

MINUTES
Board of Supervisors
County of Prince George, Virginia

December 13, 2022

County Administration Bldg. Boardroom, Third Floor
6602 Courts Drive, Prince George, Virginia

MEETING CONVENED. Chair Marlene J. Waymack called a regular meeting of the Board of Supervisors of the County of Prince George, Virginia, to order at 5:00 p.m. on December 13, 2022 in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia.

ATTENDANCE. The following members responded to Roll Call:

Marlene J. Waymack, Chair	Present
Donald R. Hunter, Vice-Chair	Present
Floyd M. Brown, Jr.	Present
Alan R. Carmichael	Absent
T. J. Webb	Present

Also present was: Jeff Stoke, County Administrator; Betsy Drewry, Deputy County Administrator; Julie C. Walton, Deputy County Administrator; and Dan Whitten, County Attorney.

CLOSED SESSION

E-1. Resolution; Closed Session for (i) Section 2.2-3711.A.1 – Discussion or consideration of the assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of a specific public officer, appointee or employee of the public body; I further move that such discussion shall be limited to (a) Planning Commission, (b) Virginia Gateway Region, and (c) Board of Equalization; and (ii) Section 2.2-3711.A.7 Consultation with legal counsel pertaining to actual or possible litigation; I further move that such discussion shall be limited to Opioid litigation. Mr. Hunter made a motion, seconded by Mr. Brown, that the Board convene closed session for (i) Section 2.2-3711.A.1 – Discussion or consideration of the assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of a specific public officer, appointee or employee of the public body; I further move that such discussion shall be limited to (a) Planning Commission, (b) Virginia Gateway Region, and (c) Board of Equalization; and (ii) Section 2.2-3711.A.7 Consultation with legal counsel pertaining to actual or possible litigation; I further move that such discussion shall be limited to Opioid litigation.

R-22-222

E-1.

RESOLUTION; CLOSED SESSION FOR (I) SECTION 2.2-3711.A.1 – DISCUSSION OR CONSIDERATION OF THE ASSIGNMENT, APPOINTMENT, PROMOTION, PERFORMANCE, DEMOTION, SALARIES, DISCIPLINING OR RESIGNATION OF A SPECIFIC PUBLIC OFFICER, APPOINTEE OR EMPLOYEE OF THE PUBLIC BODY; I FURTHER MOVE THAT SUCH DISCUSSION SHALL BE LIMITED TO (A) PLANNING COMMISSION, (B) VIRGINIA GATEWAY REGION, AND (C) BOARD OF EQUALIZATION; AND (II) SECTION 2.2-3711.A.7 CONSULTATION WITH LEGAL COUNSEL PERTAINING TO ACTUAL OR POSSIBLE LITIGATION; I FURTHER MOVE THAT SUCH DISCUSSION SHALL BE LIMITED TO OPIOID LITIGATION

BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 13th day of December, 2022, does hereby vote to enter closed session for (i) Section 2.2-3711.A.1 – Discussion or consideration of the assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of a specific public officer, appointee or employee of the public body; I further move that such discussion shall be limited to (a) Planning Commission, (b) Virginia Gateway Region, and (c) Board of Equalization; and (ii) Section 2.2-3711.A.7 Consultation with legal counsel pertaining to actual or possible litigation; I further move that such discussion shall be limited to Opioid litigation.

On roll call the vote was:

In favor: (4) Waymack, Webb, Hunter, Brown

Opposed: (0)

Absent: (1) Carmichael

E-2. Resolution; Certification of Closed Session. At 5:29 p.m., Mr. Webb made a motion, seconded by Mr. Hunter, that the Board adjourn the closed session and enter open session, certifying that to the best of each Board Members' knowledge (1) only public business lawfully exempted from open meeting requirements were discussed and (2) only matters identified in the convening motion were discussed. Chair Waymack asked if any Board member knew of any matter discussed during the closed session that was not announced in its convening legislation. Hearing no comment from the Board, the Chair asked that the roll be called on the motion.

R-22-222A

E-2.

RESOLUTION; CERTIFICATION OF CONTENTS OF CLOSED SESSION
PURSUANT TO SEC. 2.2-3711, ET SEQ., CODE OF VIRGINIA (1950, AS
AMENDED)

BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 13th day of December, 2022 does hereby certify that, to the best of each Board Member's knowledge, (1) only public business lawfully exempted from open meeting requirements were discussed, and (2) only matters identified in the convening motion were discussed.

On roll call the vote was:

In favor: (4) Waymack, Webb, Hunter, Brown

Opposed: (0)

Absent: (1) Carmichael

Chair Waymack called a recess at 5:30 pm. The meeting reconvened at 6:00 pm.

Work Session

Mr. Josh Rollin of Robinson, Farmer, Cox Associates presented the 2022 Auditor's Report. He gave a brief overview of the opinions on the financial statements in the auditor's report. There are three sections within the report, including the basic financial statements, internal controls over financial reporting, and the Federal compliance requirements. Mr. Roller brought a few things within the report to the Board's attention. He pointed out the management letter from Robinson, Farmer, Cox, which reported no difficulties and no disagreements with management. He stated that this was a very clean audit for the County. He also talked about the implemented provisions of Governmental Accounting Standards Board Statement Nos. 87 and how it effects the County's accounting principles. The Government Finance Officer Association awarded a Certificate of Achievement for Excellence in Financial Reporting to the County of Prince George for its annual comprehensive financial report (ACFR), for the fiscal year ended June 30, 2022.

Ms. Barbara Tabb of the Electoral Board stated that they have two additional precincts that they are requesting the Board's support in moving. Those two precincts are the Rives District (the old Walton School because it will be shutting down) and Jefferson Park, which is at Faith Baptist Church. This will effect a total of 5200 voters. They are proposing to move Jefferson Park to the new elementary school on Middle Road and the old Walton School to Sacred Heart Church. She added that they wanted to get the Board's permission before they reach out to Sacred Heart Church. Ms. Tabb stated that there is time to have all requirements completed before the June Primary. A General Election with the same offices on ballot as the anticipated November 2023 has a historic turnout of 42%. Having local offices on the ballot will increase the channels for Voter notice. This would create a cost avoidance for the use of the old Walton School. Additionally, there are safety concerns about the continuing use of Faith Baptist Church as it has a steep access to the back door from the parking lot. Also, there is a concern about passing the ADA audit. Ms. Tabb stated that they see no advantage to wait to move effective in 2024 because it is a presidential year. Presidential elections have a much greater risk. Problems that may result in difficulties with campaigns, political parties etc. are amplified during the presidential years. Change needs to be a minimum for the elections staff, political parties and voters. If the new school is not available, they can use tents and external generators. This has been done in other locations around the state as emergency solutions. New Precinct location information will be sent to all voters in the two precincts. Articles will be provided for inclusion in the Prince George Newsletter. Notices will be posted at the old precincts. On Election Day they will have Election Officers located at the old precincts and giving directions to all voters. These Changes will not affect the Special election on February 21, 2023. Mr. Hunter and Mr. Webb both stated that they believe the new school is far enough along that they should be able to at least use a section of the building even if it is not complete. Mr. Webb stated that they should move forward with the moves now as it makes the most sense. Mr. Whitten, County Attorney, stated they could have the advertisement in January and have the public hearing on

February 28. Mr. Brown stated that he was fine with that. Chair Waymack agreed that it is a good plan.

Ms. Betsy Drewry, Deputy County Administrator, Finance, discussed the FY2024 Budget Calendar. On November 29, 2022, the Operating Budget memo and request templates were provided to the Department Heads and to outside organizations on December 8. Those requests are due back to finance on January 9, 2023. January 17 through February 10, County Administration and Finance Staff will review department requests and meet with Department Heads, which will be recorded for Board member review. Ms. Drewry proposed two dates for the first pre-budget work session. The Board agreed on February 22, 2023 at 5:00 pm. The consultants from Managing Results will be at that meeting. February 13 to 21, Staff will be fine tuning budget revenue and expenditures. On February 25, the 2023 General Assembly Session is scheduled to end. Staff is requesting a pre-budget work session on March 2 to focus on revenue. They are requesting another pre-budget work session on March 7 to establish the Board's priorities. The Board agreed to those dates as well. The budget will be presented to the Board at its March 14 regular meeting. Staff is requesting a work session on March 16 to grant authority to advertise a public hearing on the tax rates and any effective RE tax rate increase (increase in assessed values). Staff is also requesting another budget work session March 30. The Board agreed to both of those dates as well. In addition, the Board agreed to April 19 for another budget work session if needed. The tax rate public hearing and adoption, including any effective RE tax rate increase, will be at the Board's regular meeting on April 25. Staff is requesting a budget work session on May 2 for any final adjustments. The Board agreed to that date. The budget public hearing will be at the Board's regular May 9 meeting and the adoption of the budget will be at its regular May 23 meeting.

Mr. Dan Whitten, County Attorney, went over the By-Law changes effective January 25, 2022 regarding the Chairman and Vice-Chairman. Chair Waymack and Vice-Chairman Hunter's terms end at midnight on December 31. In the absence of the Chairman and Vice-chairman, the longest serving Board member alphabetically, shall serve as Chairman. Therefore, Mr. Carmichael will serve as Chairman from January 1 to January 10 and shall open the January 10th meeting. The positions of Chairman and Vice-Chairman shall rotate annually based on seniority. If two Board members have the same seniority, the position shall be based on alphabetical order by comparing the Board members' last names. If a Board member that is next in line declines the position, the position of Chairman or Vice-Chairman shall rotate to the next Board member based on seniority. Mr. Whitten stated that the Board needs to discuss whether they want to start from the very beginning with Mr. Carmichael or do they want to start with the current Vice-Chairman, Mr. Hunter. Mr. Brown stated that he would like to start the rotation from where they currently are with Mr. Hunter being offered Chairman first since he is the current Vice-Chairman. For clarification, Mr. Whitten stated that if they did that, then Vice-Chairman would be offered to Mr. Carmichael. If Mr. Carmichael declined, then it would go down to Mr. Webb and so on. The Board agreed by consensus that they are fine with starting the rotation from the current Vice-Chairman as Chairman.

Chair Waymack called for a recess at 6:43 p.m. The meeting reconvened at 7:00 p.m.

Invocation. After a moment of silence for Tommy Buren, a long time Prince George County resident and volunteer, Mr. Brown gave the Board's invocation.

Pledge of Allegiance to U.S. Flag. Mr. Webb led the Pledge of Allegiance to the U.S. Flag.

PUBLIC COMMENTS. Chair Waymack announced that anyone wishing to come before the Board may do so at this time. She noted that this was the time for unscheduled general public comments. Chair Waymack opened the public comments at 7:03 p.m.

Mr. David Edwards (5301 Mica Drive). Mr. Edwards is the spouse of a Prince George County employee in Circuit Court. He expressed his frustration trying to get on base at Fort Lee for the Prince George County Annual Christmas Party. Unfortunately, after he was supposed to be already cleared in advance, he was turned away and his wife missed the party. Mr. Edwards stated that he is a veteran and the federal government is not what it used to be. He asked that Staff consider finding a venue in the future that serves the community instead of going on Fort Lee. Mr. Stoke stated that he has already requested that Human Resources book the Moose Lodge for next year.

Mr. Reid Foster (Laurel Spring Road). Mr. Foster stated that he has been researching to find out who made the decision to cut the radios from the volunteer fire departments. He stated that he learned it was done when Mr. Brown was Chairman of the Board to cut funds because the project was over budget. The volunteers were supposed to get one for one for the volunteers and he requested that they honor that.

There was no one else to speak and the public comments period was closed on 7:08 p.m.

APPROVAL OF AGENDA. Mr. Brown made a motion, seconded by Mr. Webb, to adopt the agenda as presented. Roll was called on the motion.

On roll call the vote was:

In favor: (4) Hunter, Webb, Waymack, Brown

Opposed: (0)

Absent: (1) Carmichael

ORDER OF CONSENSUS. Mr. Hunter made a motion, seconded by Mr. Brown, that the consensus agenda be approved as presented. Roll was called on the motion.

C-1. Draft Minutes – November 22, 2022 Regular Meeting Minutes.

R-22-223

C-2.

RESOLUTION; COMMENDATION; LIEUTENANT NOEL P. WATSON; SERVICE
TO PRINCE GEORGE COUNTY

WHEREAS, on January 16, 2000, Noel Watson was hired as a Police Officer; and;

WHEREAS, on July 13, 2013, he was promoted to Sergeant and on December 1, 2018 was promoted to Lieutenant and remained in this capacity until he retired on December 1, 2022; and

WHEREAS, Lieutenant Watson is a United States Army Veteran; and

WHEREAS, during his career, Lieutenant Watson was a General Instructor, Range Master, Firearms Instructor as well as the Firearms Coordinator and Field Training Officer as well as the Field Training Coordinator; and

WHEREAS, Lieutenant Watson throughout his career, has received numerous letters of commendation from citizens and business owners of Prince George County; and

WHEREAS, Lieutenant Watson has been involved in numerous critical incidents and has contributed to solving many major crimes throughout the County; and

WHEREAS, Lieutenant Watson's fellow co-workers refer to him as being committed and trustworthy; and

WHEREAS, throughout his remarkable career in Law Enforcement, Lieutenant Watson has served the citizens of the County and the Commonwealth to the utmost of his ability, demonstrating patriotism, integrity, and devotion to Law Enforcement and Public Safety in a manner bespeaking the dedication of a true public servant; and

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 13th day of December, 2022 does hereby commend Noel P. Watson for the completion of nearly twenty-two years of dedicated service to the County and its citizens; and

BE IT FURTHER RESOLVED that this Board wishes to extend to Noel Watson much happiness and continued success as he enters the next phase of his life.

On roll call the vote was:

In favor: (4) Hunter, Webb, Waymack, Brown

Opposed: (0)

Absent: (1) Carmichael

PRESENTATIONS

S-1. Resolution; Commendation; Lieutenant Noel Watson; Service to Prince George County. Mr. Hunter presented the commendation to Lt. Watson in the presence of his family, fellow officers and the Chief of Police.

SUPERVISORS COMMENTS

Mr. Webb wished everyone a safe Merry Christmas and Happy New Year.

Mr. Brown wished everyone a Merry Christmas and Happy New Year as well. He responded to the earlier comment made by Mr. Foster and stated that he is only one-fifth of this Board and one

Board member does not make any decisions for the whole Board. If anyone has a problem with anything he has done, pick up the phone and call him. There is no need for anyone to come up and single out one Board member.

Mr. Hunter wished everyone a safe Merry Christmas and Happy New Year. He expressed his condolences to the Buren family.

Chair Waymack stated she wishes everyone a healthy Christmas and New Year, as there is a lot of sickness out there. It is not too late to get your flu shot.

COUNTY ADMINISTRATOR'S COMMENTS

Mr. Jeff Stoke, Deputy County Administrator, stated that Benjamin Harrison Bridge will be complete closed December 16-19 and again on December 19-23 from 7:00 pm to 5:00 am. John Randolph Medical Center in Hopewell will change its name in December to TriCities Hospital. In addition, TriCities ER will become Prince George ER. A renaming ceremony will be held December 14 at 5pm at TriCities Hospital Café. There will be a Christmas Luncheon on Saturday, December 17 from Noon-3pm at the CWC, 11033 Prince George Drive.

REPORTS

VDOT – Ms. Crystal Smith of the Virginia Department of Transportation stated that the crews are working this week on the widening of the median at Route 10 and Ruffin Road. As soon as that is complete, they are hoping to get that right lane designated on Ruffin to turn onto Route 10. The bridges on Golf Course and Lone Oak Mill were awarded. The detour for Golf Course will be Pump House and Lone Oak Mill will be Thweatt. They expect to start in the spring. They have awarded the Bull Hill roundabout project with a delayed notice to proceed in May 2023. They have created an estimate for the County's review for the Hines Road ditch grading. If the County finds it a fair estimate, she will be bringing it before the Board for their support. Mr. Shane Mann, District Administrator, has been promoted to Assistant Chief Engineer and his predecessor, Mr. Dale Totten has been promoted to new Richmond District Engineer.

ORDER OF BUSINESS

A-1. Resolution of Support for Richard Bland College Transition to an Independent Governance Structure. Mr. Jeff Brown from Richard Bland College stated that this is a very exciting time for Richard Bland College. The college has been working for the past decade to pursue innovative programs consistent with the mandate of the General Assembly to pursue partnerships with industries and develop innovative educational programs. As a result, it makes great sense for Richard Bland College to have its own governing structure. Currently, they are governed by the William & Mary Board of Visitors, of which there is a sub-committee called the Richard Bland Committee. Richard Bland is a very different model of education compared to William & Mary. Just as CNU, VCU, and ODU did, Richard Bland College is seeking independence from William & Mary. Mr. Brown stated that the William & Mary Board of Visitors supports this move. They are moving forward in the General Assembly and their patrons of the bill are Senator Frank Ruff and Delegate Emily Brewer. They have a bill number, 1415. They also have support from other Senators and Delegates, including Senator Mason, Senator Norment, Delegate Taylor in Dinwiddie and Delegate Cherry in Colonial Heights. Mr.

Hunter stated that this is a long time coming and a grand idea. Mr. Brown made a motion, seconded by Mr. Hunter to approve the resolution as presented. Roll was called on the motion.

R-22-224

A-1.

RESOLUTION OF SUPPORT FOR RICHARD BLAND COLLEGE
TRANSITION TO AN INDEPENDENT GOVERNANCE STRUCTURE

WHEREAS, Richard Bland College was established in 1960 as one of five separate institutions, each overseen by an entity then known as the Board of Visitors of the Colleges of William and Mary; and

WHEREAS, the General Assembly subsequently granted three of those institutions independent governing boards, and those institutions exist today as Old Dominion University, Virginia Commonwealth University, and Christopher Newport University; and

WHEREAS, Richard Bland College has responded to General Assembly directives in place since 2014 to model collaborative, innovative approaches to education that would yield improved attainment of higher education—and attendant credentials—for Virginia citizens and robust economic development for the Commonwealth; and

WHEREAS, the 2022 General Assembly directed Richard Bland College to present a report by November 1, 2022, on "steps necessary to transition to an innovative model for higher education that prepares citizens for jobs in high-demand fields and industries critical to the economic development of the Petersburg area, Virginia Gateway Region and Commonwealth of Virginia"; and

WHEREAS, on November 1, 2022, a report entitled Richard Bland College: A Model for Higher Education Innovation was submitted to the House and Senate Education and Finance Committees of the General Assembly; and

WHEREAS, the report submitted on November 1, 2022, defines Richard Bland College as an innovative, hybrid model for higher education in Virginia and posits that, as such, the College requires a dedicated, independent Board of Visitors; and

WHEREAS, the Board of the College of William & Mary in Virginia expressed its unanimous support for Richard Bland College's proposed governance transition in a resolution dated November 17, 2022; and

WHEREAS, the College intends to pursue legislation during the 2023 General Assembly session that would grant Richard Bland College a dedicated governing board without elevating its degree status;

NOW THEREFORE BE IT RESOLVED, that the Prince George County Board of Supervisors supports Richard Bland College's proposed transition to a dedicated, independent governance structure.

On roll call the vote was:

In favor: (4) Hunter, Webb, Waymack, Brown

Opposed: (0)

Absent: (1) Carmichael

A-2. Authority for Chair to Sign and Submit Notarized Statement Certifying Presentation of FY2021-2022 Financial Report to Local Governing Body. Ms. Betsy Drewry, Deputy County Administrator, Finance, stated that localities are required to submit their audited financial statements to the Auditor of Public Accounts on or before December 15 (formerly November 30) annually in accordance with Section 15.2-2510 of the Code of Virginia. Section 15.2-2510 of the Code of Virginia also states that the local governing body shall include a notarized certification stating that the audited financial report has been presented to the governing body. The certification is to be signed by the chief elected official and the chief administrative officer. Staff is requesting the Board to authorize, by public vote, the Board Chair and the County Administrator to sign the attached certification stating the Board has received the audited FY2022 financial statements to comply with Section 15.2-2510 of the Code of Virginia. Mr. Webb made a motion, seconded by Mr. Hunter to authorize the certification. Roll was called on the motion.

On roll call the vote was:

In favor: (4) Hunter, Webb, Waymack, Brown

Opposed: (0)

Absent: (1) Carmichael

A-3. Resolution: Award of Contract and Appropriation for the Southpoint Business Park Force Main Realignment (\$1,287,023.00 Award to Perkinson Construction, LLC; \$1,287,023.00 Appropriation of Funds). Mr. Frank Haltom, County Engineer, stated that the County's gravity sewer line, located along County Drive, serves the Southpoint Business Park and is near full capacity. This force main realignment is a project planned to increase wastewater capacity to the Southpoint Business Park and free up capacity in the existing gravity sewer along Route 460. The construction plans were advertised with bids due on November 22nd. One (1) bid was received. The apparent low bid was submitted by Perkinson Construction, LLC for \$1,287,023.00. The County's engineering consultant, Bowman Consulting, has evaluated the bid. Their recommendation is to award it to Perkinson Construction, LLC. Staff recommends award of the project to Perkinson Construction, LLC for \$1,287,023.00; and an appropriation of funds in the amount of \$1,287,023.00 from the ARPA Utility Project Contingency to the ARPA Utility SPBP WW FM Realignment to fund the project. Mr. Hunter made a motion, seconded by Mr. Webb, to approve the resolution to award the contract for construction of the Southpoint Business Park force main realignment to Perkinson Construction, LLC for \$1,287,023.00; and the appropriation of funds in the amount of \$1,287,023.00 from the ARPA Utility Project Contingency to the ARPA Utility SPBP WW FM Realignment. Roll was called on the motion.

A-3.

RESOLUTION: AWARD OF CONTRACT AND APPROPRIATION FOR THE SOUTHPOINT BUSINESS PARK FORCE MAIN REALIGNMENT (\$1,287,023.00 AWARD TO PERKINSON CONSTRUCTION, LLC; \$1,287,023.00 APPROPRIATION OF FUNDS)

WHEREAS, the Southpoint Business Park force main realignment will provide an increase in wastewater capacity to the Park; and

WHEREAS, construction plans were advertised for bid and one bid was received by the due date of November 22nd; and Perkinson Construction, LLC submitted the low bid of \$1,287,023.00; and

WHEREAS, Award of this contract requires appropriation of funds totaling \$1,287,023.00 which is available in ARPA Utility Project Contingency; and

NOW, THEREFORE BE IT RESOLVED: that the Board of Supervisors of the County of Prince George this 13th day of December, 2022, hereby awards the contract for Construction of the Southpoint Business Park Force Main Realignment to Perkinson Construction, LLC for \$1,287,023.00.

NOW, THEREFORE BE IT FURTHER RESOLVED That the Board of Supervisors of the County of Prince George this 13th day of December, 2022, does hereby authorize and appropriate the following increase of funds within the 2022-2023 Budget, such line items increased as follows, which monies shall be expended for purposes authorized and approved by the Board of Supervisors of the County of Prince George:

<u>FUND/ORGANIZATION</u>	<u>AMOUNT</u>
ARPA Fund	
Expenditures:	
Increase 0231-04-104-3229-48402 ARPA Utility SPBP WW FM Realignment	\$1,287,023.00
Decrease 0231-04-104-7003-49199 ARPA Utility Project Contingency	(\$1,287,023.00)

On roll call the vote was:
In favor: (4) Hunter, Webb, Waymack, Brown
Opposed: (0)
Absent: (1) Carmichael

A-4. Resolution; Authorization to Advertise a Public Hearing for Ordinance to Amend § 2-1 of “The Code of the County of Prince George, Virginia”, 2005, as Amended to Make Changes to the Background Check and Fingerprinting Requirements for Persons Offered Conditional Employment and For Volunteers. Mr. Dan Whitten, County Attorney, stated that Section 2-1 of the Code of the County of Prince George is enacted to comply with provisions of

the Code of Virginia Section 15.2-1503.1. The amendment will bring the County Code in compliance with Virginia Code Sections 15.2-1505.1, 15.2-1505.3 and 19.2-389(A)7 allowing the access of criminal history record information of any person conditionally offered employment or wishing to volunteer. All persons conditionally offered employment or who wish to volunteer must be fingerprinted and provide personal descriptive information for purposes of obtaining criminal history information. Human Resources will now be responsible for transmitting information to the Central Criminal Records Exchange and FBI. All results will be returned to the Human Resources Department. The human resources director will determine if the information contained in the record directly relates to the position, compatible with the nature of the employment or volunteering, and whether it disqualifies the person from employment or volunteering. The amendment will list the considerations to be followed. A motion approving authority to advertise the ordinance for a public hearing on January 10, 2023, is requested. Mr. Brown made a motion, seconded by Mr. Webb, to approve advertisement of an Ordinance for a public hearing on January 10, 2023 regarding background check and fingerprinting requirements for persons offered conditional employment and for volunteers.

R-22-226

A-4.

RESOLUTION; AUTHORITY TO ADVERTISE AN ORDINANCE TO AMEND “THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA,”
AS AMENDED, BY AMENDING §2-1 REGARDING BACKGROUND CHECK AND FINGERPRINTING REQUIREMENTS FOR PERSONS OFFERED CONDITIONAL EMPLOYMENT AND FOR VOLUNTEERS

NOW, THEREFORE, BE IT RESOLVED, that the Board Of Supervisors of the County of Prince George this 13th day of December, 2022, does hereby authorize the advertisement of a public hearing on January 10, 2023 for an Ordinance to Amend “The Code of the County of Prince George, Virginia,” as amended, by amending §2-1 regarding background check and fingerprinting requirements for persons offered conditional employment and for volunteers.

On roll call the vote was:

In favor: (4) Hunter, Webb, Waymack, Brown

Opposed: (0)

Absent: (1) Carmichael

PUBLIC HEARINGS

P-1. SPECIAL EXCEPTION SE-22-07: Request of PG 1100 Jordan Point LLC to permit a country club with golf course and other recreational activities within a R-A (Residential-Agricultural) Zoning District pursuant to Prince George County Zoning Ordinance Sections 90-103(3) and 90-103(22), and in a R-1 (Limited Residential) Zoning District pursuant to Section 90-203(1). The subject property, formerly known as the Jordan Point Golf Course and Country Club, is approximately 143 acres in size, located at 1100 Jordan Point Road, and consists of Tax Parcels 040(02)00-001-0, 040(02)00-001-A, 040(0A)00-002-A, 040(0A)00-003-A, 140(08)00-00A-1. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for

Residential uses. Mr. Tim Graves, Planner, stated that this is a request of PG 1100 Jordan Point LLC to permit a country club with golf course and other recreational activities within a R-A (Residential-Agricultural) Zoning District pursuant to Prince George County Zoning Ordinance Sections 90-103(3) and 90-103(22), and in a R-1 (Limited Residential) Zoning District pursuant to Section 90-203(1). The subject property, formerly known as the Jordan Point Golf Course and Country Club, is approximately 143 acres in size, located at 1100 Jordan Point Road, and consists of Tax Parcels 040(02)00-001-0, 040(02)00-001-A, 040(0A)00-002-A, 040(0A)00-003-A, 140(08)00-00A-1. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses. Prior to 2012, the property operated as Jordan Point Golf and Country Club. From 2012 to 2022, the property was not in use. On June 6, 2022, the applicant submitted an application for a Special Exception. On July 25 the applicant purchased the property. On August 21 Staff reviewed the case during a Planning Commission Work Session. On August 25, the public hearing was postponed until September 22. There was a community meeting at the Hopewell Library on September 7. There was no public hearing on September 22 to allow time for reviewing and responding to community feedback. On October 27, the Planning Commission held a public hearing and voted 3-2 to postpone to allow time for Staff to review feedback discussed during meeting. On November 14 at a Planning Commission Work Session, they previewed Staff's revised conditions. The Planning Commission Chairman allowed the applicant to speak and the applicant discussed certain conditions they did not agree with. On November 17, the Planning Commission reconsidered postponed business item and voted 4-2 to recommend approval, subject to Staff's recommended conditions. The applicant is proposing country club amenities using existing facilities to include swimming pool, snack bar and food, and activities to encourage health and wellness such as biking trails, pickleball courts, driving range, and dog park. There are no initial plans for a golf course, but possibly implement a golf course in the future. They want to allow events such as weddings, receptions, etc. Other events might include: class reunions, a pumpkin patch event, Easter egg hunt event, Halloween event with hayrides, New Years' Eve event and possibly teaming up with some charities and hosting classic car events, etc. There will be membership dues to join and members will have access to the facilities. They plan to open initially from 10 AM to 10 PM 7 days a week (subject to change over time) and to use the existing entrance signs. In terms of land use classifications, Staff considers events such as weddings and receptions a land use for this request, however, events open to the general public require a Special Event Permit. The west side of Jordan Point Road is zoned R-A Residential Agricultural and was previously used as a country club, golf course, and golf driving range. It is proposed for same uses. The east side of Jordan Point Road is zoned R-1 Limited Residential and was previously used as a golf course. It is proposed for a possible future golf course uses and use existing trails. The proposed uses are similar to previous uses and compatible with the surrounding area, so long as recommended conditions are in place. A "Special Event Permit" is required for events that are outdoors and have music/entertainment and are open to the public or produce revenue from donations/ticket sales. Most of the events planned by the applicant are not considered special events. Staff has recommended conditions to address possible impacts including: stray golf balls, hours of operation, permitted activities, adequate on-site parking, signage, protection of Resource Protection Areas (RPAs), limit use of west side of property to golf course and trails, and that the request is compatible with the comprehensive plan. Future Land Use designation of "Residential" can accommodate recreational activities for residents and the project is supported by economic development goals to encourage tourism and provide amenities for quality of life. In addition, a traffic analysis is

recommended as a condition. Regarding traffic impacts, VDOT said the existing commercial entrance is adequate based on the proposed uses. The entrance road/driveway is long and wide to accommodate traffic in both directions. No Chapter 527 Traffic Impact Analysis (TIA) is required based on estimated traffic volumes. The applicant provided trip generation estimates that suggest that a turn lane may not be required. No turn lane warrant analysis (TLWA) is automatically required because no physical development proposed, however Staff recommends that a TLWA be required as a condition of approval. The applicant should submit a TLWA within 12 months and install any required improvements at their expense within 36 months (if required). The recommended condition allows time to monitor and measure the actual traffic impacts to improve the accuracy of a TLWA. The recommended condition provides flexibility to allow a more restricted use to occur until a turn lane is installed (if required). Any new structures or renovations will be reviewed for compliance with the Virginia USBC (building code). Well and septic system must be evaluated by AOSE/PE. A commercial entrance is required and is already in place. Since the applicant is proposing to continue the use of the existing building as a country club, the extension of public water and wastewater to serve the property would not be required. If new structures were proposed in the future or other development that would require the use of water and sewer is proposed, public water and wastewater would need to be extended to serve the property. Staff met with leadership of the Jordan on the James HOA on August 31 to discuss questions and concerns. A Community Meeting was held between the applicant and the HOA on September 7. Overall sentiment was supportive of the request. Questions/concerns from the above meetings included: activities allowed, timeline for a golf course, possible traffic impacts, parking, types of events that will occur, and size of events. All questions and concerns have been answered in Staff Report materials. The recommended conditions were updated based on the feedback. Some of the public comments in support were excited for new amenities and to consider allowing additional special events. Some of the questions/concerns were traffic safety, require traffic analysis, and water quality impacts of stormwater runoff. The applicant requested certain changes to conditions. All questions and concerns have been answered in the Staff Report materials. The recommended conditions were updated based on the feedback. Staff is recommending the following conditions:

- Use of East side of property:
 - Golf course as defined
 - Bicycle/multi-use trails in association with country club or golf course activities on the property. ATVs and gas-powered vehicles (other than golf carts and maintenance vehicles) are not permitted.
- Use of West side of property:
 - Golf course as defined
 - Country club in existing structures. For the purposes of this special exception, the country club land use is defined as “a suburban club for social life and recreation”, and it will permit amenities consistent with this definition, including a swimming pool and snack bar, and allowing the hosting of events such as weddings and receptions.
 - Recreation structures and uses related to outdoor recreation. Only the following activities shall be permitted as part of this land use:
 - Bicycle/multi-use trails. ATVs and gas-powered vehicles (other than golf carts and maintenance vehicles) are not permitted.
 - Tennis/pickleball courts

- Driving range (limited to the existing location)
- Dog park
- Other recreational activities with similar impacts, as approved by Director of Planning

The Owner shall conduct a Turn Lane Warrant Analysis using trip generation data for the approved Special Exception uses including peak hour traffic volume as agreed upon by the Planning Office and VDOT.

- The analysis shall be completed within 12 months of opening the development for use. Any infrastructure improvements determined to be needed according to the analysis shall be installed at the Owner's expense within 36 months of the date of the County's acceptance of the analysis.
- If the analysis determines that turn lane(s) are warranted, the Planning Director may restrict particular use(s) to a smaller scale that does not require turn lane(s) until the infrastructure improvements are completed.
- After initial acceptance of the analysis, if a new or expanded use is proposed at a later time that was not considered in the accepted analysis, the analysis shall be updated with revisions submitted to the Planning Office and VDOT for review and acceptance.
- Should a revised analysis reveal that turn lane(s) are warranted for additional or expanded use(s), the necessary turn lane(s) shall be installed prior to opening the use to the public.
- Parking on-site only and no parking on Jordan Point Road
 - Signage limited to existing signage and no electronic message boards
 - Obtain and comply with all required permits and licenses
 - Owner must certify well and septic systems to determine capacity of buildings
 - Public water/sewer connection required for future development that requires connection
- Water quality protection:
 - Use porous materials for new parking areas
 - Delineate RPA areas before any development
 - Use eco-friendly fertilizer
 - Submit Nutrient Management Plan to Virginia Department of Conservation and Recreation (DCR)
 - Minimize runoff into James River and connected waterways from any new impervious areas and any dog park
- Comply with noise ordinance
- Hours and days for operations:
 - 9am to 10pm Monday through Thursday.
 - 9am to midnight Friday through Sunday.
 - 9am to 2am for New Year's Eve holiday.
 - All music and activities shall occur indoors after 10pm.
- Conditions for all events:
 - Staffing shall be provided for parking and traffic circulation
 - Number of attendees limited by building code and health code
 - Notify the PG Police Department at least 15 days prior to any scheduled event expected to exceed 150 event attendees
 - No more than 12 special events requiring a "Special Event Permit" shall be permitted each calendar year
 - No Special Events permitted on East side of Jordan Point Road

Mr. Graves defined “Special Events” in the County Code. A special event means a gathering of persons to be held in open space not within a permanently enclosed structure for the purpose of listening to or participating in music, or listening to or participating in entertainment that is open to the public or which results in revenue through donations or ticket sales. "Entertainment" includes but is not limited to fairs, carnivals, circuses, fund raisers, exhibitions, performances, rides, races, parades, marches, fireworks, events, concerts, celebrations, tours, shows and outdoor dances. Examples of Special Events include New Years’ Eve event outdoors and open to general public, outdoor shows / concert /dance, fireworks displays, carnivals, fairs, circuses, parades, races, and outdoor fundraisers with entertainment/live music. The following are not considered Special Events: weddings and receptions, class reunions, private parties, a New Years’ Event indoors, all other events indoors, a car show, outdoor seasonal events (e.g. Easter egg hunt, Halloween event with hayrides), and a farmers market. In addition, County or School sponsored events, yard sales, flea markets, private parties, athletic tournaments, pep rallies, and business grand openings are not considered a Special Event.

The applicant has requested to increase Special Events allowed from 12 to 24. Staff does not support this because:

- 12 events per year is consistent with other venues that host multiple special events. Such venues are zoned Commercial while this property is not.
- More than 12 “Special Events” per year constitutes a more intensive land use than “country club, e.g. “outdoor events venue”
- Residents adjacent to property and in the vicinity may not appreciate frequent loud outdoor events and additional traffic during large events
- Frequent outdoor events should be factored into traffic impacts analysis as an additional land use
- Most events desired by applicant are not special events

The applicant has requested to remove limitations against ATVs and gas-powered vehicles on the west side of Jordan Point Rd. Staff does not support this because there would be a risk of unrestricted use of noisy vehicles such as dirt bikes and ATVs on the property. In addition, the applicant is requesting that the Board not allow the Planning Director to restrict particular uses until a turn lane is installed. Staff does not support this because it would enable the applicant to operate uses on the property that cause enough traffic impact to require turn lane(s), before installing turn lane(s). Mr. Webb stated that the correlation of trying to distinguish the traffic for nine holes of golf versus 18 holes of golf does not work for him. If VDOT does not have a problem with the width, he is not following why they need to do a traffic analysis. He stated that he understands the citizens have a problem with the current parking problem at Holy Mackerel. It is packed all of the time, which is great. We want businesses to prosper. He stated that if it were him, he would put his overflow parking on the Country Club property and provide a valet service. Therefore, he does not understand why that language is in there. It is people parking their cars in a wide open space. It is not ATVS, motorcycles, etc. Mr. Graves stated that if they meet all of the requirements regarding the distance to the property and the compliance to the Codes of Holy Mackerel, then they could do that. Mr. Webb stated that he is not getting a warm fuzzy feeling out of that answer; either you can or you cannot. The language is very confusing. Mr. Hunter agreed. Mr. Webb stated that he is still lost as to why we need to do a traffic analysis

if VDOT is okay with the entrance. Mr. Graves stated that a turn lane is not based on the entrance. Mr. Webb stated that he thinks it is a little unfair to require it. Mr. Brown asked why would we not rezone the property versus going through a Special Exception process. Mr. Graves stated that even if they rezoned, they would still have to go through a similar process because recreational uses in a B-1 require a Special Exception as well. Mr. Brown asked if the applicant would have the option to ask for changes in the conditions. Mr. Graves stated that they could always come back and request an amendment on certain conditions. Mr. Brown stated that he would love to see something done with this property. He understands restrictions and conditions, but he wants to give all business owners the same opportunity to be successful in Prince George. This is with all due respect to the neighboring homeowners. He has only received supportive comments. This is well needed and he wants this business to be successful.

The applicant stated that he drove by this property many times and was very disappointed to see the condition that it was in. He believes this property can add huge value to Prince George as a whole. He really thinks everyone will be pleased with what they plan to do with the property. The applicant's attorney, Michael Lafayette, stated that they could work with the initial set of conditions. After previous public comments, those conditions ballooned. Everything has gotten very expensive, very fast. Therefore, they are not certain that they are going to be viable with this project after purchasing a very expensive piece of property. They are not in agreement with many of the conditions. There was already a country club and golf course on this property. Why do they suddenly have over 20 conditions just to reopen it. He presented the Board a redlined version of the conditions they do not agree to. He stated that they would like to work this out this evening and they do want to compromise with these changes. Those changes included the previous mentioned requests regarding ATVs and gas-powered vehicles on the west side of the property, the turn lane analysis requirement, dog park requirements, future facilities water and sewer use, and the limitation on Special Events, and parking on the property.

Chair Waymack opened the public hearing at 8:31 pm.

Rick Ranger (10481 Jordan Parkway). Mr. Ranger stated that he is a member of the Jordan on the James HOA. Once this goes through, there will be three businesses and two residential neighborhoods on Jordan Point Road. Jordan on the James is the only one at this point with turn lanes which makes it much easier. If this development is as successful as we hope it will be, there will be enough additional traffic to warrant turn lanes. Without, we face the risk of accidents and fatalities. We want a safer commercial development.

Kathleen Wright (1150 Eagle Place). Ms. Wright stated that she is all about expansion, but she moved out here for peace and no noise after serving three times in Iraq. Therefore, she is very concerned about the noise this project could create.

Torsten Peterson (1712 Jordan Point Road). Mr. Peterson is adjacent to the country club property. He stated that if they want to keep gas-powered carts from racing on the trails, why not include diesel. He thinks it would not hurt to add "no motorized races." We must consider getting the boundary lines down in preparation for any recreational activity the owner may plan to have in the future. He referenced Whitetail Park in Sussex as an example of what we may not want.

Norwood Wilson (adjoining property owner to Mr. Peterson). Mr. Wilson asked how many chances do you get an opportunity where a footprint is already there, soil does not have to be disturbed and things do not have to be changed. Leave the traffic pattern to the experts, VDOT, and not hamstringing the applicant right off of the bat. A golf course is the most serene thing that could be in that area. Protocol cannot trump reality and reality is that this is a good thing.

Beverly Rogers (249 Lighthouse Point). Ms. Rogers is the President of the Jordan on the James HOA. She thanked County Staff for working with them to address the concerns of potential impacts this project may have. They are very excited about this project with the conditions that County Staff has recommended. She reminded the Board that they have a Comprehensive Plan to help guide them make decisions in respect to land uses. The Comprehensive Plan does designate this area for residential. She stated that this is why the property should not be rezoned for business as Mr. Brown previously inquired about. The Special Exception process allows for non-residential uses in a non-residential area with conditions that ensure that those uses are compatible with the area in the future. She stated that she has spoken directly with Paul Hinson at VDOT and he indicated to her that there was not sufficient information with the zoning application for him to make a turn lane determination. He would not make such a determination until the site plan is submitted for approval. There is every real possibility that a site plan will never be required for the uses proposed on this property. We all think about the golf course and the country club, but there is much unknown. We may get uses that were never on this property.

Richard Strongen (508 Bland's Landing). Mr. Strongen complimented Staff on this project. He thanked the applicant for believing in the County and investing a large sum of money. He was concerned about potential contamination in one of their lakes and the traffic. Due to the proposed conditions, those concerns have been resolved. Therefore, he supports the project with Staff recommendations for conditions.

There being no one else to speak, Chair Waymack closed the public hearing at 8:48 pm. In response to the previous comments, Mr. Lafayette stated that the applicant will adhere to the County noise ordinance and they have no objection to restricting motorized races. Mr. Webb stated that he has no problem with hayrides and stuff like that, but he would not be agreeable to allowing ATVs and dirt bikes. Mr. Lafayette stated that is fine, but they may want to have gas-powered vehicles such as golf carts, maintenance and work vehicles, etc. Mr. Webb stated that he would be okay with that. He is just thinking about the citizens' concerns. Four wheelers and dirt bikes can be noisy. Mr. Whitten suggested they use the language of farm equipment as it is by right. Mr. Lafayette asked if a battery-operated vehicle that makes no noise would be permitted. Mr. Whitten stated yes. Mr. Brown stated that he is very confused. They were presented with conditions and the applicant has presented different conditions. He is not clear what they will be voting on. He would like a clean copy of what he is agreeing to. Mr. Graves stated that he received his copy from the applicant this evening as well. Mr. Whitten suggested that they postpone the matter or reference the clean ordinance this evening or the applicant's version. Mr. Brown stated that he needs to see a clean document with the proposed changes. Mr. Brown stated that he hates to delay the project any further. Mr. Webb stated that they need more conversation about this. He is still at a loss regarding the requirement of the traffic analysis. Sometimes you need to be careful what you ask for. They may come back with a

speed limit change or anything else. With all due respect to the citizens, he still does not see a need for an analysis if VDOT does not see a need at this time. A turn lane can run \$1.5 million. It is not just something you can throw on a business. Mr. Hunter stated that he does not agree with a limit of 12 events, especially if they need approval anyway. Mr. Jeff Stoke, County Administrator, asked if it is legal to make changes to what came out of the Planning Commission to the Board of Supervisors or does it need to go back to the Planning Commission. Mr. Whitten stated that the conditions can be amended, especially if they are less restrictive. Mr. Brown stated that he does not feel comfortable voting on what is before him right now. Mr. Webb stated that this is our last meeting of the year so we would be putting it off a whole month. Mr. Brown asked if they could postpone it to a special meeting just for this one matter. Mr. Whitten stated that they could with proper notice of five days' notice. After brief discussion, the Board agreed to have a special meeting on Tuesday, December 20 at 5:00 pm to take this matter back up. Mr. Webb made a motion, seconded by Mr. Brown, to postpone this matter to 5:00 pm on December 20, 2022 in the Boardroom.

On roll call the vote was:

In favor: (4) Hunter, Webb, Waymack, Brown

Opposed: (0)

Absent: (1) Carmichael

P-2. SPECIAL EXCEPTION SE-22-11: Request of Jason and Amelia Ruffin to permit a Family day care home (large) within a Limited Residential (R-1) Zoning District, pursuant to Prince George County Zoning Ordinance Section 90-203(3). The purpose of the request is to provide childcare services for up to 10 children at a time as a home occupation within an existing single-family dwelling. The subject property is approximately 0.368 acres in size, located at 4481 Branchester Parkway, and is identified as Tax Map 13H(04)0I-011-0. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses. Mr. Tim Graves, Planner, stated that this is a request of Jason and Amelia Ruffin to permit a Family day care home (large) within a Limited Residential (R-1) Zoning District, pursuant to Prince George County Zoning Ordinance Section 90-203(3). The purpose of the request is to provide child care services for up to 10 children at a time as a home occupation within an existing single-family dwelling. The subject property is approximately 0.368 acres in size, located at 4481 Branchester Parkway, and is identified as Tax Map 13H(04)0I-011-0. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses. The applicant currently provides care for up to four children under existing by-right home occupation with a business license. She is a former teacher of Prince George County Schools for 10 years. There will be one employee/volunteer other than Amelia Ruffin. The ages of the children will be 2 to 10 with a concentration on preschool-aged children. The hours of care are 8am to 5pm, Monday to Friday. The owner and employee will park in the driveway. Pickup and dropoff of children occurs at the street. Activities primarily occur in the attached garage and the backyard is the play area. A family day care home means a dwelling unit in which the provider resides that is used to provide care, protection, and guidance to one through 12 children, exclusive of the provider's own children and children who reside in the home, when at least one child receives care for compensation... A family day care home (large) may provide care for one to 12 individual children during any part of the 24-hour day and shall be governed by a license issued by the state

department of social services, consistent with the provisions of Code of Virginia, § 15.2-229. This appears to be compatible with the surrounding current and future residential uses. A new Certificate of Occupancy will be generated. They must be licensed with oversight by the Virginia Department of Social Services. Emergency planning and preparedness at this facility must comply with Virginia Statewide Fire Prevention Code. Annual inspections will be required and conducted Building Inspections Division. The recommended conditions include:

- Family day care home (large), pursuant to Section 90-203(3), for the purpose of providing care services for up to ten (10) children as a home occupation accessory to a single-family dwelling.
- Hours of operation: 8am to 5pm Monday through Friday, with up to 30 additional minutes allotted for pickup and dropoff of children
- One additional (1) person may be employed other than owner
- Owner(s) and any employee shall park in the on-site driveway during business hours
- Street parking for pickup and dropoff of children
- Maintain all required licenses including VDSS license
- No permanent signage
- Comply with County Noise Ordinance

The Planning Commission recommended approval with the recommended conditions. Chair Waymack opened the public hearing at 9:22 pm.

Mr. Darryl Johnson (4482 Branchester Parkway). Mr. Johnson lives across the street from the Ruffins. He is in support of the Ruffins. He stated that they have taken on the honorable task of dealing with our children. It is a great thing to have a safe place for children to come to learn and be loved. He is glad that they have spearheaded this need.

There being no one else to speak, the public hearing was closed at 9:25 pm. Ms. Ruffin stated that taking care of children is her passion. She has four children of her own. Mr. Brown made a motion, seconded by Mr. Hunter, to approve the Special Exception as presented. Roll was called on the motion.

O-22-36

P-2.

SPECIAL EXCEPTION SE-22-11: Request of Jason and Amelia Ruffin to permit a Family day care home (large) within a Limited Residential (R-1) Zoning District, pursuant to Prince George County Zoning Ordinance Section 90-203(3). The purpose of the request is to provide childcare services for up to 10 children at a time as a home occupation within an existing single-family dwelling. The subject property is approximately 0.368 acres in size, located at 4481 Branchester Parkway, and is identified as Tax Map 13H(04)01-011-0. The Prince George County Comprehensive Plan Future Land Use Map indicates the property is planned for Residential uses.

BE IT ORDAINED by the Board of Supervisors of Prince George County that the Special Exception Application identified as SE-22-11 is granted as an amendment to the official zoning map with the following conditions:

1. This Special Exception is granted to Jason & Amelia Ruffin for the following use on Tax Map 13H(04)0I-011-0: Family day care home (large), pursuant to Section 90-203(3), for the purpose of providing care services for up to ten (10) children as a home occupation accessory to a single-family dwelling.
2. Hours of operation shall be limited to 8am to 5pm on Monday through Friday, with up to 30 additional minutes allotted for pickup and dropoff of children at the beginning and end of each business day.
3. One (1) person may be employed for on-site assistance, in addition to the occupant(s) of the dwelling.
4. The owner(s) and any employee shall park in the on-site driveway during business hours.
5. Vehicles may use street parking for pickup and dropoff of children.
6. The business operator shall maintain all required licenses including a license from the Virginia Department of Social Services based on the number and age of children cared for.
7. No permanent signage shall be permitted for the business.
8. The applicant shall take the appropriate measures to ensure compliance with the County Noise Ordinance of the Code of the County of Prince George County, as adopted.
9. The Special Exception shall become null and void if the use is abandoned for a period of twenty-four 24 consecutive months.
10. This Special Exception is renewable or transferrable to future owners only by approval of the Board of Supervisors without a public hearing so long as there are no deviations from the conditions.
11. This Special Exception may be revoked by Prince George County or by its designated agent for failure by the applicant to comply with any of the listed conditions or any provision of federal, state or local regulations.

Adopted on December 13, 2022 and becoming effective immediately.

On roll call the vote was:

In favor: (4) Hunter, Webb, Waymack, Brown

Opposed: (0)

Absent: (1) Carmichael

P-3. ORDINANCE AMENDMENT OA-22-03: Ordinance to amend “The Code of the County of Prince George, Virginia”, 2005, as amended, by amending §§ 90-52, 90-53.1, 90-102, 90-103.1, 90-152, 90-153.1, 90-202, 90-203.1, 90-242, 90-243.1, 90-292, 90-293.1 and 90-985 to clarify the uses in the Agricultural and certain Residential zoning districts to allow by-right private animal boarding places on parcels of more than one acre and to allow by special exception from the Board of Zoning Appeals private animal boarding places on parcels of one acre or less in size. Mr. Dan Whitten, County Attorney, stated that Staff is requesting to amend Sections 90-52, 90-53.1, 90-102, 90-103.1, 90-152, 90-153.1, 90-202, 90-203.1, 90-242, 90-243.1, 90-292, 90-293.1 and 90-985 of the Zoning Ordinance in order to clarify in which zoning districts Private Animal Boarding Places are permitted by-right vs. in which zoning districts they are permitted with a special exception from the Board of Zoning

Appeals. The Amendment is intended to clarify the requirements that are already in place so that all parts of the County Code work together to specify the requirements accurately. A private animal boarding place is defined as a place where 4 or more dogs, more than 4 months old, are kept for private use. Chair Waymack opened the public hearing at 9:29 pm. There was no one to speak and the public hearing was closed. Mr. Brown made a motion, seconded by Mr. Webb, to approve the Ordinance Amendment as presented. Roll was called on the motion.

O-22-37

P-3.

ORDINANCE TO AMEND “THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA”, 2005, AS AMENDED, BY AMENDING §§ 90-52, 90-53.1, 90-102, 90-103.1, 90-152, 90-153.1, 90-202, 90-203.1, 90-242, 90-243.1, 90-292, 90-293.1 AND 90-985 TO CLARIFY THE USES IN THE AGRICULTURAL AND CERTAIN RESIDENTIAL ZONING DISTRICTS TO ALLOW BY-RIGHT PRIVATE ANIMAL BOARDING PLACES ON PARCELS OF MORE THAN ONE ACRE AND TO ALLOW BY SPECIAL EXCEPTION FROM THE BOARD OF ZONING APPEALS PRIVATE ANIMAL BOARDING PLACES ON PARCELS OF ONE ACRE OR LESS IN SIZE

BE IT ORDAINED by the Board of Supervisors of Prince George County:

(1) That §90-52 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-52. - Uses and structures permitted by right.

The following uses and structures are permitted by right in the A-1 general agricultural district:

(21) Animal boarding place, private, on parcels of more than one acre in size.

(2) That §90-53.1 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-53.1. - Uses and structures permitted by special exception granted by the board of zoning appeals.

(1) Animal boarding place, private, on parcels of one acre or less in size.

(3) That §90-102 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-102. - Uses and structures permitted by right.

The following uses and structures are permitted by right in the R-A residential agricultural district:

(20) Animal boarding place, private, on parcels of more than one acre in size.

(4) That §90-103.1 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-103.1. - Uses and structures permitted by special exception granted by the board of zoning appeals.

(1) Animal boarding place, private, on parcels of one acre or less in size.

(5) That §90-152 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-152. - Permitted uses.

The following are permitted uses in the R-E residential estate district:

(9) Animal boarding place, private, on parcels of more than one acre in size.

(6) That §90-153.1 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-153.1. - Uses and structures permitted by special exception granted by the board of zoning appeals.

(1) Animal boarding place, private, on parcels of one acre or less in size.

(7) That §90-202 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-202. - Permitted uses.

In the R-1 limited residential district, structures to be erected or land to be used shall be one or more of the following uses:

(13) Animal boarding place, private, on parcels of more than one acre in size.

(8) That §90-203.1 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-203.1. - Uses and structures permitted by special exception granted by the board of zoning appeals.

(1) Animal boarding place, private, on parcels of one acre or less in size.

(9) That §90-242 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-242. - Permitted uses.

In the R-2 limited residential district, structures to be erected or land to be used shall be for one or more of the following uses:

(14) **Animal boarding place, private, on parcels of more than one acre in size.**

(10) That §90-243.1 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-243.1. - Uses and structures permitted by special exception granted by the board of zoning appeals.

(1) Animal boarding place, private, **on parcels of one acre or less in size.**

(11) That §90-292 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-292. - Permitted uses.

In the R-3 general residential district, structures to be erected or land to be used shall be for one or more of the following uses:

(18) **Animal boarding place, private, on parcels of more than one acre in size.**

(12) That §90-293.1 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-293.1. - Use and structures permitted by special exception granted by the board of zoning appeals.

(1) Animal boarding place, private, **on parcels of one acre or less in size.**

(13) That §90-985 of The Code Of The County Of Prince George, Virginia, 2005, as amended, is amended and re-codified to read as follows:

Sec. 90-985. – Powers and duties generally.

The board of zoning appeals shall have the power and duty:

(8) **To hear and decide applications for special exceptions as may be authorized in the Zoning Ordinance.** ~~To grant special exceptions, upon conditions, to allow the keeping of more than three dogs on residentially zoned parcels, on business zoned parcels that allow residential uses, or any residentially used parcel, regardless of zoning, of an acre or less.~~

(14) That the Ordinance shall be effective immediately upon adoption.

On roll call the vote was:

In favor: (4) Hunter, Webb, Waymack, Brown

Opposed: (0)

Absent: (1) Carmichael

P-4. ORDINANCE AMENDMENT OA-22-04: Ordinance to amend “The Code of the County of Prince George, Virginia”, 2005, as amended, by enacting § 90-707 and amending §§ 90-708, 90-709, 90-711, 90-712, 90-715, 90-717, 90-718, 90-719, 90-721, 90-723, 90-726, 90-727, 90-729, 90-730, and 90-731 to make changes to the Floodplain Ordinance to reflect

certain changes in the Virginia Department of Conservation and Recreation Model Ordinance for Localities. Ms. Julie Walton, Deputy County Administrator, Community Development, stated that Staff is recommending that the County update the current Floodplain Ordinance to reflect the new FEMA floodplain maps for Prince George County and to add additional language recommended and/or required by the Virginia Department of Conservation and Recreation. Prince George County is required to adopt the FIRM update and requirements in order for property owners and the County to continue participation in the National Flood Insurance Program (NFIP). The draft Ordinance Amendment was developed by the County Attorney and Community Development Staff, and has been reviewed/approved by DCR (the state's regulating authority). This update will improve the administration of floodplain requirements in the County. The Planning Commission recommends approval of this request. Chair Waymack opened the public hearing at 9:33 pm. There was no one to speak and the public hearing was closed. Mr. Hunter made a motion, seconded by Mr. Webb, to approve the Ordinance Amendment as presented. Roll was called on the motion.

O-22-38

P-4.

ORDINANCE TO AMEND "THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA", 2005, AS AMENDED, BY ENACTING § 90-707 AND AMENDING §§ 90-708, 90-709, 90-711, 90-712, 90-715, 90-717, 90-718, 90-719, 90-721, 90-723, 90-726, 90-727, 90-729, 90-730, AND 90-731 TO MAKE CHANGES TO THE FLOODPLAIN ORDINANCE TO REFLECT CERTAIN CHANGES IN THE VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION MODEL ORDINANCE FOR LOCALITIES

BE IT ORDAINED by the Board of Supervisors of Prince George County:

- (1) *That The Code of the County of Prince George, Virginia, 2005, as amended, is amended by enacting § 90-707 and amending §§ 90-708, 90-709, 90-711, 90-712, 90-715, 90-717, 90-718, 90-719, 90-721, 90-723, 90-726, 90-727, 90-729, 90-730, and 90-731 as follows:*

CHAPTER 90 - ZONING

ARTICLE XV. - FLOODPLAIN

DIVISION 1. - GENERAL PROVISIONS

Sec. 90-707. – Definitions.

Appurtenant or accessory structure - A non-residential structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures not to exceed 600 square feet.

Base flood - The flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation - The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's flood insurance rate map. For the purposes of this ordinance, the base flood is the one-percent annual chance flood.

Basement - Any area of the building having its floor sub-grade or below ground level on all sides.

Board of zoning appeals - The board appointed to review appeals made by individuals with regard to decisions of the zoning administrator in the interpretation of this ordinance.

Coastal A zone - Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and three feet.

Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, temporary structures, mining, dredging, filling, grading, paving, excavation or drilling operations or other land-disturbing activities or permanent or temporary storage of equipment or materials.

Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns such as posts and piers.

Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing construction - Structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures" and "Pre-FIRM."

Flood or flooding:

(1) A general or temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters; or,

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(c) Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and

flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

Flood Insurance Rate Map (FIRM) - An official map of a community on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS) - A report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.

Flood proofing - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community.

Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. When a freeboard is included in the height of a structure, the flood insurance premiums may be less expensive.

Functionally dependent use - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure - Any structure that is:

(1) listed individually in the National Register of Historic Places, which is a listing maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for an individual listing on the National Register;

(2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;
or,

(4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior; or,

(b) Directly by the Secretary of the Interior in states without approved programs.

Hydrologic and hydraulic engineering analysis - Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the DCR and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

Letters of map change (LOMC) - A letter of map change is an official FEMA determination, by letter, that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

Letter of map amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a land as defined by metes and bounds or structure is not located in a special flood hazard area.

Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A letter of map revision based on fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the

base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study.

Lowest adjacent grade - the lowest natural elevation of the ground surface next to the walls of a structure.

Lowest floor - The lowest floor of the lowest enclosed area including the basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44 CFR § 60.3.

Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days, but does not include a recreational vehicle.

Manufactured home park or subdivision - A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or for sale.

Mean Sea Level - for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on a community's FIRM are referenced.

New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after May 1, 1980 and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Post-FIRM structures - A structure for which construction or substantial improvement occurred after May 1, 1980.

Pre-FIRM structures - A structure for which construction or substantial improvement occurred before May 1, 1980.

Recreational vehicle - A vehicle which is:

- (1) Built on a single chassis;**
- (2) Four hundred square feet or less when measured at the largest horizontal projection;**
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and,**
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.**

Repetitive loss structure - A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a ten-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

Severe repetitive loss structure - a structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage - (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

Shallow flooding area - A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Special flood hazard area (SFHA) - The land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in section 90-724 of this ordinance.

Start of construction - For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. - 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the

placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure - For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

(3) Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Violation - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance

required in section 90-723, section 90-727(b), section 90-728(a), sections 90-725 through 90-728 is presumed to be in violation until such time as that documentation is provided.

Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Sec. 90-708. - Statutory authorization and purpose.

Va. Code § 15.2-2283 specifies that zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of § 15.2-2200 which encourages localities to improve the public health, safety, convenience, and welfare of their citizens. To these ends, flood ordinances shall be designed to provide for safety from flood, to facilitate the provision of flood protection, and to protect against loss of life, health, or property from flood.

In accordance with these directed provisions, this ordinance is specifically adopted pursuant to the authority granted to localities by Va. Code § 15.2 - 2280.

The purpose of this article is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- (1) Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- (2) Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- (3) Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and,
- (4) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

Sec. 90-709. - Applicability.

This article shall apply to all privately and publically owned lands within the jurisdiction of the County of Prince George and identified as areas of special flood hazard according to the flood insurance rate map (FIRM) that was provided to the County of Prince George by the Federal Emergency Management Agency (FEMA) effective on January 12, 2023 ~~May 16, 2012, and effective June 2, 2015~~, for these revised community panel numbers along the James River:

51149C0030C, 51149C0035C, 51149C0040C, 51149C0041C, 51149C0042C,
51149C0055C, 51149C0065C, 51149C0070C, 51149C0090C, 51149C0095C,
51149C0115C, 51149C0205C, 51149C0210C, 51149C0231C, 51149CIND0B,
51149CV00B and 51149C_A.

Sec. 90-710. - Compliance and liability.

- (a) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this article and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this article.
- (b) The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.
- (c) This article shall not create liability on the part of the County of Prince George or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

Sec. 90-711. - Records.

Records of actions associated with administering this ordinance shall be kept on file and maintained by **or under the direction of the floodplain administrator in perpetuity.**

Sec. 90-712. - Abrogation and greater restrictions.

To the extent that the provisions are more restrictive, ~~T~~his article supersedes any ordinance currently in effect in flood-prone districts. Any ordinance, however, shall remain in full force and effect to the extent that its provisions are more restrictive than this article.

These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances, or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

Sec. 90-713. - Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this article shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this article. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

Sec. 90-714. - Penalty for violations.

Any person who fails to comply with any of the requirements or provisions of this article or directions of the floodplain administrator or any authorized employee of the County of Prince George shall be guilty of the stated violation and subject to penalties as shown:

Any such violation shall be a misdemeanor punishable by a fine of not less than \$10.00 nor more than \$1,000.00. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10.00 nor more than \$1,000.00. Any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period punishable by a fine of not less than \$10.00 nor more than \$1,500.00.

Whenever the floodplain administrator or his designee determines that there are reasonable grounds to believe that there has been a violation of any provisions of this article, or of any regulations adopted pursuant thereto, the floodplain administrator or his designee shall give notice of such alleged violation as hereafter provided. Such notice shall: (1) be in writing, (2) include a statement of the reasons for its issuance, (3) allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires, (4) be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized by state code; and (5) contain an outline of remedial actions which, if taken, will affect compliance with the provisions of this article.

Sec. 90-715. - Designation of the floodplain administrator.

The **flood plain administrator** ~~director of community development and code compliance~~ is hereby appointed to administer and implement these regulations and is referred to herein as the floodplain administrator. The floodplain administrator may:

- (a) Do the work themselves. In the absence of a designated floodplain administrator, the duties may be conducted by the County of Prince George County Administrator.
- (b) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- (c) Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

Sec. 90-716. - Duties and responsibilities of the floodplain administrator.

The duties and responsibilities of the floodplain administrator shall include but are not limited to:

- (a) Review applications for permits to determine whether proposed activities will be located in the special flood hazard area (SFHA).
- (b) Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- (c) Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- (d) Review applications to determine whether all necessary permits have been obtained from the federal, state or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction, including bridges, culverts and structures, any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the state.
- (e) Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation Division of Dam Safety and Floodplain Management, and other appropriate agencies such as the Virginia Department of Environmental Quality (VADEQ) and the United States Army Corps of Engineers (USACE) and have submitted copies of such notifications to FEMA.
- (f) Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).
- (g) Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.

- (h) Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if noncompliance has occurred or violations have been committed.
- (i) Review elevation certificates and require incomplete or deficient certificates to be corrected.
- (j) Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the County of Prince George, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
- (k) Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 - (1) Flood insurance studies, flood insurance rate maps, including historic studies and maps and current effective studies and maps and letters of map change; and
 - (2) Documentation supporting issuance and denial of permits, elevation certificates, documentation of the elevation in relation to the datum on the FIRM to which structures have been flood-proofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
- (l) Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- (m) Advise the board of zoning appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and a recommendation.
- (n) Administer the requirements related to proposed work on existing buildings:
 - (1) Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
 - (2) Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.

- (o) Undertake, as determined appropriate by the floodplain administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for increased cost of compliance coverage under NFIP flood insurance policies.
- (p) Notify the Federal Emergency Management Agency (FEMA) when the corporate boundaries of the County of Prince George have been modified and:
 - (1) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
 - (2) If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation Division of Dam Safety and Floodplain Management and FEMA.
- (q) Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and the number of variances issued for development in the SFHA.
- (r) It is the duty of the floodplain administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the community, whether or not those hazards have been specifically delineated geographically either through computer mapping or field surveying.

Sec. 90-717. - Use and interpretation of FIRMS.

The floodplain administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMS and data:

- (a) Where field surveyed topography indicates that adjacent ground elevations:

(1) Are below the base flood elevation in riverine SFHAs, or below the 1% storm surge elevation in coastal SFHAs, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as a special flood hazard area and subject to the requirements of these regulations;

(2) Are above the base flood elevation and the area is labelled as a SFHA on the FIRM, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the SFHA.

(b) In FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a federal, state, or other source shall be reviewed and reasonably used.

(c) Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.

(d) Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.

(e) If a preliminary flood insurance rate map and/or a preliminary flood insurance study has been provided by FEMA:

(1) Upon the issuance of a letter of final determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.

(2) Prior to the issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to section 90-723(a)3 and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.

(3) Prior to the issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or be appealed to FEMA.

Sec. 90-718. - Jurisdictional boundary changes.

The county floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution

acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, **the governing body shall** prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation Division of Dam Safety and Floodplain Management and FEMA.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22 (a)(9)(v) all NFIP participating communities must notify the Federal Insurance Administration and optionally the State Coordinating Office (DCR) in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all flood insurance rate maps accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

Sec. 90-719. - District boundary changes.

The delineation of any of the floodplain districts may be revised by the County of Prince George where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or any other qualified agency, or if an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency. **A completed LOMR is a record of this approval.**

Sec. 90-720. - Interpretation of district boundaries.

Initial interpretations of the boundaries of the floodplain districts shall be made by the floodplain administrator. Should a dispute arise concerning the boundaries of any of the districts, the board of zoning appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence if he so desires.

Sec. 90-721. - Submitting technical data.

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. **The community may submit data via a LOMR.** Such a submission is necessary so that upon confirmation of

those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

Sec. 90-722. - Letters of map revision.

When development in the floodplain causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a conditional letter of map revision or a letter of map revision. Examples are provided below:

- (1) Any development that causes a rise in the base flood elevations within the floodway.
- (2) Any development occurring in zones A1-30 and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
- (3) Alteration or relocation of a stream including but not limited to installing culverts and bridges. [44 Code of Federal Regulations 65.3 and 65.6(a)(12)]

Sec. 90-723. - Description of special flood hazard districts.

- (a) Basis of districts. The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for the County of Prince George as prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated January 12, 2023 ~~May 16, 2012~~, and any subsequent revisions or amendments thereto.

The County of Prince George may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a "Local Flood Hazard Map" using the best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.

The boundaries of the SFHA districts are established as shown on the FIRM which is declared to be a part of this ordinance and which shall be kept on file at the County of Prince George offices.

1. The floodway district is in an AE Zone and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this district are specifically defined in Table 3 of the above-referenced FIS and shown on the accompanying FIRM.

The following provisions shall apply within the floodway district of an AE zone:

- (a) Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in

accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the floodplain administrator.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies with the County of Prince George's endorsement for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency.

If section 90-723(a)1(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section 90-725.

- (b) The placement of manufactured homes (mobile homes) is prohibited, except when replacing an existing manufactured home (mobile home) in an existing manufactured home park or subdivision. A replacement manufactured home (mobile home) may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation and encroachment standards are met.
2. The AE, or AH Zones on the FIRM accompanying the FIS shall be those areas for which one-percent annual chance flood elevations have been provided and the floodway has not been delineated.

The following provisions shall apply within an AE or AH zone **where FEMA has provided base flood elevations:**

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within the areas of special flood hazard, designated as Zones A1-30 and AE or AH on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the County of Prince George.

Development activities in Zones A1-30 and AE or AH, on the County of Prince George's FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies with the

County of Prince George's endorsement for a conditional letter of map revision, and receives the approval of the federal emergency management agency.

3. The A zone on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply:

The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a **one percent annual chance** ~~one hundred (100)-year~~ floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted, non-detailed, technical concepts, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the floodplain administrator.

The floodplain administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to at least one foot above the base flood level.

During the permitting process, the floodplain administrator shall obtain:

- (1) the elevation of the lowest floor, including the basement, of all new and substantially improved structures; and,
- (2) if the structure has been flood-proofed in accordance with the requirements of this article, the elevation in relation to mean sea level to which the structure has been flood-proofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in an FIS for subdivision proposals and other proposed development proposals including manufactured home parks and subdivisions that exceed fifty lots or five acres, whichever is the lesser.

4. The AO zone on the FIRM accompanying the FIS shall be those areas of shallow flooding identified as AO on the FIRM. For these areas, the following provisions shall apply:

- (a) All new construction and substantial improvements of residential structures shall have the lowest floor, including the basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including the basement, shall be elevated no less than two feet above the highest adjacent grade.
- (b) All new construction and substantial improvements of nonresidential structures shall:
- (1) have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or,
 - (2) together with attendant utility and sanitary facilities be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (c) Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.
5. The coastal A zone **is labelled as AE on the FIRM; it is those areas that are seaward of the limit of moderate wave action (LiMWA) line and** shall be those areas, as defined by the VA USBC, that are subject to wave heights between 1.5 feet and three feet, ~~and identified on the FIRM as areas of Limits of Moderate Wave Action (LiMWA).~~ For these areas, the following provisions shall apply:
- Buildings and structures within this zone shall have the lowest floor elevated to or above the base flood elevation plus one foot of freeboard, and must comply with the provisions in section 90-723(a)2 and sections 90-725 through 90-727.
6. The VE or V zones on FIRMs accompanying the FIS shall be those areas that are known as coastal high hazard areas, extending from offshore to the inland limit of a primary frontal dune along an open coast **or other areas subject to high velocity waves.** For these areas, the following provisions shall apply:

(a) All new construction and substantial improvements in zones V and VE; **including manufactured homes**, ~~V if base flood elevation is available~~ shall be elevated on pilings or columns so that:

(1) The bottom of the lowest horizontal structural member of the lowest floor, excluding the pilings or columns is elevated to at least one foot above the base flood level if the lowest horizontal structural member is parallel to the direction of wave approach or elevated at least one foot above the base flood level if the lowest horizontal structural member is perpendicular to the direction of wave approach; and,

(2) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year as a one-percent annual chance.

(b) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of section 90-723(a)6(a).

(c) The floodplain administrator shall obtain the elevation, in relation to mean sea level, of the bottom of the lowest horizontal structural member of the lowest floor, excluding pilings and columns of all new and substantially improved structures in zones V and VE. The floodplain administrator shall maintain a record of all such information.

(d) All new construction shall be located landward of the reach of mean high tide.

(e) All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood-lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. The use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot, either by design or when so required by local codes, may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

(1) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and

(2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components, both structural and nonstructural. Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year.

(f) The enclosed space below the lowest floor shall be used solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation.

(g) The use of fill for structural support of buildings is prohibited. When non-structural fill is proposed in a coastal high hazard area, appropriate engineering analyses shall be conducted to evaluate the impacts of the fill prior to issuance of a development permit.

(h) The man-made alteration of sand dunes, which would increase potential flood damage, is prohibited.

7. The mapped floodplain includes all of the above regions and also the regions designated as having a 0.2 percent annual chance of flooding on any flood map or flood insurance study. In this area no emergency service, medical service, or governmental records storage shall be allowed except by special exception.

Sec. 90-724. - Overlay concept.

The floodplain districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

If there is any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

In the event any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

DIVISION 2. – DISTRICT PROVISIONS

Sec. 90-725. - Permit and application requirements.

(a) Permit requirement. All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this ordinance and with all other

applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the County of Prince George Subdivision Ordinance requirements. Prior to the issuance of any such permit, the floodplain administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to ensure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

- (b) Site plans and permit applications. All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:
- (1) The elevation of the base flood at the site.
 - (2) The elevation of the lowest floor, including the basement or, in V zones, the lowest horizontal structural member.
 - (3) For structures to be flood-proofed, nonresidential only, the elevation to which the structure will be flood-proofed.
 - (4) Topographic information showing existing and proposed ground elevations.

Sec. 90-726. - General standards.

The following provisions shall apply to all permits:

- (a) New construction and substantial improvements shall be **built** according to **this article and** the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- (c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage
- (d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (e) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to

prevent water from entering or accumulating within the components during conditions of flooding.

- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

In addition to provisions (a) through (h) above, in all special flood hazard areas, the additional provisions shall apply:

(i) Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission and a joint permit application is available from any of these organizations. Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation Division of Dam Safety and Floodplain Management, other required agencies, and the Federal Emergency Management Agency.

(j) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

Sec. 90-727. - Elevation and construction standards.

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with section 90-723(a)3, the following provisions shall apply:

A. Residential construction. New construction or substantial improvement of any residential structure, including manufactured homes, in zones A1-30, AE, AH and A with detailed base flood elevations shall have the lowest floor, including the basement, elevated to at least one foot above the base flood level.

B. Nonresidential construction. New construction or substantial improvement of any commercial, industrial, or nonresidential building or manufactured home shall have the lowest floor, including the basement, elevated to at least one foot above the base flood level. Buildings located in all A1-30, AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight with walls substantially

impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation in relation to mean sea level to which such structures are flood-proofed, shall be maintained by the floodplain administrator.

C. Space below the lowest floor. In zones A, AE, AH, AO, and A1-A30, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles such as a garage door or limited storage of maintenance equipment such as a standard exterior door, or entry to the living area such as a stairway or an elevator;
2. be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - (a) Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - (b) The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding.
 - (c) If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - (d) The bottom of all required openings shall be no higher than one foot above the adjacent grade.
 - (e) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided that they permit the automatic flow of floodwaters in both directions.
 - (f) Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Accessory Structures

- 1. Accessory structures in the SFHA shall comply with the elevation requirements and other requirements of 90-727(B) or, if not elevated or dry floodproofed, shall:**
 - a. Not be used for human habitation;**
 - b. Be limited to no more than 600 square feet in total floor area;**
 - c. Be useable only for parking of vehicles or limited storage;**
 - d. Be constructed with flood damage-resistant materials below the base flood elevation;**
 - e. Be constructed and placed to offer the minimum resistance to the flow of floodwaters;**
 - f. Be anchored to prevent flotation;**
 - g. Have electrical service and mechanical equipment elevated to or above the base flood elevation;**
 - h. Shall be provided with flood openings which shall meet the following criteria:**
 - (1) There shall be a minimum of two flood openings on different sides of each enclosed area; if a building has more than one enclosure below the lowest floor, each such enclosure shall have flood openings on exterior walls.**
 - (2) The total net area of all flood openings shall be at least 1 square inch for each square foot of enclosed area (non-engineered flood openings), or the flood openings shall be engineered flood openings that are designed and certified by a licensed professional engineer to automatically allow entry and exit of floodwaters; the certification requirement may be satisfied by an individual certification or an Evaluation Report issued by the ICC Evaluation Service, Inc.**
 - (3) The bottom of each flood opening shall be 1 foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.**

(4) Any louvers, screens or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.

i. A signed Declaration of Land Restriction (Non-Conversion Agreement) shall be recorded on the property deed.

E. Standards for manufactured homes and recreational vehicles.

1. **In zones A, AE, AH, and AO, all** All manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in sections 90-725 through 90-727.

2. All recreational vehicles placed on sites must either:

(a) be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions; or

(b) meet all the requirements for manufactured homes in section **90-725(e)(1)**. ~~90-725(d)1.~~

Sec. 90-728. - Standards for subdivision proposals.

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- (d) Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a flood insurance study for subdivision proposals and other proposed development proposals including manufactured home parks and subdivisions that exceed fifty lots or five acres, whichever is the lesser.

Sec. 90-729. - Existing structures in floodplain areas.

Any structure or use of a structure or premises must be brought into conformity with these provisions when it is changed, repaired, or improved unless one of the following exceptions is established before the change is made:

A. The floodplain manager has determined that:

- 1. Change is not a substantial repair or substantial improvement AND**
- 2. No new square footage is being built in the floodplain that is not complaint AND**
- 3. No new square footage is being built in the floodway AND**
- 4. The change complies with this ordinance and the VA USBC AND**
- 5. The change, when added to all the changes made during a rolling 5-year period does not constitute 50% of the structure's value.**

B. The changes are required to comply with a citation for a health or safety violation.

C. The structure is a historic structure and the change required would impair the historic nature of the structure.

~~A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:~~

~~(a) Existing structures in the floodway area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.~~

~~(b) Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain areas to an extent or amount of less than 50 percent of its market value shall conform to the VA USBC.~~

~~(c) The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the VA USBC.~~

Sec. 90-730. - Variances—Factors to be considered.

Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the board of zoning appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the board of zoning appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will

not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the board of zoning appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

In passing upon applications for variances, the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- (a) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any floodway district that will cause any increase in the **one percent (1%) chance** ~~one hundred (100)-year~~ flood elevation.
- (b) The danger that materials may be swept on to other lands or downstream to the injury of others.
- (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- (e) The importance of the services provided by the proposed facility to the community.
- (f) The requirements of the facility for a waterfront location.
- (g) The availability of alternative locations not subject to flooding for the proposed use.
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (i) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

(j) The safety of access by ordinary and emergency vehicles to the property in time of flood.

(k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

(l) The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(m) **No variance shall be granted for an accessory structure exceeding 600 square feet.**

(n) Such other factors which are relevant to the purposes of this ordinance.

The board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or any other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the board of zoning appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the board of zoning appeals has determined that the variance will be the minimum required to provide relief.

The board of zoning appeals shall notify the applicant for a variance, in writing that the issuance of a variance to construct a structure below the **one percent (1%) chance** ~~one hundred (100)-year~~ flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the federal insurance administrator.

~~Sec. 90-731. Glossary. —~~

~~*Appurtenant or accessory structure* — Accessory structures not to exceed 200 square feet.~~

~~*Base flood* — The flood having a one percent chance of being equaled or exceeded in any given year.~~

~~*Base flood elevation*—The Federal Emergency Management Agency designated one percent annual chance water surface elevation and the elevation determined per section 4.6. The water surface elevation of the base flood in relation to the datum specified on the community's flood insurance rate map. For the purposes of this ordinance, the base flood is a one hundred (100) year flood or one percent annual chance flood.~~

~~*Basement*—Any area of the building having its floor sub grade or below ground level on all sides.~~

~~*Board of zoning appeals*—The board appointed to review appeals made by individuals with regard to decisions of the zoning administrator in the interpretation of this ordinance.~~

~~*Coastal A zone*—Flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and three feet.~~

~~*Development*—Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.~~

~~*Elevated building*—A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns such as posts and piers.~~

~~*Encroachment*—The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.~~

~~*Existing construction*—Structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date.~~

~~"Existing construction" may also be referred to as "existing structures".~~

~~*Flood or flooding:*~~

~~(1) A general or temporary condition of partial or complete inundation of normally dry land areas from:~~

~~(a) The overflow of inland or tidal waters; or,~~

~~(b) The unusual and rapid accumulation or runoff of surface waters from any source.~~

~~(c) Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.~~

~~(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.~~

~~*Flood Insurance Rate Map (FIRM)*—An official map of a community on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).~~

~~*Flood Insurance Study (FIS)*—A report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.~~

~~*Floodplain or flood-prone area*—Any land area susceptible to being inundated by water from any source.~~

~~*Flood proofing*—Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.~~

~~*Floodway*—The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.~~

~~*Freeboard*—A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. When a freeboard is included in the height of a structure, the flood insurance premiums may be less expensive.~~

~~*Highest adjacent grade*—The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.~~

~~*Historic structure*—Any structure that is:~~

~~(1) listed individually in the National Register of Historic Places, which is a listing maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for an individual listing on the National Register;~~

~~(2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;~~

~~(3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,~~

~~(4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:~~

~~(a) By an approved state program as determined by the Secretary of the Interior; or,~~

~~(b) Directly by the Secretary of the Interior in states without approved programs.~~

~~*Hydrologic and hydraulic engineering analysis*—Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the DCR and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.~~

~~*Letters of map change (LOMC)*—A letter of map change is an official FEMA determination, by letter, that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:~~

~~*Letter of map amendment (LOMA)*: An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a land as defined by metes and bounds or structure is not located in a special flood hazard area.~~

~~*Letter of map revision (LOMR)*: A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A letter of map revision based on fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.~~

~~*Conditional letter of map revision (CLOMR)*: A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study.~~

~~*Lowest floor*—The lowest floor of the lowest enclosed area including the basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or~~

~~storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44 CFR § 60.3.~~

~~*Manufactured home*—A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days, but does not include a recreational vehicle.~~

~~*Manufactured home park or subdivision*—A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or for sale.~~

~~*New construction*—For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after May 1, 1980 and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.~~

~~*Post-FIRM structures*—A structure for which construction or substantial improvement occurred after May 1, 1980.~~

~~*Pre-FIRM structures*—A structure for which construction or substantial improvement occurred before May 1, 1980.~~

~~*Recreational vehicle*—A vehicle which is:~~

- ~~(1) Built on a single chassis;~~
- ~~(2) Four hundred square feet or less when measured at the largest horizontal projection;~~
- ~~(3) Designed to be self-propelled or permanently towable by a light duty truck; and,~~
- ~~(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.~~

~~*Repetitive loss structure*—A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a ten-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each flood event.~~

~~*Shallow flooding area*—A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and~~

~~indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.~~

~~*Special flood hazard area*—The land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in section 90-724 of this ordinance.~~

~~*Start of construction*—For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.~~

~~*Structure*—For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.~~

~~*Substantial damage*—Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.~~

~~*Substantial improvement*—Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:~~

- ~~(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or~~
- ~~(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.~~
- ~~(3) Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure.~~

~~Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.~~

~~*Violation*—The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 90-723, section 90-727(b), section 90-728(a), sections 90-725 through 90-728 is presumed to be in violation until such time as that documentation is provided.~~

~~*Watercourse*—A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.~~

2) *That the Ordinance shall be effective immediately.*

On roll call the vote was:

In favor: (4) Hunter, Webb, Waymack, Brown

Opposed: (0)

Absent: (1) Carmichael

ORDER OF BUSINESS (cont'd)

A-5. Resolution; Award of Contract Station 5 Alerting System (\$50,464.14). Ms. Betsy Drewry, Deputy County Administrator, Finance, stated that the Board of Supervisors approved an award of contract to L3Harris for a replacement Public Safety Radio System on November 26, 2019. As part of the project budget and borrowings, the Board authorized the purchase of six (6) station alerting systems on January 28, 2020. A full system installation was not completed at Station 5 (Jefferson Park), as construction of a new station was planned at that time. Staff briefed the Board on the need to perform a full installation of an Alerting System at Station 5 during the November 22, 2022 work session, and based on Board feedback, Staff recommends use of funds borrowed for the Public Safety Radio System for this purchase. There is a quote from US Digital Designs for \$50,464.14, utilizing a Chesterfield County cooperative contract #16-1395 for needed components and installation of a complete alerting system at Station 5. Sufficient funds are available to purchase and install remaining alerting system components as part of the radio system project. Ms. Drewry provided an updated budget to actual for the Public Safety Radio project; and excludes potential recovery of liquidated damages.

Series 2017 Bonds (spring 2017): \$6,737,452

Series 2018 Bonds (spring 2018): \$7,442,773

Total Bond Proceeds on Hand: \$14,180,225

Mr. Hunter made a motion, seconded by Mr. Brown, to authorize the County Administrator to execute a contract (issue purchase order) with U. S. Digital Designs for \$50,464.14. Roll was called on the motion.

A-5.

RESOLUTION; AWARD OF CONTRACT (STATION 5 ALERTING SYSTEM \$50,464.14)

WHEREAS, Replacement of Station Alerting Systems was included as part of the Public Safety Radio System replacement borrowings, Bond Series 2017 and 2018, and alerting system installations at the fire stations were authorized by the Board on January 28, 2020. A full system installation was not performed at Station 5, as construction of a new Station 5 was planned at that time. A full alerting system installation needs to be performed at Station 5; and

WHEREAS, A cooperative Chesterfield County contract #16-1395 is available for County use to purchase a Alerting System for Station 5 from U. S. Digital Designs for \$50,464.14 including delivery and installation; and

WHEREAS, Staff is requesting authorization for the County Administrator to enter into a contract with U. S. Digital Designs for \$50,464.14 to move forward with the purchase of an Alerting System and related equipment for Station 5.

NOW, THEREFORE, BE IT RESOLVED That the Board of the Supervisors of the County of Prince George this 13^h day of December, 2022, hereby awards the contract for a Station 5 Alerting System and related equipment to U. S. Digital Designs for \$50,464.14 and authorizes the County Administrator to execute a contract with U. S. Digital Designs.

On roll call the vote was:

In favor: (4) Hunter, Webb, Waymack, Brown

Opposed: (0)

Absent: (1) Carmichael

**A-6. Consideration of Appointments – Board, Commissions, Committees, Authorities:
Resolution of Appointment(s):**

A. Resolution; Appointment of Two Members to Prince George Planning Commission (Four-Year Term). Mr. Hunter made a motion, seconded by Mr. Webb, to appoint Ms. Jennifer Canepa and Mr. Joe Simmons. Roll was called on the motion.

R-22-228

A-6A.

**RESOLUTION; APPOINTMENT OF TWO MEMBERS TO
PRINCE GEORGE PLANNING COMMISSION (FOUR-YEAR
TERM)**

WHEREAS, The terms of Floyd M. Brown, Sr. and Joe Simmons will expire on December 31, 2022; and

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 13th day of December, 2022 does hereby appoint Ms. Jennifer Canepa and Mr. Joe Simmons to the Planning Commission to serve a four-year term, beginning January 1, 2023 and ending on December 31, 2026.

On roll call the vote was:

In favor: (4) Hunter, Webb, Waymack, Brown

Opposed: (0)

Absent: (1) Carmichael

B. Resolution; Appointment of One Member to Virginia Gateway Region (One-Year Term). Mr. Brown made a motion, seconded by Mr. Hunter, to reappoint Mr. Peter Clements. Roll was called on the motion.

R-22-229

A-6B.

RESOLUTION; APPOINTMENT OF (ONE-YEAR TERM) – CITIZEN MEMBER TO VIRGINIA GATEWAY REGION BOARD OF DIRECTORS

WHEREAS, the Articles of Incorporation of the Virginia Gateway Region (formerly “Appomattox Basin Industrial Development Corporation”) provide that participating localities may appoint a representative from the governing body and also a business-affiliated representative to serve on the Virginia Gateway Region Board of Directors for a term of one year;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Prince George this 13th day of December, 2022 that it hereby reappoints Mr. Peter Clements as the business-affiliated representative on the Virginia Gateway Region Board of Directors for a one-year term beginning on January 1, 2023 and ending on December 31, 2023.

On roll call the vote was:

In favor: (4) Hunter, Webb, Waymack, Brown

Opposed: (0)

Absent: (1) Carmichael

C. Resolution; One Appointment (Three-Year Term) – Board of Equalization. Mr. Brown made a motion, seconded by Mr. Webb, to recommend Ms. Mary Ann White to the Circuit Court for reappointment on the Board of Equalization. Roll was called on the motion.

R-22-230

A-6C.

RESOLUTION; RECOMMENDATION OF THREE APPOINTMENTS (THREE-YEAR TERM) – BOARD OF EQUALIZATION OF ASSESSMENTS.

WHEREAS, The term of Mary Ann White will expire on December 31, 2022;

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 13th day of December, 2022 does hereby recommend to the Circuit Court Mary Ann White for appointment to the Board of Equalization of Assessment to serve a three-year term, beginning January 1, 2023 and ending on December 31, 2025.

On roll call the vote was:

In favor: (4) Hunter, Webb, Waymack, Brown

Opposed: (0)

Absent: (1) Carmichael

ADJOURNMENT. Mr. Hunter moved, seconded by Mr. Brown to adjourn to December 20, 2022 at 5:00 pm. Roll was called on the motion.

On roll call the vote was:

In favor: (4) Hunter, Webb, Waymack, Brown

Opposed: (0)

Absent: (1) Carmichael

The meeting adjourned at 9:39 p.m.

[Draft Minutes prepared December 16, 2022 for consideration on January 10, 2022; adopted by unanimous vote.]

Marlene J. Waymack
Chair, Board of Supervisors

Jeffrey D. Stoke
County Administrator