENT ("Agreement") is made this day	of
2022, between the COUNTY OF NEW KENT, VIRGINIA, hereinate	fter
referred to as "County," and the COMMONWEALTH OF VIRGINIA, DEPARTMEN	NT
OF TRANSPORTATION, hereinafter referred to as "VDOT," each a "Party" a	and
collectively the "Parties."	

#### WITNESSETH:

IN CONSIDERATION of the mutual covenants contained in this Agreement, County and VDOT agree as follows:

- 1. <u>Term</u>: The term of this Agreement shall be perpetual, provided that either Party may terminate this Agreement for convenience upon 60 days prior written notice to the other Party.
- 2. <u>Location</u>: This Agreement shall pertain to services performed at the following location: The Four Seasons at New Kent Vineyards residential subdivision in New Kent County, <u>Virginia</u> ("Area").
- 3. <u>Description of Work</u>: During the term of this Agreement, the County may perform, or cause to be performed, either through in-kind services, governmental and/or volunteer labor and contractual agreements, the tasks described below (the "**Work**"), including all labor, materials, equipment, tools, services, and support functions:

Sidewalk construction, maintenance, repair and other work as necessary to maintain complete, turn key, and safe landscape and pedestrian circulation areas, including all appurtenances thereto, as described and shown in the construction plan entitled "Farms of New Kent, LLC, Landbay V – Phase 1 Construction Drawings, St. Peters District, New Kent County, Virginia, dated June 14, 2006, prepared by Resource International, LTD, a copy of which is attached hereto as **Exhibit A** ("**Sidewalk Plan**"), or such other plan as the Parties shall mutually approve from time to time.

The Work shall be performed in compliance with all applicable federal, state, and local laws, ordinances, and the rules and regulations of all authorities having jurisdiction over the Area in whole the Work is performed. Prior to commencing to perform any component of the Work other than routine maintenance, from time to time County must obtain from VDOT a land use permit for such component of the Work (each a "VDOT Land Use Permit"). The Parties acknowledge that the Sidewalk Plan does not meet VDOT's standard design criteria, and that VDOT has no obligation under this Agreement to approve any modification of the Sidewalk Plan that does not conform to VDOT's standard design criteria.

4. <u>Duties of VDOT</u>: Upon request of the County VDOT shall take all streets built to applicable VDOT standards and constructed within dedicated public right of way in the Area

- ("ROW") into the secondary system of state highways, pursuant to Section 33.2-705 of the Code of Virginia, notwithstanding the fact the some of the sidewalks are partially in and partially outside of the ROW and may not be have been built to VDOT standards. Upon taking the Area streets into the secondary system of state highways, VDOT shall be responsible for maintenance of the streets within the ROW. However, VDOT will not be responsible for the maintenance of any portion of the sidewalks within the ROW.
- 5. <u>Duties of County</u>: The County may contract with a qualified vendor (a "**Third Party Contractor**") to perform the Work as the County Administrator deems necessary. The party performing the Work, whether the County or a Third Party Contractor, shall be referred to herein as the "**Contractor**." If the County contracts with a Third Party Contractor, the County shall remain primarily responsible to VDOT for performance of all obligations required of the Contractor under this Agreement.
  - (a) It shall be the responsibility of the Contractor to become aware of, and comply with, all applicable federal, state and local regulations, including Occupational Safety and Health Administration (OSHA) standards, the Manual on Uniform Traffic Control Devices (MUTCD), and VDOT safety requirements that in any way relate to the Work.
  - (b) The Contractor shall obtain and maintain all necessary licenses, permits, bonds, etc., necessary to perform and complete the Work, including (except for instances of routine maintenance) a VDOT Land Use Permit, and to cover both persons and property as might come in contact with, or be affected by, the Work.
  - (c) Should VDOT determine that the improvements constructed as part of the Work (the "**Improvements**") are not being maintained properly or adequately, then upon advance written notification by VDOT, the County shall correct or make arrangements to correct the deficiencies within thirty (30) days of such notification.
  - (d) Except for routine maintenance, material alterations of the Improvements shall not be permitted without the prior written approval of VDOT.
  - (e) The Work shall be conducted in a professional and cooperative manner to give the least possible interference with, and annoyance to, citizens. It shall be the Contractor's responsibility to resolve work schedule conflicts.
  - (f) Any and all Work shall be performed by qualified and trained persons. A qualified foreman shall be on-site at all times to oversee and direct Work. All Work shall be done in a professional manner in accordance with the requirements of this Agreement.
  - (g) The Contractor shall be responsible for removal, disposal, and clean up of all debris generated as a result of the Work.

- (h) Any adjacent trees, shrubs, or other growth receiving or sustaining breakage, injury, or other damage as a result of the Work shall be given remedial or corrective treatment and cleanup. VDOT shall be notified immediately of any such damage.
- (i) All work zone traffic control measures shall be established prior to beginning the work and shall be in accordance with the MUTCD. Adequate warning devices (cones, barricades, etc.) and/or other necessary precautions shall be taken by the Contractor to ensure reasonable protection, safety, and warnings to persons and vehicular traffic in the area. The work zone traffic control plan shall be approved by VDOT prior to start of the Work.

#### 6. Insurance:

- (a) <u>Requirement of insurance</u>. The Contractor shall, at its sole expense, obtain and maintain during the life of this Agreement, the insurance policies required by this section. Any required insurance policies shall be effective prior to the beginning of the Work. The following policies and coverages are required:
  - (1) <u>Commercial General Liability.</u> Commercial general liability insurance shall insure against all claims, loss, cost, damage, expense or liability from loss of life or damage or injury to persons or property arising out of Contractor's performance under this Agreement. The minimum limits of liability for this coverage shall be \$1,000,000.00 combined single limit for any one occurrence.
  - Workers' Compensation. Workers' compensation insurance covering Contractor's statutory obligation under the laws of the Commonwealth of Virginia and employer's liability insurance shall be maintained for all its employees engaged in the Work under this Agreement. Minimum limits of liability for employer's liability shall be one hundred thousand dollars and no cents (\$100,000.00) bodily injury by accident each occurrence; five hundred thousand dollars and no cents (\$500,000.00) bodily injury by disease (policy limit); and one hundred thousand dollars and no cents (\$100,000.00) bodily injury by disease (each employee).
  - (3) <u>Automobile Liability.</u> The minimum limit of liability for automobile liability insurance shall be \$1,000,000.00 combined single limit applicable to owned or non-owned vehicles used in the performance of the Work under the Agreement.
- (b) <u>Umbrella Coverage.</u> The insurance coverages and amounts set forth in subsections (1), (2) and (3) of Section 6(a) may be met by an umbrella liability policy following the form of the underlying primary coverage in a minimum amount of \$1,000,000.00. Should an umbrella liability insurance coverage policy be used, such coverage shall be accompanied by a certificate of endorsement stating that it applies to the specific policy numbers indicated for the insurance providing the coverages required

by such subsections (1), (2) and (3), and it is further agreed that such statement shall be made a part of the certificate of insurance furnished by Contractor to VDOT.

- (c) <u>Evidence of Insurance</u>. All insurance shall meet the following requirements:
  - (1) Prior to execution of this Agreement, and prior to the expiration of any policy providing the insurance coverage required under this Agreement, Contractor shall furnish VDOT a certificate or certificates of insurance showing the type, amount, effective dates and date of expiration of the policies. Certificates of insurance shall include any insurance deductibles. Such certificates shall be furnished in a timely fashion to demonstrate continuous and uninterrupted coverage of all of the required forms of insurance for the entire term of this Agreement.
  - (2) The required certificate or certificates of insurance shall include substantially the following statement: "The insurance covered by this certificate shall not be canceled or materially altered, except after thirty (30) days written notice has been received by the VDOT Richmond District Administrator or District Engineer."
  - (3) The required certificate or certificates of insurance shall name the Commonwealth of Virginia, Department of Transportation, its officers, employees, agents, volunteers and representatives as additional insureds to the extent permitted by law.
  - (4) Insurance coverage shall be in a form and with an insurance company approved by VDOT which approval shall not be unreasonably withheld. Any insurance company providing coverage under this Agreement shall be authorized to do business in the Commonwealth of Virginia.
- (d) <u>Ranges and Limits.</u> At the end of every five (5) year period during the term of this Agreement, VDOT shall have the right to require increases in the amounts of insurance specified above. Any adjustments shall bear a reasonable relation to any change in the cost of living or cost of repair or replacement, as measured by changes in the consumer Price Index of the United States Bureau of Labor Statistics applicable to the Commonwealth of Virginia or comparable measure if the Consumer Price Index is no longer being issued.
- 7. <u>Simultaneous Work</u>: The County and VDOT each reserve the right to award other contracts for additional work in connection with the Work as required to install improvements and to equip the Area.
- 8. <u>Use of Area</u>: In accordance with the VDOT Land Use Permit issued with respect to the Work, County shall have use of dedicated ROW for the Work, but shall limit use as necessary

to comply with the VDOT Land Use Permit. Storage of materials on ROW shall only be permitted if approved by the VDOT Land Use Permit prior to placement.

- 9. <u>Faith-based Organizations</u>: Pursuant to §2.2-4343.1 of the Code of Virginia (1950), as amended, County does not discriminate against faith-based organizations.
- 10. <u>Duties upon Termination</u>: If this Agreement is terminated for any reason, County will cause the removal of all sidewalk and curbing from within the ROW within thirty (30) days after the effective date of such termination. This Agreement, including without limitation Sections 5 and 6, shall apply with respect to the removal of such sidewalk and curbing.
- 11. <u>Authority to Sign</u>: The persons who have executed this Agreement represent and warrant that they are duly authorized to execute this Agreement on behalf of the party for whom they are signing.
- 12. <u>Entire Agreement:</u> This Agreement constitutes the complete understanding between the Parties. This Agreement may be modified only by written agreement properly executed by the Parties and referencing specifically this Agreement.

WITNESS the following signatures:

#### **COUNTY OF NEW KENT, VIRGINIA**

	By:Rodney A. Hathaway
Approved as to form:	County Administrator
County Attorney	
	VIRGINIA DEPARTMENT OF TRANSPORTATION
	By:
	Name:
	Title:
	11110.

## EXHIBIT "A"

#### Sidewalk Plan

[Attached]

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: 5/9/2022 **PRESENTATIONS** 

Motion: "Mr.

Chairman, I move to

(not required for Consent

Agenda items)

Mr. Chairman, I move to transfer \$50,000 to the Economic Development Authority from Capital Fund Balance to be a title sponsor of the 2022 Virginia Derby.

**2022 Virginia Derby Sponsorship** - County Administrator Subject

Rodney Hathaway

Transfer of funds to the Economic Development Authority to Issue sponsor the 2022 Virginia Derby horse racing event.

Recommendation Staff recommends adoption of the proposed motion.

The funding would come from County revenues currently Fiscal Implications

received from Colonial Downs and Rosie's.

**Policy Implications** NA

New Kent County elected to sponsor the Virginia Derby event in Legislative History

2020 and 2021.

The 2022 Virginia Derby horse race is scheduled for September Discussion

6th at 1:45 p.m.

Rodney Hathaway, Time Needed: 10 Minutes County Person Appearing:

Administrator

Request Rodney Hathaway, Telephone: (804) 966-9683 County Administrator prepared by:

Copy provided

to:

#### **REVIEWERS:**

Department	Reviewer	Action	Date
Administration	Hathaway, Rodney	Approved	5/1/2022 - 6:54 PM
Administration	Hathaway, Rodney	Approved	5/1/2022 - 6:54 PM
Attorney	Hefty, Brendan	Approved	5/2/2022 - 12:52 PM

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

BOS Resolution R-13-22

Reviewer

**REVIEWERS:** Department

#### **AGENDA ITEM REQUEST**

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

Meeting Date: 5/9/2022 PUBLIC HEARINGS

Motion: "Mr. Chairman, I move (not required for Cons Agenda items)		Resoluti	on R-13-22		
Subject		PUBLIC HEARING: Application CUP-02-22, Faith Recovery Treatment Facility, Resolution R-13-22 - Principal Planner Kelli Le Duc and Applicant			
Issue		Rev. Travis Hall and representatives from Faith Recovery have applied for a Conditional Use Permit to use an existing camp (Makemie Woods) with a conference center and other facilities, for a faith-based recovery ministry.			
Recommendation		The Planning Commission considered this application at meeting on March 21, 2022 and voted 8:1:1 to send an unfavorable recommendation to the Board.		L:1 to send an	
Fiscal Implication	าร	n/a			
Policy Implication	าร	n/a			
Legislative History n/a		n/a			
Rev. Travis Hall and representatives from Faith Reco applied for a Conditional Use Permit to use an exist (Makemie Woods) with a conference center and other for a faith-based recovery ministry.		se an existing camp			
Time Needed:	20 r	minutes	Person Appearing:	Principal Planner Kelli Le Duc and Applicant	
Request prepared by:		i Le Duc	Telephone:	966-9690	
Copy provided to:					
ATTACHMENTS: Description	ļ		Type		
BOS Memo		<b>Type</b> Cover Memo			
Application			Backup Mat		
APO list, ad, affic	davit	-	Backup Mat		

Date

Backup Material

Action

Planning & Zoning	LeDuc, Kelli	Approved	4/25/2022 - 12:27 PM
Administration	Hathaway, Rodney	Approved	5/1/2022 - 5:55 PM
Attorney	Hefty, Brendan	Approved	5/2/2022 - 12:57 PM



#### **MEMORANDUM**

DATE: May 9, 2022

TO: New Kent County Board of Supervisors

SUBJECT: Application Number CUP-02-22 Faith Recovery Treatment Facility

#### **REQUEST**

Rev. Travis Hall representing Youth Challenge of Hampton Roads, Inc./Faith Recovery has applied for a Conditional Use Permit to use an existing camp (Makemie Woods) with a conference center and other facilities, for a faith-based recovery ministry. The existing buildings will provide lodging, dining area, counseling rooms, classrooms, administrative offices, and recreational areas.

#### **PUBLIC HEARINGS**

Planning Commission: March 21, 2022, 6:30 p.m., County Boardroom Board of Supervisors: May 9, 2022, 7:00 p.m., County Boardroom

#### **GENERAL INFORMATION**

Tax Parcel: 46-4

**Size:** Approximately 274 acres

**Owners:** Presbyterian League of the Presbytery of Eastern VA

Current

**Zoning:** C-1, Conservation

**Current Use:** Previously operated as Makemie Woods Camp and Conference Center

Adjacent North – Interstate 64 and A-1

Zoning: East – A-1 and James City County

West - Diascund Reservoir and A-1

South - Diascund Reservoir and James City County



#### **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." There is no definition in the Code for a "Faith-Based Recovery Ministry" or facility; therefore, it is not a permitted use. A conditional use permit is required for the operation/program in question.
- The property is surrounded by Interstate 64 to the north, James City County to the south, Diascund Reservoir to the south and west, and 5 parcels zoned A-1 to the east.

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- The application states the following: "Faith Recovery is a non-profit 501c3 organization proposing to use the property for a Faith-Based Recovery Ministry. Our Recovery ministry is a 12-month residential program for men and women ages 18 and up. The property buildings will provide lodging, dining area, counseling rooms, classrooms, administrative offices, and recreational areas. Other areas of the property campground will be used for recreational therapy, team building exercises, camping, and activities such as canoeing or fishing."
- The application states the following: "Our immediate plan is to move our current resident population of about 15-20 residents to the camp. On campus staff live on the campus 24 hours and are strategically placed within the lodging area to ensure proper care and accountability. As we expand our reach into New Kent, we project our resident growth to be approximately 40 residents as we become prepared to accommodate them."
- The proposed facility and use will not cause an impact on traffic flow. Their fleet includes 10 vehicles. VDOT had no major concerns with the proposed use, as it is very similar to the existing use.
- The proposed facility will have no impact to the schools and the applicant will work to coordinate with other public county services (Fire and Rescue and Sheriff's Office) regarding potential impacts. The application states that they would be interested in partnering with the schools on drug prevention and education efforts.
- The applicant is proposing some upgrades to the existing facilities on the property and will be required to obtain building permits for any renovations. The applicant will work with the Health Department regarding permitting for any septic system or well upgrades and any permits required to utilize the food preparation areas/kitchen.

#### **COMMENTS FROM REVIEWING AGENCIES**

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

- New Kent County Fire Marshal Office No comments
- New Kent County Sheriff's Office "If this CUP is approved our agency will work with the
  applicant to provide the necessary services in accordance with our normal operating
  procedures."
- VDOT "The proposed use is similar in nature to the existing use in terms of transportation impacts. It is unlikely off-site impacts will be notable as a result of this proposed change. Should a site plan be required in the future, the appropriate entrance for this use is a Commercial Entrance, per the VDOT Road Design Manual, Appendix F."

#### • Environmental:

o "If CUP is approved, any site improvements totaling more than 2500 square feet of land disturbance will have to follow the plan of development process. Site plan will have to address erosion and sediment control, stormwater management, and Chesapeake Bay Act compliance."

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o "Any water access improvements in the Resource Protection Area (RPA) for canoeing/fishing will have to follow the Chesapeake Bay Regulations. Newport News Waterworks owns Diascund Reservoir and up to the 30' contour elevation, so additional permissions may be needed."

#### 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 (please be advised that the Conditions are subject to change prior to Board of Supervisors approval of the permit)

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

- 1. This Conditional Use Permit shall become null and void in the event that the facility becomes bankrupt or ceases operation. The owner shall provide to the County Board of Supervisors an update annually to report on their activities and operations.
- 2. The staff at the facility shall work closely with the New Kent Sheriff's Office regarding the following:
  - a. Prior to occupancy of the property by residents or staff, the owner shall submit a proposed operational plan and an action plan for events that may occur on site, including not limited to, a resident walking away from the property, assault/battery, drug or alcohol use, larceny, possession of a weapon on site.
  - b. Relating to individuals that may be court-ordered into the program/facility and are not following the rules of their release or abscond from the program, or if a warrant or probation violation (PB 15) has been issued for any participant, the plan shall lay out what the course of action will be in turning the subject over to the Sheriff's Office.
- 3. If any site improvement totaling more than 2500 square feet of land disturbance is proposed, the applicant shall follow the plan of development process, which requires a site plan addressing erosion and sediment control, stormwater management, and Chesapeake Bay Act compliance.
- 4. Any activity, existing or proposed, within the Resource Protection Area (RPA) shall follow the Chesapeake Bay Regulations, and the owner/operator shall apply for permits where necessary.
- 5. The number of residents seeking treatment at the facility (not counting facility staff) shall be capped at 40.

- 6. Daily activity hours shall be from 6:30 a.m. to 7:00 p.m., with the exception of occasional on-campus activities or special events. The activity noise levels shall not exceed what is allowed in the county Noise Ordinance.
- 7. Operation of the facility shall not create a public nuisance.
- 8. If the applicant proposes any renovations or additions to the existing structures on the property, to including electrical, mechanical, or plumbing systems, a permit for the proposed work will be required from the New Kent County Building Department.
- 9. Prior to occupancy of the property by staff and resident, the applicant shall submit a plan review application and work with the New Kent Health Department regarding inspections of the food prep area(s) and kitchen.
- 10. Prior to occupancy of the property by staff and residents, the applicant will be required to submit an updated operations permit from the Health Department, to ensure that the septic system and water supplies are in working order.

#### PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at their meeting on March 21, 2022 and voted 8:1:1 to forward an unfavorable recommendation to the Board of Supervisors.

#### Attachments:

- Application CUP-02-22
- Advertisement & Adjacent Property Owners List
- Resolution, BOS-13-22

#### Copies to:

- Applicant
- File



# CONDITIONAL USE PERMIT (CUP) APPLICATION

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\*\*

DECOMPTION OF BRODERTY	OFFICE USE ONLY
DESCRIPTION OF PROPERTY  Tax Map Parcel Number(s): 46//4 Total Lot Area (Acres): 274	*DO NOT WRITE IN THIS BOX*
Tax Map Parcel Number(s): 46//4 Total Lot Area (Acres): 274 GPIN: F28-0647-0759	Application No: Cul- 000 301-202
Property street address: 3700 Ropers Church Rd	AFD Status: N/A Date Received: 1-28-22
Current Zoning: C1 Proposed Zoning: C1	Tax Receipts: Yes No
Current Use: Camp Proposed Use: Faith Based Recovery Program	
Does proposed zoning/use include entire property? [X] YES [ ] NO	Fee Amount: \$ 1,635.00 Staff Initials: \$20
If no, how much will be used for proposed use?	Stair Initials.
PROPERTY OWNERS INFORMATION	
Name: Presbyterian League of the Presbytery of Eastern VA	Hull
Address: 801 Loudoun Ave	
City: Portsmouth State: VA Zip: 237	07
Telephone: Work: 757-397-7063 Home:	
Cellular/Pager: Fax:	
E-mail Address: Ihull49@cox.net	
APPLICANT'S INFORMATION  No. 10 Challenge of Harraton Boods Inc. BBA Faith Books Inc.	10 11 11
Name: Youth Challenge of Hampton Roads, Inc., DBA Faith Recovery	au . Travis Hall
Address: 332 34th Street	
City: Newport News State: VA Zip: 2360	07
Telephone: Work; 757-244-1234 Home:	<del></del>
Collular/Daggri 757-503-8254 Fav. 757-244-5844	
E-mail Address: travis.hall@faithrecoveryhope.org	
AGENTS INFORMATION	
N/A	
Trumor .	
Address:	
Cellular/Pager: Fax:	
E-mail Address:	
WATER/SEWER SUPPLY	
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.
- 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.
- 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.
- 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.
- 7. 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" x 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:	- Bull	Date: JAN 26, 2022
Property Owner Signature:		Date:
Property Owner Signature:	5710	Date:
Applicant/Agent Signature:	frin / /	Date: Jan 26, 2022
Applicant/Agent Signature:	Τ /	Date:

All property owners must sign the application

#### 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 \$1600.00 plus \$40.00 per disturbed use acre. 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):x \$40=	4	0
Map Maintenance Fee:	\$_	35,00
+ \$10.00 per acre(fraction),		0
Number of acres(fraction):x \$10= Total Due:	\$_ \$.	1635.00

Page 2 of 2

09/24/20

# New Kent County Conditional Use Permit Application 3700 Ropers Church Road



- 1. Faith Recovery is a non-profit 501c3 organization proposing to use the property for a Faith-Based Recovery Ministry. Our Recovery ministry is a 12-month residential program for men and women ages 18 and up. The property buildings will provide lodging, dining area, counseling rooms, classrooms, administrative offices, and recreational areas. Other areas of the property campground will be used for recreational therapy, team building exercises, camping, and activities such as canoeing and fishing. The property will provide a serene environment for someone who is committed to a true-life change find peace and begin a relationship with God. The property will also be used to host family events as we bring the family into the recovery and healing process. There is a work component to our program which will include maintenance projects on the property ensuring the facilities and the grounds are kept up properly in a way that represents excellence as a standard in life. Our immediate plan is to move our current resident population of about 15-20 residents to the camp. On campus staff live on the campus 24 hours and are strategically placed within the lodging areas to ensure proper care and accountability. As we expand our reach into New Kent, we project our resident growth to be approximately 40 residents as we become prepared to accommodate them.
- 2. Our use of the property should have no impact on the surrounding properties. For all intent and purposes, the current use as a campground provides lodging and activities, along with retreats. Our physical use of the property and facilities will serve the same intent: lodging, activities, classes, etc. The only thing that would change would be the hours of operation. We would be in operation 24 hours a day, 365 days per year. Our daily activity hours are 6:30am to 7:00pm. All residents have a scheduled time to be in dorms and "lights out" is 10:00pm, unless there is a rare special event. Our activity levels will be no more than that of the existing use, except again, we will be a year-round operation.
- 3. The potable water and wastewater utility consist of well water and septic systems. The existing septic and well water systems have sufficient flow for our proposed use to the existing buildings.
- 4. Our proposed use will not involve any new construction as the existing facilities will accommodate our lodging, classroom, counseling, and administrative needs. We will, however, have to make upgrades to the HVAC and boilers in some of the facilities. All old equipment will be hauled away by the installation company. There are also many cosmetic upgrades that need to be made to the facilities. Considering the distance of these structures from any other homes in the area, there should be no issues with noise. All waste will be disposed of by a disposal company, i.e., construction dumpsters.
- 5. With our proposed use as a long-term residential ministry, with a population of approximately 40, there should not be any major impact on traffic flow. Our fleet of 10 vehicles will be in an out depending on activities during regular business hours.
- 6. Our proposed use will not have any negative impact on New Kent Schools. However, we would be interested in partnering with the local schools on drug prevention and education efforts.
- 7. The impact of our proposed use will not be any greater than the current use on public services. We will cooperate will all agencies concerning county regulations. We could establish a good working relationship with local law enforcement concerning those they encounter who are struggling with addiction issues.
- 8. Our proposed use will not have any impact on any historic sited or structures on the property or in the vicinity.
- 9. Our proposed use will not have any impact on any rare, endangered, or irreplaceable species or natural areas, as we have no plans to disturb any of them. Our teachings encourage the respect of God's creation and our role in preserving its beauty.
- 10. Our proposed use will not have any negative impact on the scenic or natural beauty of the County. Our plans are to use the campgrounds as is, and to maintain the grounds and facilities. This is a beautiful piece of property, and all of our residents will play a role in preserving it.

I want to thank you for your time and consideration of our proposal to relocate our ministry to Makemie Woods. I fully understand that there is some concern from members of the community. These concerns need to be heard and addressed. I do understand that one's personal and family experiences are a driving force in the way we all think. There are legitimate concerns that should be heard. However, there is also a stigma that is attached to mental health, in particularly substance abuse that can exasperate those concerns and be used to create fear.

There is an unfortunate reality to the choices many, not all, individuals struggling with substance use disorder can make. There is also a reality that many can and do change. We offer a program that promotes change and helps those who want to change develop the character necessary for living a productive life. Character cannot be simply learned in a classroom; it must be developed over time. This, working along with faith and the application of recovery and Biblical principles, are the main reasons why our long-term program is beneficial to those we serve. The exponential value of a changed life and restored family, coupled with our commitment to community service are what will make our location at Makemie Woods beneficial to New Kent County as a whole.

The property at Makemie Woods provides an environment that will certainly help promote spiritual, emotional, and mental healing. That is what makes it attractive to us. In addition, New Kent County and surrounding areas appear to be underserved when it comes to recovery programs, and this is a great opportunity to expand our reach and help more people and families dealing with addiction issues.

As you are aware, there are some who are opposed to our coming to Makemie Woods. While I understand their legitimate concerns, there are <u>false statements</u> that are being made and in their signed petitions. These statements are being made to discredit an organization that has helped people for over 42 years in an attempt to accomplish their goal of preventing our relocation. I would like to take a moment to address these statements.

- "Faith Recovery went bankrupt, and property was foreclosed on in June 2021 for unpaid property tax."
  - o Faith Recovery (Youth Challenge of Hampton Roads) has never filed bankruptcy, nor has our property been foreclosed on for non-payment of property tax.
  - There is an article from April 2015 in the Daily Press interviewing our Founder and then Executive Director, Troy Collier regarding a <u>potential</u> foreclosure. This was a mortgage from 2010 on our Thrift Store building, that included our Hope Center on the note as collateral. The mortgage had a 5-year call. The bank would not renew the mortgage because the organization had financial difficulty, including falling behind on property tax. Rev. Collier felt an article would create awareness of our situation that would in turn generate support.
  - o Founder and Executive Director, Troy Collier, passed away at age 87 in July 2015.
  - o When I took over as Executive Director in August 2015, the organization did have significant debt. We were able to enter into a forbearance agreement with the bank, and enter into payment plans on our tax debt.
  - After meeting with City Manager and council members, in 2017, City of NN granted us "exempt" status from real estate tax on our Hope Center as a religious organization/church. The past debt was not forgiven, but no future taxes were added.
  - o In 2019, we decided to explore the possibility of selling our Newport News facility to not only pay-off mortgage and all other debt, but to also put us in a position to move out of an old building in downtown Newport News in search of a better location for those we serve.
  - o In 2020, we had a contract with a developer to purchase the property to convert to affordable housing apartments. However, the city did not approve their project.
  - In early 2021, we had conversations with the City Manager and Council Members regarding our Hope Center, which lead to the City of Newport News Redevelopment and Housing Authority purchasing the property for \$1,325,000. Upon closing on the property, we entered in a lease agreement with NNRHA while we search for a new facility.
  - o Mortgage, and all other debt have been paid off, and we have funds to move forward on a new location.

The sale of our building, assessed at \$765,000, for \$1,325,000 was a planned and strategic move to enable us to clear all of our debt and move into a better more suitable location. Makemie Woods is that location that we feel best fits our desire to better serve our residents and places us in a community that has need of the services we provide.

Our plan is to purchase the property for \$900,000. We will put \$200,000 down and are in the process of securing a mortgage for the remaining \$700,000. We will also have \$300,000 to initially invest into property upgrades, along with \$100,000 going into our reserve account. We are also in contact with a major mechanical company that will be helping us by doing much of the labor pro bono and selling us needed equipment at their, and in some cases their vendor's cost, saving us thousands of dollars. Our initial due diligence indicates that the septic and well systems are suitable for our use and have been recently upgraded. Further inspections may reveal some maintenance needs, which we will ensure gets done.

Once our project is approved, we are prepared to begin a capital campaign for continued improvements to the current facilities. They are in decent operating condition but need a significant amount of "sprucing up." In conversations with the seller, we have been told they have found that squatters have been in the facilities. There are no significant damages, but there are a couple broken windows.

Fresh paint, building out some offices in the Main Lodge, and updating the restrooms are also on our to do list. Between our initial \$300,000, donations to our capital campaign, and the relationships we have with businesses and volunteers, we are confident that we will take a vacant, deteriorating campground and restore its original beauty.

There are other things that are being said concerning 4 negative google reviews, our micro-enterprises, and use of our program as an alternative to incarceration. Historically, our program was mainly used as an alternative to incarceration. While jail is often the catalyst for someone struggling with addiction to recognize the need for change, we have worked to shift the make-up of our resident population to be 50% alternative and 50% walk-in. Right now, our current make up is 3 of our 18 residents are there as an alternative. We do plan to work with the Sheriff's Office and Commonwealth Attorney regarding the County's use of our program as an alternative, which could potential save the county some incarceration costs.

I am more than happy to answer any questions or concerns you may have or need more clarity on. We understand the importance of earned trust and are willing to be transparent throughout this process. I hope the county will view this as a step in that direction.

I can be reached by email at travis.hall@faithrecoveryhope.org or on my cell at 757.503.8254.

Thank you, again, for your time and consideration.

Sincerely,

Rev. Travis Hall Executive Director

#### PARID: 305030317

332 34TH 5T

Owner

Name

NNR&HA

Parcel

Property Location
Parcel ID
Tax Status
Neighborhood

Neighborhood Land Area (acreage) Land Use and Zoning Details 332 34TH ST 305030317 City Owned C120T022 - WARD 1 1.15

Click here for additional details.

Click here for City of Newport News Assessor's Web Page

**Legal Description** 

Parcel/Lot:

Block: Subdivision Section:

Lot Dimensions

9 THRU 16 & 37 THRU 48

223 WARD 1

300X100+100+200X200X200

Values

Current Land
Current Improvements
Current Total Assessment

275,600 489,700 765,300

#### Values History

Tax Year	Land	Improvements	Total Assessment
2022	275,600	489,700	765,300
2021	275,600	462,200	737,800
2020	275,600	462,200	737,800
2019	275,600	445,500	721,100
2018	275,600	364,200	639,800
2017	275,600	364,200	639,800
2016	262,500	364,200	626,700
2015	250,000	364,200	614,200
2014	250,000	364,200	614,200
2013	250,000	364,200	614,200
2012	250,000	364,200	614,200
2011	250,000	364,200	614,200

#### Click button below to see expanded Values History

Generate Report

#### Sales History

Date 06/10/2021 12/30/2003 09/29/1995 Amount \$1,325,000 \$0

\$161,500

Buyer NNR&HA

YOUTH CHALLENGE INC TRIAD FOUNDATION INC Instrument Number 210012535

0018820835 0014111721

Commercial

Structure Code

COMMERCIAL

Year Built 1950 Square Footage 41,690 Units (if applicable) Stories

#### **Commercial Sections**

Line	Usage		Square Footage
1		41690	

#### Assessment History

	t t			the state of the s	
Assessment Date	Total Tax	Tax Rate	Land	Improvements	Total Assessment
07/01/2021	\$.00	\$1.22	275,600	489,700	765,300
07/01/2020	\$.00	\$1.22	275,600	462,200	737,800
07/01/2019	\$.00	\$1.22	275,600	462,200	737,800
07/01/2018	\$.00	\$1.22	275,600	445,500	721,100
07/01/2017	\$.00	\$1.22	275,600	364,200	639,800
07/01/2016	\$7,805.56	\$1.22	275,600	364,200	639,800
07/01/2015	\$7,645.74	\$1.22	262,500	364,200	626,700
07/01/2014	\$7,493.24	\$1.22	250,000	364,200	614,200
07/01/2013	\$7,493.24	\$1.22	250,000	364,200	614,200
07/01/2012	\$6,756.20	\$1.10	250,000	364,200	614,200
07/01/2011	\$6,756.20	\$1.10	250,000	364,200	614,200
07/01/2010	\$6,756.20	\$1.10	250,000	364,200	614,200

The City of Newport News Treasurer's Office makes every effort to produce and publish the most current and accurate property tax information possible. No warranties, expressed or implied, are provided for the data herein, for its use, or its interpretation. Neither the City of Newport News nor the Treasurer's office assumes any liability associated with use or misuse of this data.

If you believe any data provided is inaccurate, please inform the Treasurer's office by telephone at (757) 926-8731 or by email to the Treasurer by clicking here treasurer@nnva.gov.

The tax balances on the online search system are maintained on the City's database. The balances may not reflect adjustments or payments that are in transit. Payment made online may not be reflected in online searches for 6-7 business days.

WARNING: Any parcels that have been divided or combined should be investigated by the purchaser to ensure that all taxes and levies are paid on associated parcels.

The below summary reflects Real Estate Taxes, Stormwater Fees, and Liens recorded in the City Treasurer's records. It does not reflect any liens recorded against the property in the Clerk of Courts records.

Note- City code requires that all Deferred tax years and/or the current fiscal year of Elderly Tax Exemption be reinstated if the property is being sold or there is a change in ownership. Please contact the Real Estate Assessor's Office (757) 926-1926 for further instructions.

#### Summary of Taxes and Fees Due

Tax Year	Type	Cycle	Due Date	Taxes	Fees	Penalty	Interest	Deferred Taxes	Elderly Tax Exemption	Balance Due
2022	SW	02	06/05/2022	\$.00	\$1,925.70	\$.00	\$.00	\$.00	\$0.00	\$1,925.70
Tota	d:			\$.00	\$1,925.70	\$.00	\$.00	\$.00	\$0.00	\$1,925.70

#### **Calculate Payoff Amount**

Select Future Payoff Date: 03/21/202:

Generate Report

#### Taxes/Fees Paid (Last 5 Years)

Generate Report



# New Kent Sheriff's Office



J. Joseph (Joe) McLaughlin, Jr. Sheriff

P. O. Box 186 11995 Courthouse Circle New Kent, VA 23124 Phone (804) 966-9500 Fax (804) 966-5050 Emergency 911

March 17, 2022

This information was prepared and provided to Faith Recovery only as a point of consideration and planning in their process with the County of New Kent and is not to be taken as an endorsement or objection to their application, submitted to the County of New Kent.

#### § 53.1-149. Arrest of probationer without warrant; written statement.

Any probation officer appointed pursuant to this chapter may arrest a probationer without a warrant, or may deputize any other officer with power to arrest to do so, by a written statement setting forth that the probationer has, in the judgment of the probation officer, violated one or more of the terms or conditions upon which the probationer was released on probation. Such a written statement by a probation officer delivered to the officer in charge of any local jail or lockup shall be sufficient warrant for the detention of the probationer. Any officer deputized upon receipt of the written statement shall, in accordance with § , enter, or cause to be entered, the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ et seq.) of Title 52. Such information shall be deemed a warrant authorizing the arrest of the person anywhere in the Commonwealth. Code 1950, § 53-278.5; 1962, c. 327; 1982, c. 636; 2010, c.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

#### Probation Violations - Issuance of PB 15

Upon being notified by the Probation Officer that a PB-15, document provided by the Probation Officer stating that the probationer has violated one or more of the terms of conditions of their probation, Faith Recovery shall take the following actions. Faith Recovery and the issuing Probation Officer or their designee, will notify the New Kent Sheriff's Office or the local law enforcement agency if the probationer is not located on the property of Faith Recovery of the document being issued. Law enforcement shall verify the existence of the issued document and any conditions included on said document prior to any contact or immediately upon making contact with the probationer. Faith Recovery will not make the probationer aware of the order and will monitor the probationer until arrangements have been made for law enforcement to make contact with the specific probationer.

These arrangements may include a representative from Faith Recovery communicating with law enforcement to arrange to bring the probationer to a designated location away from their program site to be turned over to law enforcement, if the situation allows such transport. If transportation is determined to not be suitable on a

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case-by-case basis Faith Recovery will monitor the probationer to include location, temperament, actions and possessions and shall communicate this information to law enforcement. If law enforcement action is required at the site of the Faith Recovery Program law enforcement actions shall be as discrete and as private as possible.

Law enforcement policies in most agencies require the restraining of the prisoner, with a complete search of the individual prior to taking custody and being placed into the agency vehicle. Representatives of Faith Recovery will be available to take custody of any personal belongings discovered with the probationer at the time of law enforcement contact that can be transported with the individual or that is not taking into custody as evidence by law enforcement.

Faith Recovery is responsible for the safety and security of all program participants and shall be aware of their location at all times.

#### Absconding - absent from facility or program

Faith Recovery agrees to contact the New Kent Sheriff's Office or the local law enforcement agency where the program participant was located at the time of their unauthorized absence. Faith Recovery shall be prepared to make available any and all current information on hand to include, but not limited to – personal data, contact information, photos, relatives contact information, specifics of participation in the program (i.e. – addictions, treatment, medical issues, mental health concerns, disciplinary issues, reason for admission into program, etc.), information concerning the participants recent actions/statements/attitude/behavior, contacts/friends within the program, contacts made with others not in the program since being involved, program manager/counselor for individual, known friends/relatives/contacts in area and any other identifying and pertinent information available.

Unless there has been a Probation Violation Order, PB15, issued or there are extenuating circumstances as to the absence of the participant, law enforcement may complete a missing person report and conduct the appropriate investigation/search for the individual. If extenuating circumstances exist, such as threats to harm self or others, PB15 issuance, reasonable suspicious of a crime having been committed or being committed or other concerns of public safety, law enforcement may initiate search and/or rescue activities. These activities shall include resources as determined appropriate by the law enforcement agency involved in the incident.

Faith Recovery personnel shall be available to the law enforcement agency involved in the activities at all times and shall be available to accompany the program participant to medical treatment as deemed necessary and/or to take custody of the program participant upon them being located. Unless there are criminal charges or the issuance of an ECO (Emergency Custody Order) or a TDO (Temporary Detention Order) Faith Recovery shall be responsible for the transportation and ultimate placement of the program participant as directed by law enforcement. If a program participant is arrested or charged law enforcement shall notify the Faith Recovery Program as appropriate and allowed by law. If the program participant is incarcerated, law enforcement shall notify Faith Recovery as to their location and situation as allowed by law and shall request that Faith Recovery make the appropriate notifications concerning the participants family or placement agency.

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# NEW KENT COUNTY Notice of Mailing

Applicant Name:	Faith Recovery/Travis Hall	
Application Number:	CUP-02-22	
Public Hearing Date:	Monday, May 9, 2022	

# 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 25<sup>th</sup> day of April, 2022, by first class mail, postage prepaid, to the persons whose names and addresses are attached.

Signed

Notary Public

Subscribed and sworn to before me this 25th day of April, 2022.

I was originally commissioned as Sheri Lynn Wood, Notary Public

My commission expires:

December 31, 2023.

Shei Lym

§ 15.2-2204. Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.

A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by 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 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. 774; 1995, c. 178; 1996, cc. 613, 667; 1997, c. 587; 2001, c. 406; 2002, c. 634; 2004, cc. 539, 799; 2005, c. 514; 2007, cc. 761, 813; 2011, c. 457; 2012, c. 548; 2013, cc. 149, 213.)

PRESBYTERIAN LEAGUE OF THE PRES. OF EASTERN VA 801 LOUDOUN AVE PORTSMOUTH, VA 23707

CUP-02-22

ANDREW AND ELIZABETH LENOIR 8206 MERCER DR. NORFOLK, VA 23505

CUP-02-22

TERESA GLENN HOLLEY 3701 ROPERS CHURCH RD LANEXA, VA 23089

JAMES CITY COUNTY ADMINISTRATION 101 MOUNTS BAY ROAD BUILDING D WILLIAMSBURG, VA 23185 MARY ALICE BURTON 8210 CARTER LN MECHANICSVILLE, VA 23111

CUP-02-22

RYAN AND JENNIFER BOWDEN 3855 ROPERS CHURCH RD LANEXA, VA 23089

CUP-02-22

JUSTIN AND SHANNON TURNER 12402 PINE TRAIL GLOUCESTER, VA 23061 JEFFREY EARL PHILLIPS 17025 WEDGEWOOD CT LANEXA, VA 23089

CUP-02-22

JAMES AND LAURA HATCHER 3715 ROPERS CHURCH RD LANEXA, VA 23089

CUP-02-22

ALLEN AND ELIZABETH TURNER 3401 ROPERS CHURCH RD LANEXA, VA 23089

### NOTICE OF PUBLIC HEARING NEW KENT COUNTY BOARD OF SUPERVISORS

Notice is hereby given that the New Kent County Board of Supervisors will hold a public hearing, and may or may not take action, on Monday, May 9, 2022 at 7:00 p.m. or as soon thereafter as possible, in the Boardroom of the County Administration Building located at 12007 Courthouse Circle, New Kent, VA 23124, to consider the following:

- A. Application CUP-02-22, Faith Recovery Treatment Facility Resolution R-13-22: Rev. Travis Hall and representatives from Faith Recovery have applied for a Conditional Use Permit to use an existing camp (Makemie Woods) with a conference center and other facilities, for a faith-based recovery ministry. The existing buildings will provide lodging, dining area, counseling rooms, classrooms, administrative offices, and recreational areas. The property is zoned Conservation, is located at 3700 Ropers Church Road, and is identified as Tax Parcel 46-4 (GPIN #F28-0647-0759). The Planning Commission considered this application at their meeting on March 21, 2022 and voted 8:1:1 to forward an unfavorable recommendation to the Board of Supervisors.
- B. Application ZM-01-22/CUP-03-22, Jacqueline and Mark Smith, Event Venue and Cidery Ordinance O-04-22 and Resolution R-14-22: Applicants have requested the rezoning from R-2 to Business, of approximately 4.45 acres of land. Applicants have also requested a Conditional Use Permit on the same parcels of land in order to renovate existing buildings and property into a Cidery and Event Venue. The subject properties are located at 9302 East View Lane in Providence Forge and are further identified as Tax Parcels 41A2-2-3 (GPIN #E16-1303-4811) and 41A2-2-4 (GPIN #E16-1096-4579), and 41A2-2-5 (GPIN #E16-1238-4438). The Planning Commission considered these applications at their meeting on April 18, 2022 and voted 8:0:1 to forward favorable recommendations on both applications to the Board of Supervisors.
- C. Application ZM-02-22, Schiminoe Development LLC Ordinance O-05-22: Applicants have requested the rezoning from A-1, Agricultural to R-1, Single-Family Residential, with proffers, of approximately 18 acres of land. The applicants are proposing a 7-lot residential subdivision on the properties. The subject properties are located on Olivet Church Road and are further identified as Tax Parcels 22-7D (GPIN #J14-2407-2150) and 22-7E (GPIN #J14-2426-1920). The Planning Commission considered this application at their meeting on April 18, 2022 and voted 6:2:1 to forward a favorable recommendation to the Board of Supervisors.
- D. Application OA-01-22, Ordinance Amendment to add Definitions and Performance Standards for Energy Storage Projects and Solar Generation Facilities Ordinance O-06-22: The Board will consider amendments to the New Kent County Zoning Ordinance, Chapter 98, to add definitions and performance standards for Energy Storage Projects and Solar Generation Facilities. The Planning Commission considered these ordinance amendments at their meeting on April 18, 2022 and voted 8:0:1 to forward a favorable recommendation to the Board of Supervisors.

All interested persons may appear and present their views at the above time and place. 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 <a href="mailto-bos@newkent-va.us">bos@newkent-va.us</a>. 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 ordinances, resolutions, applications and staff reports may be viewed approximately one week prior to the hearing in the Office of the County Administrator at 12007 Courthouse Circle, New Kent, VA 23124, during regular business hours or at <a href="http://www.co.new-kent.va.us">http://www.co.new-kent.va.us</a>. 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. If the meeting cannot be held because of the closing of State and/or County offices, it will be held on the next business day that the County offices are open.

By authority of Rodney A. Hathaway Clerk of the Board

### BOARD OF SUPERVISORS COUNTY OF NEW KENT VIRGINIA

#### R-13-22

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 May, 2022:

Present: Vote:
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-02-22, YOUTH CHALLENGE OF HAMPTON ROADS/ FAITH RECOVERY, TO OPERATE A FAITH-BASED RECOVERY MINISTRY ON TAX MAP AND PARCEL 46-4 (GPIN #F28-0647-0759)

WHEREAS, Larry Hull from the Presbyterian League of the Presbytery of Eastern VA (property owner) and Rev. Travis Hall, representing Youth Challenge of Hampton Roads (applicant), have submitted a "Conditional Use Permit Application" dated January 28, 2022; and

WHEREAS, said application requests a conditional use permit to utilize an existing camp and conference facility (Makemie Woods) for a faith-based recovery ministry, located on a parcel identified on the New Kent County digital map as GPIN #F28-0647-0759 (Tax Map and parcel 46-4); 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 March 21, 2022, where they carefully considered the public comment received and voted 8:1:1 to forward an unfavorable 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 May 9, 2022, 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 Conservation, 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 9<sup>th</sup> day of May, 2022, by the New Kent County Board of Supervisors, that Conditional Use Permit Application CUP-02-22 submitted by Larry Hull from the Presbyterian League of the Presbytery of Eastern VA (property owner) and Rev. Travis Hall, representing Youth Challenge of Hampton Roads/Faith Recovery (applicant) be, and hereby is, approved, subject to the following conditions:

- 1. This Conditional Use Permit shall become null and void in the event that the facility becomes bankrupt or ceases operation. The owner shall provide to the County Board of Supervisors an update annually to report on their activities and operations.
- 2. The staff at the facility shall work closely with the New Kent Sheriff's Office regarding the following:
  - a. Prior to occupancy of the property by residents or staff, the owner shall submit a proposed operational plan and an action plan for events that may occur on site, including not limited to, a resident walking away from the property, assault/battery, drug or alcohol use, larceny, possession of a weapon on site.
  - b. Relating to individuals that may be court-ordered into the program/facility and are not following the rules of their release or abscond from the program, or if a warrant or probation violation (PB 15) has been issued for any participant, the plan shall lay out what the course of action will be in turning the subject over to the Sheriff's Office.
- 3. If any site improvement totaling more than 2500 square feet of land disturbance is proposed, the applicant shall follow the plan of development process, which requires a site plan addressing erosion and sediment control, stormwater management, and Chesapeake Bay Act compliance.
- 4. Any activity, existing or proposed, within the Resource Protection Area (RPA) shall follow the Chesapeake Bay Regulations, and the owner/operator shall apply for permits where necessary.
- 5. The number of residents seeking treatment at the facility (not counting facility staff) shall be capped at 40.
- 6. Daily activity hours shall be from 6:30 a.m. to 7:00 p.m., with the exception of occasional on-campus activities or special events. The activity noise levels shall not exceed what is allowed in the county Noise Ordinance.

- 7. Operation of the facility shall not create a public nuisance.
- 8. If the applicant proposes any renovations or additions to the existing structures on the property, to including electrical, mechanical, or plumbing systems, a permit for the proposed work will be required from the New Kent County Building Department.
- 9. Prior to occupancy of the property by staff and resident, the applicant shall submit a plan review application and work with the New Kent Health Department regarding inspections of the food prep area(s) and kitchen.
- 10. Prior to occupancy of the property by staff and residents, the applicant will be required to submit an updated operations permit from the Health Department, to ensure that the septic system and water supplies are in working order.

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	Thomas W. Evelyn
County Administrator	Chair

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

Description

**BOS Memo** 

Application

### **AGENDA ITEM REQUEST**

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

Meeting Date: 5/9/2022 PUBLIC HEARINGS

Motion: "Mr. Chairman, I move (not required for Conse Agenda items)		Ordinance O-04-22 (this action must be taken first) Resolution R-14-22		
Subject	J	lacqueline and Mark	Applications ZM-01- Smith, Event Venu- and Resolution R-14 and Applicant	e and Cidery,
Issue	Applicants have requested the rezoning from R-2 to Business, of approximately 4.45 acres of land. Applicants have also requested a Conditional Use Permit on the same parcels of land in order to renovate existing buildings and property into a Cidery and Event Venue. The subject properties are located at 9302 East View Lane in Providence Forge.			icants have also e same parcels of s and property into a
Recommendation	t	The Planning Commission considered these applications at their meeting on April 18, 2022 and voted 8:0:1 to forward favorable recommendations to the Board.		
Fiscal Implication	ıs r	n/a		
Policy Implication	ns r	n/a		
Legislative Histor	y r	n/a		
Discussion	r I	Applicants have requested the rezoning from R-2 to Business, of approximately 4.45 acres of land. Applicants have also requested a Conditional Use Permit on the same parcels of land in order to renovate existing buildings and property into a Cidery and Event Venue. The subject properties are located at 9302 East View Lane in Providence Forge.		
Time Needed:	10 m	inutes	Person Appearing:	Principal Planner Kelli Le Duc and Applicant
Request prepared by:		Le Duc	Telephone:	966-9690
Copy provided to:				
ATTACHMENTS:				

Type

Cover Memo

Backup Material

PC Resolution Backup Material
APO list, ad, affidavit Backup Material
BOS Ordinance O-04-22 Backup Material
BOS Resolution R-14-22 Backup Material

### **REVIEWERS:**

Department	Reviewer	Action	Date
Planning & Zoning	LeDuc, Kelli	Approved	4/25/2022 - 12:55 PM
Administration	Hathaway, Rodney	Approved	5/1/2022 - 5:58 PM
Attorney	Hefty, Brendan	Approved	5/2/2022 - 12:55 PM



### **MEMORANDUM**

DATE: May 9, 2022

TO: New Kent County Board of Supervisors

SUBJECT: Application Number ZM-01-22 and Application Number CUP-03-22

Jacqueline P. Smith, TIG-MAC, LLC

### **REQUEST**

Jacqueline and Mark Smith have requested the rezoning from R-2, General Residential, to Business, of approximately 4.45 acres of land. The applicants have also requested a Conditional Use Permit on the same parcel of land in order to renovate the property into a Cidery and Event Venue.

### **PUBLIC HEARINGS**

Planning Commission: April 18, 2022, 6:30 p.m., County Boardroom Board of Supervisors: May 9, 2022, 7:00 p.m., County Boardroom

### **GENERAL INFORMATION**

**Location:** The subject property is located at 9302 East View Lane in Providence Forge

**Tax Parcels:** 41A2-2-3, 41A2-2-4, and 41A2-2-5

**Size:** Approximately 4.45 acres

Owner: Tig-Mac, LLC (Jacqueline and Mark Smith)

Current

**Zoning:** R-2, General Residential

**Current Use:** Residential

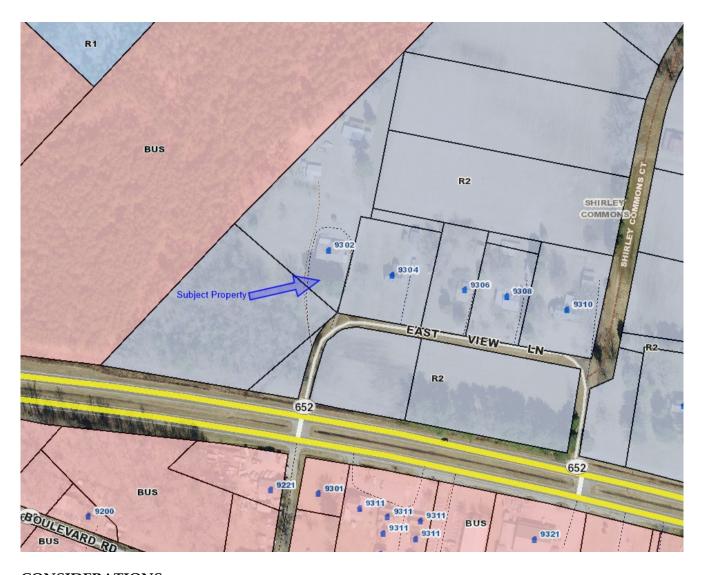
**Adjacent** North – Business and R-2

**Zoning:** East – R-2

West - Business

South - Route 60 and Business

New Kent County Comprehensive Plan Future Land Use Designation: Village



### **CONSIDERATIONS**

- The application states that the applicant plans to renovate the existing structures and the property in order to create an event venue and a cidery on the property.
- 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." A Conditional use permit is required for the project in question. While "Event Venue" and "Cidery" are not defined in the New Kent County Zoning Ordinance, there are similar definitions for "Assembly Hall" and "Winery-Farm". Assembly Halls are permitted uses in the Business Zoning district, while Winery-Farms require a Conditional Use Permit.
- The application states that the typical hours of operation would be approximately 11 am 5 pm Thursday through Sunday, except for special events that would typically take place on weekends ending by 11 pm. Hours may shift with seasons and planned events. These hours of operation are consistent with local winery and event operations.
- The application states that the soils and septic site has been surveyed and there do not appear
  to be any issues with converting the septic system to a commercially viable system to support
  the proposed use.

- No negative traffic impact is expected as the venue will not have excessive vehicle trips even during an event because events will be kept to a minimum attendance, likely 100 total guests or less.
- The applicant will address any environmental concerns at the site plan stage.
- This Rezoning and CUP will have no impact on New Kent County schools, minimal impact on other public services, and will contribute to the County's tax base.

### COMMENTS FROM REVIEWING AGENCIES

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

- New Kent County Fire Marshal Office No comment
- New Kent County Sheriff's Office No comments or problems with this request
- Public Utilities Public water and sewer are not available in the immediate site vicinity.
- Environmental Division Any site improvements totaling more than 2500 square feet of land disturbance will have to follow the plan of development process. Improvements may include, but are not limited to, parking, drive aisles, structures, and utilities. Future site plan will have to address erosion and sediment control, stormwater management, and Chesapeake Bay Act compliance.

### 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 (please be advised that the Conditions are subject to change prior to Board of Supervisors approval of the permit)

Staff has reviewed this conditional use permit application and rezoning application in the same manner as other zoning change applications and has found that the proposed use is consistent with the Zoning Ordinance and the Comprehensive Plan. Staff proposes that the following proposed conditions will assist in addressing, protecting, and promoting health, safety, and the general welfare of New Kent County citizens.

- 1. Applicant shall work with VDOT and other reviewing agencies to meet all State and Local requirements during the site plan process.
- 2. Parking shall be provided (and shown on the site plan) for customers.

- 3. Any lighting that is installed shall be oriented away from neighboring properties and shall provide adequate illumination for pedestrian/customer safety.
- 4. All business-related activities shall be prohibited on the property between the hours of 12:00 am and 8:00 am, all days of the week.
- 5. This Conditional Use Permit shall expire on the fifth anniversary of its approval if a certificate of occupancy has not been issued.

### **PLANNING COMMISSION ACTION**

The Planning Commission considered these applications at their meeting on April 18, 2022 and voted 8:0:1 to send a favorable recommendation on both to the Board of Supervisors.

Attachments:

Copies to: Applicant and File

- Applications CUP-03-22 and ZM-01-22
- Advertisement & Adjacent Property Owners List
- Information and maps
- Resolution, PC-06-22
- BOS Ordinance O-04-22
- BOS Resolution R-14-22



Tax Map Parcel Number(s): 41/A2 24 22 Total Lot Area (Acres): 4.45

DESCRIPTION OF PROPERTY

# 41A2-2-3 + 41A2-2-4

### **REZONING/ORDINANCE CHANGE APPLICATION**

County of New Kent, Virginia Planning Department

Web site: www.co.new-kent.va.us/209/Planning

**OFFICE USE ONLY** 

\*DO NOT WRITE IN THIS BO

<u>ZM-000322-2022</u>

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\*\*

Tax Map Parcel Number(s): 41/A2 2/44/476  GPIN: E19-1303-4811  Property street address: 9302 E05+ View  Current Zoning: R2  Property Current Use: recently Pyrchas Proposed Use  Does proposed zoning/use include entire property:  If no, how much will be used for proposed use?	s Ln, Providence Forge osed Zoning: Commercial e: Event Venuc & Cidery	Application No: ZH-0\-22  AFD Status: V/A  Date Received: 3/11/22  Tax Receipts: Yes No  Fee Amount: \$1857.50  Staff Initials: 1/1162
PROPERTY OWNERS INFORMATION		CATED A CAPTURE STORY
Name: Tig-Mac, LLC Jainses: 3800 Autumn Hills	slane	
city: Quinton		3141
Telephone: Work:  Cellular/Pager: (804) 525-024  mail Address: (ackiesm (th 202))	<u> </u>	E-
APPLICANT'S INFORMATION		A STATE OF THE STA
Name: Soume		
Address:	Wild Tive	
City:		
Telephone: Work:		
Cellular/Pager:		E-
mail Address:		
WATER/SEWER SUPPLY		
☐ Public Water ☐ Public Sewer	Well Septic	
☐ Other:		
New Keys County Covers and Press	Every Law Her Bressey	
New Kent County Comprehensive Plan		
Agriculture/Forest Conservation		rban Housing Hamlet
☐ Village ☐ Economic Oppo	ortunity Commercial	☐ Industrial
Page 1 of 3		123 09/24/200

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 to 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:	Ponuth	Date: 3 11 (2 3
Property Owner Signature:	man	Date: 3/11/24
Property Owner Signature:		Date:
Property Owner Signature:	No CHARLEST TO THE ME	Date:
Property Owner Signature:	<u></u>	Date:
Property Owner Signature:		Date:
Applicant/Agent Signature:	<u> Karmana isar</u>	Date:
Applicant/Agent Signature:		Date:
Applicant/Agent Signature:		Date:
Applicant/Agent Signature:		Date:

### All property owners must sign the application

### **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 **\$1,600.00 plus \$40.00 per acre/fraction**.

Make checks payable to *Treasurer of New Kent County*.

Fees must be submitted at time of application.

Fee: \$ <u>1,600.00</u>
+ \$40.00 per acre(fraction),
Number of acres(fraction):x \$40= \$
Map Maintenance Fee: \$ 35.00
+ \$10.00 per acre(fraction),
Number of acres(fraction):x \$10= \$
Total Due: \$



# CONDITIONAL USE PERMIT (CUP) APPLICATION

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\*\*

CUP-000323-2022	ARTICE LIGHT AND V
DESCRIPTION OF PROPERTY	OFFICE USE ONLY
Tax Map Parcel Number(s): 41/A2 24 523 Total Lot Area (Acres): 4.45  GPIN:Elle-1303 -4811  Property street address: 9302 Fast View In Providence Forge  Current Zoning: R 2 Proposed Zoning: Commercial  Current Use: recently flychased Proposed Use: Event Venue & Cideny  Does proposed zoning/use include entire property? [ JYES [ ] NO  If no, how much will be used for proposed use?	*DO NOT WRITE IN THIS BOX*  Application No: CUP-03 22  AFD Status: N. A. 3/11/22  Tax Received: Yes (No)  Fee Amount: \$ WA  Staff Initials:   WX
PROPERTY OWNERS INFORMATION	200
Name: Tig-Mac, UC   Jacqueline & Mark Sm. Address: 3800 Autumn Hills lane City: Quinton   State: VA   Zip: 23 Telephone: Work: Home: Fax: E-mail Address: Jackiesmith 2021 @ outlook.com	314 (
APPLICANT'S INFORMATION	
Name: Same	Allo Participals in Tolerando del Escalera
Address:	and a second
City: State: Zip:	
Telephone: Work: Home:	
Cellular/Pager: Fax:	
E-mail Address:	
AGENTS INFORMATION	
Name:	
Address:	
Telephone: Work: Home:	
Cellular/Pager: Fax:	
E-mail Address:	
ATER/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.
- 7. 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 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:	18mith	Date: 3 11 22
Property Owner Signature:	- North	Date: 3/11/21
Property Owner Signature:		Date:
Applicant/Agent Signature:		Date:
Applicant/Agent Signature:		Date:
	All property owners must sign the ap	pplication

### **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 \$1600.00 plus \$40.00 per disturbed use acre. Make checks payable to Treasurer of New Kent County. Fees must be submitted at time of application.

\$	1600.00
\$_	
\$_	35.00
\$_	
\$_	
	\$ \$ . \$ . \$ . \$ . \$ . \$ . \$ . \$ . \$ . \$

Page 2 of 2

# JACQUELINE P. SMITH TIG-MAC, LLC

3800 AUTUMN HILLS LANE QUINTON, VA 23141 (804) 525-0243

Jackiesmith20211@outlook.com

March 8, 2022

County of New Kent Planning Department PO Box 150 New Kent, VA 23124

RE: 9302 East View Lane, Providence Forge

All:

Last year I purchased the property located at 9302 East View Lane in Providence Forge which was the Providence Forge Schoolhouse in the 1920's with an enrollment of at least 36 students. The property was in serious disrepair as it was utilized as a residence occupied by New Kent County Judge Sowder until his death in 2011 then placed into residential rental with very little maintenance performed on the buildings or grounds. During my 30-day study period before purchase I sent a letter to the neighboring property owners describing my intentions for use of the property. Several of the neighbors contacted me and offered support of my plan for an event venue and cidery. They were excited at the prospect of improvements to the buildings and grounds of this "quaint, historical" property. Following is a narrative of how I wish to utilize the property. The first step will be to request rezoning from R2 to business/commercial with a CUP for cidery and events. Please keep in mind that most of the area is now zoned for commercial business including the orchard that is adjoining 9302 East View Lane, Patsy's restaurant, Ace Hardware, the Food Lion shopping center, and others all around.

Over the next six months to year my plan is to create an event venue and cidery on the property. The investment will be great but will produce a viable business venture and tax revenue for the county. I intend to plant fruit orchards on the property for natural beautification and the making of cider and build a reception facility for events. I have attached a floor plan that will assist with visualizing the plan for renovation of the main structure. A site plan will be developed if/when the approval of rezoning takes place.

The existing schoolhouse building will go through an entire renovation and "makeover" as the current condition is poor. However, it is important to us that the appearance of the exterior structure remain historically close to the original schoolhouse and will only be structurally and aesthetically improved by replacement of dilapidated components; roof, siding, windows & doors, etc.

The plan for typical hours of operation would be approximately 11am-5pm Thursday through Sunday except for special events that would typically take place on weekends ending by 11pm. Hours may shift with seasons and planned events. These hours of operation are consistent with local winery and event operations.

I contracted with Geo Environmental to survey the site and soils for the septic system and have a preliminary plan for on-site well water and sewage. There do not appear to be any issues with converting the septic system which is currently not in compliance to a commercially viable system to support the proposed use. There are no known detrimental environmental impacts.

No negative traffic impact is expected as the venue will not have excessive vehicle trips even during an event because events will be kept to a minimum attendance, likely 100 total guests or less. The venue will have a sufficient parking area. The driveway around the property begins within yards of route 60 and circles the main building, providing entrance and exit traffic control on the property. Only a very small portion of state maintained East View Lane roadway will be used due to the location of the grounds being at the beginning of the roadway entrance from route 60.

There is no impact on the County schools as this will not be used as a residence.

As of now there is no county infrastructure offered for water or sewage in Providence Forge. Water and waste disposal will be studied and appropriately planned for on site. A preliminary study was performed with no negative outcomes. As this is meant to be a small venue, there are no known negative impacts on fire, rescue, law enforcement, libraries, etc.

There is no known negative impact on historical sites or structures on the property or in the vicinity.

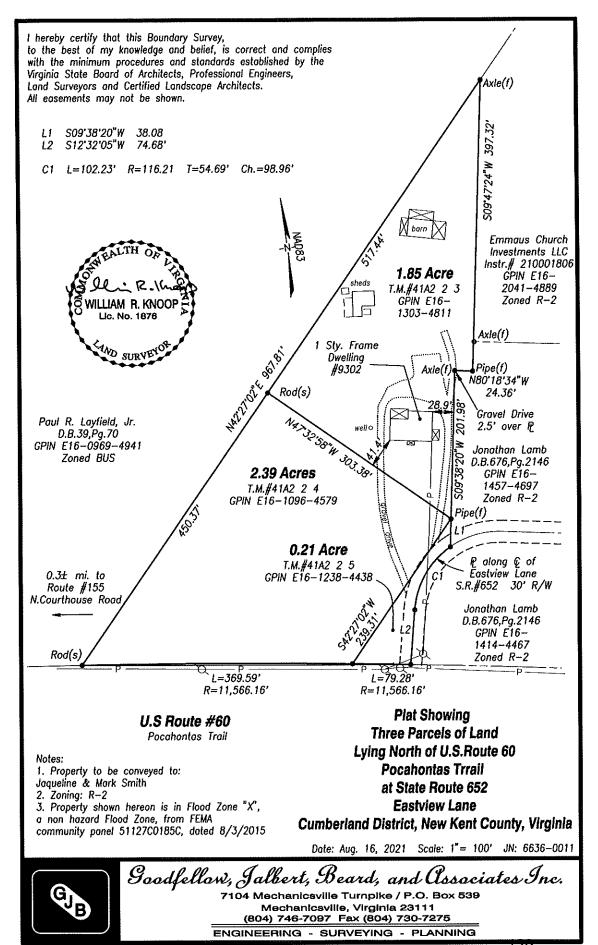
There are no known rare, endangered or irreplaceable species or natural areas that will be negatively impacted by this proposed use.

The beatification and planned agricultural planting will have a positive impact on the scenic and natural beauty of the county, especially for the specific property and the Providence Forge area which are in need of such scenic improvements and beautification.

Please feel free to contact me if you require additional information or have any questions.

Sincerely,

Jacqueline P. Smith







# SMITH RESIDENCE ADDITION AND INTERIOR REMODEL PROVIDENCE FORGE, VA

### INDEX OF DRAWINGS

-1 TITLE SHEET

#### ARCHITECTURAL

D-1 FOUNDATION PLAN - DEMOLITION

D-2 FIRST FLOOR PLAN - DEMOLITION

D-3 ATTIC PLAN - DEMOLITION

A-1 FOUNDATION PLAN - NEW WORK
A-2 FIRST FLOOR PLAN - NEW WORK

A-3 ATTIC PLAN - NEW WORK

A-4 ELEVATIONS

A-5 ELEVATIONS

THE ARCHITECTURAL/STRUCTURAL DRAWINGS HEREIN REPRESENT THE FINISHED STRUCTURE. THE CONTRACTOR SHALL PROVIDE ALL TEMPORARY GUYING AND BRACING REQUIRED TO ERECT AND HOLD THE STRUCTURE IN PROPER ALIGNMENT UNTIL ALL STRUCTURAL WORK AND CONNECTIONS HAVE BEEN COMPLETED. THE INVESTIGATION, DESIGN, SAFETY, ADEQUACY AND INSPECTION OF ERECTION BRACING, SHORING, TEMPORARY SUPPORTS, ETC. IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. THE ARCHITECT/ENGINEER SHALL NOT BE RESPONSIBLE FOR THE METHODS, TECHNIQUES AND SEQUENCES OF PROCEDURES TO PERFORM THE WORK. THE SUPERVISION OF THE WORK IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. IF CHANGES ARE MADE TO THE LAYOUT, CONSTRUCTION METHOD, OR OTHER ASPECTS OF THIS CONSTRUCTION SET, THE CONTRACTOR SHALL BE RESPONSIBLE TO NOTIFYING THE ARCHITECT/ENGINEER IMMEDIATELY. IF CHANGES ARE MADE WITHOUT NOTIFICATION, THE ARCHITECT/ENGINEER SHALL HOLD NO RESPONSIBILITY OR LIABILITY OF THE RESULTING OUTCOME.

### **GENERAL NOTES**

- THE DRAWINGS ARE INTENDED TO SHOW THE GENERAL ARRANGEMENT, DESIGN AND EXTENT OF THE WORK AND ARE PARTIALLY DIAGRAMMATIC. THEY ARE NOT INTENDED TO BE SCALED FOR ROUGH-IN MEASUREMENTS, OR TO SERVE AS SHOP DRAWINGS OR PORTIONS THEREOF.
- ALL DETAILS AND SECTIONS SHOWN ON THE DRAWINGS ARE INTENDED TO BE TYPICAL AND SHALL BE CONSTRUED TO APPLY TO ANY SIMILAR SITUATION ELSEWHERE ON THE PROJECT, EXCEPT WHERE A DEFENDENT DETAIL OF SECTION IS SHOWN
- 3. PRIOR TO START OF CONSTRUCTION, THE CONTRACTOR AND ALL THE SUB-CONTRACTORS SHALL VERIFY ALL GRADES, LINES, LEVELS, DIMENSIONS AND COORDINATE EXISTING CONDITIONS AT THE JOB SITE WITH THE PLANS AND SPECIFICATIONS. THEY SHALL REPORT ANY INCONSISTENCIES OR ERRORS IN THE ABOVE TO THE ARCHITECT/ENGINEER BEFORE COMMENCING WORK. THE CONTRACTOR AND HIS SUBCONTRACTORS SHALL LAY OUT THEIR WORK FROM ESTABLISHED REFERENCE POINTS AND BE RESPONSIBLE FOR ALL LINES, ELEVATIONS AND MEASUREMENTS IN CONNECTION WITH THEIR WORK.
- 4. IT IS SOLELY THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE ERECTION PROCEDURE AND SEQUENCE AND TO INSURE THE SAFETY OF THE BUILDING AND ITS COMPONENT PARTS DURING CONSTRUCTION. THIS INCLUDES ANY REQUIRED SHORING, SHEETING, TEMPORARY BRACING, GUYS OR TIE DOWNS WHICH MIGHT BE NECESSARY. SUCH MATERIAL SHALL REMAIN THE CONTRACTOR'S PROPERTY AFTER THE COMPLETION OF THE PROJECT.
- IT IS SOLELY THE CONTRACTOR'S RESPONSIBILITY TO FOLLOW ALL APPLICABLE SAFETY CODES AND REGULATIONS DURING ALL PHASES OF CONSTRUCTION.
- THE CONTRACTOR SHALL USE THE STRUCTURAL DRAWINGS AND SPECIFICATIONS TOGETHER WITH THE ARCHITECTURAL, MECHANICAL, ELECTRICAL AND OTHER TRADE DRAWINGS AND SHOP DRAWINGS, TO COORDINATE ALL DETAILS, DIMENSIONS, ELEVATIONS, ETC. NOTIFY ARCHITECT/ENGINEER, IN WRITING, OF ANY POTENTIAL CONFLICTS BEFORE PROCEEDING WITH THE WORK.
- SHOULD ANY OF THE DETAILED INSTRUCTIONS SHOWN ON THE PLANS CONFLICT WITH THESE STRUCTURAL NOTES, THE SPECIFICATIONS, OR WITH EACH OTHER, THE STRICTEST PROVISION SHALL GOVERN.

### **CODE INFORMATION**

CURRENT BUILDING CODES IN EFFECT ARE AS FOLLOWS:

BUILDING: COMMERCIAL 2018 INTERNATIONAL RESIDENTIAL BUILDING CODE (IRBC) WITH VIRGINIA AMENDMENTS DEAVAN RY: Allan Phillins

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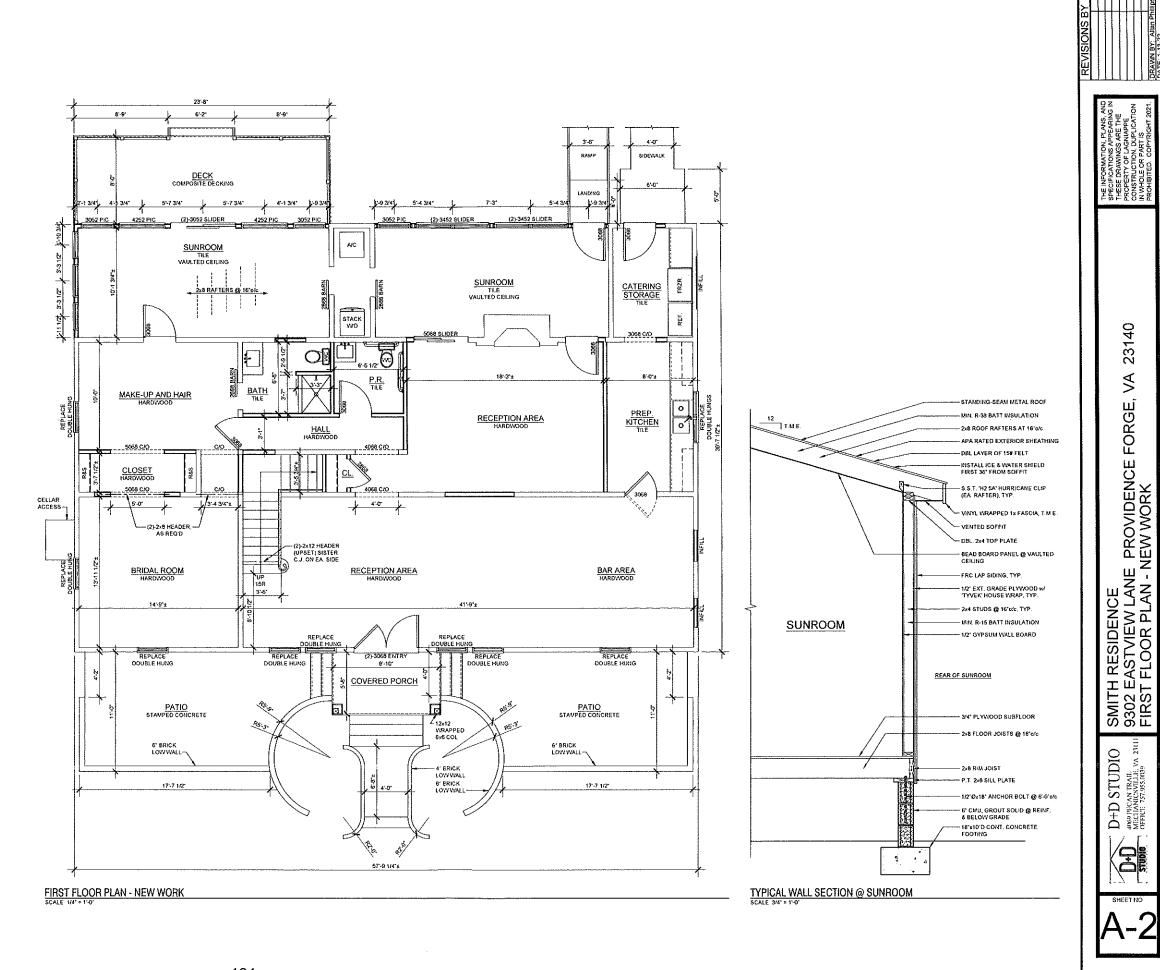
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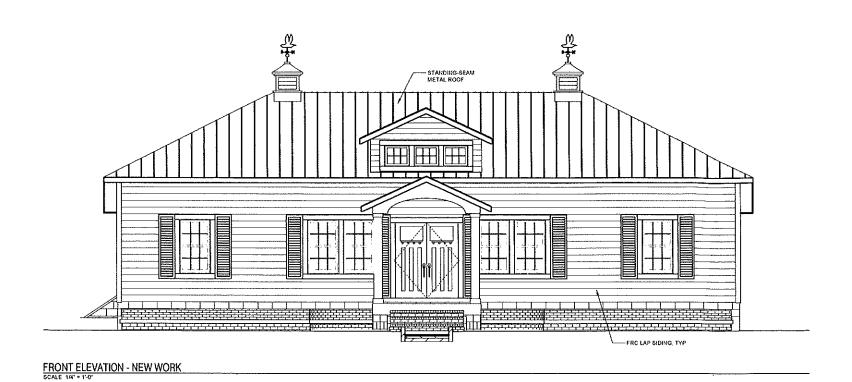
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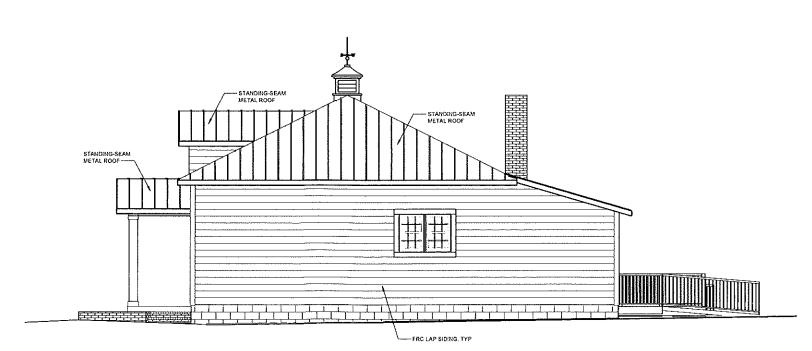
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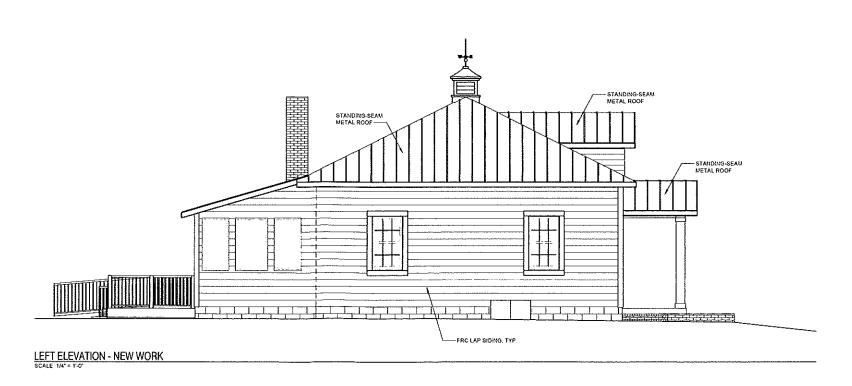
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REVISIONS BY
DRAWN BY. Allan Philips
DATE: 1-13-22

THE INFORMATION, PLANS, AND SPECIFICATIONS APPEARING IN THESE DRAWINGS ARE THE PROPERTY OF LAGNIAPPE CONSTRUCTION UNPLUCATION IN WHOLE OR PART IS PROHIBITED. COPYRIGHT 2021.

SMITH RESIDENCE 9302 EASTVIEW LANE PROVIDENCE FORGE, VA 23140 ELEVATIONS D+D STUDIO

| D+D STUDIO
| Acceptance | Trail
| Michael | S75,853,8030

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### PLANNING COMMISSION COUNTY OF NEW KENT VIRGINIA

### PC-06-22

At the regular meeting of the Planning Commission of the County of New Kent, in the Boardroom of the New Kent County Administration Building on the 18<sup>th</sup> of April, 2022:

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

Motion was made by Amy Pearson, which carried 8:0:1, to adopt the following resolution:

A RESOLUTION TO RECOMMEND APPROVAL OF REZONING APPLICATION ZM-01-22, JACQUELINE AND MARK SMITH TO REZONE APPROXIMATELY 4.45 ACRES OF LAND FROM R-2 TO BUSINESS, AND TO RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT CUP-03-22, TO ALLOW FOR THE APPLICANTS TO CONSTRUCT AND OPERATE AN EVENT VENUE AND CIDERY ON TAX MAP AND PARCEL NUMBERS 41A2-2-3 (GPIN E16-1303-4811), 41A2-2-4 (GPIN E16-1096-4579), AND 41A2-2-5 (GPIN E16-1238-4438)

WHEREAS, Tig-Mac, LLC (Jacqueline and Mark Smith), property owners and applicants, have submitted a "Rezoning/Ordinance Change Application" dated March 11, 2022 and a "Conditional Use Permit Application" dated March 11, 2022; and

WHEREAS, said application requests the rezoning of approximately 4.45 acres identified on the New Kent County digital map as GPIN #E16-1303-4811 (Tax Map and

parcel 41A2-2-3), GPIN #E16-1096-4579 (Tax Map and parcel 41A2-2-4), and GPIN #E16-1238-4438 (Tax Map and parcel 41A2-2-5); and

WHEREAS, said application requests a conditional use permit to allow for an event venue and a cidery to be constructed on parcels identified on the New Kent County digital map as GPIN #E16-1303-4811 (Tax Map and parcel 41A2-2-3), GPIN #E16-1096-4579 (Tax Map and parcel 41A2-2-4), and GPIN #E16-1238-4438 (Tax Map and parcel 41A2-2-5); and

WHEREAS, subsequent to receiving complete applications 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 made the following findings with regard to these applications:

- The proposed use is not prejudicial to and will not negatively affect the character of the neighborhood.
- The proposed use will not adversely affect the general plans for the physical development of the County as embodied in the Comprehensive Plan.
- The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood, nor will it impair the value of buildings or property in surrounding areas.
- The proposed use will not have a negative effect on the rural character of the area and the County as a whole.
- The conditions associated with this proposal, along with the site plan that will be reviewed for the property, will reduce adverse effects on the adjoining properties and the neighborhood to an acceptable level, thereby demonstrating good zoning practices.

WHEREAS, the New Kent County Planning Commission finds that approval of ZM-01-22 and the approval of CUP-03-22 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 18<sup>th</sup> day of April, 2022, by the New Kent County Planning Commission, that Rezoning Application ZM-01-22 be forwarded to the New Kent County Board of Supervisors with a recommendation to amend the New Kent County Zoning Map to reclassify GPIN #E16-1303-4811 (Tax Map and parcel 41A2-2-3), GPIN #E16-1096-4579 (Tax Map and parcel 41A2-2-4), and GPIN #E16-1238-4438 (Tax Map and parcel 41A2-2-5 as Business; and

BE IT FURTHER RESOLVED that on this, the 18<sup>th</sup> day of April, 2022, by the New Kent County Planning Commission, that Conditional Use Permit Application CUP-03-22 be forwarded to the New Kent County Board of Supervisors with a recommendation of approval with the following conditions:

- 1. Applicant shall work with VDOT and other reviewing agencies to meet all State and Local requirements during the site plan process.
- 2. Parking shall be provided (and shown on the site plan) for customers.
- 3. Any lighting that is installed shall be oriented away from neighboring properties and shall provide adequate illumination for pedestrian/customer safety.
- 4. All business-related activities shall be prohibited on the property between the hours of 12:00 am and 8:00 am, all days of the week.
- 5. This Conditional Use Permit shall expire on the fifth anniversary of its approval if a certificate of occupancy for the equestrian facility has not been issued.

Attested:

Laura Rose, Chairwoman New Kent County Planning Commission

Jaura Skosi

### NEW KENT COUNTY Notice of Mailing

Applicant Name: Jackie and Mark Smith/TIG-MAC LLC

Application Number: ZM-01-22/CUP-03-22

Public Hearing Date: Monday, May 9, 2022

# 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 25<sup>th</sup> day of April, 2022, by first class mail, postage prepaid, to the persons whose names and addresses are attached.

Signed

Subscribed and sworn to before me this 25th day of April, 2022.

I was originally commissioned as Sheri Lynn Wood, Notary Public Sheri Lym Odans

REC#224610 MY COMMISSIO EXPIRES

My commission expires:

December 31, 2023.

§ 15.2-2204. Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.

A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by 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 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. 774; 1995, c. 178; 1996, cc. 613, 667; 1997, c. 587; 2001, c. 406; 2002, c. 634; 2004, cc. 539, 799; 2005, c. 514; 2007, cc. 761, 813; 2011, c. 457; 2012, c. 548; 2013, cc. 149, 213.)

TIG-MAC LLC 3800 AUTUMN HILLS LN QUINTON, VA 23141 PAUL LAYFIELD JR. 7227 SPRING HILL FARM LANE HANOVER, VA 23069 EMMAUS CHURCH INVESTMENTS LLC 300 32<sup>ND</sup> STREET STE 500 VIRGINIA BEACH, VA 23451

W V MCCLURE INC T/A MAIN STREET HOMES PO BOX 461 MIDLOTHIAN, VA 23113

JONATHAN LAMB 9304 EAST VIEW LANE PROVIDENCE FORGE, VA 23140 JOHN AND LAURIE TOLLEY 716 W RIVERSIDE DR LANEXA, VA 23089

LAURIE FISHER PO BOX 54 PROVIDENCE FORGE, VA 23140 MARY LOU MADDOX 275 SHIRLEY AVE DELTAVILLE, VA 23043

## NOTICE OF PUBLIC HEARING NEW KENT COUNTY BOARD OF SUPERVISORS

Notice is hereby given that the New Kent County Board of Supervisors will hold a public hearing, and may or may not take action, on Monday, May 9, 2022 at 7:00 p.m. or as soon thereafter as possible, in the Boardroom of the County Administration Building located at 12007 Courthouse Circle, New Kent, VA 23124, to consider the following:

- A. Application CUP-02-22, Faith Recovery Treatment Facility Resolution R-13-22: Rev. Travis Hall and representatives from Faith Recovery have applied for a Conditional Use Permit to use an existing camp (Makemie Woods) with a conference center and other facilities, for a faith-based recovery ministry. The existing buildings will provide lodging, dining area, counseling rooms, classrooms, administrative offices, and recreational areas. The property is zoned Conservation, is located at 3700 Ropers Church Road, and is identified as Tax Parcel 46-4 (GPIN #F28-0647-0759). The Planning Commission considered this application at their meeting on March 21, 2022 and voted 8:1:1 to forward an unfavorable recommendation to the Board of Supervisors.
- B. Application ZM-01-22/CUP-03-22, Jacqueline and Mark Smith, Event Venue and Cidery Ordinance O-04-22 and Resolution R-14-22: Applicants have requested the rezoning from R-2 to Business, of approximately 4.45 acres of land. Applicants have also requested a Conditional Use Permit on the same parcels of land in order to renovate existing buildings and property into a Cidery and Event Venue. The subject properties are located at 9302 East View Lane in Providence Forge and are further identified as Tax Parcels 41A2-2-3 (GPIN #E16-1303-4811) and 41A2-2-4 (GPIN #E16-1096-4579), and 41A2-2-5 (GPIN #E16-1238-4438). The Planning Commission considered these applications at their meeting on April 18, 2022 and voted 8:0:1 to forward favorable recommendations on both applications to the Board of Supervisors.
- C. Application ZM-02-22, Schiminoe Development LLC Ordinance O-05-22: Applicants have requested the rezoning from A-1, Agricultural to R-1, Single-Family Residential, with proffers, of approximately 18 acres of land. The applicants are proposing a 7-lot residential subdivision on the properties. The subject properties are located on Olivet Church Road and are further identified as Tax Parcels 22-7D (GPIN #J14-2407-2150) and 22-7E (GPIN #J14-2426-1920). The Planning Commission considered this application at their meeting on April 18, 2022 and voted 6:2:1 to forward a favorable recommendation to the Board of Supervisors.
- D. Application OA-01-22, Ordinance Amendment to add Definitions and Performance Standards for Energy Storage Projects and Solar Generation Facilities Ordinance O-06-22: The Board will consider amendments to the New Kent County Zoning Ordinance, Chapter 98, to add definitions and performance standards for Energy Storage Projects and Solar Generation Facilities. The Planning Commission considered these ordinance amendments at their meeting on April 18, 2022 and voted 8:0:1 to forward a favorable recommendation to the Board of Supervisors.

All interested persons may appear and present their views at the above time and place. 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 <a href="mailto-bos@newkent-va.us">bos@newkent-va.us</a>. 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 ordinances, resolutions, applications and staff reports may be viewed approximately one week prior to the hearing in the Office of the County Administrator at 12007 Courthouse Circle, New Kent, VA 23124, during regular business hours or at <a href="http://www.co.new-kent.va.us">http://www.co.new-kent.va.us</a>. 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. If the meeting cannot be held because of the closing of State and/or County offices, it will be held on the next business day that the County offices are open.

By authority of Rodney A. Hathaway Clerk of the Board

### BOARD OF SUPERVISORS COUNTY OF NEW KENT VIRGINIA

#### O-04-22

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the New Kent County Administration Building on the 9th day of May, 2022:

Present:	Vote:	
Thomas W. Evelyn C. Thomas Tiller, Jr. Patricia Paige Ron Stiers John N. Lockwood		
Motion was made by following ordinance:	, which carried	:, to adopt the

### AN ORDINANCE TO REZONE APPROXIMATELY 4.45 ACRES OF LAND FROM R-2, GENERAL RESIDENTIAL TO BUSINESS

WHEREAS, Tig-Mac, LLC (Jacqueline and Mark Smith), property owners and applicants, have submitted a "Rezoning/Ordinance Change Application" dated March 11, 2022; and

WHEREAS, said application requests the rezoning of approximately 4.45 acres identified on the New Kent County digital map as GPIN #E16-1303-4811 (Tax Map and parcel 41A2-2-3), GPIN #E16-1096-4579 (Tax Map and parcel 41A2-2-4), and GPIN #E16-1238-4438 (Tax Map and parcel 41A2-2-5); 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 New Kent County Planning Commission voted 8:0:1 to forward the application to the New Kent County Board of Supervisors with a favorable recommendation; and

WHEREAS, the rezoning application has been advertised for public hearing before the Board of Supervisors in full accord with applicable provisions of the Code of Virginia; and

WHEREAS, approval of the rezoning request through the adoption of this Ordinance will further the public necessity, convenience, general welfare and good zoning practices in the County of New Kent;

NOW THEREFORE BE IT ORDAINED this, the 9<sup>th</sup> day of May, 2022, by the New Kent County Board of Supervisors, that application ZM-01-22 be, and it hereby is, approved by amending the New Kent County Zoning Map to reclassify GPIN #E16-1303-4811 (Tax Map and parcel 41A2-2-3), GPIN #E16-1096-4579 (Tax Map and parcel 41A2-2-4), and GPIN #E16-1238-4438 (Tax Map and parcel 41A2-2-5) as Business.

BE IT FURTHER ORDAINED, that the County Administrator be, and he is hereby, directed to have a fully executed copy of this Ordinance recorded upon the Land Records of the County in the office of the Clerk of the Circuit Court.

Attest:	
Rodney A. Hathaway	Thomas W. Evelyn
County Administrator	Chairman

# BOARD OF SUPERVISORS COUNTY OF NEW KENT VIRGINIA

#### R-14-22

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 9<sup>th</sup> day of May, 2022:

Present: Vote:
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-03-22, JACQUELINE AND MARK SMITH TO ALLOW APPLICANTS TO CONSTRUCT AND OPERATE AN EVENT VENUE AND CIDERY ON TAX MAP AND PARCEL NUMBERS 41A2-2-3 (GPIN E16-1303-4811), 41A2-2-4 (GPIN E16-1096-4579), AND 41A2-2-5 (GPIN E16-1238-4438)

WHEREAS, Tig-Mac, LLC (Jacqueline and Mark Smith) property owners and applicants, have submitted a "Conditional Use Permit Application" dated March 11, 2022; and

WHEREAS, said application requests a conditional use permit to allow for an event venue and a cidery to be constructed on parcels identified on the New Kent County digital map as GPIN #E16-1303-4811 (Tax Map and parcel 41A2-2-3), GPIN #E16-1096-4579 (Tax Map and parcel 41A2-2-4), and GPIN #E16-1238-4438 (Tax Map and parcel 41A2-2-5); 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 April 18, 2022, where they carefully considered the public comment received and voted 8:0:1 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 May 9, 2022, 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 Business, 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 9<sup>th</sup> day of May, 2022, by the New Kent County Board of Supervisors, that Conditional Use Permit Application CUP-03-22 submitted by Jacqueline and Mark Smith be, and it hereby is, approved, subject to the following conditions:

- 1. Applicant shall work with VDOT and other reviewing agencies to meet all State and Local requirements during the site plan process.
- 2. Parking shall be provided (and shown on the site plan) for customers.
- 3. Any lighting that is installed shall be oriented away from neighboring properties and shall provide adequate illumination for pedestrian/customer safety.
- 4. All business-related activities shall be prohibited on the property between the hours of 12:00 am and 8:00 am, all days of the week.
- 5. This Conditional Use Permit shall expire on the fifth anniversary of its approval if a certificate of occupancy for the equestrian facility has not been issued.

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	Thomas W. Evelyn
County Administrator	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: 5/9/2022 PUBLIC HEARINGS

Motion: "Mr. Chairman, I move (not required for Conse Agenda items)	Urdinance	Ordinance O-05-22			
Subject	<b>Development Rez</b>	PUBLIC HEARING: Application ZM-02-22, Schiminoe Development Rezoning, Ordinance O-05-22 - Principal Planner Kelli Le Duc and Applicant			
Issue	to R-1, Single-fam 18 acres of land. residential subdivis properties are loca	Applicants have requested the rezoning from A-1, Agricultural to R-1, Single-family Residential, with proffer, of approximately 18 acres of land. The applicants are proposing a 7-lot residential subdivision on the properties. The subject properties are located on Olivet Church Road, just north of 7160 Olivet Church Road.			
Recommendation	meeting on April 18	mission considered this 8, 2022 and voted 6:2: endation to the Board.	• •		
Fiscal Implication	s n/a	n/a			
Policy Implication	n/a	n/a			
Legislative Histor	y n/a	n/a			
Discussion	Applicants have requested the rezoning from A-1, Agricult to R-1, Single-family Residential, with proffer, of approxin 18 acres of land. The applicants are proposing a 7-lot residential subdivision on the properties. The subject properties are located on Olivet Church Road, just north of 7160 Olivet Church Road.		offer, of approximately posing a 7-lot The subject		
Time Needed:	10 minutes	Person Appearing:	Principal Planner Kelli Le Duc and Applicant		
Request prepared by:	Kelli Le Duc	Telephone:	966-9690		
Copy provided to:		•	· -		

# **ATTACHMENTS:**

DescriptionTypeBOS MemoCover MemoApplication and proffer statementBackup MaterialPC ResolutionBackup Material

APO list, ad, affidavit BOS Ordinance O-05-22 Backup Material Backup Material

# **REVIEWERS:**

Department	Reviewer	Action	Date
Planning & Zoning	LeDuc, Kelli	Approved	4/25/2022 - 2:47 PM
Administration	Hathaway, Rodney	Approved	5/1/2022 - 5:58 PM
Attorney	Hefty, Brendan	Approved	5/2/2022 - 12:55 PM



#### **MEMORANDUM**

DATE: May 9, 2022

TO: New Kent County Board of Supervisors

SUBJECT: Application Number ZM-02-22, Schiminoe Development

## **REQUEST**

Representatives from Schiminoe Development have requested the rezoning from A-1, Agricultural to R-1, Single-Family Residential, of approximately 18 acres of land. The purpose of their request is to allow the property to be subdivided into 8 residential lots (7 building lots and a community lot) (Proffer). The subject properties lie to the south of 7160 Olivet Church Road.

# **PUBLIC HEARINGS**

Planning Commission: April 18, 2022, 6:30 p.m., County Boardroom Board of Supervisors: May 9, 2022, 7:00 p.m., County Boardroom

# **GENERAL INFORMATION**

**Location:** The subject properties are located just south of 7160 Olivet Church Road

**Tax Parcels:** 22-7D and 22-7E

**Size:** Approximately 18 acres

**Owner:** Rodney and Ora Taylor

Current

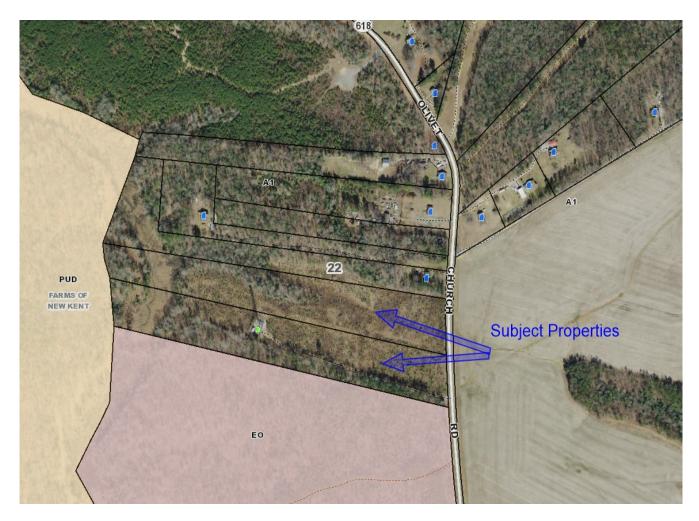
Zoning: A-1

**Current Use:** Vacant with a cell tower

**Adjacent** North – A-1

**Zoning:** East – A-1 and Olivet Church Road

West – Farms of New Kent PUD South – Economic Opportunity



New Kent County Comprehensive Plan Future Land Use Designation: Rural Lands

## **RELATIONSHIP TO COMPREHENSIVE PLAN**

The application states the following: "This application requests rezoning of two parcels that total 18.00 +/-acres along Olivet Church Road in New Kent County from A-1 to R-1 with the goal of developing a small residential community of detached single-family residential dwelling units, each located on a single legal lot. This application has been developed in a sincere attempt to support the County vision through a carefully planned residential community that will provide attractive new housing opportunities and enhance the County tax revenue base."

The Comprehensive Plan's Future Land Use Map designates the subject property as "Rural Lands." The designation of Rural Lands is the most extensive designation on the Land Use Map, representing the majority of land contained within the County. Rural Lands incorporate traditional rural development patterns including agriculture and silviculture. Rural Lands are also intended to include low density housing in cluster or open space developments or on large lots. The intensity of development in Rural Lands as a whole is to be kept at low levels; however, the spot intensity of a particular development in a specific location may be greater than in other areas because of the use of open space development techniques. Rural Lands are not intended to be served by public utilities and the existence of utilities along a corridor is not to be viewed as sufficient reason for increasing the intensity of use.

This area of Olivet Church Road is served with public water, and the applicants propose to connect to the county system for water, while utilizing individual septic systems on the lots. They also propose

150

to construct a new road to serve the lots, that will eventually be turned over to VDOT. The minimum lot size in R-1 zoning is 20,000 square feet, but the applicants propose 1-acre lots.

The application states the following regarding Design Concept: "Design for this community provides a clustered rural subdivision development pattern with multiple lots arranged on a single, connecting road that provides a pleasant frontage, community amenities, and a landscaped gateway."

#### **COMMENTS FROM REVIEWING AGENCIES**

Staff sent the rezoning application and information to all County and State reviewing agencies and received the following comments:

- New Kent County Fire Marshal Office No comments
- New Kent County Sheriff's Office No issues noted at this time.
- VDOT
  - o The proposed development will generate approximately 66 vehicle trips per day.
  - o The proposed public road must be designed and constructed in accordance with all applicable VDOT standards, namely Appendix B (1) of the VDOT Road Design Manual.
  - o Turn lanes or tapers may be required at the entrance. If the applicant wishes, this can be investigated prior to development of construction plans.
- Public Utilities
  - o A utility service application, and all appropriate fees, including water connection and availability fees are due for each water service connection prior to initiation of service.
  - o Utilities must be designed and constructed in accordance with New Kent DPU design standards. Standards can be found here: <a href="http://vanewkentcounty.civicplus.com/320/Utility-Standards">http://vanewkentcounty.civicplus.com/320/Utility-Standards</a>.
  - o A pre-design conference between the design engineer and New Kent Public Utilities is recommended.
- Environmental: No comment on Rezoning Application. Wetland delineation and U.S. Army Corps of Engineers' confirmation will be required as part of the future plan of development process. Future site plan will have to address erosion and sediment control, stormwater management, and Chesapeake Bay Act compliance.

## OVERALL ANALYSIS AND PLANNING COMMISSION ACTION

While this area of New Kent County has been designated as Rural Lands in the Comprehensive Plan, it currently contains properties that are zoned both PUD and EO, and is also served by public water. Approving this rezoning will add some additional pressure to County Services in exchange for tax revenue that is projected at approximately \$219,000 over 10 years.

The Planning Commission considered this application at their meeting on April 18, 2022 and voted 6:2:1 to forward a favorable recommendation to the Board.

Attachments:

• Application & Information

Advertisement & Adjacent Property Owners List

• Resolution PC-07-22

Copies to:

\* Applicant

\* File



# REZONING/ORDINANCE CHANGE APPLICATION

County of New Kent, Virginia Planning Department

Web site: www.co.new-kent.va.us/209/Planning

ZM-000 329 - 2022

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\*\*

. 9 9	OFFICE USE ONLY
DESCRIPTION OF PROPERTY	*DO NOT WRITE IN THIS BO
Tax Map Parcel Number(s): <u>22-7D, 22-7E</u> Total Lot Area (Acres): <u>18</u> GPIN:	Application No: 7M-02 -22 AFD Status: Na
Property street address: 7140 Olivet Church Road	Date Received: 3-18-22
Current Zoning: A-1 Proposed Zoning: R-1	Tax Receipts: Yes No
Current Use: undeveloped land Proposed Use: small residential development	Fee Amount: \$ 2535
Does proposed zoning/use include entire property? [ X ] YES [ ] NO	Staff Initials: 1618
If no, how much will be used for proposed use?	
PROPERTY OWNERS INFORMATION	
Name: Schiminoe Development, LLC; Rod&Ora Taylor	
Address: PO Box 5897 Midlothian 23112-9998; 432 Longdale Cres Chesapeake 23325	
•	
* 2000 CONTROL	
Cellular/Pager: 804-510-3693 Fax:	
mail Address: rodneytaylor14706@gmail.com	
Applicant's Information	
Name: Rodney Taylor	
Address: 4512 Summer Camp Court	
City: Moseley State: VA Zip: _231	20
* 200 (1987) - 1984 (1987) - 1	
904 F10 2002	1
Cellular/Pager: 604-510-3693 Fax: Fax:	E-
Citiali Address: _toureytaylor14700@girlaii.com	
WATER/SEWER SUPPLY	Separation of the second
X Public Water	
Other:	
New Kent County Comprehensive Plan — Future Land Use Designation	N OF PROPERTY
☐ Agriculture/Forest ☐ Conservation ☐ Rural Lands ☐ Suburba	an Housing 🔲 Hamlet
☐ Village ☐ Economic Opportunity ☐ Commercial	☐ Industrial

As part of the application, 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.

Section 98-781 of the New Kent County Code states "It is the general policy of the county in accordance with the provisions of Code of Virginia, Section 15.2-2283 to provide for the orderly development of land, for all purposes, through zoning and other land development legislation. Frequently when competing and incompatible uses conflict, traditional zoning methods and procedures are inadequate. In these cases, more flexible and adaptable zoning methods are needed to permit differing land uses and at the same time to recognize effects of change. It is the purpose of this article to provide a more flexible and adaptable zoning method to cope with situations found in such zones through conditional zoning, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned."

Keeping the above Section in mind, please address the following questions:

- 1. Describe, in detail, why the proposed rezoning is necessary and why it will not be detrimental to surrounding properties. Please relate your response to the existing zoning of the area, existing land uses, neighborhoods, and the New Kent County Comprehensive Plan.
- 2. Describe, in detail, the proposed use(s) of the property.
- 3. Describe the proposed water and wastewater utility infrastructure, including sources, discharges, permits, construction, ownership, and maintenance responsibilities.
- 4. Describe the environmental impacts of the proposed development and the efforts to be undertaken to abate air, water, soil, noise, storm water, 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.
- 6. If the proposed project meets any of the following criteria, please be aware that Chapter 527 VDOT Regulations will apply, and a professionally-prepared traffic impact study must be submitted:
  - a. When the anticipated traffic generation based on permitted uses under the proposed zoning for the developable portion of the entire property equals or exceeds the lesser of 100 vehicle trips in any peak hour or the thresholds established in 24 VAC 30-155, as amended, and requires the amendment of the zoning map.
  - b. Any residential, commercial, industrial use, or combination thereof, where the anticipated traffic generation equals or exceeds the lesser of 100 vehicle trips in any peak hour or the thresholds established in 24 VAC 30-155, as amended.
  - c. Any development or subdivision of a portion of property where the potential traffic generation for the developable portion of the entire property based on permitted uses under existing zoning equals or exceeds the lesser of 100 vehicle trips in any peak hour or the thresholds established in 24 VAC 30-155, as amended.
  - d. Any non-residential development which proposes to access a street which is residential in character and classified as a minor collector or lower order street.
- 7. Describe the impact of the proposed use on New Kent County's Schools.
- 8. Describe the impact of the proposed use on New Kent County public services (i.e. water service, wastewater disposal, solid waste disposal, fire, rescue, and police protection).
- 9. Describe the impact the proposed use(s) will have on any historic sites or structures on the property or in the vicinity.
- 10. Describe the impact the proposed use(s) will have on any rare, endangered, or irreplaceable species or natural areas.
- 11. Describe the impact the proposed use(s) will have on the scenic or natural beauty of the County.

In addition to 25 copies of the narrative, please submit 25 copies of a sketch or site plan and any additional information to be provided to the Planning Commission. Please also provide an electronic copy of all application documents, if possible.

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 to 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.

/ But

Property Owner Signature:	Jason Williiams, Schiminoe Development, LLC	Date: _	3/18/22
Property Owner Signature:	777	Date: _	1.
Property Owner Signature:	Rodney Taylor, Schiminoe Development, LLC	Date: _	3/18/22
Property Owner Signature:	FA -	Date: _	
Property Owner Signature:	Rod Taylor, Owner	Date:	3/18/22
Property Owner Signature:		Date:	
Applicant/Agent Signature:		Date:	
Applicant/Agent Signature:		Date:	
Applicant/Agent Signature:		Date:	
Applicant/Agent Signature:		Date:	

# All property owners must sign the application

# 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 \$1,600.00 plus \$40.00 per acre/fraction.

Make checks payable to Treasurer of New Kent County.

# Fees must be submitted at time of application.

Fee:	\$	1,600.00
+ \$40.00 per acre(fraction),		770 00
Number of acres(fraction): 1% x \$40=		120.00
Map Maintenance Fee:		35.00
+ \$10.00 per acre(fraction),		
Number of acres(fraction): 18 x \$10=	\$_	180.00
Total Due:	\$ 🕳	2535.00
		1

# SCHIMINOE DEVELOPMENT, LLC REZONING APPLICATION March 2022

## **Executive Summary**

This application requests rezoning of two parcels that total  $18.00\pm$  acres along Olivet Church Road in New Kent County from A-1 to R-1 with the goal of developing a small residential community of detached single-family residential dwelling units, each located on a single legal lot.

### **CONTENTS**

- 1. Introduction
- 2. Site Overview
- 3. Proposed Development Plan
- 4. Fiscal Impact
- 5. Environmental and Traffic Considerations
- 6. Proffer Considerations

#### 1. Introduction

New Kent County is favorably situated along interstate I-64 linking two areas of significant growth in the Commonwealth of Virginia. This region has and will continue to see increased population growth and economic development. New Kent offers a unique blend of physical beauty, rich history, small-town charm, exceptional services, and effective management. It's no wonder that New Kent County has maintained some of the highest growth rates in the Commonwealth of Virginia. It truly is "a distinctive place like no other real community in Eastern Virginia."

The principals of Schiminoe Development, LLC have deep family roots that date back over 100 years in New Kent County. New Kent is more than a place to do business – it's home.

Our company is named after the Schiminoe Creek — a long-standing waterway in New Kent that once served as the unofficial eastern boundary of the County. The Schiminoe Creek runs north-south along the rear of the proposed development site and discharges in the Chickahominy River. Our grandfather and lifelong New Kent resident, Thomas R. "Blue" Williams, shared many tales of the fish caught in these waters. Our company is guided by our special connection to New Kent.

Schiminoe Development, LLC is committed to supporting the County's long-term health and strategic development – while preserving a way of life that many growing communities have been unable to maintain. Our primary goal of is to be a good corporate citizen aligned with values, vision, and mission of New Kent County.

New Kent County Vision: 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.

This application has been developed in a sincere attempt to support the County vision through a carefully planned residential community that will provide attractive new housing opportunities and enhance the County tax revenue base. The Applicants respectfully request approval of this Rezoning Application.

#### 2. Site Overview

Property is located less than half a mile north of Interstate I-64 and approximately 1 mile south of Hwy. 249 fronting the west side of Olivet Church Road.

The site consists of two parcels that total  $18.00\pm$  acres. Combined, it is an elongated trapezoidal shaped parcel. The land offers approximately 538 feet of road frontage. It has a generally level to sloping topography. Site is primarily wood land. Property owners recently planted over 1,000 loblolly pine trees on the property in collaboration with the Virginia Department of Forestry. The Schiminoe Creek runs through the rear of the site.

Utilities available to the site include electricity, phone, and water (available on the alternate side of Olivet Church Road). County sewer is not readily available; units will utilize septic systems on site. Soil feasibility report and drainfield suitability analysis has been completed by Mathews Soil Consultants, Inc. The site is well-drained and is not located within the confines of a 100-year flood plain.

There are no traditional dwellings on the property. There is an easement of  $0.083\pm$  acres owned by Crown Castle Communications within the confines of the property boundaries. Crown Castle maintains a cellular phone tower on this easement.

The property is currently zoned "A-1" Agricultural District by the county of New Kent.

# Parcel Details:

Parcel Map ID	PID	GPIN	Deed Book	Acres	Owner
22-7D	6445	J14-2407-2150	103/99	9	Rod & Ora Taylor
22-7E	7187	J14-2426-1920	608/465	9	Schiminoe Development, LLC

## Site Location:





# 3. Proposed Development Plan

Our goal is to provide range of detached single-family residential dwelling units, each located on a single legal lot – plans do not include condominiums or cooperative housing. Rezoning to R-1 (single-family residential) will allow single-family homes to be built. R-1 Zoning helps ensure that the area remains

relatively low density. R-1 zoning is the most popular zoning designation nationally for small residential communities and will help boost appeal for target residents and to promote and encourage a suitable environment for family life where there are children.

Preservation of the community identity and rural character has been identified as a top priority for residents and stakeholders. Understanding and promoting quality design that respects the environmental context is essential to managing future growth and development in New Kent County.

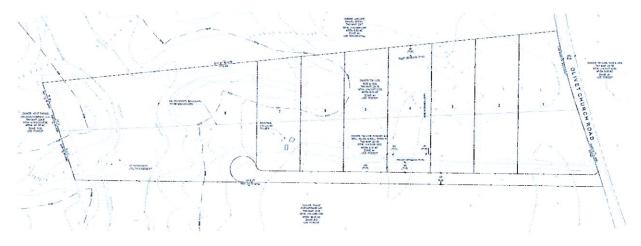
# **Design Concept:**

Design for this community provides a clustered rural subdivision development pattern with multiple lots arranged on a single, connecting road that provides a pleasant frontage, community amenities and a landscaped gateway. This residential community will be called *The Woods at Schiminoe Creek*.

#### Key features:

- Well apportioned approximate one (1) acre lots
- Homes integrated into the natural setting with large tree buffers
- Single road that terminates into a cul de sac for easy ingress and egress and minimal land impact
- Full parcel reserved for community common space (e.g. playground, gazebo, natural space, etc.)
- High quality construction
- Traditional design with three (3) bedrooms and two and a half (2.5) bathrooms including a large master suite and attached garage
- 1640 square feet of living space

This community will have seven (7) residential units with each unit occupying approximately 1 acre of land. Note: site plan (below) includes eight (8) parcels – one (1) parcel (Parcel 7) will be reserved for community common space (e.g. playground, gazebo, natural space, etc.) – details TBD. Parcel 1 will include attractive landscaping and sign bearing the name of the new community.







Minimum of thirty (30) feet of tree/natural growth buffer will be maintained on the north and east boundaries of the development. These natural wooded buffers will limit motorists' sightings of the residential units will traversing along Olivet Church Road inline with the goal of retaining the rural character of New Kent County.

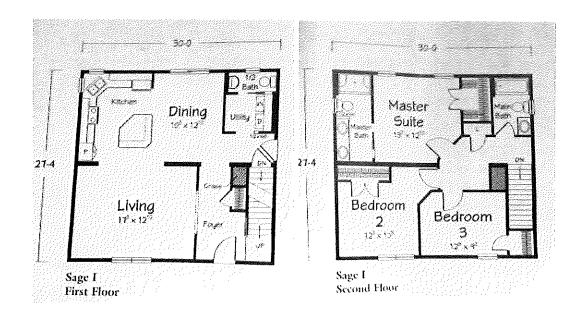
Each unit will face a single road; the road will terminate in a *cul de sac* to allow easy ingress and egress from the community. The road will be public access and fall under VDOT management. A 40'-50' right of way will be maintained for VDOT access.

Approximate one (1) acre lots will allow residents a comfortable buffer from the central community road and ample yard space.

# Home design:

Typical home design is a traditional, two-story home with attached garage. Homes will have three (3) bedrooms including a large master suite and 2.5 bathrooms. Total square footage of approximately 1640 square feet (820 square feet of living area / level).





## 4. Fiscal Impact

# Home pricing:

The median value of owner-occupied housing in New Kent County is \$306,152 according to the Envision New Kent County Strategic Plan. Realtor.com provides similar data for New Kent County real estate (March 2022):

\$345K	\$184	\$360K
Median Listing Home	Median Listing Home	Median Sold Home
Price	Frice/Sq Ft	Price

Our goal is to price homes in *The Woods at Schiminoe Creek* in line with median listing home price/square foot for an estimated home sale price of \$301,000. Obviously, marketing conditions are subject to change at any moment and could impact overall development economics.

We believe attractive, high quality homes on large (1 acre) lots at this price point will be a tremendous value add for New Kent County by providing a working family-affordable alternative to many of the new homes being offered. Our vision is to provide residents of *The Woods at Schiminoe Creek* with an "executive lifestyle at workforce prices."

Added estimated revenue from project:

2021 New Kent County Tax Rates are as follows:

Assessment Category - Rate per \$100

- Real Estate \$0.79
- Tangible Personal Property \$3.75

# Example:

Home value: \$301,000 @ \$0.79/\$100 = \$2,378

Property value: \$20,000 @ \$3.75/\$100 = \$750

TOTAL: \$3,128 / year / unit

@ 7 units = \$21,895 / year in additional tax revenues from *The Woods at Schiminoe Creek* development.

This represents a 10-year revenue impact of close to \$219,000 in new tax revenue.

## 5. Environmental, Traffic and Surrounding Properties Considerations

#### **Environment:**

Impact on the environment will be mitigated using Best Management Practices for all stormwater management and avoidance of wetlands to the maximum extent possible. It is not anticipated that there will be any other significant impacts on the environment beyond those normally associated with and acceptably managed during residential development. No rare, endangered or irreplaceable plant or animal species will be impacted.

#### **Neighboring Homes:**

There are no homes within several miles of the property on three (3) sides (East, South and West of the property). There are homes to the North of the property but are minimum of 250 yards from the boundary of any development parcels and separated by a barrier of natural growth – primarily trees. New development sites will not be readily visible to neighboring homes. Noise impact during construction should be negligible. Construction will take place primarily during business hours when most residents will likely be at work. Surrounding properties are zoned A-1. Addition of a small R-1 zoned section in this part of New Kent County will support stated strategic goals of increasing community diversity.

## **Schools and County Services:**

Estimating 2.6 school-aged children per household, there will be an additional 18 students added to New Kent County schools.

There will be some nominal impact on County services including water, fire rescue and police protection.

This a small residential community and all impacts on County services should be negligible and already included in County growth plans. Further, it is our hope that value offered by *The Woods at Schiminoe Creek* will encourage current New Kent residents to stay in the County vs. moving outside the County thereby mitigating some of the additional potential burden on schools and other services.

## **Historic Sites:**

No historic site or structures are on the property or in the vicinity of the property.

## Traffic:

Addition of fourteen (14) vehicles (assuming 2 vehicles per unit @ 7 units) is not expected to significantly impact traffic growth patterns already projected by County Planners and will not exceed the lessor of 100 vehicle trips in any peak hour or the thresholds established in 24 VAC 30-155, as amended.

#### 6. Proffer Considerations

The maximum density of the site is limited to seven (7) units in order to minimize the impacts of the development on traffic generated at the site as well as other impacts based on the increased number of units that would be allowed under the proposed zoning as compared to those permitted under the existing zoning. Intentionally developing below theoretical maximum of ten (10) units. Only seven (7) units will be developed, and one parcel will be dedicated to community common space (e.g. playground, gazebo, natural space, etc.). Common space will be provided at the expense of the Schiminoe Development, LLC.

Minimum of thirty (30) feet of tree/natural growth buffer will be maintained on the north and east boundaries of the development. These natural wooded buffers will limit motorists' sightings of the residential units will traversing along Olivet Church Road in line with the goal of retaining the rural character of New Kent County.



My commission expires: 09-30-22

# **PROFFER STATEMENT**

County of New Kent, Virginia
Planning Department
Web site:

www.co.new-kent.va.us/209/Planning

# OFFICE USE ONLY \*DO NOT WRITE IN THIS BOX\*

Application #: ZM-02-22Date Received: 4-13-2022Staff Initials:

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\*\*

Information and Instructions:
Sections 98-781 to 98-790 of the New Kent County Code govern the establishment of conditions at the time of rezoning of property. The proffer of conditions must be prepared and submitted voluntarily by the property owner. Conditions must be specific and must bear a direct relationship to the rezoning request. Conditions may not impose any obligations upon the County beyond the granting of the requested zoning.
Proffers or amendments thereto must be filed within (ten) 10 business days prior to the public hearing at which the rezoning request will be heard.
All property owners of record must sign the proffer statement before a Notary Public. If a person signs on behalof a company or organization, or if someone other than the property owner signs, then a Power of Attorney Form will need to accompany the Proffer Statement.
I/We hereby voluntarily proffer that the development of the subject property of this application shall be in strict accordance with the conditions set forth below:
<ol> <li>Proposed residential community will have a total of eight (8) lots, with seven (7) residential</li> <li>lots each occupying approximately one (1) acre of land, and one (1) residual lot reserved for community common space (e.g. playground, gazebo, etc.) with significant green</li> <li>space</li> </ol>
4
5
6
7
8
Use Additional sheets if needed
Use Additional sheets if needed
[ x] Applicant [ ] Agent [ ] Contract Purchaser
[ x] Applicant [ ] Agent [ ] Contract Purchaser  STATE OF VIRGINIA CITY/COUNTY OF Chesterfield , TO-WIT:  This day Rodney A. Taylor personally appeared before me. Am Drost , a Notary
This day Rodney A. Taylor personally appeared before me Ambros , a Notary Public in and for the County and State aforesaid, swore or affirmed that the matters stated in the foregoing Statement of Proffer are true to the best of his acknowledgement and belief. Given under my hand this 22 date of April 190 303  Notary Public.
NOTATY PROJETTATION NO ' TATIS NOTATY PUDIO

Page 1 of 2

# PLANNING COMMISSION COUNTY OF NEW KENT VIRGINIA

## PC-07-22

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 18<sup>th</sup> day of April, 2022:

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

Motion was made by John Moyer, which carried 6:2:1, to adopt the following resolution:

# A RESOLUTION TO RECOMMEND APPROVAL OF REZONING APPLICATION ZM-02-22, SCHIMINOE DEVELOPMENT (RODNEY AND ORA TAYLOR) TO REZONE APPROXIMATELY 18 ACRES OF LAND FROM A-1 TO R-1

WHEREAS, Mr. Rodney Taylor of Schiminoe Development LLC has submitted a "Rezoning/Ordinance Change Application" dated March 18, 2022; and

WHEREAS, Mr. Rodney Taylor of Schiminoe Development LLC has submitted a "Proffer Statement" dated April 13, 2022; and

WHEREAS, said application requests the rezoning of approximately 18 acres identified on the New Kent County digital map as GPIN #J14-2407-2150 (Tax Parcel 22-7D) and GPIN J14-2426-1920 (Tax Parcel 22-7E); 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 New Kent County Planning Commission has made the following findings with regard to this application:

- The proposed use is not prejudicial to the character of the neighborhood.
- The proposed use will not adversely affect the general plans for the physical development of the County as embodied in the Comprehensive Plan.
- The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood, nor will it impair the value of buildings or property in surrounding areas

WHEREAS, the New Kent County Planning Commission finds that approval of this application would address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County;

THEREFORE, BE IT RESOLVED that on this, the 18th day of April, 2022, by the New Kent County Planning Commission, that Rezoning Application ZM-02-22 be, and hereby is, transmitted to the New Kent County Board of Supervisors with a recommendation to amend the New Kent County Zoning Map to reclassify GPIN #J14-2407-2150 (Tax Parcel 22-7D) and GPIN #J14-2426-1920 (Tax Parcel 22-7E) as R-1, Single-Family Residential.

BE IT FURTHER RESOLVED that the Planning Commission recommends acceptance of the proffers voluntarily offered by the applicant.

Attested:

Laura Rose

Chairwoman, New Kent County Planning Commission

Soura Skose

# NEW KENT COUNTY Notice of Mailing

Applicant Name:	Schiminoe Development LLC	
Application Number:	ZM-02-22	
Public Hearing Date:	Monday, May 9, 2022	

# 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 25<sup>th</sup> day of April, 2022, by first class mail, postage prepaid, to the persons whose names and addresses are attached.

Signed

Subscribed and sworn to before me this 25th day of April, 2022.

I was originally commissioned as Sheri Lynn Wood, Notary Public Sheri Lynnadams

Notary Public COMMISSIO

Y COMMISSIC EXPIRES 12/31/2023

PUBLIC

My commission expires:

December 31, 2023.

§ 15.2-2204. Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.

A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by 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 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. 774; 1995, c. 178; 1996, cc. 613, 667; 1997, c. 587; 2001, c. 406; 2002, c. 634; 2004, cc. 539, 799; 2005, c. 514; 2007, cc. 761, 813; 2011, c. 457; 2012, c. 548; 2013, cc. 149, 213.)

ROD AND ORA TAYLOR 432 LANGDALE CRESENT CHESAPEAKE, VA 23325 DANIEL BERRY WALKER MEAGHAN EVERMAN 7160 OLIVET CHURCH ROAD NEW KENT, VA 23124 KENT FARMS HOLDING COMPANY LLC 1021 E CARY ST 2 JAMES CNTR 18F RICHMOND, VA 23219

RODNEY TAYLOR TERRI AND ALLEN BELL 6250 HOLLYWOOD BLVD RES #8E LOS ANGELES, CA 90028 TRANZ CHESAPEAKE LLC K F ASSOCIATES L C 2300 WILSON BLVD  $7^{TH}$  FL ARLINGTON, VA 22201

CRISS CROSS PROPERTIES LLC C/O POINDEXTER PROPERTIES 600 TRAVIS ST #400 HOUSTON, TX 77002

# NOTICE OF PUBLIC HEARING NEW KENT COUNTY BOARD OF SUPERVISORS

Notice is hereby given that the New Kent County Board of Supervisors will hold a public hearing, and may or may not take action, on Monday, May 9, 2022 at 7:00 p.m. or as soon thereafter as possible, in the Boardroom of the County Administration Building located at 12007 Courthouse Circle, New Kent, VA 23124, to consider the following:

- A. Application CUP-02-22, Faith Recovery Treatment Facility Resolution R-13-22: Rev. Travis Hall and representatives from Faith Recovery have applied for a Conditional Use Permit to use an existing camp (Makemie Woods) with a conference center and other facilities, for a faith-based recovery ministry. The existing buildings will provide lodging, dining area, counseling rooms, classrooms, administrative offices, and recreational areas. The property is zoned Conservation, is located at 3700 Ropers Church Road, and is identified as Tax Parcel 46-4 (GPIN #F28-0647-0759). The Planning Commission considered this application at their meeting on March 21, 2022 and voted 8:1:1 to forward an unfavorable recommendation to the Board of Supervisors.
- B. Application ZM-01-22/CUP-03-22, Jacqueline and Mark Smith, Event Venue and Cidery Ordinance O-04-22 and Resolution R-14-22: Applicants have requested the rezoning from R-2 to Business, of approximately 4.45 acres of land. Applicants have also requested a Conditional Use Permit on the same parcels of land in order to renovate existing buildings and property into a Cidery and Event Venue. The subject properties are located at 9302 East View Lane in Providence Forge and are further identified as Tax Parcels 41A2-2-3 (GPIN #E16-1303-4811) and 41A2-2-4 (GPIN #E16-1096-4579), and 41A2-2-5 (GPIN #E16-1238-4438). The Planning Commission considered these applications at their meeting on April 18, 2022 and voted 8:0:1 to forward favorable recommendations on both applications to the Board of Supervisors.
- C. Application ZM-02-22, Schiminoe Development LLC Ordinance O-05-22: Applicants have requested the rezoning from A-1, Agricultural to R-1, Single-Family Residential, with proffers, of approximately 18 acres of land. The applicants are proposing a 7-lot residential subdivision on the properties. The subject properties are located on Olivet Church Road and are further identified as Tax Parcels 22-7D (GPIN #J14-2407-2150) and 22-7E (GPIN #J14-2426-1920). The Planning Commission considered this application at their meeting on April 18, 2022 and voted 6:2:1 to forward a favorable recommendation to the Board of Supervisors.
- D. Application OA-01-22, Ordinance Amendment to add Definitions and Performance Standards for Energy Storage Projects and Solar Generation Facilities Ordinance O-06-22: The Board will consider amendments to the New Kent County Zoning Ordinance, Chapter 98, to add definitions and performance standards for Energy Storage Projects and Solar Generation Facilities. The Planning Commission considered these ordinance amendments at their meeting on April 18, 2022 and voted 8:0:1 to forward a favorable recommendation to the Board of Supervisors.

All interested persons may appear and present their views at the above time and place. 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 <a href="mailto-bos@newkent-va.us">bos@newkent-va.us</a>. 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 ordinances, resolutions, applications and staff reports may be viewed approximately one week prior to the hearing in the Office of the County Administrator at 12007 Courthouse Circle, New Kent, VA 23124, during regular business hours or at <a href="http://www.co.new-kent.va.us">http://www.co.new-kent.va.us</a>. 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. If the meeting cannot be held because of the closing of State and/or County offices, it will be held on the next business day that the County offices are open.

By authority of Rodney A. Hathaway Clerk of the Board

# BOARD OF SUPERVISORS COUNTY OF NEW KENT VIRGINIA

#### O-05-22

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 9<sup>th</sup> day of May, 2022:

Present:	Vote:
Thomas W. Evelyn C. Thomas Tiller, Jr. Patricia Paige Ron Stiers John N. Lockwood	
Motion was made byadopt the following ordinance:	, which carried :, to

# AN ORDINANCE TO REZONE APPROXIMATELY 18 ACRES OF LAND FROM A-1 TO R-1

WHEREAS, Mr. Rodney Taylor of Schiminoe Development LLC has submitted a "Rezoning/Ordinance Change Application" dated March 18, 2022; and

WHEREAS, Mr. Rodney Taylor of Schiminoe Development LLC has submitted a "Proffer Statement" dated April 22, 2022; and

WHEREAS, said application requests the rezoning of approximately 18 acres identified on the New Kent County digital map as GPIN #J14-2407-2150 (Tax Parcel 22-7D) and GPIN #J14-2426-1920 (Tax Parcel 22-7E); 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 New Kent County Planning Commission voted 6:2:1 to forward the application to the New Kent County Board of Supervisors with a favorable recommendation; and

WHEREAS, the rezoning application has been advertised for public hearing before the Board of Supervisors in full accord with applicable provisions of the Code of Virginia; and

WHEREAS, approval of the rezoning request through the adoption of this Ordinance will further the public necessity, convenience, general welfare and good zoning practices in the County of New Kent;

NOW THEREFORE BE IT ORDAINED this, the 9<sup>th</sup> day of May, 2022, by the New Kent County Board of Supervisors, that application ZM-02-22 be, and it hereby is, approved by amending the New Kent County Zoning Map to reclassify GPIN #J14-2407-2150 (Tax Parcel 22-7D) and GPIN #J14-2426-1920 (Tax Parcel 22-7E) as R-1, Single-Family Residential.

BE IT FURTHER ORDAINED that the Board of Supervisors accepts the proffer voluntarily offered by the applicant.

BE IT FURTHER ORDAINED, that the County Administrator be, and he is hereby, directed to have a fully executed copy of this Ordinance recorded upon the Land Records of the County in the office of the Clerk of the Circuit Court.

Attest:		
Rodney A. Hathaway	Thomas W. Evelyn	
County Administrator	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: 5/9/2022 PUBLIC HEARINGS

Motion: "Mr. Chairman, I move (not required for Cons Agenda items)		Ordinance C	Ordinance O-06-22						
Subject			Definitions and Perf Projects and Solar G	formance Standards Generation Facilities,					
Issue		The Board will consider amendments to the New Kent County Zoning Ordinance, Chapter 98, to add definitions and performance standards for Energy Storage Projects and Solar Generation Facilities.							
Recommendation		The Planning Commission considered these ordinance amendments at their meeting on April 18, 2022 and voted 8:0:1 to forward a favorable recommendation to the Board.							
Fiscal Implication	ıs	n/a							
Policy Implication	าร	n/a							
Legislative Histor	У	n/a							
Discussion		The Board will consider amendments to the New Kent County Zoning Ordinance, Chapter 98, to add definitions and performance standards for Energy Storage Projects and Solar Generation Facilities.							
Time Needed:	10 r	minutes	Person Appearing:	Principal Planner Kelli Le Duc					
Request prepared by:	Kelli	i Le Duc	Telephone:	966-9690					
Copy provided to:									
ATTACHMENTS: Description BOS Memo			<b>Type</b> Cover Memo	)					

# **REVIEWERS:**

BOS Ordinance O-06-22

Department Reviewer Action Date

Planning & Zoning LeDuc, Kelli Approved 4/25/2022 - 3:02 PM

Ordinance

Hathaway, Rodney Approved Administration Hefty, Brendan Attorney

Approved

5/1/2022 - 5:53 PM 5/2/2022 - 12:58 PM



# **MEMORANDUM**

DATE: May 9, 2022

TO: New Kent County Board of Supervisors

SUBJECT: Consideration of proposed amendments to the New Kent County Code

# **REQUEST:**

Consider the proposed amendments to the New Kent County Zoning Ordinance, Chapter 98, to add definitions and performance standards for Energy Storage Projects and Solar Generation Facilities.

# **PUBLIC HEARINGS:**

Planning Commission: April 18, 2022 at 6:30 p.m., County Boardroom Board of Supervisors: May 9, 2022 at 7:00 p.m., County Boardroom

# **BACKGROUND:**

At the regular meeting of the Board of Supervisors on October 27, 2021, Resolution R-23-21 was passed, which directed the Planning Commission to hold a public hearing on, and forward a recommendation for, amending the Zoning Ordinance to establish performance standards for Solar Generation Facilities. The Planning Commission considered these amendments at their meeting on April 18, 2022 and voted 8:0:1 to forward a favorable recommendation to the Board of Supervisors.

# PROPOSED AMENDMENT:

Sec. 98-2 – Definitions and rules of construction.

Electrical and electronic device manufacture and assembly. See manufacture and/or manufacturing.

<u>Energy Storage Project</u> means energy storage equipment and technology within an energy storage project that is capable of absorbing energy, storing such energy for a period of time, and redelivering such energy after it has been stored.

Equestrian facility means a facility designed and intended for the showing of equestrian skills and used to host events including, but not limited to, rodeos, show jumping, cross country horse races, and other disciplines in horsemanship. Such facilities may be open to the public and may include such structures as riding rings, bleachers, stables, tack rooms, veterinarian/medical facilities, and concession stands.

Public utility facilities means telephone, electric and cable television lines, poles, equipment, structures, gas pipes, mains, valves, or structures, telephone exchanges and repeater stations and all other facilities, equipment and structures necessary for conducting a service by a government or public utility. This definition does not include Energy Storage Project or Solar Generation Facility.

Smelting on an industrial scale means smelting is the principal use of the parcel or that smelting yields more than two tons of metal within any 12-month period.

Solar Generation Facility means a solar energy conversion system producing two (2) MW or more of electricity to a utility provider or end user. Such facilities interconnect with an existing electrical grid serving other facilities which are not adjacent or under common use, ownership, or control.

Solid waste means any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, or community activities but does not include (i) solid or dissolved material in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the state water control board, (iii) source, special nuclear, or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended, or (iv) compost or mulch produced from vegetative waste.

# Sec. 98-213. - Uses permitted by conditional use permit only.

In the A-1, agricultural district, all conditional uses shall require an approved site plan. Structures to be erected or land to be used for one or more of the following uses shall be permitted only after the issuance of a conditional use permit by the board of supervisors or its agent:

- (1) Airports.
- (2) Antique shops.
- (3) Bed and breakfast/home stay establishments.
- (4) Campgrounds.
- (5) Cemeteries (with sale of lots).
- (6) Childcare centers.
- (7) Community centers.
- (8) Construction business, with storage of equipment, as a home occupation.
- (9) Distillation of ethanol from grain.

## (10) Energy storage project

(10) (11) Equestrian show facility.

(11) (12) General store. Any retail establishment offering for sale items of a general mercantile nature including food and beverage products, household and hardware items. Such store shall not have underground tanks or pumps for dispensing fuel for on-road vehicles. Such store shall be restricted to 3,000 square feet or less of retail sales floor. Such establishment shall be restricted to existing structures with historical general mercantile use. The term shall not include truck stops, nor shall it be used for any activity commonly associated with truck stops such as storing, maintaining or parking trucks and other commercial vehicles overnight.

- (12) (13) Group care facilities.
- (13) (14) Helistops.
- (14) (15) Horse racing facility.
- (15) (16) Kennels.
- (16) (17) Marinas.
- (17) (18) Mining, excavation or filling, borrow pits, extraction, processing and removal of land, gravel and stripping of topsoil (but farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval are permitted generally and without a conditional use permit).
- (18) (19) Mobile home as storage shed in conjunction with a bona fide agricultural operation.
- (19) (20) Paint pellet competitive games.
- (20) (21) Permanent mobile homes that do not meet the definition of manufactured housing under Code of Virginia, § 15.2-2290, on 25 acres or more.
- (21) (22) Pistol ranges.
- (22) (23) Portable sawmills.
- (23) (24) Private clubs or hunt clubs with an approved site plan, provided that in order to maintain a tranquil environment for those residential uses within the A-1 zoning district, hunt clubs shall be located at least 250 feet from a property line of a residential use.
- (24) (25) Private schools with approved site plan.
- (25) (26) Public or private electrical generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.
- (26) (27) Public or private transmission pipelines, including pumping stations and accessory storage for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids, except that private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and without a conditional use permit.
- (27) (28) Public or private water and sewer facilities including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, except that private connections to existing mains which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and without a conditional use permit.
- (28) (29) Radio, television or communication stations and/or towers which exceed 50 feet in height.
- (29) (30) Railroad facilities including tracks, bridges, switching yards and stations, except that spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way, and track and safety improvements in existing railroad rights-of-way, are permitted generally and without a conditional use permit.
- (30) (31) Single-family conversion to two-family.

## (32) Solar generation facility

(31) (33) Sporting clays.

(32) (34) Steeplechase.

(33) (35) Temporary storage of a mobile home.

(34) (36) Turkey shoots.

(35) (37) Veterinary clinics.

(36) (38) Water impoundments for public or private use of 50 acres or more and a dam height of 25 feet or more.

(37) (39) Zoological gardens.

# Sec. 98-62. - Table of land uses.

	Business	Economic	Industrial	Conservation	Agricultural	Single-Family	General	Multiple Family	Mobile
		Opportunity		C-1	A-1	Residential R-O,	Residential R-	Residential R-	Home
						R-OA, R-1, R-1A	2, R-2A	3	Parks
									MHP
Agricultural, Forestal and Conse	nuction	•	•				•		
	Ivalion								
Agriculture				Р	Р				
Agriculture, intensive					Р				
Animal husbandry					Р				
Farmers market	Р	Р		С	С				
Forestry	Р	Р	Р	Р	P				
Game preserve, conservation				P	Р				
area									
Orchard & vineyard		Р	С	Р	Р				
Portable sawmill				С	С				
Winery-farm	С	С		С	Р				
Winery-commercial	С	P	P		P				
Residential									
Apartment		С						P	
Condominium		С						Р	
Group care residential facility ≤ 8	3				Р	P	P	P	
residents									
Group care facility > 8 residents					С	С	С	P	
Mobile home parks									D
vioure nome parks	<u> </u>		1		1	<u> </u>	170	<u> </u>	F

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Senior housing	С	С				С	Р	
Single-family conversion to two-				С		С		
family								
Single-family detached dwelling				P	P	Р		
Single-family attached dwelling						P	P	
Transitional home				Р	P	С	C	
Business, Commercial Service								
Agricultural equipment sales and	P	Р	Р					
service								
Amusement facility (indoor)	P	Р						
Animal hospital (with outside	D	P	Þ	С				
				C				
runs)								
Animal hospital (without outside	Р	Р	Р	С				
runs)								
Antique shop	Р	Р		С				
Automobile fueling stations	Р	Р	Р					
Automobile sales and service	Р	Р						
Auto body and painting	С	Р	Р					
Auto retail parts sales-new &	Р	Р						
used								
Auto service stations,	P	P	Р					
automobile repair services and								
garages								
Bank, Financial Institution	P	Р	۸					
			A					
Barber and beauty shop	Р	P						
Bar, nightclub	P	A						
Bed and breakfast				Р				
Bicycle sales and service	Р	Р						
Boat parts or accessories sales	Р	Р						
Boat sales and service	Р	Р						
Book, card shop	Р	Р						
Brew Pub	P	Р						
Building Supply and Lumber	P	Р						
Store ≤ 15,000 square feet								
(without exterior storage)								
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Building Supply and Lumber	С	Р					
Store ≤ 15,000 square feet (with							
exterior storage)							
Building Supply and Lumber	P	Р	Р				
Store >15,000 square feet							
(without exterior storage)							
Building Supply and Lumber	С	Р	Р				
Store > 15,000 square feet (with							
exterior storage)							
Car wash	Р	Р	A				
Childcare center, adult daycare	P	Р	Р	С	С	С	
center, day care center,							
preschool, nursery							
Clothing store, retail	Р	Р					
Commerce park	P	Р	P				
Computer and data processing	P	Р	Р				
center and services							
Computer sales and service—	P	Р					
retail (includes assembly using							
pre-manufactured parts)							
Conference center	P	Р	P				
Contractor office or shop without	P	Р	Р	A			
outdoor storage							
Contractor office or shop with	С	Р	Р	С			
outdoor storage							
Mini supermarket, without gas	P	Р	A				
pumps							
Copy center	P	Р					
Drugstore	P	P					
Dry cleaning outlet	P	P					
Feed and seed store	P	Р					
Florist shop	P	Р					
Flour, feed mill		Р	P	С			
Funeral home	P	Р					
Gift, record and tobacco shop	P	Р					
Group residential care facility	P	С		С		С	

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Hand crafted goods, traditional	P	Р	P				
crafts							
Hardware stores	P	Р					
Home appliance sales and	P	P					
service							
Hotel, motel	P	Р					
Household furniture/furnishings	P	Р					
sales							
Industrial supply store	С	Р	Р				
Inn ≤ 10 rooms (includes tourist	P				С		
home)							
Inn >10 rooms (includes tourist	P	Р			С		
home)							
Kennel, commercial	P	Р			С		
Laundromat	P	P					
Machine sales and indoor	P	P	P				
service							
Mailing Services Center	Р	P	Р				
Manufactured Home Sales		Р	P				
Micro-brewery	Р	P	Р		P		
Mini-storage warehouse	С	С	Р				
Recreational Vehicle (RV) sales	P	P					
& service							
Nursing, convalescent, or rest	P	С				P	
home							
Personal service and hygiene	P	Р					
establishment							
Photography, dance, music	P	Р					
studio							
Plant nursery, garden center ≤	P	Р			С		
15,000 square feet							
Plant nursery, garden center >	С	Р	Р				
15,000 square feet							
Plumbing and electrical supply	Р	Р	Р				
outlet							
Professional office	Р	P	P			100	

			1			
Rental center	Р	Р	Р			
Restaurant (sit-down)	Р	Р	Р			
Restaurant (drive-thru)	P	Р	С			
Restaurant (with drive-in	P	Р				
window)						
Retail bakery	P	Р				
Retail establishment ≤ 30,000	P	Р				
sq. ft.						
Retail establishment over 30,000	С	Р				
sq. ft.						
Shopping center 15,001—	P	Р				
30,000 sq. ft.						
Shopping center over 30,000 sq.	С	Р				
ft.						
Spa, day spa	Р	Р				
Studio	Р	Р				
Theater	Р	Р				
Truck Fueling Stations	С	Р	Р			
Upholstery shop	P	Р	P			
Industrial, Manufacturing, Proces	sing, and	Storage	1	1	T	
Asphalt mixing plant			С			
Boatbuilding, boat yard		Р	Р			
Brick manufacture			С			
Cabinet, furniture manufacture	С	P	P			
Cement, lime and gypsum			С			
manufacture						
Distillation of ethanol from grain			С	С		
Distillery	С	С	Р	P		
Dry Cleaning Plant	С	С	P			
Electrical and electronic device		Р	Р			
manufacture and assembly						
Laboratory (testing, medical,		Р	Р			
scientific, pharmaceutical)						
Machine and welding shop	С	С	Р			
General Manufacturing	С	С	P			

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Meat, poultry, fish processing		С	Р						
without on-site slaughter									
Meat, poultry, fish processing			С						
with on-site slaughter									
Monumental stone work			Р		С				
Office/construction trailer		С	Р		С				
storage yard									
Printing plant	С	Р	Р						
Recycling center/plant	С	Р	Р						
Resource extraction		С	С		С				
Salvage yard, automobile			Р						
graveyard									
Sawmill		С	P		Р				
Warehouse		Р	Р						
Wholesale business and		Р	Р						
distribution center									
Wood preserving operation			С						
Wood yard			P						
Public, Semipublic, Institutional, I	Recreatio	nal			T				
Amusement Park	С	С							
Animal shelter	С	С	Р	С	С				
Amusement facility, outdoor	P	Р			С				
Archery, firearms, paintball	P	Р	Р		С				
range—indoor									
Archery, firearms, paintball	С	С	Р		С				
range—outdoor									
Assembly hall, club, lodge	Р	Р			С				
Campground		С		С	С				
Cemetery, columbarium	Р	С	С		С	С	С	С	
Place of Worship	P	Р	А		Р	P	Р	Р	
Clinic or emergency care center	Р	Р	А						
Communications facility tower-	Р	Р	Р		Р				
radio, cellular ≤ 75 feet									
Communications facility tower-	С	С	Р		С				
radio, cellular 75 ≥ 200 feet									

Communications facility tower-	С	С	С		С				
radio, cellular < 200 feet									
Community center	Р	Р			С	A	A	A	Α
Construction debris landfill			С		С				
Correctional facility			С						
Educational institution, K-12	Р	Р			P	P	P	P	
school									
Equestrian facility	Р	Р	С		С				
Golf course		Р			Р	С			
Government office	Р	Р	P		Р		Р		
Health and fitness center	Р	Р	A						
Higher education institution	Р	Р			С				
Horse racing track	С	Р	С		С				
Hospital or medical center	Р	P			P				
facility									
Hunt club				С	С				
Library	Р	P			Р		P	Р	
Park,	Р	P		С	P	P	P	P	Р
School-trade, vocational	Р	P	Р						
Stable-commercial	С	С			С				
Steeplechase					С				
Theme Park, amphitheater,	С	С	С		С				
stadium									
Timeshare Resort		С						С	
Turkey shoot					С				
Waste Transfer Station			С		С				
Wildlife preserve, conservation				P	С				
area									
Zoological garden		С		С	С				
Transportation									
Airplane hangar—commercial			С						
Airplane hangar—private			С		С				
Airplane landing strip		С	С		С				
Airport			С						
Commercial Pier	С	P	Р						

				1	1	1	1	1	
Individual pier	С	Р	С	С	P				
Boat launch ramp	Р	Р	Р	Р	Р				
Bus station/terminal		С	С						
Commuter parking	Р	Р	Р		С				
Freight terminal			Р						
Heliport		С	Р		С				
Helipad	С	С	Р						
Parking lot, public	Р	P	Р						
Marina, boatel commercial	С	P		С	Р				
Marina, private				С	Р				
Motor vehicle rental	Р	P	Р						
Trucking terminal			Р						
Truck stop (includes fuel sales	С	С	С						
and prepared food)									
Utilities	_	_							
Public utilities/railroads,	С	С	С	С	С	С	С	С	С
transmission lines, impoundmen	t								
Energy generation facility			С						
Energy storage project			<u>C</u>		<u>C</u>				
Solar generation facility			<u>C</u>		C				

P = Permitted

C = Requires Conditional Use Permit

A = Permitted as an Accessory Use

- (1) The size limitations contained herein apply regardless of use; the specific use itself must be permitted within the district in which it is located.
- (2) The specific uses within a shopping center must be permitted within the district in which it is located.

#### Sec. 98-662. - Uses.

Uses permitted as a matter of right or only by conditional use permit are shown in the Table of Land Uses in <u>section 98-62</u>. All uses shall be established using the performance standards applicable to that use as found in sections <u>98-871</u>, <u>98-872</u>, and <u>98-873</u>, and/or <u>98-878</u>. All development and redevelopment in the Industrial district requires approval of a site plan or plan of development.

# Sec. 98-878. – Specific conditions applicable to energy storage projects and solar generation facilities

#### (1) Public Notice.

- a. <u>Community Meeting:</u> A public meeting shall be held prior to the public hearing with the Planning

  <u>Commission to give the community an opportunity to hear from the applicant and ask questions regarding the proposed project or facility. The meeting shall adhere to the following:</u>
  - 1. The applicant shall notify the Planning Department, adjacent property owners, and property owners within a one-mile radius of the project in writing of the date, time and location of the meeting, at least seven (7) but no more than fourteen (14) days, in advance of the meeting date.
  - 2. The date, time and location of the meeting shall be advertised in a newspaper of general circulation in the County by the applicant, and at the applicant's expense, at least seven (7) but no more than fourteen (14) days, in advance of the meeting date.
  - 3. The applicant shall provide the County with acceptable social media postings containing the specifics of the meeting and contact information, for distribution across the County's available social media platforms and website.
  - 4. The meeting shall be held within the County, at a location open to the general public within the community of the proposed site, with adequate lighting, parking and seating facilities, and which can accommodate persons with disabilities from the general public and media.
  - 5. The meeting shall give the general public the opportunity to review the proposed application materials and ask questions of the applicant and to provide oral and/or written comments as feedback on the proposed facility.
  - 6. The applicant shall provide the Planning Department with a summary of any oral or written input received from members of the general public and media at the community meeting within two (2) weeks after the meeting. The summary of input received may be posted on the County's webpage and included with the public hearing materials.

#### (2) Development Standards.

- a.lf it is reasonably suspected that the energy storage project or solar generation facility is materially disrupting other utility transmissions (emergency radio system, SCADA system, telephones, internet service, televisions, etc.), the owner of the energy storage project or solar energy facility shall conduct an EMI study or equivalent to confirm whether the project or facility is causing such disruption. If the study confirms that the project or facility is materially disrupting other utility transmissions, the owner shall install corrective measures as soon as is reasonably practicable but in no event in more than 60 days.
- b. The design of support buildings and related structures shall, to the greatest extent possible, use materials, colors, textures, screening and landscaping that will screen the solar generation facility use from surrounding homes or surrounding commercial and industrial structures.
- c.All newly installed utilities (including but not limited to: electric, fiber, cable and telephone lines serving the site) which are visible from the ground-level view shall be screened from view or shall be placed underground, unless prohibited by the state/federal agency regulating them.
- d. The project or facility shall be enclosed by security fencing not less than six feet in height, and shall be designed to preclude trespassing, and shall be marked with the appropriate warning signs by the operator of the project or facility. Fencing shall be located such to allow screening between the fence and any property lines, public rights-of-way, or adjacent residential dwellings not owned by the owner of the subject property.

- e. The facilities, including fencing, shall be significantly screened from the ground-level view of adjacent properties and transportation rights-of-way. A vegetated buffer zone within the setback area of at least fifty (50) feet in width, measured from the property line, shall be maintained. In areas where there is existing, native vegetation, clearing shall be prohibited in the first twenty-five (25) feet of the setback, with the exception of entrances or other necessary easements. The remaining twenty-five (25) foot width shall be planted with one large evergreen tree, two medium evergreen trees, and three small deciduous or ornamental shrubs for every 15 linear feet. If there is no existing vegetation, the planting quantities shall be doubled for every 15 linear feet. If the existing vegetation is inadequate to count towards part of the landscape buffer as determined by the Planning Department, then supplemental plants shall be provided that meet the previously mentioned requirements and achieves a level of screening that provides a 100% visual barrier from public views. All new plantings shall be native species to include pollinator-friendly native plants. Landscaping tor screening shall be maintained and replaced by the facility's operator, as necessary, throughout the lifespan of the project or facility.
  - i. New plantings of evergreen trees shall be a minimum of 6 to 8 feet in height and a caliper of at least 2.0 inches. New plantings of deciduous or ornamental shrubs shall have a spread of no less than 24 inches.
  - ii. A landscape plan shall be developed by the applicant, owner or operator and provided to the County at the same time as a site plan is required. The landscape improvements and installation costs shall be secured by an adequate surety in a form agreed to by the County Attorney, including but not limited to a letter of credit, cash, or a guarantee by an investment grade entity, posted within 30 days of the project receiving its site plan approval from New Kent County. The estimated cost of the landscape improvements and installation costs shall be prepared by a State licensed landscape architect.
- f. <u>Lighting shall be the minimum necessary for safety and/or security purposes and shall use</u>
  shielded fixtures to minimize off-site glare toward public rights of way and adjacent properties, and shall be limited to one-foot candle at the property line. No facility shall produce glare which would constitute a nuisance to the public.
- g. Height of Structures. Solar Generation Facility or energy storage project structures shall not exceed 25 feet, measured from the highest natural grade below each solar panel or structure. This limit shall not apply to utility poles and the interconnection to the overhead electric utility grid that meet state corporation commission requirements.
- h. Airport proximity. These facilities or projects shall not be located within one mile of an airport unless the applicant submits, as part of its application, written certification from the Federal Aviation Administration that the location of the facility poses no hazard to or interfere with airport operations.

#### (3) Setbacks

- a. A minimum 100-foot setback, which includes a 50-foot planted buffer as described in 2(e), shall be maintained from an energy storage project or component of the Solar Generation Facility, including security fencing, to any property line and transportation right-of-way.
- b. A minimum 150-foot-setback, which includes a 50-foot planted buffer as described in 2(e), shall be maintained from an energy storage project or component of the Solar Generation Facility, including security fencing, to any residentially-zoned property line.
- c.A minimum 200-foot setback from all exterior property lines, except from adjoining residentiallyzoned properties, shall be required for placement of all inverters associated with a solar generation facility.
- (4) Waivers and modifications. In issuing any conditional use permit for an energy storage project or solar generation facility, the board of supervisors may waive or modify any of the requirements of subsections (2) and (3) above and shall consider the following matters in addition to those otherwise provided in this chapter:

- a. The topography of the site and the surrounding area.
- b. The proximity of the site to, observability from, and impact on agricultural, rural and developed residential areas.
- c. The proximity of the site to, observability from, and impact on areas of historical, cultural, and archaeological significance including cemeteries.
- d. The proximity of the site to other solar generation facilities, other energy generating facilities, energy storage projects, and utility transmission lines.
- e. The proximity of the site to, observability from, and impact on areas of scenic significance, such as scenic byways
- f. The proximity of the site to, observability from, and impact on public rights-of-way, including, but not limited to, highways, secondary roads, streets, and scenic byways.
- g. The proximity of the site to, observability from, and impact on recreational areas, such as parks, battlefields, trails, lakes, rivers, and creeks.
- h. The proximity of the site to airports.
- The preservation and protection of wildlife and pollinator habitats and corridors.
- j. The size of the site in acres.
- k. The proposed use of available technology, coatings, and other measures for mitigating adverse impacts of the facility.
- I. The preservation and protection of prime farmland in the county.
- m. The inclusion of earthen berms of significant height to lessen the visual impacts to surrounding properties, byways, roads, waterways, parts, and trails.
- n. <u>Such other matters as the planning commission or the board of supervisors may deem reasonably related to the application or its impacts.</u>

#### (5) Coordination of local emergency services.

a. Applicants for new energy storage projects or solar generation facilities shall coordinate with the County's Fire, EMS, and Emergency Management staff to provide materials, education and/or training to the departments serving the property with emergency services on how to safely respond to on-site emergencies at the project or facility.

#### (6) Decommissioning.

- a.Decommissioning Plan. A decommissioning plan shall be developed by the applicant, owner or operator prior to the approval of a site plan being issued for an energy storage project or a solar generation facility. The purpose of the decommissioning plan is to specify the procedure by which the applicant or its successor would remove the project or facility after the end of its useful life and to restore the property for prior or future usage consistent with the Comprehensive Plan or future zoning. If the project or solar generation facility is inactive completely or substantially discontinuing the storage and/or delivery of electricity to an electrical grid for a continuous 6-month period it shall be considered abandoned. The applicant, owner or operator shall provide notice to New Kent County in writing within thirty (30) days if the property becomes inactive as an energy storage or solar generation facility. The decommissioning of the site shall commence within six (6) months of receipt of such notice from the applicant, owner or operator by New Kent County. The "notice" shall be known as the "Decommissioning Plan" which shall include the following:
  - 1. Anticipated life of the energy storage project or solar generation facility;
  - 2. The estimated cost of the decommissioning in the future as expressed in current dollars by a third party, State licensed professional engineer;
  - 3. Method estimate was determined;
  - 4. The manner in which the project will be decommissioned, including the disposal process and methods for all products and materials; and

- 5. <u>The name and physical address of the person or entity responsible for the decommissioning plan.</u>
- b. Surety. Unless the energy storage project or solar generation facility is owned by a public utility within the Commonwealth of Virginia, the gross costs of decommissioning shall be secured by an adequate surety in a form agreed to by the County Attorney, including but not limited to a letter of credit, cash or a guarantee by an investment grade entity, posted within 30 days of the project receiving its site plan approval from New Kent County. If an adequate surety is required, the cost estimates of the decommissioning shall be updated at least every five (5) years by the applicant, owner or operator, and provided to the County. If the energy storage project or solar generation facility is sold to an entity that is not a public utility, the Special Exception shall not transfer to the purchaser until such time as adequate replacement surety is provided for the energy storage project or solar generation facility. At its option, the County may require that a surety amount be increased based upon the net cost of decommissioning the use and as approved by the County Attorney.
- c.Applicant/Property Owner Obligation. Within six (6) months after the cessation of use of the energy storage project or solar generation facility for electrical power generation or transmission, the applicant or its successor, at its sole cost and expense, shall decommission the project or solar generation facility in accordance with the decommissioning plan approved by the County. If the applicant or its successor fails to decommission the energy storage project or solar energy facility within six (6) months, the property owners shall commence decommissioning activities in accordance with the decommissioning plan. Following the completion of decommissioning of the entire energy storage project or solar generation facility arising out of a default by the applicant or its successor, any remaining surety funds held by the County shall be distributed to the property owners in a proportion of the surety funds and the property owner's acreage ownership of the project or solar generation facility.
- d. Applicant/Property Owner Default; Decommissioning by the County.
  - 1. If the applicant, its successor, or the property owners fail to decommission the energy storage project or solar generation facility within six (6) months, the County shall have the right, but not the obligation, to commence decommissioning activities and shall have access to the property, access to the full amount of the decommissioning surety, and the rights to the solar energy equipment and materials on the property.
  - 2. <u>If applicable, any excess decommissioning surety funds shall be returned to the current owner of the property after the County has completed the decommissioning activities.</u>
  - 3. Prior to the issuance of any permits, the applicant and the property owners shall deliver a legal instrument to the County granting the County (1) the right to access the property, and (2) an interest in the energy storage project or solar generation facility equipment and materials to complete the decommissioning upon the applicant's and property owner's default. Such instrument(s) shall bind the applicant and property owners and their successors, heirs, and assigns. Nothing herein shall limit other rights or remedies that may be available to the County to enforce the obligations of the applicant, including under the County's zoning powers.
- e. Equipment/Building Removal. Unless otherwise approved by the Zoning Administrator, all physical improvements, materials, and equipment related to the energy storage project or solar energy generation, both surface and subsurface components, regardless of depth underground, shall be removed in the removal process and disposed of responsibly and outside of the county. Perimeter fencing will be removed and recycled or reused.
- d. Infrastructure Removal. Unless otherwise approved by the Zoning Administrator, all access roads will be removed, including any geotextile material beneath the roads and granular material. The exception to removal of the access roads and associated culverts or their related material would be upon written request from the current or future landowner to leave all or a portion of these facilities in place for use by the landowner. Access roads will be removed

within areas that were previously used for agricultural purposes and topsoil will be redistributed to provide substantially similar growing media as was present within the areas prior to site disturbance, unless a written request is received from the current or future landowner proposing alternative development plans for the property.

e. Partial Decommissioning. Any reference to decommissioning the energy storage project or solar energy facility shall include the obligation to decommission all or a portion of the project or solar energy facility whichever is applicable with respect to a particular situation. If decommissioning is triggered for a portion, but not the entire energy storage project or solar energy facility, then the applicant or its successor will commence and complete decommissioning, in accordance with the decommissioning plan, for the applicable portion of the energy storage project or solar energy facility; the remaining portion of the energy storage project or solar energy facility would continue to be subject to the decommissioning plan.

Sec. 98-879 – 98-900. – Reserved.

#### Attachments:

- \* Resolution PC-09-22
- \* BOS Ordinance O-06-22

#### BOARD OF SUPERVISORS COUNTY OF NEW KENT VIRGINIA

#### O-06-22

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 9<sup>th</sup> day of May, 2022:

	Present:	vote:	
	Thomas W. Evelyn C. Thomas Tiller, Jr. Patricia Paige Ron Stiers John N. Lockwood		
N ordinanc	lotion was made bye:	, which carried :, to adopt the followin	ng

## AN ORDINANCE TO AMEND CHAPTER 98 OF THE NEW KENT COUNTY CODE

WHEREAS, the New Kent County Board of Supervisors passed Resolution R-23-21 on October 27, 2021, directing the Planning Commission to consider amendments to Chapter 98 to establish performance standards for Solar Generation Facilities; 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 April 18, 2022, carefully considered the public comment received, and voted 8:0:1 to recommend approval of these Amendments; and

WHEREAS, the 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, the  $9^{th}$  day of May, 2022, by the New Kent County Board of Supervisors, that the following sections of the New Kent County Code be readopted as follows:

#### Sec. 98-2 – Definitions and rules of construction.

Electrical and electronic device manufacture and assembly. See manufacture and/or manufacturing.

<u>Energy Storage Project means energy storage equipment and technology within an energy storage project that is capable of absorbing energy, storing such energy for a period of time, and redelivering such energy after it has been stored.</u>

Equestrian facility means a facility designed and intended for the showing of equestrian skills and used to host events including, but not limited to, rodeos, show jumping, cross country horse races, and other disciplines in horsemanship. Such facilities may be open to the public and may include such structures as riding rings, bleachers, stables, tack rooms, veterinarian/medical facilities, and concession stands.

Public utility facilities means telephone, electric and cable television lines, poles, equipment, structures, gas pipes, mains, valves, or structures, telephone exchanges and repeater stations and all other facilities, equipment and structures necessary for conducting a service by a government or public utility.

This definition does not include Energy Storage Project or Solar Generation Facility.

Smelting on an industrial scale means smelting is the principal use of the parcel or that smelting yields more than two tons of metal within any 12-month period.

Solar Generation Facility means a solar energy conversion system producing two (2) MW or more of electricity to a utility provider or end user. Such facilities interconnect with an existing electrical grid serving other facilities which are not adjacent or under common use, ownership, or control.

Solid waste means any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, or community activities but does not include (i) solid or dissolved material in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the state water control board, (iii) source, special nuclear, or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended, or (iv) compost or mulch produced from vegetative waste.

#### Sec. 98-213. - Uses permitted by conditional use permit only.

In the A-1, agricultural district, all conditional uses shall require an approved site plan. Structures to be erected or land to be used for one or more of the following uses shall be permitted only after the issuance of a conditional use permit by the board of supervisors or its agent:

- (1) Airports.
- (2) Antique shops.
- (3) Bed and breakfast/home stay establishments.
- (4) Campgrounds.

- (5) Cemeteries (with sale of lots).
- (6) Childcare centers.
- (7) Community centers.
- (8) Construction business, with storage of equipment, as a home occupation.
- (9) Distillation of ethanol from grain.

#### (10) Energy storage project

- (10) (11) Equestrian show facility.
- (11) (12) General store. Any retail establishment offering for sale items of a general mercantile nature including food and beverage products, household and hardware items. Such store shall not have underground tanks or pumps for dispensing fuel for on-road vehicles. Such store shall be restricted to 3,000 square feet or less of retail sales floor. Such establishment shall be restricted to existing structures with historical general mercantile use. The term shall not include truck stops, nor shall it be used for any activity commonly associated with truck stops such as storing, maintaining or parking trucks and other commercial vehicles overnight.
- (12) (13) Group care facilities.
- (13) (14) Helistops.
- (14) (15) Horse racing facility.
- (15) (16) Kennels.
- (16) (17) Marinas.
- (17) (18) Mining, excavation or filling, borrow pits, extraction, processing and removal of land, gravel and stripping of topsoil (but farm pond construction, field leveling or stripping of sod for agricultural purposes and excavations in connection with development which has received subdivision or site plan approval are permitted generally and without a conditional use permit).
- (18) (19) Mobile home as storage shed in conjunction with a bona fide agricultural operation.
- (19) (20) Paint pellet competitive games.
- (20) (21) Permanent mobile homes that do not meet the definition of manufactured housing under Code of Virginia, § 15.2-2290, on 25 acres or more.
- (21) (22) Pistol ranges.
- (22) (23) Portable sawmills.

- (23) (24) Private clubs or hunt clubs with an approved site plan, provided that in order to maintain a tranquil environment for those residential uses within the A-1 zoning district, hunt clubs shall be located at least 250 feet from a property line of a residential use.
- (24) (25) Private schools with approved site plan.
- (25) (26) Public or private electrical generation facilities, electrical substations with a capacity of 5,000 kilovolt amperes or more, and electrical transmission lines capable of transmitting 69 kilovolts or more.
- (26) (27) Public or private transmission pipelines, including pumping stations and accessory storage for natural gas, propane gas, petroleum products, chemicals, slurry coal and any other gases, liquids or solids, except that private connections to existing pipelines, which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and without a conditional use permit.
- (27) (28) Public or private water and sewer facilities including, but not limited to, treatment plants, pumping stations, storage facilities and transmission mains, except that private connections to existing mains which are intended to serve an individual residential or commercial customer and which are accessory to existing or proposed development, are permitted generally and without a conditional use permit.
- (28) (29) Radio, television or communication stations and/or towers which exceed 50 feet in height.
- (29) (30) Railroad facilities including tracks, bridges, switching yards and stations, except that spur lines which are to serve and are accessory to existing or proposed development adjacent to existing railroad rights-of-way, and track and safety improvements in existing railroad rights-of-way, are permitted generally and without a conditional use permit.
- (30) (31) Single-family conversion to two-family.

#### (32) Solar generation facility

- (31) (33) Sporting clays.
- (32) (34) Steeplechase.
- (33) (35) Temporary storage of a mobile home.
- (34) (36) Turkey shoots.
- (35) (37) Veterinary clinics.
- (36) (38) Water impoundments for public or private use of 50 acres or more and a dam height of 25 feet or more.
- (37) (39) Zoological gardens.

Sec. 98-62. - Table of land uses.

	Business	Economic	Industrial	Conservation	Agricultural	Single-Family	General	Multiple	Mobile
		Opportunity		C-1	A-1	Residential R-	Residential	Family	Home
						O, R-OA, R-1,	R-2, R-2A	Residential	Parks
						R-1A		R-3	MHP
Agricultural, Forestal and	Conserva	ation	1			T		T	_
Agriculture				Р	Р				
Agriculture, intensive					Р				
Animal husbandry					P				
Farmers market	P	P		С	С				
Forestry	P	Р	Р	Р	P				
Game preserve,				P	Р				
conservation area									
Orchard & vineyard		Р	С	P	Р				
Portable sawmill				С	С				
Winery-farm	С	С		С	P				
Winery-commercial	С	P	P		P				
Residential		ı.	•		•			I	
Apartment		С						P	
Condominium		С						P	
		C			P	D	D	P	
Group care residential					۲		P		
facility ≤ 8 residents					•		0	_	
Group care facility > 8					С	С	C	Р	
residents									
Mobile home parks									Р
Senior housing	С	С					С	P	
Single-family conversion					С		С		
to two-family									
Single-family detached					Р	Р	Р		
dwelling									

Single-family attached						Р	Р	
dwelling								
Transitional home				Р	Р	С	С	
Business, Commercial Se	ervice	T						
Agricultural equipment	Р	Р	Р					
sales and service								
Amusement facility	P	Р						
(indoor)								
Animal hospital (with	P	Р	Р	С				
outside runs)								
Animal hospital (without	P	Р	Р	С				
outside runs)								
Antique shop	P	Р		С				
Automobile fueling	P	Р	Р					
stations								
Automobile sales and	P	Р						
service								
Auto body and painting	С	Р	Р					
Auto retail parts sales-	P	Р						
new & used								
Auto service stations,	P	Р	Р					
automobile repair								
services and garages								
Bank, Financial	P	Р	A					
Institution								
Barber and beauty shop	P	Р						
Bar, nightclub	P	A						
Bed and breakfast				Р				
Bicycle sales and service	Р	Р						
Boat parts or	Р	Р						
accessories sales								
Boat sales and service	Р	Р		 				
Book, card shop	P	Р						

	I	1	I				
Brew Pub	Р	Р					
Building Supply and	P	Р					
Lumber Store ≤ 15,000							
square feet (without							
exterior storage)							
Building Supply and	С	Р					
Lumber Store ≤ 15,000							
square feet (with exterior							
storage)							
Building Supply and	P	P	P				
Lumber Store >15,000							
square feet (without							
exterior storage)							
Building Supply and	С	P	P				
Lumber Store > 15,000							
square feet (with exterior							
storage)							
Car wash	Р	Р	А				
Childcare center, adult	P	Р	P	С	С	С	
daycare center, day care							
center, preschool,							
nursery							
Clothing store, retail	P	Р					
Commerce park	P	Р	Р				
Computer and data	Р	Р	Р				
processing center and							
services							
Computer sales and	P	Р					
service—retail (includes							
assembly using pre-							
manufactured parts)							
Conference center	P	P	P				

				1		,		1	
Contractor office or shop	Р	Р	Р		A				
without outdoor storage									
Contractor office or shop	С	Р	Р		С				
with outdoor storage									
Mini supermarket,	Р	Р	А						
without gas pumps									
Copy center	Р	Р							
Drugstore	Р	Р							
Dry cleaning outlet	Р	Р							
Feed and seed store	Р	Р							
Florist shop	Р	Р							
Flour, feed mill		Р	Р		С				
Funeral home	P	P							
Gift, record and tobacco	P	P							
shop									
Group residential care	P	С			С		С		
facility									
Hand crafted goods,	Р	Р	Р						
traditional crafts									
Hardware stores	Р	Р							
Home appliance sales	Р	Р							
and service									
Hotel, motel	Р	Р							
Household	Р	Р							
furniture/furnishings									
sales									
Industrial supply store	С	Р	Р						
Inn ≤ 10 rooms (includes	Р				С				
tourist home)									
Inn >10 rooms (includes	Р	Р			С				
tourist home)									
Kennel, commercial	Р	Р			С				
Laundromat	P	Р							

Machine sales and	Р	Р	Р			
indoor service						
Mailing Services Center	Р	Р	Р			
Manufactured Home		Р	Р			
Sales						
Micro-brewery	Р	Р	Р	Р		
Mini-storage warehouse	С	С	Р			
Recreational Vehicle	P	Р				
(RV) sales & service						
Nursing, convalescent,	P	С			Р	
or rest home						
Personal service and	Р	Р				
hygiene establishment						
Photography, dance,	Р	Р				
music studio						
Plant nursery, garden	Р	Р		С		
center ≤ 15,000 square						
feet						
Plant nursery, garden	С	Р	Р			
center > 15,000 square						
feet						
Plumbing and electrical	P	Р	Р			
supply outlet						
Professional office	P	Р	Р			
Rental center	Р	Р	Р			
Restaurant (sit-down)	Р	Р	Р			
Restaurant (drive-thru)	Р	Р	С			
Restaurant (with drive-in	P	Р				
window)						
Retail bakery	Р	Р				
Retail establishment ≤	P	Р				
30,000 sq. ft.						

	1	1	1	1		1	1	
Retail establishment over	·c	Р						
30,000 sq. ft.								
Shopping center	Р	Р						
15,001—30,000 sq. ft.								
Shopping center over	С	Р						
30,000 sq. ft.								
Spa, day spa	Р	P						
Studio	Р	Р						
Theater	Р	Р						
Truck Fueling Stations	С	Р	Р					
Upholstery shop	P	Р	Р					
Industrial, Manufacturing,	Processi	ng, and Stora	age	Г		 		
Asphalt mixing plant			С					
Boatbuilding, boat yard		Р	Р					
Brick manufacture			С					
Cabinet, furniture	С	Р	Р					
manufacture								
Cement, lime and			С					
gypsum manufacture								
Distillation of ethanol			С		С			
from grain								
Distillery	С	С	Р		Р			
Dry Cleaning Plant	С	С	Р					
Electrical and electronic		Р	Р					
device manufacture and								
assembly								
Laboratory (testing,		Р	Р					
medical, scientific,								
pharmaceutical)								
Machine and welding	С	С	Р					
shop								
General Manufacturing	С	С	Р					

		1		1	1		
Meat, poultry, fish		С	Р				
processing without on-							
site slaughter							
Meat, poultry, fish			С				
processing with on-site							
slaughter							
Monumental stone work			P		С		
Office/construction trailer		С	P		С		
storage yard							
Printing plant	С	Р	Р				
Recycling center/plant	С	Р	Р				
Resource extraction		С	С		С		
Salvage yard,			Р				
automobile graveyard							
Sawmill		С	Р		Р		
Warehouse		Р	Р				
Wholesale business and		Р	Р				
distribution center							
Wood preserving			С				
operation							
Wood yard			Р				
Public, Semipublic, Institu	itional, Re	ecreational	T				
Amusement Park	С	С					
Animal shelter	С	С	Р	С	С		
Amusement facility,	P	Р			С		
outdoor							
Archery, firearms,	P	Р	P		С		
paintball range—indoor							
Archery, firearms,	С	С	Р		С		
paintball range—outdoor							
Assembly hall, club,	Р	Р			С		
lodge							
Campground		С		С	С		

	I	I	I	T	I	Τ			1
Cemetery, columbarium	Р	С	С		С	С	С	С	
Place of Worship	P	Р	A		Р	Р	Р	Р	
Clinic or emergency care	P	P	A						
center									
Communications facility	P	P	P		P				
tower-radio, cellular ≤ 75									
feet									
Communications facility	С	С	P		С				
tower-radio, cellular 75 ≥									
200 feet									
Communications facility	С	С	С		С				
tower-radio, cellular <									
200 feet									
Community center	Р	Р			С	A	A	A	А
Construction debris			С		С				
landfill									
Correctional facility			С						
Educational institution,	P	P			Р	P	P	P	
K-12 school									
Equestrian facility	P	Р	С		С				
Golf course	<u>-</u>	P			P	С			
	P	P	P		P		P		
Health and fitness center		P	A		1		1		
Higher education	P	P			С				
institution									
	С	P	С		С				
G	P		C		P				
Hospital or medical	Р	Р			P				
center facility					•				
Hunt club				С	C		_	_	
Library	Р	P			P			Р	
T diff,	P	Р		С	Р	Р	Р	Р	Р
School-trade, vocational	Р	Р	Р						
Stable-commercial	С	С			С				

Steeplechase					С			
Theme Park,	С	С	С		С			
amphitheater, stadium								
Timeshare Resort		С					С	
Turkey shoot					С			
Waste Transfer Station			С		С			
Wildlife preserve,				Р	С			
conservation area								
Zoological garden		С		С	С			
Transportation	<b>.</b>	1	1		T			
Airplane hangar—			С					
commercial								
Airplane hangar—private			С		С			
Airplane landing strip		С	С		С			
Airport			С					
Commercial Pier	С	Р	Р					
Individual pier	С	Р	С	С	Р			
Boat launch ramp	P	Р	Р	Р	Р			
Bus station/terminal		С	С					
Commuter parking	Р	Р	P		С			
Freight terminal			P					
Heliport		С	Р		С			
Helipad	С	С	P					
Parking lot, public	P	P	P					
Marina, boatel	С	P		С	P			
commercial								
Marina, private				С	P			
Motor vehicle rental	P	P	P					
Trucking terminal			P					
Truck stop (includes fuel	С	С	С					
sales and prepared food)								
Utilities								

Public utilities/railroads,	С	С	С	С	С	С	С	С	С
transmission lines,									
impoundment									
Energy generation facility	,		С						
Energy storage project			<u>C</u>		<u>C</u>				
Solar generation			<u>c</u>		<u>c</u>				
<u>facility</u>									

P = Permitted

C = Requires Conditional Use Permit

A = Permitted as an Accessory Use

- (1) The size limitations contained herein apply regardless of use; the specific use itself must be permitted within the district in which it is located.
- (2) The specific uses within a shopping center must be permitted within the district in which it is located.

#### Sec. 98-662. - Uses.

Uses permitted as a matter of right or only by conditional use permit are shown in the Table of Land Uses in <u>section 98-62</u>. All uses shall be established using the performance standards applicable to that use as found in sections <u>98-871</u>, <u>98-872</u>, and <u>98-873</u>, and/or <u>98-878</u>. All development and redevelopment in the Industrial district requires approval of a site plan or plan of development.

## Sec. 98-878. – Specific conditions applicable to energy storage projects and solar generation facilities

#### (1) Public Notice.

- a. Community Meeting: A public meeting shall be held prior to the public hearing with the Planning Commission to give the community an opportunity to hear from the applicant and ask questions regarding the proposed project or facility. The meeting shall adhere to the following:
  - 1. The applicant shall notify the Planning Department, adjacent property owners, and property owners within a one-mile radius of the project in writing of the date, time and location of the meeting, at least seven (7) but no more than fourteen (14) days, in advance of the meeting date.
  - 2. The date, time and location of the meeting shall be advertised in a newspaper of general circulation in the County by the applicant, and at

- the applicant's expense, at least seven (7) but no more than fourteen (14) days, in advance of the meeting date.
- 3. The applicant shall provide the County with acceptable social media postings containing the specifics of the meeting and contact information, for distribution across the County's available social media platforms and website.
- 4. The meeting shall be held within the County, at a location open to the general public within the community of the proposed site, with adequate lighting, parking and seating facilities, and which can accommodate persons with disabilities from the general public and media.
- 5. The meeting shall give the general public the opportunity to review the proposed application materials and ask questions of the applicant and to provide oral and/or written comments as feedback on the proposed facility.
- 6. The applicant shall provide the Planning Department with a summary of any oral or written input received from members of the general public and media at the community meeting within two (2) weeks after the meeting. The summary of input received may be posted on the County's webpage and included with the public hearing materials.

#### (2) Development Standards.

- a. If it is reasonably suspected that the energy storage project or solar generation facility is materially disrupting other utility transmissions (emergency radio system, SCADA system, telephones, internet service, televisions, etc.), the owner of the energy storage project or solar energy facility shall conduct an EMI study or equivalent to confirm whether the project or facility is causing such disruption. If the study confirms that the project or facility is materially disrupting other utility transmissions, the owner shall install corrective measures as soon as is reasonably practicable but in no event in more than 60 days.
- b. The design of support buildings and related structures shall, to the greatest extent possible, use materials, colors, textures, screening and landscaping that will screen the solar generation facility use from surrounding homes or surrounding commercial and industrial structures.
- c. All newly installed utilities (including but not limited to: electric, fiber, cable and telephone lines serving the site) which are visible from the ground-level view shall be screened from view or shall be placed underground, unless prohibited by the state/federal agency regulating them.
- d. The project or facility shall be enclosed by security fencing not less than six feet in height, and shall be designed to preclude trespassing, and shall be marked with the appropriate warning signs by the operator of the project or facility. Fencing shall be located such to allow screening between the fence and any property lines, public rights-of-way, or adjacent residential dwellings not owned by the owner of the subject property.

- The facilities, including fencing, shall be significantly screened from the e. ground-level view of adjacent properties and transportation rights-of-way. A vegetated buffer zone within the setback area of at least fifty (50) feet in width, measured from the property line, shall be maintained. In areas where there is existing, native vegetation, clearing shall be prohibited in the first twenty-five (25) feet of the setback, with the exception of entrances or other necessary easements. The remaining twenty-five (25) foot width shall be planted with one large evergreen tree, two medium evergreen trees, and three small deciduous or ornamental shrubs for every 15 linear feet. If there is no existing vegetation, the planting quantities shall be doubled for every 15 linear feet. If the existing vegetation is inadequate to count towards part of the landscape buffer as determined by the Planning Department, then supplemental plants shall be provided that meet the previously mentioned requirements and achieves a level of screening that provides a 100% visual barrier from public views. All new plantings shall be native species to include pollinator-friendly native plants. Landscaping tor screening shall be maintained and replaced by the facility's operator, as necessary, throughout the lifespan of the project or facility.
  - i. New plantings of evergreen trees shall be a minimum of 6 to 8 feet in height and a caliper of at least 2.0 inches. New plantings of deciduous or ornamental shrubs shall have a spread of no less than 24 inches.
  - ii. A landscape plan shall be developed by the applicant, owner or operator and provided to the County at the same time as a site plan is required. The landscape improvements and installation costs shall be secured by an adequate surety in a form agreed to by the County Attorney, including but not limited to a letter of credit, cash, or a quarantee by an investment grade entity, posted within 30 days of the project receiving its site plan approval from New Kent County. The estimated cost of the landscape improvements and installation costs shall be prepared by a State licensed landscape architect.
- f. Lighting shall be the minimum necessary for safety and/or security purposes and shall use shielded fixtures to minimize off-site glare toward public rights of way and adjacent properties, and shall be limited to one-foot candle at the property line. No facility shall produce glare which would constitute a nuisance to the public.
- g. Height of Structures. Solar Generation Facility or energy storage project structures shall not exceed 25 feet, measured from the highest natural grade below each solar panel or structure. This limit shall not apply to utility poles and the interconnection to the overhead electric utility grid that meet state corporation commission requirements.
- h. Airport proximity. These facilities or projects shall not be located within one mile of an airport unless the applicant submits, as part of its application, written certification from the Federal Aviation Administration that the location of the facility poses no hazard to or interfere with airport operations.

#### (3) Setbacks

- a. A minimum 100-foot setback, which includes a 50-foot planted buffer as described in 2(e), shall be maintained from an energy storage project or component of the Solar Generation Facility, including security fencing, to any property line and transportation right-of-way.
- b. A minimum 150-foot-setback, which includes a 50-foot planted buffer as described in 2(e), shall be maintained from an energy storage project or component of the Solar Generation Facility, including security fencing, to any residentially-zoned property line.
- c. A minimum 200-foot setback from all exterior property lines, except from adjoining residentially-zoned properties, shall be required for placement of all inverters associated with a solar generation facility.
- (4) Waivers and modifications. In issuing any conditional use permit for an energy storage project or solar generation facility, the board of supervisors may waive or modify any of the requirements of subsections (2) and (3) above and shall consider the following matters in addition to those otherwise provided in this chapter:
  - a. The topography of the site and the surrounding area.
  - b. The proximity of the site to, observability from, and impact on agricultural, rural and developed residential areas.
  - c. The proximity of the site to, observability from, and impact on areas of historical, cultural, and archaeological significance including cemeteries.
  - d. The proximity of the site to other solar generation facilities, other energy generating facilities, energy storage projects, and utility transmission lines.
  - e. The proximity of the site to, observability from, and impact on areas of scenic significance, such as scenic byways
  - f. The proximity of the site to, observability from, and impact on public rights-ofway, including, but not limited to, highways, secondary roads, streets, and scenic byways.
  - g. The proximity of the site to, observability from, and impact on recreational areas, such as parks, battlefields, trails, lakes, rivers, and creeks.
  - h. The proximity of the site to airports.
  - i. The preservation and protection of wildlife and pollinator habitats and corridors.
  - j. The size of the site in acres.
  - k. The proposed use of available technology, coatings, and other measures for mitigating adverse impacts of the facility.
  - I. The preservation and protection of prime farmland in the county.
  - m. The inclusion of earthen berms of significant height to lessen the visual impacts to surrounding properties, byways, roads, waterways, parts, and trails.
  - n. Such other matters as the planning commission or the board of supervisors may deem reasonably related to the application or its impacts.

#### (5) Coordination of local emergency services.

a. Applicants for new energy storage projects or solar generation facilities shall coordinate with the County's Fire, EMS, and Emergency Management staff to provide materials, education and/or training to the departments serving the

property with emergency services on how to safely respond to on-site emergencies at the project or facility.

#### (6) Decommissioning.

- Decommissioning Plan. A decommissioning plan shall be developed by the a. applicant, owner or operator prior to the approval of a site plan being issued for an energy storage project or a solar generation facility. The purpose of the decommissioning plan is to specify the procedure by which the applicant or its successor would remove the project or facility after the end of its useful life and to restore the property for prior or future usage consistent with the Comprehensive Plan or future zoning. If the project or solar generation facility is inactive completely or substantially discontinuing the storage and/or delivery of electricity to an electrical grid for a continuous 6-month period it shall be considered abandoned. The applicant, owner or operator shall provide notice to New Kent County in writing within thirty (30) days if the property becomes inactive as an energy storage or solar generation facility. The decommissioning of the site shall commence within six (6) months of receipt of such notice from the applicant, owner or operator by New Kent County. The "notice" shall be known as the "Decommissioning Plan" which shall include the following:
  - 1. Anticipated life of the energy storage project or solar generation facility;
  - 2. The estimated cost of the decommissioning in the future as expressed in current dollars by a third party, State licensed professional engineer;
  - 3. Method estimate was determined;
  - 4. The manner in which the project will be decommissioned, including the disposal process and methods for all products and materials; and
  - 5. The name and physical address of the person or entity responsible for the decommissioning plan.
- b. Surety. Unless the energy storage project or solar generation facility is owned by a public utility within the Commonwealth of Virginia, the gross costs of decommissioning shall be secured by an adequate surety in a form agreed to by the County Attorney, including but not limited to a letter of credit, cash or a guarantee by an investment grade entity, posted within 30 days of the project receiving its site plan approval from New Kent County. If an adequate surety is required, the cost estimates of the decommissioning shall be updated at least every five (5) years by the applicant, owner or operator, and provided to the County. If the energy storage project or solar generation facility is sold to an entity that is not a public utility, the Special Exception shall not transfer to the purchaser until such time as adequate replacement surety is provided for the energy storage project or solar generation facility. At its option, the County may require that a surety amount be increased based upon the net cost of decommissioning the use and as approved by the County Attorney.

- c. Applicant/Property Owner Obligation. Within six (6) months after the cessation of use of the energy storage project or solar generation facility for electrical power generation or transmission, the applicant or its successor, at its sole cost and expense, shall decommission the project or solar generation facility in accordance with the decommissioning plan approved by the County. If the applicant or its successor fails to decommission the energy storage project or solar energy facility within six (6) months, the property owners shall commence decommissioning activities in accordance with the decommissioning plan. Following the completion of decommissioning of the entire energy storage project or solar generation facility arising out of a default by the applicant or its successor, any remaining surety funds held by the County shall be distributed to the property owners in a proportion of the surety funds and the property owner's acreage ownership of the project or solar generation facility.
- d. Applicant/Property Owner Default; Decommissioning by the County.
  - 1. If the applicant, its successor, or the property owners fail to decommission the energy storage project or solar generation facility within six (6) months, the County shall have the right, but not the obligation, to commence decommissioning activities and shall have access to the property, access to the full amount of the decommissioning surety, and the rights to the solar energy equipment and materials on the property.
  - 2. <u>If applicable, any excess decommissioning surety funds shall be returned to the current owner of the property after the County has completed the decommissioning activities.</u>
  - 3. Prior to the issuance of any permits, the applicant and the property owners shall deliver a legal instrument to the County granting the County (1) the right to access the property, and (2) an interest in the energy storage project or solar generation facility equipment and materials to complete the decommissioning upon the applicant's and property owner's default. Such instrument(s) shall bind the applicant and property owners and their successors, heirs, and assigns. Nothing herein shall limit other rights or remedies that may be available to the County to enforce the obligations of the applicant, including under the County's zoning powers.
- e. Equipment/Building Removal. Unless otherwise approved by the Zoning Administrator, all physical improvements, materials, and equipment related to the energy storage project or solar energy generation, both surface and subsurface components, regardless of depth underground, shall be removed in the removal process and disposed of responsibly and outside of the county. Perimeter fencing will be removed and recycled or reused.
- d. Infrastructure Removal. Unless otherwise approved by the Zoning Administrator, all access roads will be removed, including any geotextile material beneath the roads and granular material. The exception to removal of the access roads and associated culverts or their related material would be upon written request from the current or future landowner to leave all or a

portion of these facilities in place for use by the landowner. Access roads will be removed within areas that were previously used for agricultural purposes and topsoil will be redistributed to provide substantially similar growing media as was present within the areas prior to site disturbance, unless a written request is received from the current or future landowner proposing alternative development plans for the property.

e. Partial Decommissioning. Any reference to decommissioning the energy storage project or solar energy facility shall include the obligation to decommission all or a portion of the project or solar energy facility whichever is applicable with respect to a particular situation. If decommissioning is triggered for a portion, but not the entire energy storage project or solar energy facility, then the applicant or its successor will commence and complete decommissioning, in accordance with the decommissioning plan, for the applicable portion of the energy storage project or solar energy facility; the remaining portion of the energy storage project or solar energy facility would continue to be subject to the decommissioning plan.

Sec. 98-879 – 98-900. – Reserved.

Attest:	
Rodney A. Hathaway	Thomas W. Evelyn
County Administrator	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: 5/9/2022 PUBLIC HEARINGS

Motion: "Mr. Chairman, I move (not required for Cons Agenda items)	•	No action is requested at this time. Adoption will be scheduled for May 25, 2022.					
Subject		Proposed FY23 Nevent Budget - County A					
Issue							
Recommendation							
Fiscal Implication	ıs						
Policy Implication	ns						
Legislative Histor	-у						
Discussion							
Time Needed:		Person Appearing:	County Administrator Rodney Hathaway				
Request prepared by:	County Administrator Rodney Hathaway	Telephone:	804-966-9683				
Copy provided to:							
ATTACHMENTS: Description General Fund Bu		<b>Type</b> Cover Memo					
REVIEWERS: Department Administration Administration	Reviewer Hathaway, Rodney Hathaway, Rodney	Action Approved Approved	Date 5/1/2022 - 6:39 PM 5/1/2022 - 6:40 PM				

Approved

Hefty, Brendan

Attorney

5/2/2022 - 12:56 PM

# NOTICE OF PUBLIC HEARING COUNTY OF NEW KENT PROPOSED BUDGET - GENERAL GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 2023

Pursuant to Section 15.2-2506, Code of Virginia, 1950, as amended, the Board of Supervisors of New Kent County, Virginia will hold a Public Hearing on Monday, May 9, 2022 at 7:00 P.M. or as soon thereafter as possible, in the Boardroom of the Administration Building located at 12007 Courthouse Circle, New Kent, Virginia for the purpose of the public to comment on the budget for the fiscal year July 1, 2022 to June 30, 2023.

All interested persons may appear and present their views at the above time and place. 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 bos@newkent-va.us. Comments received by 12 noon on the day of the hearing will be distributed to Board members and made a part of the public record. A complete copy of the full text of the proposed budget is on file and may be viewed from 8:00-4:30, Monday through Friday in the Office of the County Administrator located at 12007 Courthouse Circle, New Kent, VA 23124. 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. The budget is available on the County's Finance Department website at www.co.new-kent.va.us/index.aspx?nid=269.

The following is a synopsis of the proposed budget.

Textbook Fund

Grant Fund

School Nutrition Fund

**GRAND TOTAL EXPENDITURES** 

ADOPTED

**PROPOSED** 

The following is a synopsis of the proposed budget.	REVENUES	REVENUES
GENERAL FUND:	FY'22	FY'23
General Property Taxes	\$ 35,741,873	\$ 38,943,194
Other Local Taxes	6,640,191	8,101,418
Permits, Fees and Licenses	756,890	944,438
Fines and Forfeitures	230,000	251,000
Revenue from Use of Money & Property	782,000	825,255
Charges for Services	570,940	509,490
Miscellaneous Revenue	45,200	29,200
Recovered Costs	453,802	454,000
Revenue from Commonwealth	4,825,588	4,743,028
Revenue from the Federal Government		
	534,264	223,993
SOCIAL SERVICES CAPITAL PROJECTS (Includes School Construction Fund):	1,513,198	1,447,579
	2.960.450	1 1EE E7C
Fund Balance	2,869,450	4,455,576
CENTRAL VA TRANSPORTATION AUTHORITY	-	2,439,376
COMPUTER REPLACEMENT	750.204	-
HUMAN SERVICES	750,304	623,997
E-911 WIRELESS	65,775	69,471
DEBT SERVICE - Fund Balance	4 005 000	-
AIRPORT	1,635,669	892,229
SCHOOL FUND REVENUES:	040.500	040 500
Miscellaneous	212,500	212,500
Commonwealth of Virginia	20,343,142	21,401,595
Federal	1,910,459	3,223,171
School Nutrition Fund	831,085	101,085
GRAND TOTAL REVENUES	\$ 80,712,330	\$ 89,891,595
GRAND TOTAL REVENUES		· · · · · ·
GRAND TOTAL REVENUES	ADOPTED	PROPOSED
	ADOPTED EXPENDITURES	PROPOSED EXPENDITURES
GENERAL FUND:	ADOPTED EXPENDITURES FY'22	PROPOSED EXPENDITURES FY'23
GENERAL FUND:  General Government Administration	ADOPTED EXPENDITURES FY'22 \$ 4,745,661	PROPOSED EXPENDITURES FY'23 \$ 5,012,315
GENERAL FUND:  General Government Administration Judicial Administration	ADOPTED EXPENDITURES FY'22 \$ 4,745,661 2,104,115	PROPOSED EXPENDITURES FY'23 \$ 5,012,315 2,209,586
GENERAL FUND:  General Government Administration Judicial Administration Public Safety	ADOPTED EXPENDITURES FY'22 \$ 4,745,661 2,104,115 12,500,685	PROPOSED EXPENDITURES FY'23 \$ 5,012,315 2,209,586 13,066,477
GENERAL FUND:  General Government Administration Judicial Administration Public Safety Public Works	ADOPTED EXPENDITURES FY'22 \$ 4,745,661 2,104,115 12,500,685 1,937,851	PROPOSED EXPENDITURES FY'23 \$ 5,012,315 2,209,586 13,066,477 2,104,882
GENERAL FUND: General Government Administration Judicial Administration Public Safety Public Works Health & Welfare	ADOPTED EXPENDITURES FY'22 \$ 4,745,661 2,104,115 12,500,685	PROPOSED EXPENDITURES FY'23 \$ 5,012,315 2,209,586 13,066,477
GENERAL FUND: General Government Administration Judicial Administration Public Safety Public Works Health & Welfare Education - Excluding School Board	ADOPTED EXPENDITURES FY'22 \$ 4,745,661 2,104,115 12,500,685 1,937,851 505,962	PROPOSED EXPENDITURES FY'23 \$ 5,012,315 2,209,586 13,066,477 2,104,882 533,578
GENERAL FUND: General Government Administration Judicial Administration Public Safety Public Works Health & Welfare Education - Excluding School Board Parks, Cultural & Recreation	ADOPTED EXPENDITURES FY'22 \$ 4,745,661 2,104,115 12,500,685 1,937,851 505,962	PROPOSED EXPENDITURES FY'23 \$ 5,012,315 2,209,586 13,066,477 2,104,882 533,578
GENERAL FUND: General Government Administration Judicial Administration Public Safety Public Works Health & Welfare Education - Excluding School Board Parks, Cultural & Recreation Community Development	ADOPTED EXPENDITURES FY'22 \$ 4,745,661 2,104,115 12,500,685 1,937,851 505,962 - 1,032,904 893,852	PROPOSED EXPENDITURES FY'23 \$ 5,012,315 2,209,586 13,066,477 2,104,882 533,578 - 1,188,548 875,944
GENERAL FUND:  General Government Administration Judicial Administration Public Safety Public Works Health & Welfare Education - Excluding School Board Parks, Cultural & Recreation Community Development Environmental Management	ADOPTED EXPENDITURES FY'22 \$ 4,745,661 2,104,115 12,500,685 1,937,851 505,962 - 1,032,904 893,852 412,463	PROPOSED EXPENDITURES FY'23 \$ 5,012,315 2,209,586 13,066,477 2,104,882 533,578 - 1,188,548 875,944 502,553
GENERAL FUND:  General Government Administration Judicial Administration Public Safety Public Works Health & Welfare Education - Excluding School Board Parks, Cultural & Recreation Community Development Environmental Management Reserve for Contingency	ADOPTED EXPENDITURES FY'22 \$ 4,745,661 2,104,115 12,500,685 1,937,851 505,962 - 1,032,904 893,852 412,463 1,867,940	PROPOSED EXPENDITURES FY'23 \$ 5,012,315 2,209,586 13,066,477 2,104,882 533,578 - 1,188,548 875,944 502,553 1,508,792
GENERAL FUND:  General Government Administration Judicial Administration Public Safety Public Works Health & Welfare Education - Excluding School Board Parks, Cultural & Recreation Community Development Environmental Management Reserve for Contingency Non-Departmental	ADOPTED EXPENDITURES FY'22 \$ 4,745,661 2,104,115 12,500,685 1,937,851 505,962 - 1,032,904 893,852 412,463 1,867,940 2,575	PROPOSED EXPENDITURES FY'23 \$ 5,012,315 2,209,586 13,066,477 2,104,882 533,578 - 1,188,548 875,944 502,553 1,508,792 3,789
GENERAL FUND:  General Government Administration Judicial Administration Public Safety Public Works Health & Welfare Education - Excluding School Board Parks, Cultural & Recreation Community Development Environmental Management Reserve for Contingency Non-Departmental  SOCIAL SERVICES	ADOPTED EXPENDITURES FY'22 \$ 4,745,661 2,104,115 12,500,685 1,937,851 505,962 - 1,032,904 893,852 412,463 1,867,940	PROPOSED EXPENDITURES FY'23 \$ 5,012,315 2,209,586 13,066,477 2,104,882 533,578 - 1,188,548 875,944 502,553 1,508,792
GENERAL FUND:  General Government Administration Judicial Administration Public Safety Public Works Health & Welfare Education - Excluding School Board Parks, Cultural & Recreation Community Development Environmental Management Reserve for Contingency Non-Departmental	ADOPTED EXPENDITURES FY'22 \$ 4,745,661 2,104,115 12,500,685 1,937,851 505,962 - 1,032,904 893,852 412,463 1,867,940 2,575	PROPOSED EXPENDITURES FY'23 \$ 5,012,315 2,209,586 13,066,477 2,104,882 533,578 - 1,188,548 875,944 502,553 1,508,792 3,789 2,032,754 3,966,222
GENERAL FUND: General Government Administration Judicial Administration Public Safety Public Works Health & Welfare Education - Excluding School Board Parks, Cultural & Recreation Community Development Environmental Management Reserve for Contingency Non-Departmental SOCIAL SERVICES CAPITAL PROJECTS CENTRAL VA TRANSPORTATION AUTHORITY	ADOPTED EXPENDITURES FY'22 \$ 4,745,661 2,104,115 12,500,685 1,937,851 505,962 - 1,032,904 893,852 412,463 1,867,940 2,575 2,015,683 2,530,976	PROPOSED EXPENDITURES FY'23 \$ 5,012,315 2,209,586 13,066,477 2,104,882 533,578 - 1,188,548 875,944 502,553 1,508,792 3,789 2,032,754 3,966,222 2,439,376
GENERAL FUND: General Government Administration Judicial Administration Public Safety Public Works Health & Welfare Education - Excluding School Board Parks, Cultural & Recreation Community Development Environmental Management Reserve for Contingency Non-Departmental SOCIAL SERVICES CAPITAL PROJECTS CENTRAL VA TRANSPORTATION AUTHORITY HUMAN SERVICES	ADOPTED EXPENDITURES FY'22 \$ 4,745,661 2,104,115 12,500,685 1,937,851 505,962 - 1,032,904 893,852 412,463 1,867,940 2,575 2,015,683 2,530,976 - 1,460,293	PROPOSED EXPENDITURES FY'23 \$ 5,012,315 2,209,586 13,066,477 2,104,882 533,578 - 1,188,548 875,944 502,553 1,508,792 3,789 2,032,754 3,966,222 2,439,376 1,202,933
GENERAL FUND: General Government Administration Judicial Administration Public Safety Public Works Health & Welfare Education - Excluding School Board Parks, Cultural & Recreation Community Development Environmental Management Reserve for Contingency Non-Departmental SOCIAL SERVICES CAPITAL PROJECTS CENTRAL VA TRANSPORTATION AUTHORITY HUMAN SERVICES E-911 WIRELESS	ADOPTED EXPENDITURES FY'22 \$ 4,745,661 2,104,115 12,500,685 1,937,851 505,962 1,032,904 893,852 412,463 1,867,940 2,575 2,015,683 2,530,976 1,460,293 65,775	PROPOSED EXPENDITURES FY'23 \$ 5,012,315 2,209,586 13,066,477 2,104,882 533,578 - 1,188,548 875,944 502,553 1,508,792 3,789 2,032,754 3,966,222 2,439,376 1,202,933 69,471
GENERAL FUND: General Government Administration Judicial Administration Public Safety Public Works Health & Welfare Education - Excluding School Board Parks, Cultural & Recreation Community Development Environmental Management Reserve for Contingency Non-Departmental SOCIAL SERVICES CAPITAL PROJECTS CENTRAL VA TRANSPORTATION AUTHORITY HUMAN SERVICES E-911 WIRELESS DEBT SERVICE	ADOPTED EXPENDITURES FY'22 \$ 4,745,661 2,104,115 12,500,685 1,937,851 505,962 - 1,032,904 893,852 412,463 1,867,940 2,575 2,015,683 2,530,976 - 1,460,293 65,775 8,223,468	PROPOSED EXPENDITURES FY'23 \$ 5,012,315
GENERAL FUND: General Government Administration Judicial Administration Public Safety Public Works Health & Welfare Education - Excluding School Board Parks, Cultural & Recreation Community Development Environmental Management Reserve for Contingency Non-Departmental SOCIAL SERVICES CAPITAL PROJECTS CENTRAL VA TRANSPORTATION AUTHORITY HUMAN SERVICES E-911 WIRELESS	ADOPTED EXPENDITURES FY'22 \$ 4,745,661 2,104,115 12,500,685 1,937,851 505,962 1,032,904 893,852 412,463 1,867,940 2,575 2,015,683 2,530,976 1,460,293 65,775	PROPOSED EXPENDITURES FY'23 \$ 5,012,315 2,209,586 13,066,477 2,104,882 533,578 - 1,188,548 875,944 502,553 1,508,792 3,789 2,032,754 3,966,222 2,439,376 1,202,933 69,471
GENERAL FUND:  General Government Administration Judicial Administration Public Safety Public Works Health & Welfare Education - Excluding School Board Parks, Cultural & Recreation Community Development Environmental Management Reserve for Contingency Non-Departmental SOCIAL SERVICES CAPITAL PROJECTS CENTRAL VA TRANSPORTATION AUTHORITY HUMAN SERVICES E-911 WIRELESS DEBT SERVICE AIRPORT COMPUTER REPLACEMENT	ADOPTED EXPENDITURES FY'22 \$ 4,745,661 2,104,115 12,500,685 1,937,851 505,962 - 1,032,904 893,852 412,463 1,867,940 2,575 2,015,683 2,530,976 - 1,460,293 65,775 8,223,468	PROPOSED EXPENDITURES FY'23 \$ 5,012,315
GENERAL FUND: General Government Administration Judicial Administration Public Safety Public Works Health & Welfare Education - Excluding School Board Parks, Cultural & Recreation Community Development Environmental Management Reserve for Contingency Non-Departmental SOCIAL SERVICES CAPITAL PROJECTS CENTRAL VA TRANSPORTATION AUTHORITY HUMAN SERVICES E-911 WIRELESS DEBT SERVICE AIRPORT	ADOPTED EXPENDITURES FY'22 \$ 4,745,661 2,104,115 12,500,685 1,937,851 505,962 - 1,032,904 893,852 412,463 1,867,940 2,575 2,015,683 2,530,976 - 1,460,293 65,775 8,223,468 1,703,053	PROPOSED EXPENDITURES FY'23 \$ 5,012,315 2,209,586 13,066,477 2,104,882 533,578 - 1,188,548 875,944 502,553 1,508,792 3,789 2,032,754 3,966,222 2,439,376 1,202,933 69,471 8,607,797 951,278
GENERAL FUND:  General Government Administration Judicial Administration Public Safety Public Works Health & Welfare Education - Excluding School Board Parks, Cultural & Recreation Community Development Environmental Management Reserve for Contingency Non-Departmental SOCIAL SERVICES CAPITAL PROJECTS CENTRAL VA TRANSPORTATION AUTHORITY HUMAN SERVICES E-911 WIRELESS DEBT SERVICE AIRPORT COMPUTER REPLACEMENT	ADOPTED EXPENDITURES FY'22 \$ 4,745,661 2,104,115 12,500,685 1,937,851 505,962 - 1,032,904 893,852 412,463 1,867,940 2,575 2,015,683 2,530,976 - 1,460,293 65,775 8,223,468 1,703,053	PROPOSED EXPENDITURES FY'23 \$ 5,012,315 2,209,586 13,066,477 2,104,882 533,578 - 1,188,548 875,944 502,553 1,508,792 3,789 2,032,754 3,966,222 2,439,376 1,202,933 69,471 8,607,797 951,278

In accordance with the requirements of Section 58.1-3604 (B), of the Code of Virginia, 1950, as amended, the Commissioner of Revenue of New Kent County, Virginia, has requested the undersigned to publish the following information: The total assessed value of all real property owned by tax-exempt organizations in New Kent County, Virginia, as such organizations are described in Sections 58.1-3607, 58.1-3608, and Articles 3, 4 and 5 of Chapter 36 of Title 58.1 of the Code of Virginia, 1950, as amended, is approximately \$434,098,500; resulting in a total real estate tax revenue reduction of \$3,429,378.15 at the current \$0.79 tax rate.

203,768

1,251,806

1,500,027

80,712,330

251,453

1,863,109

1,523,171

89,891,595

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: 5/9/2022 PUBLIC HEARINGS

Motion: "Mr. Chairman, I move (not required for Conse Agenda items)	•	sted at this time. Adop	tion will be scheduled
Subject		: <b>Proposed FY23 New</b> County Administrator R	-
Issue			
Recommendation			
Fiscal Implication	ıs		
Policy Implicatior	ns		
Legislative Histor	У		
Discussion			
Time Needed:		Person Appearing:	County Administrator Rodney Hathaway
Request prepared by:	County Administrator Rodney Hathaway	Telephone:	804-966-9683
Copy provided to:			
ATTACHMENTS: Description Public Utilities Bu		<b>Type</b> Cover Memo	
DEVITEMEDO			

#### **REVIEWERS:**

Department	Reviewer	Action	Date
Clerk	Watkins, Wanda	Approved	5/2/2022 - 11:00 AM
Administration	Hathaway, Rodney	Approved	5/2/2022 - 11:31 AM
Attorney	Hefty, Brendan	Approved	5/2/2022 - 12:56 PM

#### NOTICE OF PUBLIC HEARING

# COUNTY OF NEW KENT PROPOSED BUDGET - PUBLIC UTILITY FOR THE FISCAL YEAR ENDING JUNE 30, 2023

Pursuant to Section 15.2-2506, Code of Virginia, 1950, as amended, the Board of Supervisors of New Kent County, Virginia will hold a Public Hearing on Monday, May 9, 2022 at 7:00 p.m. or as soon thereafter as possible, in the Boardroom of the Administration Building, located at 12007 Courthouse Circle, New Kent, Virginia for the purpose of the public to comment on the Public Utility budget for the July 1, 2022 to June 30, 2023 fiscal year.

All interested persons may appear and present their views at the above time and place. 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 bos@newkent-va.us. Comments received by 12 noon on the day of the hearing will be distributed to Board members and made a part of the public record. A complete copy of the full text of the proposed budget is on file and may be reviewed from 8:00am to 4:30pm, Monday through Friday in the Office of the County Administrator located at 12007 Courthouse Circle, New Kent, VA 23124. 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. The budget is also available on the County's Finance Department website at www.co.newkent.va.us/index.aspx?nid=269.

The following is a synopsis of the proposed budget.	F	Revenues FY'22	F	Revenues FY'23
COUNTY WATER/SEWER SYSTEM				
Investment Interest	\$	100,000	\$	100,000
Fund Balance Forward		1,884,080		2,670,745
Water Usage Fees		2,464,716		2,806,920
Parham Landing Water		160,388		185,858
Parham Landing Sewer		299,552		329,650
Sewer Usage Fees		1,659,493		1,835,000
Connection/Availability Fees		1,087,620		1,295,100
Plan/Construction Review Fees		29,250		40,250
Debt Proceeds		- -		-
TOTAL COUNTY WATER/SEWER	\$	7,685,099	\$	9,263,523
BOTTOMS BRIDGE SEWER DISTRICT				
Ad Valorem	\$	255,268	\$	134,036
Water Connection Fees		52,600		52,600
Sewer Connection Fees		148,325		185,425
TOTAL BOTTOMS BRIDGE SEWER	\$	456,193	\$	372,061
TOTAL – WATER/SEWER & BOTTOMS BRIDGE SEWER	\$	8,141,292	\$	9,635,584
	Ex	penditures	Ex	penditures
COUNTY WATER/SEWER SYSTEM		FY'22		FY'23
Administration	\$	606,444	\$	617,959
Water		1,130,951		1,360,527
Parham Landing Water		178,209		199,127
Parham Landing Sewer		1,497,760		1,723,255
Sewer		421,864		619,569
Debt Service		224,797		797,830
Capital Projects		3,110,000		3,352,930
TOTAL COUNTY WATER/SEWER	\$	7,170,025	\$	8,671,197
BOTTOMS BRIDGE SEWER DISTRICT				
Debt Service	\$	971,267	\$	964,387
TOTAL BOTTOMS BRIDGE SEWER	\$	971,267	\$	964,387
TOTAL – WATER/SEWER & BOTTOMS BRIDGE SEWER	\$	8,141,292	\$	9,635,584

BY ORDER OF THE NEW KENT COUNTY
BOARD OF SUPERVISORS
RODNEY A. HATHAWAY
CLERK OF THE BOARD

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: 5/9/2022 APPOINTMENTS

Motion: "Mr. Chairman, I move (not required for Cons Agenda items)			
Subject	Appointments - Dele	egated by District	
Issue			
Recommendation			
Fiscal Implication	ıs		
Policy Implication	ns		
Legislative Histor	ТУ		
Discussion			
Time Needed:		Person Appearing:	
Request prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided to:			
ATTACHMENTS: Description Appointments De	elegated by District (PDF)	<b>Type</b> Cover Memo	
<b>REVIEWERS:</b> Department Clerk	<b>Reviewer</b> Watkins, Wanda	<b>Action</b> Approved	Date 5/2/2022 - 11:18 AM

## **DISTRICT ONE APPOINTMENTS**

NONE

## **DISTRICT TWO APPOINTMENTS**

•	as District Two representative to ghts Committee to complete a term ending anne Panek expired June 30, 2018.)
to the Transportation Safety Con	as a District Two representative nmission to complete a term ending of Thomas Richart expired December 31,

# **DISTRICT THREE APPOINTMENTS**

I move to appoint	as District Three r	epresentative
to the Historic Commission to serve a fo	our-year term beginniı	ng January 1,
2022 and ending December 31, 2025.	(The term of Lloyd A.	Young expired
on December 31, 2021.)	•	

# **DISTRICT FOUR APPOINTMENTS**

I move to appoint	as District Four representative to
the Historic Commission to complete a	four-year term ending December 31,
2025. (This position was held by Strar	n Trout who passed away
unexpectedly on March 11, 2022.)	

## **DISTRICT FIVE APPOINTMENTS**

I move to appoint	as District Five representative to
the Purchase of Development Rights Comr	nittee to complete a three-year
term ending June 30, 2024. (The term of	Julian Ward expired on June 30,
2021.)	,

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: 5/9/2022 APPOINTMENTS

Motion: "Mr. Chairman, I move (not required for Cons Agenda items)			
Subject	Appointments - No	t Delegated by District	
Issue			
Recommendation			
Fiscal Implication	ns		
Policy Implication	ns		
Legislative Histo	ry		
Discussion			
Time Needed:		Person Appearing:	
Request prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided to:			
ATTACHMENTS Description Appointments NO	T Delegated by District	Type (PDF) Cover Memo	)
<b>REVIEWERS:</b> Department Clerk	<b>Reviewer</b> Watkins, Wanda	Action Approved	Date 5/2/2022 - 11:19 AM

#### **Boards and Commissions not Delegated by District**

I move to appoint	as an at large member of the
Board of Building Code Appeals/Board of Fir	e Prevention Code Appeals to
complete a four-year term beginning Januar	y 1, 2022 and ending December
31, 2025. (The term of David Sontos expire	
appointment should be made by the District	
<u> </u>	<u> </u>
I move to appoint	e Prevention Code Appeals to r 31, 2023. <i>(The term of Donald</i>
I move to appoint	as an alternate member of the
Board of Building Code Appeals/Board of Fir	e Prevention Code Appeals to
serve a term ending December 31, 2025. (	
since 2013.)	This position has been vacant
3.1166 20131)	
I move to appoint a	as a Planning Commission
representative to the Comprehensive Plan S	teering Committee <i>(This</i>
appointment is pending a recommendation	
appointment is penaling a recommendation i	Tom the Hamming Commission.
I move to appoint a	as a Planning Commission
representative to the Comprehensive Plan S	
appointment is pending a recommendation in	· · · · · · · · · · · · · · · · · · ·
appointment is penaling a recommendation i	Tom the Hamming Commission.)
I move to appoint	as a representative to the Farms
I move to appoint a of New Kent Community Development Author	ority Board to serve a four-year
term beginning January 1, 2022 and ending	
of R. Ronald Jordan expired on December 3.	•
be made by the <u>District 5 BOS Member</u> .)	1, 2021. This appointment should
be made by the <u>bistrict 3 bos Member</u> .)	
I move to appoint a	es an alternate representative to
the Board of Zoning Appeals to serve a five-	
2022 and ending December 31, 2026. <i>(The</i>	
December 31, 2021.)	term of Lee Tyson expired on
December 31, 2021.)	

PLEASE NOTE – The following 5 appointments are for the Youth Community Service Committee. The term is one year and your appointees DO NOT have to reside within your district. New Kent High School has provided a list of additional students who want to serve but have not been appointed.

Aiden Hutchinson Carrington Vines	District 4 District 4	These students want to be appointed!
I can provide contact in speak with them prior t		for these students should you wish to an appointment.
Kent County Youth Con	nmunity Se .022. <i>(Thi</i> s	as a youth member of the New ervice Committee to serve a one-year term appointment should be made by the
Kent County Youth Con	nmunity Se 022. <i>(This</i>	as a youth member of the New ervice Committee to serve a one-year term appointment should be made by the
Kent County Youth Con	nmunity Se 022. <i>(This</i>	as a youth member of the New ervice Committee to serve a one-year term appointment should be made by the
Kent County Youth Com	nmunity Se 022. <i>(This</i>	as a youth member of the New ervice Committee to serve a one-year term appointment should be made by the
Kent County Youth Com	nmunity Se 022. <i>(This</i>	as a youth member of the New ervice Committee to serve a one-year term appointment should be made by the

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

Motion: "Mr.

Chairman, I move to

# **AGENDA ITEM REQUEST**

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

Meeting Date: 5/9/2022 APPOINTMENTS

(not required for Consent Agenda items)			
Subject	Appointments - Regio	onal Boards and Comi	missions
Issue			
Recommendation			
Fiscal Implications			
Policy Implications			
Legislative History			
Discussion			
Time Needed:		Person Appearing:	
Request W.	Watkins, Deputy erk of the Board	Telephone:	804-966-9687
Copy provided to:			
ATTACHMENTS: Description Appointments - Reg (PDF)	ional Boards and Comr	Type missions Cover Memo	
<b>REVIEWERS:</b> Department Clerk	Reviewer Watkins, Wanda	Action Approved	Date 5/2/2022 - 11:20 AM

# **Regional Boards and Commissions**

I move to appoint	_ as New Kent's alternate
representative to the TPO Citizen Tran	sportation Advisory Committee to
serve a four-year term beginning Janu	ary 1, 2022 and ending December 31,
2025. (The term of John P. Moyer exp	pired on December 31, 2021.)

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

Clerk

# **AGENDA ITEM REQUEST**

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

Meeting Date: 5/9/2022 ADJOURNMENT

Motion: "Mr. Chairman, I move (not required for Cons Agenda items)	14(110)11(1)		
Subject	Adjournment		
Issue			
Recommendation	Approval		
Fiscal Implication	ns		
Policy Implication	ns		
Legislative Histor	ту		
Discussion	Supervisors will b and the next world		Monday, June 13, 2022 on Wednesday, May 25,
Time Needed:		Person Appearing:	
Request prepared by:	W. Watkins, Deputy Clerk of the Board	Telephone:	804-966-9687
Copy provided to:		<del></del>	
ATTACHMENTS:			
Description		Type	
Closed Session M	lotions (PDF)	Cover Mer	no
<b>REVIEWERS:</b>			
Department	Reviewer	Action	Date

Approved

Watkins, Wanda

5/2/2022 - 11:06 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
28	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

- 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 \_\_\_\_\_\_\_\_\_.
- I move to go into closed session pursuant to §2.2-3711A.3 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:
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Thomas W. Evelyn C. Thomas Tiller, Jr. Patricia A. Paige Ron Stiers John N. Lockwood