



## NEW KENT COUNTY BOARD OF SUPERVISORS

February 24, 2025, 9:00 AM

Boardroom, County Administration Building, 12007 Courthouse Circle, New Kent, VA  
23124 - WORK SESSION

### AGENDA

#### CALL TO ORDER AND ROLL CALL

*Times are approximate*

- 9:00 a.m. ITEM 1 **Rappahannock Community College Presentation of Budget Request and Update on New Kent Site Programs**  
*RCC President Dr. Shannon L. Kennedy*
- 9:15 a.m. ITEM 2 **Introduction to "My Sister's Hope," a Nonprofit Serving New Kent County**  
*New Kent Department of Social Services Community Resource Coordinator Shana Abdus*
- 9:25 a.m. ITEM 3 **Development Agreement with SPF Investments and Timmons Group Proposal for City Center Court Roadway Expansion Study**  
*Department of Transportation Development Director Amy Inman*
- 9:40 a.m. ITEM 4 **New Kent County Personnel Policies and Procedures Manual Amendment**  
*County Administrator Rodney Hathaway*
- 9:55 a.m. ITEM 5 **New Kent County Personnel Policies and Procedures Manual Update**  
*County Administrator Rodney Hathaway*
- 10:10 a.m. ITEM 6 **Adoption of Amended Bylaws**  
*County Administrator Rodney Hathaway*
- 10:15 a.m. ITEM 7 **Other Business**
- 10:30 a.m. ITEM 8 **Adjournment**

MEETING SCHEDULE: The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on Monday, March 10, 2025, and the next work session will be held at 9:00 a.m. on Wednesday, March 26, 2025 both in the Boardroom of the County Administration Building. The Board will also meet for a Budget Retreat at 9:00 a.m. on Friday, March 14, 2025 at the VCU Rice Rivers Center, Walter L. Rice Education Building located at 3701 John Tyler Memorial Highway, Charles City, VA 23030.

*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: 2/24/2025

Agenda Item

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

Subject

**Rappahannock Community College Presentation of Budget  
Request and Update on New Kent Site Programs**

Issue

Recommendation

Fiscal Implications

Policy Implications

Legislative History

Discussion

Time Needed:

9:00 a.m.

Person Appearing:

RCC President Dr.  
Shannon L. Kennedy

Request  
prepared by:

Amanda Stanger

Telephone:

804-966-9683

Copy provided  
to:

**REVIEWERS:**

Department	Reviewer	Action	Date
Clerk	Hathaway, Rodney	Approved	2/14/2025 - 11:17 AM
Administration	Hathaway, Rodney	Approved	2/14/2025 - 11:17 AM
Attorney	Everard, Joshua	Approved	2/18/2025 - 8:40 AM

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

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Time Needed:

9:15 a.m.

Person Appearing:

New Kent  
Department of  
Social Services  
Community Resource  
Coordinator Shana  
Abdus

Request  
prepared by:

Amanda Stanger

Telephone:

804-966-9683

Copy provided  
to:

**REVIEWERS:**

Department

Reviewer

Action

Date

Clerk

Hathaway, Rodney

Approved

2/14/2025 - 11:09  
AM

Administration

Hathaway, Rodney

Approved

2/14/2025 - 11:10  
AM

Attorney

Everard, Joshua

Approved

2/18/2025 - 8:40 AM

**AGENDA ITEM REQUEST**  
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO  
THE MEETING)

Meeting Date: 2/24/2025

Agenda Item

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	authorize the County Administrator to execute a development agreement with SPF Investments and the Timmons Group New Kent City Center Proposal, in a form approved by the County Attorney, for the City Center Court Roadway Expansion Study.
Subject	<b>Development Agreement with SPF Investments and Timmons Group Proposal for City Center Court Roadway Expansion Study</b>
Issue	
Recommendation	Authorization
Fiscal Implications	The County was awarded an Economic Development Access Grant administered by the Virginia Department of Transportation and approved by the Commonwealth Transportation Board in the amount of \$650,000. New Kent has received Virginia Department of Transportation Economic Development Access Grant Program funding in the amount of \$800,000. Please see R-12-24 adopted by the Board on May 6, 2024 requesting the funding and R-24-24 adopted by the Board on September 24, 2024 committing funds as surety.
Policy Implications	
Legislative History	
Discussion	

Time Needed:	9:25 a.m.	Person Appearing:	Department of Transportation Development Director Amy Inman
Request prepared by:	Amanda Stanger	Telephone:	804-966-9683
Copy provided to:			

**ATTACHMENTS:**

Description	Type
SPF - City Center Court Expansion Study (PDF)	Cover Memo
Timmons - City Center Road Improvements Scope-Fee Proposal (PDF)	Cover Memo

Resolution R-12-24 (PDF)  
Resolution R-24-24 (PDF)

Cover Memo  
Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
Clerk	Stanger, Amanda	Approved	2/14/2025 - 11:55 AM
Administration	Hathaway, Rodney	Approved	2/14/2025 - 4:17 PM
Attorney	Everard, Joshua	Approved	2/18/2025 - 9:52 AM

## DEVELOPMENT AGREEMENT

This **DEVELOPMENT AGREEMENT** is made and entered this \_\_\_ day of February, 2025 by and between the **COUNTY OF NEW KENT, VIRGINIA** (the “County”), a political subdivision of the Commonwealth of Virginia, and **SPF INVESTMENTS, L.L.C.**, a limited liability company organized under the laws of the Commonwealth of Virginia (the “Landowner”).

### WITNESSETH:

**WHEREAS**, Landowner is the owner of certain unimproved real property located in the County off Emmaus Church Road (Route 106), identified as County Tax Map Numbers 32A-1, 32-4, and 32-5 (the “Landowner’s Property”), and is the beneficiary of an access easement over and across that certain parcel identified as County Tax map Number \_\_\_\_\_ (the “Access Easement” and together with the Landowner’s Property, collectively, the “Property”); and

**WHEREAS**, the County was awarded an Economic Development Access Grant (the “Grant”) administered by the Virginia Department of Transportation and approved by the Commonwealth Transportation Board (“CTB”) in the amount of \$650,000 to assist with the planning of additional transportation improvements associated with the New Kent City Center including preliminary engineering and design, alternatives analysis, and analysis of compliance with the National Environmental Policy Act of 1969, over and across the Property (the “Services”), such Services more particularly identified in the New Kent City Center Proposal attached as **Exhibit A**; and

**WHEREAS**, \$500,000 of the Grant funds do not require a local match, while any funds beyond \$500,000 up to and including an additional \$150,000 of the Grant funds require an equal local match of \$150,000; and

**WHEREAS**, the Landowner agrees to provide such local match of \$150,000 to facilitate the funding of the Services which provide significant benefits to the Landowner; and

**WHEREAS**, in connection with the Services, the County and the Landowner desire to set forth their understanding and agreement as to the obligations of the County and Landowner regarding the funding of all of the local match requirement for the Grant, all as more particularly set forth in this Development Agreement.

### AGREEMENT

**NOW, THEREFORE**, for and in consideration of Ten Dollars (\$10.00), the mutual exchange of the covenants and agreements hereinafter set forth, and other good and valuable consideration, the amount, sufficiency and receipt of which are hereby acknowledged, the parties hereby agree as follows:

1. **OBTAINING THE SERVICES FOR PLANNING AND DESIGN OF TRANSPORTATION IMPROVEMENTS.**

a. **OBLIGATIONS OF COUNTY TO USE PROCEEDS TO OBTAIN THE SERVICES.** The County agrees to obtain the Services using all available grant funds (a) within the time frame required by the Grant, (b) pursuant to all applicable laws, rules and regulations, and (c) in compliance with any and all Grant terms and conditions. The County will request monthly reimbursement for the costs of the Services from the Virginia Department of Transportation pursuant to the terms of the Grant. The County will convene a stakeholder group consisting of representation from the County, Economic Development Authority, and SPF Investments L.L.C. for the purpose of providing proper review and comments, on the draft deliverables as described in the attached **Exhibit A**.

b. **OBLIGATIONS OF LANDOWNER TO FUND THE LOCAL MATCH PORTION OF THE GRANT FUNDS.** The Landowner is obligated to fund \$150,000.00 (the “Funding”), constituting the local match portion of the Grant funds, which is required to obtain the full value of the Grant funds. The Funding will be provided by Landowner in monthly installments for Services completed. The County will request monthly reimbursement from the Landowner for the cost of the Services completed. The Landowner will have 30-days to submit reimbursement to the County in the amount invoiced.

c. **OBLIGATIONS OF LANDOWNER TO FUND THE COSTS OF SERVICES IN EXCESS OF COUNTY OBLIGATION.** If the costs to obtain the Services exceed \$800,000, inclusive of all Grant funds and local match funds, then the Landowner will pay for all amounts, including, but not limited to, any change orders or claims, in excess of \$800,000, provided Landowner has previously agreed to the cost and need for such additional funding (the “Additional Funding”). The Landowner must transfer the Additional Funding to the County within 15 days from the date that the County accepts the bid for the Services and notifies the Landowner of the dollar amount being requested above the County’s obligation (“Additional Funding Notice”). During the course of the rendering of the Services, the County, as appropriate, agrees to provide Landowner with written notice of the following: copies of all invoices requesting payment; a copy of all lien waivers from appropriate contractors; an accounting record for the dollar amount being spent above \$800,000.

## 2. **NOTICES.**

All notices and other communications required or permitted to be given hereunder will be in writing and will be personally delivered, mailed by certified or registered mail, postage prepaid, or by Federal Express, Airborne Express, or similar overnight delivery service, addressed as follows:

If to County:  
County of New Kent, Virginia

12007 Courthouse Circle, Room 201  
New Kent, Virginia 23124  
Email: rahathaway@newkent-va.us  
Attention: County Administrator

with a copy to:

County of New Kent, Virginia  
12007 Courthouse Circle, Room 201  
New Kent, Virginia 23124  
Email: jseverard@newkent-va.us  
Attention: County Attorney

If to Landowner:

SPF Investments, L.L.C.  
Attn: Alan Shaia  
403 East Grace Street  
Richmond, VA 23219  
E-mail: [at.shaia@verizon.net](mailto:at.shaia@verizon.net)

With a copy to:

Andrew M. Condlin  
Roth, Jackson, Gibbons, Condlin, PLC  
1519 Summit Ave., Suite 102  
Richmond, VA 23230  
Email: [acondlin@rothjackson.com](mailto:acondlin@rothjackson.com)

Notice will be deemed to have been given upon receipt. Refusal of delivery or if the same is not deliverable for any reason will be deemed receipt. All changes of address for notices will be given in the manner described herein.

3. **AMENDMENTS.** No modification of this Agreement will be valid or binding unless such modification is in writing, duly dated and signed by all parties.

5. **ENTIRE AGREEMENT.** This Agreement contains the entire agreement of the parties, and all prior communications, oral or written, are without any force and effect as it is the specific intent of the parties that this Agreement alone sets forth the terms on which the parties have mutually agreed. Each party specifically agrees that it enters into this Agreement based on its own understanding of the terms hereof and does not rely, in whole or in part, on any interpretation or representation of the other party. Each party agrees that this Agreement is the result of good faith arm's length negotiations.

6. **NO PARTNERSHIP.** This Agreement does not create any obligation or relationship such as a partnership, joint venture, or other similar legal relationship under the laws of any state or the federal government. Any correspondence or other references to "partners" or other similar terms will not be deemed to alter, amend or change the relationship between the



parties hereto unless there is a formal written agreement specifically detailing the rights, liabilities and obligations of the parties as to a new, specifically defined legal relationship.

7. **SUCCESSORS AND ASSIGNS.** It is mutually understood and specifically agreed that this Agreement is binding upon and will inure to the benefit of the parties and their respective heirs, successors, and assigns; provided however, that Landowner will not assign, sell, or transfer any interest in the Property without the County's prior written consent.

8. **GOVERNING LAW.** This Agreement will be interpreted and construed in accordance with the laws of the Commonwealth of Virginia and any dispute with respect to it and the rights and duties thereby created will be litigated in the Circuit Court for the County of New Kent, Virginia.

9. **FORCE MAJEURE.** The obligations of the parties hereto will be subject to extension by virtue of events described herein as "Force Majeure." For purposes hereof, "Force Majeure" means acts of God, strikes, lockouts or other industrial disturbances; acts of public enemies; orders or restraints of any kind of the governments of the United States or of the Commonwealth of Virginia or any of their departments including agencies or officials, or any civil or military Authority; insurrections; riots; landslides; lightning; earthquakes; fires; tornadoes; volcanoes; storms; droughts; floods; pandemic; explosions, breakage, or malfunction or accident to machinery, transmission lines, pipes or canals, even if resulting from negligence; civil disturbances; or any other cause not reasonably within the control of the parties. Inability to fund a party's obligations will not be deemed to be within the definition of Force Majeure.

10. **SEVERABILITY.** If any clause, provision, or section of this Agreement is held to be illegal or invalid by any court, such illegal or invalid clause, provision or section will not affect the validity or enforceability of the remaining clauses, provisions or sections of this Agreement.

11. **COUNTERPARTS.** To facilitate execution, this Agreement may be executed in as many counterparts as may be required. It will not be necessary that the signature of, or on behalf of, each party, or that the signatures of all persons required to bind any party, appear on each counterpart. It will be sufficient that the signature of, or on behalf of, each party, or that the signatures of the persons required to bind any party, appear on one or more such counterparts. All counterparts will together constitute a single agreement.

12. **HEADINGS.** Headings and captions are for convenience or reference only and will not affect the construction or interpretation of any provision of this Agreement.

13. **SUBJECT TO APPROPRIATIONS.** All payments and other performances by the County under this Agreement are subject to appropriations by the County Board of Supervisors. It is understood and agreed among the parties that the County will be bound hereunder only to the extent that sufficient funds are appropriated for the purpose of this Agreement. Under no circumstances will the County's total liability under this Agreement exceed the total amount of funds appropriated by the County Board of Supervisors for the payments hereunder for the performance of this Agreement.

**IN WITNESS WHEREOF**, we have hereunto set our hands and seals on the date and year first written above.

**COUNTY OF NEW KENT, VIRGINIA**  
a political subdivision of the Commonwealth  
of Virginia

APPROVED AS TO FORM:

\_\_\_\_\_  
County Attorney

By: \_\_\_\_\_  
Name: Rodney Hathaway  
Title: County Administrator

**SPF INVESTMENTS, L.L.C.**  
a Virginia limited liability company

By: \_\_\_\_\_  
Name: Fred T. Shaia  
Title: Manager

# EXHIBIT A



November 1, 2024

Ms. Amy M. Inman, M.S.  
Department of Transportation, Director  
New Kent County  
12007 Courthouse Road  
New Kent, VA 23124

**Re: NEW KENT CITY CENTER PROPOSAL  
City Center Court Improvements (Approximately 4,000 feet of road and one 200-foot-long bridge)  
New Kent, VA**

Dear Amy:

Thank you for the opportunity to continue working with New Kent County for the completion of additional transportation improvements associated with the City Center. This proposal will focus on several aspects of the overall roadway network including:

- An alternatives analyses (AA) for up to two options to extend to extend City Center Court from its current termini to the east to cross over Schiminoe Creek to open up the east side of the creek to future development;
- Survey, environmental, geotechnical, and other supporting work elements for design;
- Design of approximately 4,000 linear feet of two-lane shoulder/ditch roadway; and
- Design of one 200 foot long (to be verified) bridge over Shiminoe Creek.

In accordance with your request, we are pleased to submit the following task order for your consideration:

### **Project Background**

New Kent County is planning the development of the City Center. At the County's request, Timmons Group (TG) is providing this scope and fee proposal for engineering services for the improvements. The scope includes the survey, environmental, geotechnical, roadway & drainage engineering, bridge design, and other services that are incidental to the VDOT approval process for accepting the design of the roadway, as outlined herein. TG has assisted New Kent County in the successful application for VEDP Major Employment and Investment (MEI) Project Status in 2024.

This locally-administered project will extend City Center Court further east to open up more developable acreage.

A summary of the tasks associated with this project is provided below – additional services may be provided upon request.

### **Scope of Services**

Timmons Group will provide the following scope of services:

#### **1. Alternatives Analyses (AA)**

TG will review previously developed master plans for the area of City Center following the AutoZone development (and new pending development(s) located near the cul-de-sac) and review up to two alternatives for extending the roadway further to the east across Shiminoe Creek. TG will provide a memorandum on the various alternatives that were considered and make a recommendation to the County

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ion how to proceed. Alternatives will consider implications/opportunities to future projected development, costs, permitting, right of way, etc.

Note: Some of the original alternatives envisioned for consideration have been eliminated by recent development potential located at/near the existing cul-de-sac. We will focus on other alternatives.

**2. Survey Services**

**a. Design Survey & Base Mapping**

Timmons Group will supplement previously obtained topo for the tract of land projected to be opened up. The supplemental survey will include an “as-built” of the AutoZone cul-de-sac and a stream survey of the Shiminoe Creek crossing. TG will provide a new compiled map for use in design.

Note: It is our intent to utilize previously provided flown topo for the site except at the end of the existing cul-de-sac where field topo will be obtained.

**b. Subsurface Utility Designation**

An underground utility survey will be performed to designate and map underground facilities on the project site (in area of AutoZone cul-de-sac) as necessary. This utility survey will include horizontal designation through geophysical methods and is defined as Quality Level “B” by the American Society of Civil Engineers (ASCE).

**3. Environmental Services**

Environmental permitting services will be performed by Timmons Group in accordance with the ***Locally Administered Projects Manual***, Part 3, Chapter 15 (Environmental Requirements). All necessary environmental forms for the project will be completed and submitted either directly to the agency or to the County, whichever is appropriate, to ensure the environmental clearances are obtained for this project.

Environmental processes for the project are outlined below based on the understanding that the project is funded with state and local funds with no federal funds being used for the project. Therefore, the project must follow the State Environmental Review Process (SERP) process for locally administered projects.

**a. Project Early Notification Form (EQ-429)**

The VDOT Project Early Notification Form (EQ-429) will be completed and sent to VDOT with a topographic map depicting the general project limits and all potential project features within thirty (30) days of the County approving this Scope and Services Fee Proposal. The VDOT project coordinator will determine whether a Preliminary Environmental Inventory (PEI) must be prepared. If the project is exempt from the preparation from a PEI, no further environmental coordination with VDOT should be required. If preparation of the PEI is necessary, VDOT will provide the PEI to the locality in approximately 60 calendar days from the receipt of the EQ-429.

**b. Wetlands, Streams, and Waters of the United States – Delineation and Confirmation**

**c. Environmental Coordination & Due Diligence**

*i. Natural Resources Review (EQ-555)*

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Concurrence regarding the potential for impacts to threatened and/or endangered species will be requested from the regulatory agencies. A database search of the Virginia Department of Game and Inland Fisheries (DGIF) online Virginia Fish and Wildlife Information Services database and the United States Fish and Wildlife Service (USFWS) online Information, Planning and Conservation (IPaC) database will be completed to determine whether the project will have an adverse effect on populations of threatened and/or endangered species. An official clearance/confirmation letter will be requested from DGIF, the Department of Conservation and Recreation (DCR) and USFWS. As part of this coordination for DCR and DGIF, a description of the Project will be prepared and submitted to these two agencies. As part of the USFWS coordination, the steps outlined in the IPaC database will be followed and the appropriate information package will be submitted to the agency for review.

This scope of work assumes that no additional coordination beyond these letters/ information submittals will be required. The database searches will be conducted at the onset of our coordination efforts and will be re-evaluated within six (6) months of final plan submittal/construction, if necessary. The consultant is not responsible for any changes that may occur to the database results between the initial coordination efforts and the initiation of the project. The VDOT EQ-555 form and all coordination materials will be provided to the County.

*ii. Hazardous Materials Review (EQ-121)*

Timmons Group will order database information from Environmental Risk Information Services (ERIS), or other relevant sources to provide the appropriate level of inquiry to identify the likely presence of any hazardous substances or petroleum products or conditions that indicate an existing release, a past release, or the material threat of a release of hazardous substances into the soil, groundwater or surface water of the project right-of-way or adjacent properties, or the presence of such impairments associated with buildings or structures. Timmons Group will complete the VDOT EQ-121 form to verify the findings.

This scope of work assumes that no additional investigation beyond the initial database review will be required, such as a Phase I Environmental Site Assessment (ESA). Should these services be needed, an additional scope of service will be prepared.

*iii. Cultural Resources Review*

A database search will be performed using the Virginia Department of Historic Resources (VDHR), VCRIS database. The results of the database search and photographic log will be coordinated with VDHR through the Electronic Project Information Exchange (ePIX) system as necessary. All coordination efforts detailed herein will be provided. Should VDHR request surveys or additional coordination beyond that described above, a separate scope of services will be prepared.

*iv. Database Re-Evaluations*

As required, environmental database searches/coordination will need to be conducted within 6 months of project advertisement. Should re-evaluation of databases be required, Timmons Group will reinstate the database searches as outlined above up to one time for threatened and endangered species, cultural resources, and hazardous materials to ensure project compliance.

*v. Virginia Stormwater Management Plan (VSMP)*

Timmons Group will prepare and submit a Virginia Stormwater Management Program (VSMP) Registration Statement to the Virginia Department of Environmental Quality (DEQ). A Stormwater Pollution Prevention Plan (SWPPP) will be prepared per state regulations for management of stormwater discharges associated with construction activities. This work will be performed in accordance with the July 1, 2024 DEQ VAR-10 Permit requirements.

**d. Environmental Permitting for one creek crossing**

Timmons Group will prepare a VWP/22-SPGP-LT Joint Permit Application (JPA) Package (to be verified following 30% plan preparation and affirmation) to gain project authorization under the requirements of a Virginia Water Protection (VWP) General Permit and the State Programmatic General Permit (22-SPGP-LT) for submittal to the Virginia Department of Environmental Quality (DEQ), the U.S. Army Corps of Engineers (COE), and the Virginia Marine Resources Commission (VMRC). The JPA will provide a narrative description that depicts the purpose and need for the proposed project, describes the alternatives considered, and justifies the jurisdictional impacts associated with the project. Exhibits that depict the proposed jurisdictional impacts associated with the project and a detailed impacts summary for the proposed project will be included in the JPA Package. Unified Stream Methodology (USM) Assessments to quantify the compensation requirements for proposed stream impacts will be conducted for inclusion and discussion in the JPA as needed. Analysis of mitigation alternatives sufficient to satisfy the compensatory mitigation requirements to support the project commensurate with permit requirements will be provided. Responses to Requests for Additional Information (RAI) will be prepared to answer any questions posed by the regulatory agencies during their consideration of the JPA. Negotiation of SPGP issuance will be undertaken to gain regulatory approval of the project.

**4. Geotechnical Investigation Services**

TG will perform Geotechnical Services for the project. The proposed scope of services will consist of a geotechnical field exploration, performance of laboratory testing on representative soils, and preparation of a geotechnical engineering report for the roadway, bridge, and BMP's. The proposed tasks and assumptions are discussed below.

**a. Field Exploration**

The field exploration will consist of the following the following:

- Secure appropriate VDOT Land Use Permit (if necessary) for subsurface exploration within public road right-of-way.
- A geotechnical professional will perform a site reconnaissance and locate borings in the field using GPS equipment.
- Contact Miss Utility to locate to mark existing underground utilities near boring locations.
- Schedule traffic control measures in accordance with VDOT requirements (if required).
- Perform 39 Standard Penetration Test (SPT) borings in accordance with ASTM D1586. Borings will be performed to the proposed depths, or auger refusal, whichever occurs first. Boring depths are referenced to the existing ground surface. The following is a summary of proposed boring locations:
- Roadway – 20 borings to a depth of 15 feet
- Bridge – 4 deep borings to a depth of 80 feet (one bore per bridge element (i.e. abutment or pier))
- It is important to note that roadway borings will be spaced at approximately 300 feet. VDOT Manual of Instruction III guidelines suggest a boring spacing of 200 feet. We assume the proposed boring spacing will be acceptable for this project.
- Core existing pavement on existing roadway at cul-de-sac and measure underlying stone depth. Core hole(s) will be backfilled with asphalt cold patch.

Note: A Timmons Group representative will be present on site to manage field activities

**b. Laboratory Testing**

Laboratory testing will be conducted on representative split-spoon soil samples and bulk samples for the purpose of classifying the soils and estimating geotechnical engineering properties. We plan to perform Atterberg limits, grain size analyses, natural moisture contents, Standard Proctor, and California Bearing Ratio (CBR) tests.

**c. Geotechnical Engineering Report**

Timmons Group will prepare a geotechnical engineering report for the project based on performed borings, laboratory testing, and our engineering analysis. The report will include the following:

- Site plan showing borings locations of the exploration.
- Description of the exploration sampling methods as well as soil test boring logs.
- Water levels encountered in the borings.
- Measured pavement section thickness.
- Laboratory test results.
- Depth and location of unsuitable materials, if encountered in borings.
- General information regarding site preparation including re-use of on-site soils as fill, identification of deleterious soils encountered in the borings, impact of weather and construction equipment on grading, fill compaction recommendations, and preparation of soil subgrades.
- Recommendations for pavement section thicknesses in accordance with VDOT pavement analysis guidelines.
- Recommendations for bridge foundations in accordance with VDOT pavement analysis guidelines.

**5. Roadway Design**

TG will design the roadway improvements based on an agreement of the roadway that comes out of the alternatives analyses for a roadway. The roadway will begin at the cul-de-sac near AutoZone and extend to the east side of Shiminoe Creek. It will not extend indefinitely to all reaches of the easter tract as it is assumed that the roadway and bridge design is meant to open up the land.

**a. Conceptual Roadway Design Plans (30%)**

The conceptual plans will include the following elements of the proposed improvements:

- Typical section(s)
- Plan view representation of the horizontal alignment
- Profiles of the vertical alignment
- Preliminary Cross Sections
- Conceptual drainage design concept and stormwater management plan

Notes: (1) The main purpose of this stage submittal is to demonstrate design intent and affirm the direction for finalizing the design. (2) Plan/profile rolls will be used (in lieu of cut sheets) in order to assist in plan reviewer's from seeing the corridor as a whole.

**b. Detailed Roadway Design Plans (90%)**

Detailed roadway design plans will be developed to a 90% plan design stage and will be considered acceptable for review by the general public, as well as coordination for right-of-way acquisition, utility relocation (if applicable), and commencement of environmental permitting. The roadway plans will include the following



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elements of the plan assembly:

- Title Sheet
- Preliminary Right of Way Data Sheet
- Utility and Survey Data
- Construction Alignment Data
- Drainage Descriptions
- Typical section(s)
- TMP-MOT / SOC Notes and Narrative (from other sections)
- TMP-MOT / SOC Plan (from other sections)
- E&SC Notes (from other sections)
- Roadway Plan Sheets
- E&SC Plan Sheets (from other sections)
- Profile Sheets
- Entrance Profiles
- Cross Sections
- Bridge Plans (from other sections)

In addition to revising the information that was provided in the Conceptual Roadway Plans, the Detailed Roadway Design Plans will minimally depict the following:

- Proposed ditch
- Proposed guardrail
- Parcel Numbers
- Proposed entrances
- Proposed location and size of culverts/drainage structures (including storm sewer)
- Underdrains and cross drains
- Cut and Fill limits of construction
- Limits of Proposed Right of Way and Temporary Construction Easements
- Limits of Proposed Permanent Easements
- Approximate Limits of Public and Private Utility Easements
- Stormwater Management Basin locations
- SWM / BMP Details
- Roadside Development Sheet
- Right of Way Plan Sheets (as necessary)

Note: The Detailed Roadway Design Plans will be provided with the plan submission for the Detailed Design Phase (90%). Any comments received during the plan reviews at this stage will be formally addressed in writing and the plans will be revised appropriately.

**c. Final Roadway Design Plans (100%)**

Final Roadway Design Plans will be developed to a 100% plan design stage and will be considered acceptable for construction. In addition to the revised plan sheets that were submitted with the Detailed Roadway Design Plans, the following elements of the plan assembly will be submitted:

- Special Design Sheets
- Detail Sheets

All information that was provided in the Detailed Roadway Design Plans will be revised as necessary and provided on the Final Roadway Design Plans.

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PROPOSAL – Transportation Infrastructure Design  
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The Final Roadway Design Plans will be provided with the plan submission for the Final Construction Design Phase (100%). Any comments received during the plan reviews at this stage will be discussed with New Kent County and addressed if appropriate.

Note: All Roadway design specifically excludes any and all improvements in the Route 106 corridor and/or at the Route 106/City Center Court intersection.

**6. Bridge Design**

TG will design up to a 200 LF long bridge over the Shiminoe Creek. The precise length and bridge determination will be made at the conclusion of the AA study portion of the scope.

- a. Stage I Report (30%)**
- b. Detailed Bridge Design Plans (90%)**
- c. Final Bridge Design Plans (100%)**

**7. Traffic Operations & Management**

- a. Collect AM/PM peak traffic count data at the intersection of Route 106 & City Center Court (CCC)**
- b. Perform an existing condition operational analyses at the intersection of Route 106 & CCC**
- c. Transportation Management Plan (TMP)**

A TMP will be prepared that meets the requirements of a Type A, Category I project in accordance with the latest revision of VDOT Instructional and Informational Memorandum IIM-LD-241. This will include a Temporary Traffic Control Plan, Public Communications Plan, and Transportation Operation Plan.

The TMP will be provided with the plan submissions for the Right of Way Design Phase (90%), and Final Construction Design Phase (100%). Any comments received during the plan reviews at these stages will be addressed appropriately.

- d. Pavement Marking & Signing Plans**

**8. Drainage Design**

Drainage Design will be performed in accordance with the latest editions of the VDOT Drainage Manual, current VDOT Hydraulic Design Advisories, VDOT BMP Design Manual of Practice, Virginia Stormwater Management Handbook, and Virginia Erosion & Sediment Control Handbook.

- a. Hydrologic and Hydraulic Analysis (H&HA) for one new bridge crossing**

- *Data Compilation*

- Timmons Group will contact FEMA to obtain available modeling information for use in developing the flood study. We will utilize the hydrologic flow information from the existing FEMA Flood Information Study (FIS) for this analysis. This proposal does not include services to perform updated hydrologic calculations. FEMA requires a fee for data request submittals, and we have not included payment of the fee as part of this task. Note: Data requests can take from 6 to 8 weeks to be processed by FEMA and we cannot

***New Kent City Center Court Extended  
PROPOSAL – Transportation Infrastructure Design  
November 1, 2024***

start on the analysis until the FEMA information has been obtained. In the event that the County has the effective model and we do not need to request it from FEMA, that could save some time.

- *Develop a Duplicate Effective Model*  
Utilize the existing FEMA information obtained in Task 1 to develop a duplicate effective model. The duplicate effective model will be created using HEC-RAS and is used to recreate the effective floodplain model results and make sure there are no discrepancies. In other words, the effective and duplicate models should have the exact same output. If they do not a corrected effective model will be required to fix the discrepancies.
  - *Develop an Existing Conditions Model:*  
Prepare an Existing Conditions Model for the project using the previous modeling information prepared for the downstream bridge CLOMR submittal. Additional cross sections will be added to the model, as appropriate, within the area of interest and existing FEMA sections within the area of interest will be updated based on Digital Terrain Model. The existing conditions DTM developed during the previous study (blend of aerial site survey and VGIN LiDAR data) will be utilized for the project. No additional DTM processing is included in the scope.
  - *Develop a Proposed Conditions Model*  
Prepare a proposed conditions model based on the Existing Conditions Model developed in task above. The proposed conditions analysis will include evaluation of the impacts to the floodplain along the study reach based on the proposed bridge construction.
  - *Alternatives Modeling*  
Evaluate up to two (2) bridge design alternatives based on the client's desire to reduce upstream impacts. The evaluation will include revised modeling to determine upstream impacts and preliminary mapping to illustrate the potential 100-year impacts to existing properties.
  - *Floodplain Mapping*  
We will plot the final water surface elevations obtained from the water surface profiles on site topography to illustrate the limits of the 100-year floodplain based on the final selected bridge configuration.
  - *Prepare a Technical Support Data Notebook (TSDN)*  
We will prepare a technical support data notebook (TSDN), including the entire supporting data used to develop culvert opening size recommendations and floodplain mapping. A copy of the TSDN will be provided to the owner for review.
  - *County Submittal & Coordination*  
Submit the application/report for review to the New Kent County floodplain coordinator in order to obtain the local administrator approval of a "No-Rise" certification. Coordinate with the County to provide revisions to the report to address any review comments.
- b. Erosion & Sediment Control plan**  
All Erosion and Sediment Control information required by the VDOT Hydraulics Section will be included on the Roadway Design Plans.
- c. Drainage Design Elements and Computations**  
The design of culverts, ditches, channels, storm sewer, underdrains, stormwater management facilities, and erosion and sediment control measures will be completed and identified on the Roadway Design Plans as indicated above.

***New Kent City Center Court Extended  
PROPOSAL – Transportation Infrastructure Design  
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All relevant drainage computations, including pre and post development discharges, capacities, and supporting data such as drainage areas (with maps), ground cover calculations, etc., will be provided with the plan submissions for the Detailed Roadway Design Phase (90%) and Final Construction Design Phase (100%). Any comments received during the plan reviews at these stages will be addressed appropriately.

**d. Post-Development Stormwater Management Design**

In order to preserve pre-development water quantity and water quality characteristics of the project area, a Post Development Stormwater Management Plan will be designed for the project in accordance with the latest revision of VDOT Instructional and Informational Memorandum IIM-LD-195. Best Management Practice (BMP) design shall be performed in accordance with VDOT's BMP Design Manual of Practice.

Stormwater management design features will be identified on the Roadway Design Plans as indicated above. All stormwater management computations will be provided with the drainage computations and submitted with the plan submissions for the Detailed Roadway Design Phase (90%) and Final Construction Design Phase (100%). Any comments received during the plan reviews at these stages will be addressed appropriately.

**e. Stormwater Pollution Prevention Plan (SWPPP) and Book**

A SWPPP will be developed for the project in accordance with the latest revision of VDOT Instructional and Informational Memorandum IIM-LD-246. The SWPPP will be provided with the plan submissions for the Final Construction Design Phase (100%). Any comments received during the plan reviews at these stages will be addressed appropriately.

A SWPPP Book will be prepared in binder format. One copy will be provided to the contractor, one copy will be provided to the Inspector, and one copy will be provided to the County at the Pre-Construction Meeting. The SWPPP Book will include the following information:

- Blank SWPPP Coordinator Form
- Table of Contents
- Introduction
- Plan Requirements
- Stormwater Construction General Permit No. VAR10
- Registration Form, Fee Form, and Site Vicinity Map
- Record of Inspections Form, Notice of Termination Form, Transfer Agreement Form, VSMP Construction Permit Inspection Report
- Calculations
- Contractor Certification Form
- Wetland Delineation and Permit Information

**f. Virginia Stormwater Management Program (VSMP) Construction Permit support**

A VSMP Construction Permit will be obtained for the project in accordance with the latest revision of VDOT Instructional and Informational Memorandum IIM-LD-242.

Coordination for the VSMP Construction Permit will occur during the Final Construction Design Phase (100%). The VSMP Construction Permit will be obtained prior to Construction Invitation for Bid. After construction of the project and is anticipated to be issued to the contractor by New Kent County. The actual cost of any fees associated with this permit is not included in the scope of services.

**9. Project Management / Engineer's Construction Estimates / Plan Reviews / Submissions**

***New Kent City Center Court Extended  
PROPOSAL – Transportation Infrastructure Design  
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An engineer's construction estimate will be provided with each Design Phase Submittal. This estimate will break down the estimated cost of the work packages required to complete the construction of the project and serve as a gauge for the expected price of contractors' bids. The estimate provided at the Final Construction Design Phase (100%) will be broken down first by work package and then by the estimated materials, quantities, and unit prices required to complete each work package.

Prior to making any Design Phase Submission, an internal quality control review of the proposed submittal will be performed and all errors, misspellings, ambiguities, and omissions discovered during the review will be corrected. Unless otherwise directed, New Kent County will be provided all submissions for an initial review and/or comment on major items in advance of submittals being sent to other departments and/or agencies.

Timmons Group will complete electronic and hard-copy submittals at each design phase as explained in this proposal. Electronic and/or hard-copies will be provided to the County (if requested) for review and for the project records. For submissions of design plan PDF's to VDOT, an email will be sent notifying the Project Coordinator of the submittal, and electronic files will be submitted via the VDOT ProjectWise portal for consultants. All plans, specifications, calculations, and other design related documents will be provided as described in this proposal.

**10. Direct Expenses Budget (printing, mileage, etc.)**

Any and all direct expenses will be billed at cost with no additional markup. We have established this budget line item and will only bill against it as necessary.

**Specifically Excluded Services/Project Assumptions**

Any services not specifically listed in the above scope of services will not be provided as part of this proposal. Should additional services above and beyond this scope be necessary, Timmons Group can provide a scope and fee proposal at a later date for consideration by New Kent County. Furthermore, the following items are not included or involve the following assumptions:

1. Boundary survey of entire parcel.
2. Preparation of a right of way dedication plat or plats.
3. No advanced property notification letters will be processed.
4. We assume that this project does not have federal funding and as such, no federal NEPA document (nor any of the other federal requirements) will be required.
5. Design of public or private utility extension, adjustments, or relocations.
6. Utility Coordination services.
7. Attendance at, or preparations for, meetings not specifically mentioned in scope of services (i.e. citizen information meetings, public hearings, BOS meetings, etc.).
8. Global traffic impact study, IAR study, OSAR study, and/or Route 106 corridor study.
9. No landscape design, sidewalk design, shared use path design, or irrigation design is envisioned.
10. All permit application fees, including wetland or stream mitigation payments, erosion and sediment control inspections, regulatory permit fees, County/VDOT review fees, E&SC review/inspection fees and the like will be paid by the County as applicable.
11. The purchase of nutrient credits will be considered, if applicable, for stormwater management water quality reduction purposes and nutrient credits will be obtained in accordance with the latest revision of VDOT Instructional and Informational Memorandum IIM-LD-251.
12. Stormwater and/or wetland mitigation costs.
13. Any environmental studies, reports, forms, etc. that may be requested that have not specifically been addressed above (WQIA reports, noise studies, mitigation design, services, etc.)

***New Kent City Center Court Extended  
PROPOSAL – Transportation Infrastructure Design  
November 1, 2024***

14. Updates to existing FEMA/FIS (if applicable) mapping will not be required (aka the bridge will be designed as a “no-rise” situation and the County will confirm this without needing to involve FEMA).
15. Right of Way acquisition and/or supporting services (title reports, appraisals, negotiations, etc.).
16. Construction phase services including Bid Phase services, Construction Administration, inspection, materials testing, daily construction monitoring, quality control, or quality assurance requirements.

**Client Responsibilities**

1. The County will provide TG with a copy of the County/State agreement for this project.
2. Payment of any or all submission and/or review fees (if required).
3. Coordinate right of entry to properties with any adjacent or adverse property owners.
4. Payment of wetland and/or stream mitigation credits as well as nutrient credits.
5. Costs or fees associated with County and/or VDOT permit applications.
6. As with typical Economic Development related projects, unless there is a specific target development that is intending on coming to the site, the goal of the project is to gain access to the east side of the Creek and layout the most practicable location that provides opportunity for lots to be served off the roadway or a future extension of the roadway. We expect that the County will assist working with the property owner to work with us on this endeavor.

**Proposed Schedule**

A mutually agreeable schedule can be developed following receipt of notice to proceed and following the direction of the alternatives analyses stage. In general, plans could be expected to be developed in accordance with the following schedule subject to affirmation of construction funding availability:

Assumed Notice to Proceed (NTP)	November 15, 2024
Base Mapping completed by	end of December 2024
Alternatives Analyses completed in	February 2025
Conceptual Design Phase Submittal (30%)	Summer 2025*
Detailed Design Phase Submittal (90%)	Winter 2025*
Final Construction Design Phase Submittal (100%)	Summer 2026*

Note: Items denoted with an asterisk (\*) are milestone delivery targets based on the assumption that we receive any and all feedback from New Kent County, VDOT, and/or property owners within thirty (30) days of submittal of the predecessor event/submittal.

**Proposed Fee Schedule**

Timmons Group will perform this work under a lump-sum fixed-fee arrangement as noted below:

1. <b><u>Alternatives Analyses</u></b>	<b>\$ 30,000</b>
2. <b><u>Survey Services</u></b>	<b>\$ 13,000</b>
3. <b><u>Environmental Services</u></b>	<b>\$ 32,000</b>
4. <b><u>Geotechnical Investigation Services</u></b>	<b>\$ 60,000</b>
5. <b><u>Roadway Design</u></b>	<b>\$ 240,000</b>
6. <b><u>Bridge Design</u></b>	<b>\$ 235,000</b>

*New Kent City Center Court Extended*  
**PROPOSAL – Transportation Infrastructure Design**  
*November 1, 2024*

<b>7. Traffic Operations &amp; Management</b>	<b>\$ 25,000</b>
<b>8. Drainage Design</b>	<b>\$ 130,000</b>
<b>9. Project Mgt / Construction Estimates / Plan Reviews / Submissions</b>	<b>\$ 30,000</b>
<b>10. Direct Expenses (printing, mileage, etc.) BUDGET</b>	<b>\$ 5,000</b>
<b>Total</b>	<b>\$ 800,000</b>

Thanks again for the opportunity to submit this proposal for your consideration. Should you have any questions or need any additional information, please don't hesitate to contact me at your earliest convenience.

Sincerely,



Chris Kiefer, PE, DBIA  
Principal – Transportation Design  
804-334-9260

cc: Paul Trapp, Timmons Group

**BOARD OF SUPERVISORS  
COUNTY OF NEW KENT  
VIRGINIA**

**R-12-24**

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 6<sup>th</sup> day of May, 2024:

Present:	Vote:
Ronald P. Stiers	Aye
Jordan Stewart	Aye
John Moyer	Aye
Amy Pearson	Aye
Thomas W. Evelyn	Aye

---

Motion was made by Ms. Pearson, which carried 5:0, to adopt the following resolution:

**RESOLUTION REQUESTING  
ECONOMIC DEVELOPMENT ACCESS FUNDS**

**WHEREAS**, the New Kent County Board of Supervisors desires to pursue Economic Development Access funding for roadway improvements to New Kent City Center in New Kent County; and

**WHEREAS**, property within New Kent City Center is expected to be the site of new private capital investment in land, building, and manufacturing equipment; and

**WHEREAS**, the existing public road network does not provide for adequate access and an access road improvement project is necessary; and

**WHEREAS**, the County of New Kent hereby guarantees that the necessary environmental analysis, mitigation, fee simple rights-of-way and utility relocations or adjustments, if necessary, for this project will be provided at no cost to the Economic Development, Airport and Rail Access Fund; and

**WHEREAS**, the County of New Kent acknowledges that no land disturbance activities may occur within the limits of the proposed access project prior to appropriate notification from the Department of Transportation as a condition of the use of the Economic Development, Airport and Rail Access Fund; and

**WHEREAS**, the County of New Kent hereby acknowledges that the Virginia Department of Transportation's Economic Development Access (EDA) Program may provide up



to a maximum of \$500,000 for a project and requires matching funding, up to \$150,000, from the County of New Kent for estimated eligible project costs over \$500,000, up to \$800,000; and

**WHEREAS**, the County of New Kent hereby guarantees that financing of all ineligible project costs, project costs exceeding the EDA Program project allocation, EDA Program required locality matching funds, if applicable, will be provided from sources other than those administered by the Virginia Department of Transportation;


**NOW, THEREFORE, BE IT RESOLVED**, that the New Kent County Board of Supervisors hereby requests the Virginia Department of Transportation provide Economic Development Access Program funding for the design of adequate roadway improvements to New Kent City Center; and

**BE IT FURTHER RESOLVED**, that the County of New Kent hereby agrees to provide a surety or bond, acceptable to and payable to the Virginia Department of Transportation, in the full amount of the project allocation, prior to the Department of Transportation's authorization of Economic Development Access funds; and

**BE IT FURTHER RESOLVED**, that the County Administrator and/or his/her designee(s) be authorized to act on behalf of the Board of Supervisors to execute any and all documents necessary to secure funding in the maximum amount eligible under the Economic Development Access Program.

Adopted this 6<sup>th</sup> day of May, 2024.

  
\_\_\_\_\_  
Rodney A. Hathaway  
County Administrator

  
\_\_\_\_\_  
Thomas W. Evelyn  
Board Chair

**BOARD OF SUPERVISORS  
COUNTY OF NEW KENT  
VIRGINIA**

**R-24-24**

At a 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 24<sup>th</sup> day of September, 2024:

Present:

Vote:

Ronald P. Stiers  
Jordan T. Stewart  
John P. Moyer  
Amy M. Pearson  
Thomas W. Evelyn

Aye  
Aye  
Aye  
Aye  
Aye

---

Motion was made by Ms. Pearson, which carried 5:0 to adopt the following resolution:

**RESOLUTION TO COMMIT FUNDS AS SURETY FOR  
ECONOMIC DEVELOPMENT ACCESS GRANT PROGRAM**

**WHEREAS**, New Kent County has received an \$800,000 grant award from the Virginia Department of Transportation (VDOT) for the Economic Development Access Grant Program in New Kent County, Virginia; and,

**WHEREAS**, VDOT requires the locality to provide a bond or other acceptable surety to provide a means for VDOT to recover the funds expended on a project in the event that the design of the roadway improvements to New Kent City Center is not complete within a 2-year timeframe; and,

**WHEREAS**, the Board of Supervisors agrees to commit \$800,000 to be held in reserve through FY 2027 as surety to VDOT for design of the proposed road improvements to New Kent City Center in New Kent County, Virginia.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of New Kent County, Virginia, that funds be committed and held in reserve in the amount of \$800,000 as surety for meeting requirements of the VDOT grant program.

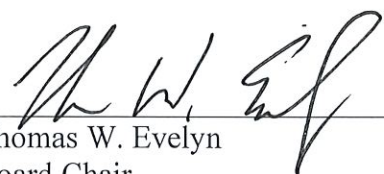
**BE IT FURTHER RESOLVED** that the County Administrator of New Kent County is authorized to make the appropriate accounting adjustments and do all things necessary to give this resolution effect.

Adopted and enacted this 24<sup>th</sup> day of September, 2024.



---

Rodney A. Hathaway  
County Administrator



---

Thomas W. Evelyn  
Board Chair

**AGENDA ITEM REQUEST**  
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO  
THE MEETING)

Meeting Date: 2/24/2025

Agenda Item

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	amend the New Kent County Personnel Policies and Procedures Manual to increase on-call pay rate of \$1.00 per hour to \$1.50 per hour and the holiday on-call pay rate from \$2.00 per hour to \$3.00 per hour.
Subject	<b>New Kent County Personnel Policies and Procedures Manual Amendment</b>
Issue	Consideration of an amendment to the New Kent Personnel Policies and Procedures Manual to increase the on-call pay rate.
Recommendation	Staff recommends adoption of the proposed motion.
Fiscal Implications	The FY25 adopted budget included funding for the on-call pay increase therefore, no additional funds would be required. The following funding was adopted in the FY25 budget:  * General Fund Budget - \$12,034 * Public Utilities Budget - \$3,713
Policy Implications	In order to implement the on-call pay increase, the Board of Supervisors would need to amend the New Kent County Personnel Policies and Policies Manual to reflect the new rate.
Legislative History	The New Kent Personnel and Policies Manual was last updated in July 2022.
Discussion	Please see the attached draft revision to section 2.70 ("On-Call" Status) of the New Kent County Personnel Policies and Procedures Manual.

Time Needed:	9:40 a.m.	Person Appearing:	County Administrator Rodney Hathaway
Request prepared by:	Rodney Hathaway, County Administrator	Telephone:	(804) 966-9683
Copy provided to:			

**ATTACHMENTS:**

Description	Type
Draft Revision ro Personnel Policies & Procedures Manual	Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
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Administration	Hathaway, Rodney	Approved	2/14/2025 - 11:16 AM
Administration	Hathaway, Rodney	Approved	2/14/2025 - 11:16 AM
Attorney	Everard, Joshua	Approved	2/18/2025 - 8:41 AM

## **2.70: "On-Call" Status**

Effective ~~07/01/2022~~ 03/01/2025

Though a majority of County employees are deemed "essential" employees and are subject to call-back, the use of "On-call" employees ensures requisite skill sets are available to handle emergencies that occur off-hours. "On-call" is defined as designated FLSA non-exempt positions/employees required to be available for work should an emergency require their return to the worksite or other designated area on short notice. The list of "on-call" eligible positions shall be approved by the County Administrator on an annual basis and maintained on file with the Human Resources Department.

An emergency call-back is defined as an unscheduled request made by an appropriate management official for an employee to return to work due to unforeseen or emergency work after leaving the building or work location at the end of his/her regular shift and before the beginning of the next regularly scheduled shift. An "On-call" Employee who is called back to work outside his/her normal work schedule which requires him/her to physically report to a worksite shall be paid for the time worked or a minimum of two (2) hours, whichever is greater. If the employee regularly works a 37.5-hour work week, this minimum still applies even if they have not worked a full 40-hour week. An "On-call" Employee who is required to respond via telephone or computer shall be paid per occurrence for actual time worked or a minimum of thirty (30) minutes, whichever is greater.

### **On-call Obligation**

An "On-call" employee is not required to remain on County premises, but is required to be in fit condition for duty. Employees shall refrain from the use of alcohol and/or other substances which may impair their ability to operate County vehicles/machinery and perform their duties, and must adhere to all New Kent County Personnel policies. Any variance from such policies may result in disciplinary action, up to and including termination.

"On-call" employees are required to carry a department issued cellular telephone. When contacted by telephone, "On-call" personnel are required to respond in a timely manner, while maintaining safe work habits.

Employees using cellular phones, internet phones or land lines as a form of contact shall maintain awareness of availability and ensure they can be reached when called. The employee must contact his/her Supervisor with an alternate number if outside of the primary coverage area or away from their normal contact number.

### **On-call Hours and Pay Calculation**

"On-call" time is not considered in calculating total hours worked. Employees are assigned to be "On-call" during non-operating hours. No "On-call" hours are required within general normal operating hours, 8:00 a.m. to 4:30 p.m.; or within the regular schedule of other County facilities. "On-call" time is paid at a rate of ~~\$1.00~~ \$1.50 per hour (or, if on a county holiday, "On-call" time is paid at a rate of ~~\$2.00~~ \$3.00 per hour).

Hours actually worked while "On-call" will be calculated at the employee's regular rate of pay. In most cases, overtime compensation is applicable only when total hours physically worked exceed the regular full-time work cycle.

*Fire & Rescue and Sheriff's Office Personnel – Please refer to your Standard Operating Procedures, guidelines, and/or policies for specific information and instructions regarding your department.*

### **Compliance with On-call Policy**

Any employee who is, or becomes, unable to meet his or her "On-call" obligation shall immediately notify his/her Supervisor. Any changes to the approved "On-call" schedule must be approved by the Supervisor.

Employees who fail to meet their "On-call" obligations are subject to disciplinary action. Failure to respond to a telephone call and/or refusal to report for duty when called during the period an employee is designated for "On-call" duty will result in loss of "On-call" pay for that shift, and may also result in disciplinary action, up to and including termination.

## **Procedures**

### "On-call" Criteria:

To be eligible for an "On-call" status, employees must have a minimum of three (3) months experience gained through employment with the County, have satisfactory performance and have demonstrated the ability to perform duties without supervision.

### "On-call" Duty Schedule

Employees will be given reasonable notice when they are directed to be "On-call". Employees wishing to exchange scheduled "On-call" weeks are responsible for finding a replacement. Exchanges must be approved by the appropriate Supervisor and the Department Head. If an employee is unable to locate a replacement, then the pre-scheduled "On-call" duty stands.

Any proposed changes to the duty roster should be brought to the attention of the Supervisor prior to Wednesday of the week before the scheduled "On-call" time.

### "On-call" and Leave Events

If an employee is unable to report to work during normal business hours, it is the employee's responsibility to notify the Supervisor. Employees who fail to meet their "On-call" obligations are subject to disciplinary action.

An employee can be removed from "On-call" status at any time at the discretion of the Supervisor and/or Department Head should there be any question as to whether the employee was able and/or capable of carrying out his/her "On-call" responsibilities,

### Call-in Documentation:

Employees working an emergency call-back shall record the following information with the appropriate timesheet for documentation purposes:

- Name of Supervisor/department initiating the emergency call-back contact
- Date and time of arrival
- Nature of the problem/location if applicable
- Time of completion

**AGENDA ITEM REQUEST**  
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO  
THE MEETING)

Meeting Date: 2/24/2025

Agenda Item

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	authorize the County Administrator to accept the presented proposal from The Prosperity Group, LLC for the update of the New Kent County Personnel Policies and Procedures Manual.  I further move to appropriate up to \$10,000 from the Reserved for Contingency Fund for the update to the Personnel Policies and Procedures Manual.
Subject	<b>New Kent County Personnel Policies and Procedures Manual Update</b>
Issue	Consideration of a proposal from the Prosperity Group, LLC for the update of the New Kent County Personnel Policies and Procedures Manual.
Recommendation	Staff recommends adoption of the proposed motion.
Fiscal Implications	The proposed cost of the consulting services is \$2,500 per month not to exceed a total of \$10,000. The proposed motion includes an appropriation from the Reserved for Contingency line item which currently has a balance of \$213,674.
Policy Implications	The Personnel Policies and Procedures Manual contains policies that govern employees of the County. It states the County's policies with regard to employment, classification, compensation, conduct, promotion, demotion, dismissal, and other relationships with employees.
Legislative History	Over time there have been various amendments to the manual for consistency with practices and amendments to labor laws.
Discussion	Please see the attached proposal from the Prosperity Group, LLC.

Time Needed:	9:55 a.m.	Person Appearing:	County Administrator Rodney Hathaway
Request prepared by:	Rodney Hathaway, County Administrator	Telephone:	(804) 966-9683
Copy provided to:			

**ATTACHMENTS:**

Description  
Proposal from The Prosperity Group, LLC

Type  
Cover Memo

**REVIEWERS:**



Department	Reviewer	Action	Date
Administration	Hathaway, Rodney	Approved	2/14/2025 - 11:26 AM
Administration	Hathaway, Rodney	Approved	2/14/2025 - 11:44 AM
Attorney	Everard, Joshua	Approved	2/18/2025 - 8:42 AM



The  
Prosperity Group, LLC  
DARE TO DO SOMETHING AUDACIOUS

# PERSONNEL POLICIES AND PROCEDURE MANUAL REVISION PROPOSAL

PROPOSAL  
2025

A STRATEGIC LOOK AT NEW KENT  
POLICY AND PROCEDURES



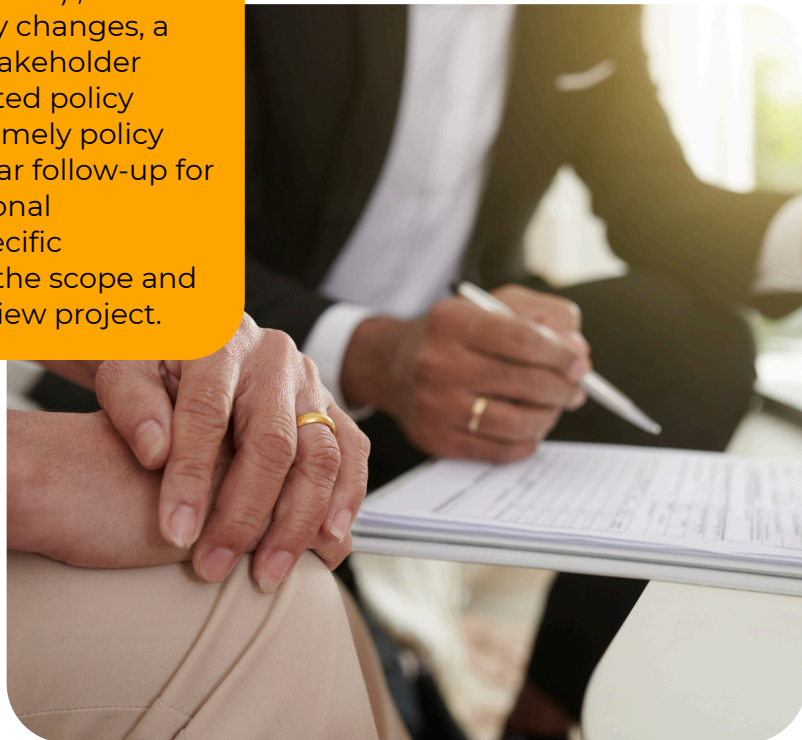
[www.prosperitygroupllc.com](http://www.prosperitygroupllc.com)



[kmurray@prosperitygroupllc.com](mailto:kmurray@prosperitygroupllc.com)

# EXECUTIVE SUMMARY

A manual revision will consist of policy analysis reporting, benchmark recommendations (if applicable), detailed recommendations for policy changes, a summary of key findings, stakeholder feedback summaries, updated policy documents (if applicable), timely policy edit submissions, and regular follow-up for potential changes or additional considerations; with the specific deliverables depending on the scope and complexity of the policy review project.



A concise overview of the policy review, including key findings, major concerns identified, and proposed recommendations.

Current  
Policy  
Overview

Stakeholder  
Analysis

Benchmark  
Assessment

Best Practices  
Review



# P O L I C Y

## REVIEW CHECKLIST

A policy revision checklist helps ensure that a policy is accurate, clear, and up to date. It can also help ensure that the policy is consistent with laws, regulations, and best practices.

- **Policy review plan:** Create a plan for reviewing the policy;
- **Gather information:** Collect all relevant documents and information;
- **Assess the policy:** Determine if the policy is still valid, relevant, and necessary;
- **Check for compliance:** Ensure the policy complies with laws, regulations, and industry standards;
- **Review for consistency:** Make sure the policy is consistent with other policies and organizational goals;
- **Check for clarity:** Ensure the policy is clear and concise, and that key terms are defined;
- **Identify gaps:** Note any inconsistencies, gaps, or ambiguities in the policy;
- **Identify responsibilities:** State who is responsible for enforcing the policy and what the consequences are for violating it;
- **Identify stakeholders:** Consult with key stakeholders and subject matter experts;
- **Review for updates:** Consider how the policy can be updated to reflect changes in laws, regulations, or best practices;
- **Draft the updated policy:** Incorporate feedback and make any necessary changes;
- **Review the draft:** Review the updated policy for accuracy and clarity;
- **Implement the policy:** Produce a final approved manual/

*Produce summary communication materials, trainings, and/or in-person events to ensure transparency and compliance of new policies.*

*(assistance with this step can be discussed separately for Fiscal Year 2026);*



# C O S T P R O J E C T I O N S

Term	Description	Proposed Cost
February- May	Monthly pricing is inclusive of all time committed to complete services	\$2,500 per month
Total		\$10,000

## Terms and Conditions

- Payments will be made on the last day of each month.
- The estimated completion time is 4 months from the start date of service.

Should the proposal be accepted, Prosperity Group will meet with New Kent to outline deliverables, milestones, and a required timelines to begin services immediately.



Prosperity  
GROUP, LLC

# THANK YOU!

DARE TO DO SOMETHING AUDACIOUS!



Website  
[www.prosperitygroupllc.com](http://www.prosperitygroupllc.com)



Phone  
(804) 310-1694



Email  
[kmurray@prosperitygroupllc.com](mailto:kmurray@prosperitygroupllc.com)

**AGENDA ITEM REQUEST**  
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO  
THE MEETING)

Meeting Date: 2/24/2025

Agenda Item

Motion: "Mr. Chairman, I move to (not required for Consent Agenda items)	adopt the Bylaws as amended.
Subject	<b>Adoption of Amended Bylaws</b>
Issue	Annual review of Bylaws - Proposed amendments were reviewed at the January 13, 2025 meeting. The required 30 day waiting period has passed and the amendments are recommended for adoption.
Recommendation	Adopt the proposed amendments.
Fiscal Implications	
Policy Implications	
Legislative History	
Discussion	

Time Needed:	10:10 a.m.	Person Appearing:	County Administrator Rodney Hathaway
Request prepared by:	Amanda Stanger	Telephone:	804-966-9683
Copy provided to:			

**ATTACHMENTS:**

Description	Type
Proposed Bylaws Amendements (PDF)	Cover Memo

**REVIEWERS:**

Department	Reviewer	Action	Date
Clerk	Stanger, Amanda	Approved	2/14/2025 - 3:23 PM
Administration	Hathaway, Rodney	Approved	2/14/2025 - 4:17 PM
Attorney	Everard, Joshua	Approved	2/18/2025 - 9:49 AM





BYLAWS  
BOARD OF SUPERVISORS  
NEW KENT COUNTY

Adopted February 8, 1993  
Readopted May 9, 1994  
Amended and Readopted February 13, 1995  
Amended and Readopted April 9, 1996  
Amended and Readopted March 10, 1997  
Amended and Readopted March 8, 1999  
Amended and Readopted March 13, 2000  
Readopted January 8, 2001  
Amended and Readopted January 14, 2002  
Amended and Readopted April 14, 2003  
Amended and Readopted February 9, 2004  
Amended and Readopted February 14, 2005  
Readopted January 9, 2006  
Amended and Readopted February 12, 2007  
Amended and Readopted February 26, 2008  
Readopted January 12, 2009  
Amended and Readopted February 19, 2010  
Amended and Readopted on February 14, 2011  
Amended and Readopted February 13, 2012  
Readopted January 14, 2013  
Readopted February 26, 2014  
Readopted January 12, 2015  
Amended and Readopted February 24, 2016  
Amended and Readopted February 13, 2017  
Readopted January 8, 2018  
Readopted January 15, 2019  
Readopted January 13, 2020  
Readopted January 12, 2021  
Readopted January 11, 2022  
Readopted January 9, 2023  
Readopted January 10, 2024  
Amended and Readopted June 10, 2024  
Amended and Readopted MONTH DATE, 2025

BYLAWS  
BOARD OF SUPERVISORS  
NEW KENT COUNTY

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## ARTICLE I

### OFFICERS AND THEIR SELECTION

- A. The Officers of the Board ~~shall~~ <sup>JSE1</sup> consist of a ~~Chairman~~ <sup>JSE2</sup> and Vice Chair~~man~~, each of whom ~~shall~~ serve for a term of one ~~(1)~~ year. ~~The Board shall~~ also annually elect a Clerk of the Board, ~~who is the~~ County Administrator, and a Deputy Clerk.
- B. Nomination of Officers ~~shall~~ <sup>must</sup> be made from the Board at the first meeting of each calendar year. Election of Officers ~~shall~~ <sup>will</sup> follow immediately <sup>thereafter</sup>.

## ARTICLE II

### DUTIES OF OFFICERS

- A. The Chair~~man~~ <sup>shall</sup> <sup>will</sup>:
  - (1) Preside at all meetings;
  - (2) Make Board committee appointments;
  - (3) Work closely with the County Administrator on day-to-day matters and approve the agendas for all meetings;
  - (4) Serve on all standing committees of the Board;
  - (5) Carry out such other duties as assigned by the Board.
- B. The Vice-Chair~~man~~ <sup>shall</sup> <sup>will</sup> assume the duties of <sup>the</sup> Chair~~rman~~ in the Chair~~man~~'s absence or inability to act.

## ARTICLE III

### AGENDA PREPARATION POLICY

- A. The County Administrator ~~(Clerk of the Board)~~ <sup>shall</sup> <sup>will</sup> prepare an agenda for each regular meeting of the Board. Supervisors, staff, and others may submit to the County Administrator items for the agenda along with a completed Agenda Request Form at any time prior to Noon <sup>on the date</sup> ~~twelve (12)~~ <sup>JSE3</sup> calendar days preceding the regular meeting to which such item relates. ~~All agenda items shall~~ <sup>must</sup> be approved by the Chair~~rman~~. ~~Items for the agenda may be added within the twelve-day period before the meeting with the approval of the Chair~~man~~.~~
- B. A consent agenda may be established. ~~The consent agenda may include items that are routine and non-controversial such as: approval of minutes, resolutions, or certificates of commendation or recognition (which must be sponsored by one or more Board members), any other item that the Clerk determines is non-controversial and routine, subject to approval by the Chair~~man~~. At the request of any member, an item shall may be removed from the consent agenda and considered separately. All items remaining on the consent agenda may be considered by one vote.~~
- C. ~~C.~~ Copies of the proposed agenda ~~shall~~ <sup>will</sup> be made available at the office of the County Administrator for each Supervisor and for members of the news media serving the County not

later than seven~~(7)~~ calendar days preceding the meeting to which it relates.

## ARTICLE IV

### MEETINGS

- A. The time and place of Board meetings ~~shall~~ will be set from time to time by ~~resolution of~~ JSE4 the Board in conformance with state law.
- B. Minutes from the previous month's meeting or meetings ~~shall~~ will be delivered to the Board members with the agenda prior to the first meeting of the month. Unless requested by a Board member, the minutes will not be read and will be approved upon motion and vote of the Board.

C. ORDER OF BUSINESS

- (1) Call to order
- (2) Invocation and Pledge of Allegiance
- (3) Roll Call
- (4) Approval of minutes and consent agenda
- ~~(5) Small Business Close Up~~ JSE5
- ~~(5) Citizens' comment period~~
- ~~Residency Administrator's Report~~
- ~~(6) Citizens comment period~~ Residency Administrator's Report
- ~~(7) Unfinished business~~ Presentations
- ~~(8) Public Hearings~~
- ~~(9) New business~~
- ~~(9) Elected Officials reports~~
- ~~(10) Staff reports~~
- ~~(11) Other Business~~
- ~~(12) Appointments~~
- ~~(13) Closed Session (if needed)~~
- ~~(14) Adjournment~~ JSE6

The Chair~~man~~ has the authority to alter this order of business.

D. QUORUM AND METHOD OF VOTING

- (1) A majority of the members of the Board ~~shall~~ constitutes a quorum of the Board.
- (2) Every member who is in the meeting room when the question is put, ~~shall~~ must either vote or abstain; an abstaining member must state his or her reason for abstaining. If a member is abstaining pursuant to the provisions of the Virginia State and Local Government Conflict of Interests Act, such member must comply with the relevant sections of that Act. JSE7 The member ~~shall~~ must announce such intention to abstain at the time the issue comes before the Board and ~~shall~~ must not participate in the discussion on such issue or question.
- (3) A recorded roll call vote ~~shall~~ will be taken on matters as required by law and on other matters as deemed appropriate by the Chair~~man~~ or at the request of any member.

E. PROCEDURE FOR ROLL CALL OF BOARD MEMBERS

- (1) The Chair~~man~~ ~~shall~~will cast the last vote.
- (2) The members of the Board ~~shall~~will cast votes in district order on a rotating basis.

(3) All motions ~~shall~~must be restated by the Chair~~man~~, Clerk, or Deputy Clerk before a vote is taken and the result of the vote ~~shall~~will be announced following each vote.

#### F. GENERAL AND SPECIAL RULES OF PROCEDURE

- (1) The rules contained in the current edition of *Robert's Rules of Order Newly Revised* ~~shall~~ govern the Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws, ~~and~~ any special rules of order the Board may adopt, or any applicable county ordinance or state law.[JSE8]
- (2) Members need not rise when speaking.
- (3) Motions need not be seconded.
- (4) There is no limit to the number of times a member can speak to a question.
- (5) Informal discussion of a subject is permitted while no motion is pending.
- (6) The Chair need not rise while putting questions to vote.
- (7) The Chair may speak in discussion without rising or relinquishing the Chair.
- (8) The Chair may make motions and vote on all questions.
- (9) A recorded roll call vote must be taken on matters as required by law and on other matters as deemed appropriate by the Chair or at the request of any member.[JSE9]

#### G. MEMBERS ABSENTING THEMSELVES FROM MEETING PRIOR TO ADJOURNMENT

After the names of members of the Board have been recorded as present at any meeting of the Board, the members ~~shall~~must not absent themselves ~~priorevious~~ to adjournment unless by consent of the Board.

#### H. BOARD TO SIT WITH OPEN DOORS

The Board ~~shall~~must sit with open doors and all persons conducting themselves in an orderly manner may attend the meetings; however, the Board may hold closed sessions as permitted by law. Matters discussed during a closed session are inherently confidential. Members must not disclose the nature or substance of closed session discussions with any persons not in attendance during the closed session, except with the consent of the Board.[JSE10]

#### I. CITIZENS' COMMENT PERIOD

- (1) Any person who wishes to speak at the public comment period ~~shall~~must indicate their name, address, and topic on the public comment register.

- (2) The Chair after opening the public comment period will call on each speaker in the order their names appear on the register.
- (3) Each speaker ~~shall~~must state his or her name and address for the record.
- (4) Each speaker ~~shall~~will be allowed three ~~(3)~~ minutes for comments unless additional time is granted by the Chair. ~~–~~ If a speaker represents a group, there ~~shall~~will be a time limit of seven ~~(7)~~ minutes.
- (5) All comments ~~must~~will be addressed to the Chair.
- (6) All items presented during citizens' comment period will be taken under advisement by the Board. The Board will take no action on items brought to the attention of the Board during public comment period, unless such action is taken in accordance with Article V of these bylaws.

J. PROCEDURE TO ADDRESS THE BOARD

- (1) When any person, including Board members, speaks to the Board, they ~~shall~~must address the Chair and ~~shall~~must confine their ~~discussion~~discussion strictly to the question before the Board.
- (2) No person in attendance at a meeting of the Board ~~shall~~be permitted to address the Board while members are considering any motion, resolution, or ordinance preliminary to a vote on the same, except at the discretion of the Chair.

## ARTICLE V

### PROCEDURES FOR DEALING WITH ITEMS NOT ON THE AGENDA

- A. Any matter not on the agenda ~~shall~~may not only be considered ~~except at the discretion with the consent~~ of the Chair. If the Chair consents to the addition of such item, such item will be considered by the Board. However, such item ~~Any matter not listed on the agenda shall~~ may not be acted upon over the objection of any three members present. [JSE11]
- B. For any special meeting, the business to be discussed ~~shall~~must be stated in the call for such meeting. ~~–~~The Chair~~man~~ or County Administrator ~~shall~~must prepare a written agenda listing all items to be considered for every special meeting. ~~–~~No other business ~~shall~~may be discussed or acted upon over the objection of any member present.

## ARTICLE VI

### PUBLIC HEARINGS

- A. All public hearings will be advertised to begin at 6:30 p.m. unless otherwise directed by the Chair. ~~–~~Public hearings may be postponed, continued or canceled at the discretion of the Board.
- B. In addition to those required by law, the Board, at its discretion, may hold public hearings when it decides that a hearing will be in the public interest.

- C. The following rules ~~shall~~ apply to public hearings:
- (1) Any person who wishes to speak at the public hearing ~~shall~~ must indicate their name and address on the register for that hearing.
  - (2) The Chair, after opening the public hearing, will call on each speaker in the order their names appear on the register.
  - (3) Each speaker ~~shall~~ must state his or her name and address for the record.
  - (4) Each speaker ~~shall~~ will be allowed three ~~(3)~~ minutes for comments unless additional ~~time is granted by the Chair.~~ ~~-If the speaker represents a group there~~ will be a time ~~limit of seven~~ ~~(7)~~ minutes.
  - (5) Speakers ~~shall~~ must restrict their comments to the item for which the public hearing is being held. All comments ~~must~~ will be addressed to the Chair.
- D. The following format ~~shall~~ applies to the conduct of public hearings which may be changed at the discretion of the Chair:
- (1) Staff report on the Item.
  - (2) Presentation or comments by the applicant or their representative.
  - (3) Questions or comments by the Board members.
  - (4) Formal opening of the public hearing by the Chair.
  - (5) Comments by the public.
  - (6) Further comment by the applicant or their representative.
  - (7) Formal closing of the public hearing by the Chair.
  - (8) Discussion and action by the Board.

## ARTICLE VII

### APPOINTMENT OF COMMITTEES

- A. The Chairman ~~shall~~ will appoint committee members to any permanent or temporary committee of the Board.
- B. Appointments to other commissions and boards ~~shall~~ must be approved by vote of the Board. Whenever possible, membership on such bodies ~~shall~~ will be proportional by election districts. Appointees ~~shall~~ serve at the pleasure of the Board unless otherwise directed by state law. ~~-If any board or commission contains an odd number of members, the district under-represented~~

~~shall will~~ be on a rotating basis.

- C. The Board ~~shall must~~ charter all committees, whether permanent or temporary. ~~The charter shall must~~, at a minimum, prescribe the committee's mission, membership, and duration, authorize or prohibit the expenditure of public funds, and set forth any reports, results, or other item the committee ~~shall will~~ deliver to the Board.
- D. In accordance with Virginia Code section 44-146.19 (B) (2), as well as New Kent County Code Chapters 30-161 and 30-162, the Board will annually appoint a member of the Board of Supervisors ~~or the County Administrator~~ [JSE12] as the Director of Emergency Management and as Director of Emergency Services, who in turn will appoint a Coordinator of Emergency Management/Coordinator of Emergency Services, with the consent of the Board.

---

## ARTICLE VIII

### PROCEDURES FOR FINANCIAL CONTROL

- A. Annual appropriations ~~shall beare~~ subject to the following method of internal control:
- (1) The Board may make annual appropriations for the purpose of limiting the normal operating expenditures of the County.
  - (2) The County Administrator ~~shall have~~ the authority to transfer appropriations by line item within departments, ~~except for payroll and employee benefits line items (1000-2999)~~ [JSE13]. All transfers are to be reported to the Board on a monthly basis.
  - (3) The County Administrator ~~will does~~ not have the authority to transfer appropriations between departments.
  - (4) The County Administrator will report to the Board in summary form all revenues and expenditures on a monthly basis.
  - (5) Financial Services will report to all Department Heads and Constitutional Officers, expenditures/expenses by line item every two months.
- B. All normal operating expenditures of the County ~~shall must~~ be processed in the following manner:
- (1) All bills or invoices will be approved by the appropriate department head or constitutional officer, and received by Financial Services.
  - (2) Disbursement of funds and documentation of each disbursement will be prepared by the Financial Services office.
  - (3) All bills, invoices, and disbursement documentation will be reviewed by Financial ~~Services~~ and the County Administrator for approval.
  - (4) Financial ~~Servicese~~ and the County Administrator will review all invoices and submitted expenditures and initial disbursement documentation printouts.



- (5) All disbursement documentation will be presented to the Treasurer for review and approval.
- (6) Upon approval, the Treasurer will sign all checks and keep one copy of the check register for the record in addition to all other disbursement documentation.
- (7) All funds will be distributed, as appropriate, by the Financial Services office.

~~C.D.~~ The Treasurer will submit a monthly report of financial condition on forms provided by the Board of Supervisors. ~~The Board will consider approval of the report monthly.~~

D. The Board ~~shall~~must approve ~~all~~ County contracts and amendments as outlined in the New Kent County ~~Purchasing~~Procurement Manual.<sup>[JSE14]</sup>

## ARTICLE IX

### DUTIES OF THE COUNTY ADMINISTRATOR

The County Administrator ~~shall~~will:

- A. Prepare the agenda for each meeting and submit it to the Chair~~man~~man for approval in conformance with the agenda preparation procedure outlined in these bylaws.
- B. Keep a written record of all business transacted by the Board.
- C. Administer the financial control procedures of the County as set forth in these bylaws.
- D. Advise and inform the Board on all matters affecting County government.
- E. Execute all formal documents authorized by the Board.
- F. Provide and supervise all staff services directly under the control of the Board.
- G. Be responsible for all personnel management of the County. ~~The County Administrator must~~shall advise the Board prior to the hiring or dismissal of Department Directors.
- H. Prepare an annual operating budget for the County government in accordance with guidelines established by the State auditor's office for approval by the Board. ~~The County Administrator shall be~~is responsible for maintaining adequate financial and accounting records on all County business under the County Administrator's control.
- I. Serve as the Board's representative in all circumstances where the Chair~~man~~man, Vice Chair~~man~~man, or a majority of the Board members are not available.
- J. Perform all other duties delegated by the Board or as required by law.

ARTICLE X

**BYLAWS FOR CONVENIENCE OF THE BOARD ONLY**

These Bylaws are created by the Board for the convenience of the members of the Board only. The technical violation of these Bylaws does not give rise to any action in law or in equity by any citizen or aggrieved party; no action taken by the Board which conforms to the laws of the Commonwealth of Virginia and the New Kent County Code may be invalidated because of a technical violation of these Bylaws or Robert's Rules of Procedure.<sup>[JSE15]</sup>

ARTICLE XI

**AMENDMENTS**

These Bylaws may be amended by a recorded majority vote of the entire membership of the Board after ~~thirty (30)~~ days' prior written notice.

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: 2/24/2025

Agenda Item

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

Subject

**Other Business**

Issue

Recommendation

Fiscal Implications

Policy Implications

Legislative History

Discussion

Time Needed:

10:15 a.m.

Person Appearing:

Request  
prepared by:

W. Watkins, Deputy  
Clerk of the Board

Telephone:

804-966-9687

Copy provided  
to:

**REVIEWERS:**

Department  
Clerk

Reviewer  
Stanger, Amanda

Action  
Approved

Date  
2/14/2025 - 3:35 PM

**AGENDA ITEM REQUEST**  
(TO BE SUBMITTED NO LATER THAN 12 DAYS PRIOR TO  
THE MEETING)

Meeting Date: 2/24/2025

Agenda Item

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

adjourn

Subject

**Adjournment**

Issue

Recommendation

Approval

Fiscal Implications

Policy Implications

Legislative History

Discussion

The next regularly scheduled meeting of the Board of Supervisors will be held at 6:00 p.m. on Monday, March 10, 2025, and the next work session will be held at 9:00 a.m. on Wednesday, March 26, 2025 both in the Boardroom of the County Administration Building. The Board will also meet for a Budget Retreat on Friday, March 14, 2025 at the VCU Rice Rivers Center, Walter L. Rice Education Building located at 3701 John Tyler Memorial Highway, Charles City, VA 23030.

Time Needed:

10:30 a.m.

Person Appearing:

Request  
prepared by:

W. Watkins, Deputy  
Clerk of the Board

Telephone:

804-966-9687

Copy provided  
to:

**ATTACHMENTS:**

Description

Closed Session Motion (PDF)

Type

Cover Memo

**REVIEWERS:**

Department  
Clerk

Reviewer  
Stanger, Amanda

Action  
Approved

Date  
2/14/2025 - 3:34 PM

## **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 \_\_\_\_\_.

- 29 I move to go into closed session pursuant to §2.2-3711A.29 of the Code of Virginia for *(discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the Board)* involving \_\_\_\_\_.
- 33 I move to go into closed session pursuant to §2.2-3711A.32 of the Code of Virginia for *(discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6.)* involving \_\_\_\_\_.

### **CERTIFICATION OF CLOSED SESSION**

#### **A. Motion**

I move that the Board certify by roll call vote that to the best of each member's knowledge only public business matters lawfully exempted from open session requirements of the Freedom of Information Act and identified in the motion to go into closed session were heard, discussed or considered in the closed session.

#### **B. Vote taken on certification.**

Present:

Vote:

Thomas W. Evelyn  
John P. Moyer  
Amy M. Pearson  
Ron Stiers  
Jordan T. Stewart