

AGENDA

Board of Supervisors
County of Prince George, Virginia
Regular Meeting: March 28, 2023
County Administration Bldg. Boardroom, Third Floor
6602 Courts Drive, Prince George, Virginia

Regular Meeting

Business Meeting
7:00 p.m.

***Public Hearings Will Be Heard at 7:30 p.m.**

The meeting will be live-streamed at the following link:

https://www.princegeorgecountyva.gov/live_stream/index.php

Public comments may be made in person during any meeting. You may also submit any public comments on our website at

https://www.princegeorgecountyva.gov/departments/board_of_supervisors/public_comment_for_m.php.

Any public comments received in person or by website form up until the public comment section is closed by the Chair of the Board of Supervisors on March 28 may be entered into the meeting minutes if desired by the citizen.

CALL TO ORDER

Roll Call

PLEDGE OF ALLEGIANCE TO U.S. FLAG

PUBLIC COMMENTS

ADOPTION OF AGENDA [1]

ORDER OF CONSENSUS

C-1. Resolution; Commendation; Erma R. Brown; Service to Prince George County. [2]

C-2. Resolution; Commendation; Floyd M. Brown, Sr.; Service to Prince George County. [3]

C-3. Resolution Accepting Utility Easements and Temporary Construction Easements for Waterline Extension to Route 10 Corridor Project. (Frank Haltom, County Engineer) [4]

C-4. Resolution Accepting Utility Easement for Force Main Relocation Project. (Frank Haltom, County Engineer) [5]

PRESENTATIONS

S-1. Resolution; Commendation; Erma R. Brown; Service to Prince George County.

S-2. Resolution; Commendation; Floyd M. Brown, Sr.; Service to Prince George County.

SUPERVISORS' COMMENTS

COUNTY ADMINISTRATOR'S COMMENTS

REPORTS

POSTPONED ITEMS

ORDER OF BUSINESS

A-1. Resolution: Award of Contract for Construction Administration Services for the Waterline Extension to the Route 10 Corridor. (Frank Haltom, County Engineer) [6]

- A-2. Resolution; Appropriation (\$12,000.00 State Department of Housing and Community Development Industrial Revitalization Fund Grant). (Yoti Jabri, Economic Development Director) [7]
- A-3. Resolution Regarding the Extension of the Due Date for Real Estate Taxes, Personal Property Taxes, Machinery and Tools Taxes, Mobile Home Taxes, Stormwater Utility Fees and Public Services Taxes. (Dan Whitten, County Attorney) [8]
- A-4. Draft Minutes – March 14, 2023 Regular Meeting and March 16, 2023 Budget Work Session. [9]
- [ADDED] A-5. Resolution; Appropriation (\$5,200.00 State Department of Social Services Safe and Sound Task Force Mini Grant).

PUBLIC HEARINGS

- P-1. Public Hearing; REZONING RZ-22-05: Request of HB Property Associates, LLC to conditionally rezone approximately 19.836 acres from M-1, Light Industrial to M-2, General Industrial. The purpose of the rezoning is to allow overflow tractor trailer parking for e-commerce fulfillment transportation services. The subject property is located at the end of Corporate Lane (a road that is accessed off Rives Road in the corporate limits of the City of Petersburg). The property is identified as Tax Map 330(OA)00-016-0. The Comprehensive Plan Future Land Use Map indicates the property is planned for Industrial development. (Andre Greene, Planner) [10]
- P-2. Public Hearing; Ordinance to Amend “The Code of the County of Prince George, Virginia,” as Amended, by Amending §§ 82-236 and 82-511 to Require Payment of Connections Fees Prior to Issuance of a Building Permit. (Dan Whitten, County Attorney) [11]
- P-3. Public Hearing; Ordinance to Amend “The Code of the County of Prince George, Virginia,” as Amended, by Amending §§ 74-301, 74-302, 74-304, 74-306 and 74-310 and by Enacting § 74-304.1 to Add New Definitions to Align with the State Code and to Change the Process by Which Transient Occupancy Taxes are Collected from Accommodation Providers and Accommodation Intermediaries. (Dan Whitten, County Attorney) [12]
- 1. P-4. Public Hearing Ordinance to Amend § 30-62 of “The Code of the County of Prince George, Virginia”, 2005, as Amended, to Change the Polling Location for the Rives Precinct. (Dan Whitten, County Attorney) [13]

ADJOURNMENT

Board meeting format: Executive Meeting at 5:00 p.m., followed by a Business Meeting at 7:00 p.m. with Public Hearings being heard at 7:30 p.m. **Visit Prince George County website for information www.princegeorgeva.org.**

MINUTES
Board of Supervisors
County of Prince George, Virginia

March 28, 2023

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

MEETING CONVENED. Chairman Donald R. Hunter called a regular meeting of the Board of Supervisors of the County of Prince George, Virginia, to order at 7:00 p.m. on March 28, 2023 in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia.

ATTENDANCE. The following members responded to Roll Call:

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

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

Invocation. Mr. Brown gave the Board's invocation.

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

PUBLIC COMMENTS. Chairman Hunter announced that anyone wishing to come before the Board may do so at this time. He noted that this was the time for unscheduled general public comments. Chairman Hunter opened the public comments at 7:02 p.m.

Mr. F. O. Powers (5108 Prince George Drive). Mr. Powers resides in Hopewell and owns property in Prince George County. He stated that he bought the property and the building in good faith hoping to be able to bring a good business there. He has a lady who wants to open up a honey processing business (Haley's Honey), with the expectation to bring \$15,000 a year tax revenue to the County. When he purchased the property, he paid and connected to County water but did not realize he was supposed to pay a connection fee to wastewater as well. The potential business owner is in the process of getting a rezoning and they realized they needed to connect to wastewater as well. However, Utilities is telling him that since he did not pay his fee, he can no longer connect to wastewater. Mr. Powers stated that being a new customer should not make a difference to the flowline whether it was paid then or now. He also stated that the adjoining property owner paid their fee and connected just three months ago. After speaking with the County Engineer, he was told that the Board may make an exception for him if he agreed to not hold the County accountable if there was a pump failure. He asked the Board to make some kind of effort to allow him to connect. The Chairman referred him to the County Code and Compliance Department.

There being no one else to speak, the public comments period was closed at 7:06 p.m.

APPROVAL OF AGENDA. Mr. Brown requested the addition of A-5 as an appropriation of State Department of Social Services Safe and Sound Task Force Mini Grant and made a motion, seconded by Mr. Webb, to adopt the agenda as amended. Roll was called on the motion.

On roll call the vote was:

In favor: (5) Hunter, Webb, Waymack, Brown, Carmichael

Opposed: (0)

Absent: (0)

ORDER OF CONSENSUS. Mrs. Waymack made a motion, seconded by Mr. Carmichael, to extract C-4 and adopt the Order of Consensus as amended. Roll was called on the motion.

R-23-064

C-1.

RESOLUTION; COMMENDATION; MRS. ERMA R. BROWN; SERVICE TO PRINCE GEORGE COUNTY

WHEREAS, Mrs. Erma R. Brown, a long-time citizen of Prince George County, was appointed by the Board of Supervisors to the Prince George County Board of Zoning Appeals on November 1, 2008; and

WHEREAS, Mrs. Brown obtained her Certified Board of Zoning Appeals Program training in 2009; and

WHEREAS, During her tenure on the Board of Zoning Appeals, Mrs. Brown served as Chair in 2017 and 2018 as well as Vice-Chair from 2010-2016 and 2021-2022; and

WHEREAS, Mrs. Brown provided exceptional leadership on the Board of Zoning Appeals and outstanding service to the citizens of Prince George County; and

WHEREAS, In addition to her work on the Board of Zoning Appeals and raising a family with her husband, Floyd M. Brown, Sr., in the County, Mrs. Brown has served her community well by being an active member of the Rotary Club of Prince George County; and

WHEREAS, Erma Brown has always been a friendly face for Prince George County Officials and her fellow citizens, earning the respect of her fellow citizens throughout her dedicated service to the County; and

WHEREAS, Prince George County will always be grateful to Erma Brown for her professionalism, her integrity, her patriotism, her devotion to the citizens of Prince George County, and above all, her citizenship and friendship;

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 28th day of March, 2023, does hereby commend Mrs. Erma R. Brown for her dedicated service to the County and its citizens; and

BE IT FURTHER RESOLVED That this Board wishes to thank Mrs. Erma R. Brown for her exemplary life as a mother, a wife, and a citizen, and proving that Prince George County is a great place to raise a family.

R-23-064A

C-2.

RESOLUTION; COMMENDATION; FLOYD M. BROWN, SR.; SERVICE TO PRINCE GEORGE COUNTY

WHEREAS, Floyd M. Brown, Sr. was born in Dinwiddie, Virginia and has been a resident of Prince George County since 1936 where he and his wife of 66 years, Erma R. Brown, raised two wonderful sons who went on to serve the citizens of Prince George County; and

WHEREAS, Mr. Brown is retired from 35 years of service in the Active Air Force and the Air Force Reserves; and

WHEREAS, Mr. Brown was a member of the Prince George County Board of Supervisors from March 12, 2002 to November 5, 2002; and

WHEREAS, Mr. Brown was also a member of the Prince George County Planning Commission from January 25, 1972 to December 31, 2022 and remains a member of the Crater Planning District Commission since January 22, 1980; and

WHEREAS, Mr. Brown also serves the citizens of his community as a member of the Rotary Club of Prince George County; and

WHEREAS, Floyd M. Brown, Sr., along with his wife, is a faithful servant of God through his many good works at First Baptist Church in Disputanta where he has been a member since 1938; and

WHEREAS, Floyd M. Brown, Sr. is a dedicated, conscientious hard-working leader who always puts his family, his service to his country, the citizens of Prince George County, and his faith first, setting an example of excellence and honesty that emanates in his everyday approach to life; and

WHEREAS, Mr. Brown is a husband, father, grandfather, friend, mentor, and advisor to this Community;

NOW, THEREFORE, BE IT RESOLVED, this 28th day of March 2023 that the Prince George County Board of Supervisors commends Mr. Floyd M. Brown, Sr. for his purpose-driven life of public service that he has contributed to the citizens of Prince George County for over half a century; and

BE IT FURTHER RESOLVED, that the Board thanks Mr. Brown for devoting his life to helping others by offering encouragement and goodwill to everyone who seeks his guidance.

R-23-064B

C-3.

RESOLUTION ACCEPTING UTILITY EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR WATERLINE EXTENSION TO ROUTE 10 CORRIDOR PROJECT

WHEREAS, the waterline extension to the Route 10 corridor requires the acquisition of permanent utility easements on six parcels and temporary construction easements on three parcels; and

WHEREAS, these easements will allow for the installation and continued maintenance of the waterline.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Prince George this 28th day of March, 2023, hereby accept the dedication of a permanent utility easement on parcels:

140(0A)00-002-0
140(0A)00-003-0
140(08)00-00A-0
140(08)00-00B-1
140(05)00-002-0
04C(01)00-001-0

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of Prince George this 28th day of March, 2023, hereby accept the dedication of temporary construction easements for parcels:

04C(01)00-001-0
130(0A)00-063-0
140(0A)00-007-C

On roll call the vote was:

In favor: (5) Hunter, Webb, Waymack, Brown, Carmichael

Opposed: (0)

Absent: (0)

C-4. Resolution Accepting Utility Easement for Force Main Relocation Project. Mr. Frank Haltom, County Engineer, stated that the Southpoint Business Park (SBP) force main relocation project will provide for additional wastewater capacity within SBP as well as along the Route 460 corridor. The relocation of the force main requires the acquisition of permanent utility easements on five parcels and a temporary construction easement on one of these parcels. The Board has previously accepted the easements for these properties. However, one property was sold prior to finalizing the agreement and recording the easement plat, requiring further Board acceptance. A 16' permanent utility easement is required on the parcel 340(0A)00-007-G for the installation and maintenance of the relocated force main. Mr. Carmichael made a motion, seconded by Mrs. Waymack to approve the resolution accepting the Deed of Easement for parcel 340(0A)00-007-G to allow for the installation and continued maintenance of a sewer force main. Roll was called on the motion.

R-23-065

C-4.

RESOLUTION ACCEPTING UTILITY EASEMENT FOR FORCE MAIN RELOCATION PROJECT

WHEREAS, the relocation of a public force main requires the acquisition of a permanent utility easement on parcel 340(0A)00-007-G; and

WHEREAS, this easement will allow for the installation and continued maintenance of the force main.

NOW, THEREFORE BE IT RESOLVED: That the Board of Supervisors of the County of Prince George this 28th day of March, 2023, hereby accepts the dedication of a permanent utility easement on parcel 340(0A)00-007-G.

On roll call the vote was:

In favor: (5) Hunter, Webb, Waymack, Brown, Carmichael

Opposed: (0)

Absent: (0)

PRESENTATIONS

S-1. Resolution; Commendation; Erma R. Brown; Service to Prince George County.

Mrs. Waymack presented the commendation to Mrs. Brown in the presence of her friends and family.

S-2. Resolution; Commendation; Floyd M. Brown, Sr.; Service to Prince George County.

Chairman Hunter presented the commendation to Mr. Brown in the presence of his friends and family.

SUPERVISORS COMMENTS

Mr. Carmichael stated that he knows Mr. Brown is very proud of his parents. They have put in a lot of years and he hopes there will be many more years to come. Mr. Brown has been very helpful to him over the years.

Mrs. Waymack agreed and stated that she wished they had many more families like that in the County and encouraged everyone to use them as an example as they raise their children.

Mr. Webb stated that it is truly an honor to see that kind of dedication. He thanked them for their commitment.

Chairman Hunter stated that they have been an inspiration to him over the years and congratulated them for their service.

Mr. Brown stated that it is an honor to have lived that life with them as they continue to give to the County. They have always inspired him. He added that he got his “spark” honestly from his mother. He congratulated them both.

COUNTY ADMINISTRATOR’S COMMENTS

Mr. Jeff Stoke, County Administrator, stated that registration for the PG Youth 4-H Camp (July 3-7) is still open. For more information, contact Herman Maclin 804-712-0620 / 804-733-2686. The 7th Annual Appomattox River Regional Park 5K Trail Run/Walk will be on April 1 at the Appomattox River Regional Park, 800 FOLAR Trail, Prince George at 9:00 am. The Annual Prince George County Easter Egg Hunt (Co. youth ages 2-10 ONLY) will be on April 8 at the Temple Recreation Park, 14307 Prince George Drive, Disputanta promptly at 11:00am. The Prince George Board of Supervisors will meet again on April 11 for Closed (5:00 pm) and Work (6:00 pm) Sessions and Public Meeting, starting at 7:00 pm. Clean Community Day (shredding, yard debris, household goods, tires, etc.) will be on April 15 at the Prince George County Police Parking Lot & Convenience Center, 8:00 am - 1:00 pm.

ORDER OF BUSINESS

A-1. Resolution: Award of Contract for Construction Administration Services for the Waterline Extension to the Route 10 Corridor. Mr. Frank Haltom, County Engineer, stated that the Board previously authorized the award of engineering services to WW Associates for the waterline extension along Sandy Ridge Road, Ruffin Road, and Route 10 to connect the Jordan on the James (JOJ) and Beechwood Manor (BM) subdivisions. Construction administration services are required for the engineer to provide shop drawing review, review and response to the contractor’s request for information and payment requests, monthly meetings, periodic construction visits, final inspection, and preparation of record drawings. WW Associates has provided a proposal for construction administration services for a lump sum fee of \$75,000. This task will be completed utilizing the Annual Engineering Services Contract. WW Associates is one of the County’s Contracted Engineering Firms (awarded through RFP # 23-01-0103). Staff recommends an award of contract for construction administration services for the waterline extension to the Route 10 corridor to WW Associates for \$75,000. Mr. Brown made a motion, seconded by Mr. Webb, to approve the resolution to award the contract for construction administration services to WW Associates for \$75,000. Roll was called on the motion.

R-23-066

A-1.

RESOLUTION: AWARD OF CONTRACT FOR CONSTRUCTION ADMINISTRATION SERVICES FOR THE WATERLINE EXTENSION TO THE ROUTE 10 CORRIDOR.

WHEREAS, the Board authorized the engineering services for the waterline extension along Sandy Ridge Road, Ruffin Road, and Route 10 to Jordan on the James and Beechwood Manor subdivisions; and

WHEREAS the County has received a proposal from WW Associates, one of the County’s contracted engineering firms awarded through RFP #23-01-0103, to provide construction administration services for \$75,000.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Prince George this 28th day of March, 2023, does hereby award the contract to provide construction administration services for the waterline extension to the Route 10 corridor to WW Associates for \$75,000.

On roll call the vote was:

In favor: (5) Hunter, Webb, Waymack, Brown, Carmichael

Opposed: (0)

Absent: (0)

A-2. Resolution; Appropriation (\$12,000.00 State Department of Housing and Community Development Industrial Revitalization Fund Grant). Ms. Makayla Christensen, Economic Development Specialist, stated that the Director of Economic Development and Tourism was granted authority to apply for and received a Virginia Department of Housing and

Community Development Industrial Revitalization grant in the amount of \$12,000 for the completion of the Exit 45 Masterplan. The grant funds will go towards a real estate pro-forma on the former Stephen Kent property which will be an element of the Exit 45 Masterplan. The real estate pro-forma will be completed by the Virginia’s Gateway Region. Mr. Carmichael made a motion, seconded by Mrs. Waymack, to approve the appropriation of the DHCD Industrial Revitalization Fund Grant in the amount of \$12,000. Roll was called on the motion.

R-23-067

A-2.

RESOLUTION; APPROPRIATION (\$12,000.00 STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT INDUSTRIAL REVITALIZATION FUND GRANT)

BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 28th day of March, 2023, does hereby authorize 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>
ECONOMIC DEVELOPMENT FUND		
<u>Expenditure:</u>		
0215-08-301-2151-43111	Economic Development DHCD IRF Grant Services	\$12,000.00
<u>Revenue:</u>		
0215-20-601-8205-323105	State DHCD IRF Grant	\$12,000.00

On roll call the vote was:

In favor: (5) Hunter, Webb, Waymack, Brown, Carmichael

Opposed: (0)

Absent: (0)

PUBLIC HEARINGS

P-1. Public Hearing; REZONING RZ-22-05: Request of HB Property Associates, LLC to conditionally rezone approximately 19.836 acres from M-1, Light Industrial to M-2, General Industrial. The purpose of the rezoning is to allow overflow tractor trailer parking for e-commerce fulfillment transportation services. The subject property is located at the end of Corporate Lane (a road that is accessed off Rives Road in the corporate limits of the City of Petersburg). The property is identified as Tax Map 330(0A)00-016-0. The Comprehensive Plan Future Land Use Map indicates the property is planned for Industrial development. Mr. Andre Greene, Planner, stated that this request is to conditionally rezone approximately 19.836 acres from M-1 Light Industrial to M-2 General Industrial to allow overflow tractor-trailer parking for E-commerce fulfillment transportation services. The property in question was rezoned to the present zoning designation of M-1, Limited Industrial, in 1984 (ZM-84-3). There are no conditions on the site in question that would affect or restrict its use. The property is immediately south and adjoins the property owned by MAT Developments, LLC who was recently approved by the County for the location of 169 tractor trailer spaces (RZ-21-05). The applicant is requesting a rezoning in order to use the property as overflow tractor-trailer parking for E-commerce fulfillment transportation services. The rezoning request includes a conceptual plan which shows the parking area(s) along with a storm water management BMP Pond. The conceptual plan included with the application has 303 parking spaces to be located on the property. As with the recently approved rezoning request of MAT Developments, the proposed truck terminal will be a trailer storage facility where the trailer portion of the tractor trailer is stored when not in use. The turn warrant analysis submitted as part of the application indicates that the proposed facility will generate only 4 truck trips during the weekday AM peak hours (6:00 AM-9:00 AM) and 4 truck trips during PM peak hours (3:00PM-6:00PM). The number of trailers on the site will fluctuate during holidays, thus being a seasonal location. There are no structures planned for construction and no extensions of public water and sewer utilities. A proffer statement was voluntarily submitted with the rezoning request. Case ZM-84-3 originally rezoned the property to M-1. The proposed use of the property for tractor-trailer parking is considered a “Truck Terminal” land use , which would be permitted

by-right under Section 90-492(1) if the land is rezoned to M-2 General Industrial. The applicant prepared a Turn Lane Warrant Analysis for the City of Petersburg. The City of Petersburg and Paul Hinson with VDOT reviewed the analysis and concluded that based on the existing traffic volumes and projected site usage, neither a left-turn lane nor right-turn lane is warranted at the intersection of Rives Road and Corporate Drive. No other road improvements have been required. It has been determined that Corporate Road is a public road located in the jurisdiction of the City of Petersburg. The City of Petersburg maintains roads and has not requested a maintenance agreement with the applicant. The proposed use appears to be compatible with the existing surrounding uses, which includes offices, warehousing/distribution, and a similar parking terminal. The proposed zoning district and land use is compatible with the Comprehensive Plan because the Future Land Use Map calls for Industrial Uses in this area. The proposed use requires no extension of public water and sewer and therefore will have minimal impact on County services. Corporate Road does appear to be a public roadway, but VDOT could not verify whether it is publicly maintained. As the proposed use will introduce heavy truck traffic on this roadway and maintenance responsibilities are not defined, it is recommended that the County require that a road maintenance agreement be required that defines maintenance responsibilities and responsible parties for the roadway to ensure Corporate Road can continue to provide access for the parcel. Most of the road used to access the property is owned by the City of Petersburg. The City of Petersburg is not requiring a road maintenance agreement at this time. If public utilities are required to serve this facility or needed for future development of the parcel, the water will be provided by the City of Petersburg. Sewer will be provided by the County. The Planning Commission and Staff recommend approval, subject to the applicant's proffered conditions: (1) The applicant's request is compatible with existing and surrounding land uses. (2) A rezoning from M-1 Light Industrial to M-2 General Industrial is consistent with the Prince George County adopted Comprehensive Plan. (3) The site currently adjoins property zoned M-2 (General Industrial) and recently rezoned for a similar use (truck terminal for the parking of tractor trailers). (4) Concerns of VDOT have been addressed. (5) A site plan is required which will address erosion and sediment control, storm water runoff, buffering, landscaping, parking area construction and outdoor lighting concerns. (6) No negative feedback was received from adjacent property owners and community prior to publishing this staff report. (7) The applicant has proffered several conditions which Staff finds acceptable and supports. The following conditions were proffered by the applicant in their proffer statement dated November 30, 2022 and are acceptable to Staff: (1) Prohibited Uses. The following uses shall be prohibited on the Property: (a) Automotive assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping. (b) Blacksmith shops, welding or machine shops. (c) Building material sales yards and plumbing supplies storage. (d) Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors. (e) Petroleum Storage. (f) Sawmills and planing mills; Brick manufacture. (h) Boiler shops. (i) Meat, poultry and fish processing. (j) Public Utilities. (k) Concrete products or central mixing and proportioning plants; and (l) Vehicle impound facility. 2. Natural Buffer. a. The owner shall include a minimum twenty-foot wide landscaped area buffer along all frontages of the Property abutting a right-of-way. The final location of the buffer shall be approved in connection with the approval of a site plan for the Property. b. Best tree preservation practices shall be followed within the aforesaid buffer areas to minimize large tree clearing. Any road, utility easement, signage, fences or use permitted within the aforesaid buffer area shall be extended generally perpendicular to the buffer area unless otherwise requested and specifically permitted, or is required, by the County at the time of site review and where permitted, areas disturbed for utility installations shall be restored to the extent reasonably practical. A representative of the applicant, Matt Roberts, stated that he would be happy to answer any questions the Board may have. Chairman Hunter opened the public hearing at 7:45 p.m. There was no one to speak and the public hearing was closed. Chairman Hunter asked what will the other 295 trucks be doing if only 8 will be trips per day. Mr. Roberts clarified that the four net new trips in the morning and the four net new trips in the evening are really only relative to peak hours when people could be using Rives Road. Mr. Brown made a motion, seconded by Mr. Webb, to approve the rezoning as presented. Roll was called on the motion.

O-23-09

REZONING RZ-22-05: Request of HB Property Associates, LLC to conditionally rezone approximately 19.836 acres from M-1, Light Industrial to M-2, General Industrial. The purpose of the rezoning is to allow overflow tractor-trailer parking for e-commerce fulfillment transportation services. The subject property is located at the end of Corporate Lane (a road that is accessed off Rives Road in the corporate limits of the City of Petersburg). The property is identified as Tax Map 330(0A)00-016-0. The Comprehensive Plan Future Land Use Map indicates the property is planned for Industrial development.

BE IT ORDAINED by the Board of Supervisors of Prince George County that the Rezoning Application identified as RZ-22-05 is granted as an amendment to the official zoning map; and

The Property known as Tax Map # 330(0A)00-016-0, consisting of approximately 19.836 acres, is hereby rezoned from M-1 Light Industrial District to M-2 General Industrial District; and

The Owner in this zoning case, pursuant to §15.2 2303 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Prince George County, for themselves and their successors or assigns, proffer that the Property will be developed in accordance with the following conditions voluntarily agreed to by the Applicant:

1. Prohibited Uses. The following uses shall be prohibited on the Property:
 - a. Automotive assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping.
 - b. Blacksmith shops, welding or machine shops.
 - c. Building material sales yards and plumbing supplies storage.
 - d. Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors.
 - e. Petroleum Storage.
 - f. Sawmills and planing mills.
 - g. Brick manufacture.
 - h. Boiler shops.
 - i. Meat, poultry and fish processing.
 - j. Public Utilities.
 - k. Concrete products or central mixing and proportioning plants.
 - l. Vehicle impound facility.

2. Natural Buffer.
 - a. The owner shall include a minimum twenty-foot wide landscaped area buffer along all frontages of the Property abutting a right-of-way. The final location of the buffer shall be approved in connection with the approval of a site plan for the Property.

 - b. Best tree preservation practices shall be followed within the aforesaid buffer areas to minimize large tree clearing. Any road, utility easement, signage, fences or use permitted within the aforesaid buffer area shall be extended generally perpendicular to the buffer area unless otherwise requested and specifically permitted, or is required, by the County at the time of site review and where permitted, areas disturbed for utility installations shall be restored to the extent reasonably practical.

Adopted on March 28, 2023 and becoming effective immediately.

On roll call the vote was:

In favor: (5) Hunter, Webb, Waymack, Brown, Carmichael

Opposed: (0)

Absent: (0)

P-2. Public Hearing; Ordinance to Amend “The Code of the County of Prince George, Virginia,” as Amended, by Amending §§ 82-236 and 82-511 to Require Payment of Connections Fees Prior to Issuance of a Building Permit. Mr. Dan Whitten, County Attorney, stated that due to the remaining amount of water capacity in the central water system and the high volume of requests for capacity, amendments to Chapter 82 are recommended to clarify

when the payment of water and sewer connections fees are required. The amendments to ordinance include the following: Sec. 82- 236 & Sec. 82-511– Payment of utility bills. Currently allows single-family dwelling connection fees be paid at the time of application (i.e. prior to meter installation). The amendment will require connection fees for all uses be paid prior to receiving a building permit. After holding the public hearing, Staff recommends adoption of the ordinance to amend and reenact The Code of Prince George County, Virginia, 2005, as amended, by amending sections 82-236 and 82-511 to require connection fees for all uses be paid prior to receiving a building permit. Mr. Frank Haltom, County Engineer, explained the purpose of the Ordinance amendment. Multiple developments are building homes with limited water supply. Water and sewer capacity is not guaranteed at time of building permit issuance, but at time of payment of required connection fees. Single-family homes (SFH) can receive a building permit prior to payment of connection fees. All other uses must pay connection fees prior to receiving a building permit. One industrial use could request the remaining water capacity, leaving permitted SFH with no capacity. Upon completion of constructing the home, the new homeowner will request water service and pay connection fees at time of application. If water capacity is not available at that time, a home has been built that cannot be occupied. The purpose of this Ordinance amendment is to prevent that from happening. There are about 137 vacant lots in approved subdivisions right now, including Meadows, Sandy Hill, Brickhouse Landing, and Birchett Estates. Mr. Carmichael asked if they would have to pay the fee when they apply for a building permit or when they are approved. Mr. Haltom stated that they would pay the connection fee on the date their building permit is approved. Chairman Hunter opened the public hearing at 7:55 p.m.

Mr. Jay Jones (James R. Jones Builder). Mr. Jones stated that he has a problem with this. He stated that they went through the whole zoning process back in 2007 for Brickhouse Landing. He has been getting four to six building permits per year for the last ten years. He currently has four contracts being held up because of the water capacity. When this subdivision was rezoned in 2007, they had a line that was stubbed from Virginia American Water to Brickhouse Landing Subdivision. He stated that one of the stipulations for the rezoning was for them to agree to hook up to Prince George County Utilities, not Virginia American. They provided and paid for all of the water meters up front. Now Utilities is telling him it is on a first come, first serve basis. He has 15 lots left. He stated there is a big company that is building in the Meadows that have a blanket permit so they can come in and apply for all of their permits at one time. Brickhouse Landing is all custom built houses so it is a longer building permit process. He thinks the County dropped the ball when they did a study on the water system.

There was no one else to speak and the public hearing was closed at 7:59 p.m. Mr. Haltom apologized that Mr. Jones has been misinformed. Mr. Haltom stated that when they did a hydraulic analysis, some subdivisions were included, but he was not aware that Brickhouse Landing was not completely built out. It was that issue that brought attention to all of this. This will remove everyone from being considered on the board for connection and everyone will have to go through the same planning process. There is not a blanket permit for anyone. It puts everyone on the same playing field for opportunity. Mr. Webb stated that he fully understands where we are at and has always been passionate about the Utilities in this County and had no idea we were going to hit the wall as quickly as we did, but it is what it is. Mr. Webb stated that he knows it is a free enterprise, but he does think it is a shame when you have mainstay builders that have been here traditionally over multiple years in the County that are unfortunately going to get hung up in this regardless of how fair we try to be about it. He hopes that we are vetted in whatever system we put in place and prevent people from coming in here and trying to scoop up a bunch of permits and then after 180 days passes, they have not even dug up the footing yet. Mr. Haltom stated that they are aware of that problem and plan to work with the County Attorney in the next couple of weeks to create an additional Ordinance that will state they must forfeit their connection fees if they do not build by a certain time. Mr. Carmichael stated that he would like to see Mr. Haltom address and resolve Mr. Jones' issue before this Ordinance amendment proposed tonight is approved because they did do what they were supposed to do. Mr. Haltom stated that this Ordinance should resolve his issue as long as he pays the connection fees. He could come in tomorrow morning and get whatever he needs. Nothing will no longer be held up. Mr. Carmichael stated that Mr. Jones builds one house at a time and he doubts he will build all 15 of his lots in the next 6 months. Therefore, this is not fair for a custom builder. Ms. Julie Walton, Director of Community Development and Code Compliance stated that it is her understanding that if this Ordinance is approved, those building permits that are currently on hold for capacity will be released and Mr. Jones is one of them. It is also her understanding that

permits will expire in six months, so once the six months is up and they have not built, they will release any capacity being held back to Utilities making it available for anyone else to apply. In addition, this is a short-term solution for the next two years. Eventually there will be more capacity available with the improvements being made to the Utilities system. Mr. Carmichael stated that the Ordinance amendment is not his issue. His issue is that James R. Jones Builders did what they were supposed to do all of those years ago and the County changed the rules in the middle of the game. Now, he has to wait in line like everyone else. They should be grandfathered in. Mr. Brown stated that changing the timeframe in the future may affect those that have been approved who will not be completely built within the time frame. Mr. Haltom stated that it is not their intent to take away the connection fees from anyone that is at least moving forward and making progress. Mr. Whitten added that anyone that has already been approved would not be affected by the new timeframe anyway. Mr. Webb stated that the two variables he has are that if you are building a spec home, you have to depend on having a buyer. Moreover, the Fed's just went up another quarter point and interest rates are going up and staying up for a while, probably through 2024. In addition, mortgage rates have been decreasing for the last five or six months. He stated that depending on whichever economic advisor you want to listen to, we are in a recession, we just have not hit it yet and it will not have a soft landing. At least he is not betting on it. Mr. Webb stated that the flip side to that is that he agrees that they need to do something and they should honor anything Mr. Jones has plans in place for. Mr. Webb stated that they can put him at the top of the list and he does not care who knows it. However, he told Mr. Jones that he would not support letting him have capacity for all 15 lots up front. It would be the exact opposite of what this Board did to somebody, probably ten, twelve or fifteen years ago when Mr. Webb was not even here. Mr. Webb stated that he does not even think they could legally do that without being sued by somebody. However, if Mr. Jones has his plans and is ready to go, we should honor it. He is taking a gamble too if he is building a spec home. The buyer could pull out because they cannot afford the interest rate or the mortgage. Mr. Haltom added that is why this Ordinance amendment will help him. If the buyer pulls out, he still has the water capacity because he will have paid the connection fee up front. Mr. Carmichael suggested that they postpone this matter. Mr. Webb stated that postponing this matter another 30 days will not help Mr. Jones matter if they already have contracts pending out there. He could lose his contracts. Mr. Jones stated that he is about to lose contracts on four of them right now if he cannot get capacity. He is paying taxes on all of these individual lots and may be sitting on them for another four years paying taxes before he can get capacity on them. He apologized for being frustrated, but he does not think it is fair. Mr. Webb stated that he fully understands and he would probably be saying a lot more than that if it were him. Therefore, he respects him for that. Mr. Brown stated that he would be in favor of approving it tonight and have Mr. Haltom and Ms. Walton move forward and work together to refine the process. Mr. Carmichael asked the County Attorney if a Special Exception is an option. Mr. Whitten stated that it would be an option if it is authorized under the County Code. Mr. Webb stated that it is an option that has come up in discussions and Ms. Walton is already aware of that. Mr. Brown made a motion, seconded by Mr. Webb to amend and reenact The Code of Prince George County, Virginia, 2005, as amended, by amending sections 82-236 and 82-511 to require connection fees for all uses be paid prior to receiving a building permit. Mr. Carmichael agreed with Mr. Brown that Mr. Jones situation needs more attention and needs to be honored. Roll was called on the motion.

O-23-10

P-2.

ORDINANCE TO AMEND "THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA", 2005, AS AMENDED, BY AMENDING § 82-236 AND § 82-511 TO CLARIFY THAT THE CONNECTION FEE FOR COMBINED WATER AND SEWER SERVICE OR FOR WATER ONLY OR SEWER ONLY SERVICE SHALL BE PAID PRIOR TO RECEIVING THE BUILDING PERMIT

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 amending § 82-236 and § 82-511 as follows:*

CHAPTER 82 UTILITIES

ARTICLE II. WATER SERVICE

DIVISION 7. – BILLING, COLLECTION, DEPOSITS

Sec. 82-236. - Payment of utility bills.

- (a) Water service bills shall be payable immediately upon receipt by the customer. Bills shall be paid in the office of the county treasurer or by mail or to agents appointed to receive such payments only for the total amount due and only for bills rendered for water sales.
- (b) Payment of all deposits, advance payments, partial payments, connection charges, refunds or deposits and overpayments, and other transactions shall be made at the office of the county treasurer.
- (c) When application is made for combined water and sewer service or water only service ~~for a single family dwelling~~, connection fees shall be paid ~~at the time of application for service.~~ **prior to receiving a building permit.**
- (d) ~~When application is made for uses other than single family homes, connections fees shall be paid prior to receiving a building permit.~~

ARTICLE III. – WASTEWATER SERVICE

DIVISION 5. – BILLING, COLLECTION, DEPOSITS

Sec. 82-511. - Payment of utility bills.

- (a) Wastewater service bills shall be payable immediately upon receipt by the customer. Bills shall be paid in the office of the county treasurer or by mail or to agents appointed to receive such payments only for the total amount due and only for bills rendered for wastewater collection.
- (b) Payments of all deposits, advance payments, partial payments, connection charges, refunds or deposits and overpayments, and other transactions shall be made at the office of the county treasurer.
- (c) When application is made for **combined water and sewer service or** sewer only service ~~for a single family dwelling~~, connections fees shall be paid prior to receiving a building permit.
- (d) ~~When application is made for combined water and sewer service or water only service for a single family dwelling, connection fees shall be paid at the time of application for service.~~
- (e) ~~When application is made for uses other than single family homes, connections fees shall be paid prior to receiving a building permit.~~

(2) *That this Ordinance shall be effective upon adoption.*

On roll call the vote was:

In favor: (5) Hunter, Webb, Waymack, Brown, Carmichael

Opposed: (0)

Absent: (0)

P-3. Public Hearing; Ordinance to Amend “The Code of the County of Prince George, Virginia,” as Amended, by Amending §§ 74-301, 74-302, 74-304, 74-306 and 74-310 and by Enacting § 74-304.1 to Add New Definitions to Align with the State Code and to Change the Process by Which Transient Occupancy Taxes are Collected from Accommodation Providers and Accommodation Intermediaries. Mr. Dan Whitten, County Attorney, stated that the Commissioner of Revenue’s Office has requested changes to the transient occupancy code to reflect changes in the Virginia Code. Definitions regarding Transient Occupancy Tax are being changed to align with State Code definitions. Section 74-304 is being changed to explain the Collection of Tax process for Accommodations facilitated by an Accommodation Intermediary and those without an Accommodation Intermediary. Enacting Section 74-304.1 will set out the steps to report and remit Transient Occupancy Taxes to the Commissioner of

Revenue's office. A motion approving the ordinance is requested. This Ordinance shall be effective immediately. Chairman Hunter opened the public hearing at 8:22 p.m. There was no one to speak and the public hearing was closed. Mr. Carmichael made a motion, seconded by Mrs. Waymack to approve the Ordinance by adding new definitions to align with the State Code and to change the process by which transient occupancy taxes are collected.

O-23-011

P-3.

ORDINANCE TO AMEND "THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA", 2005, AS AMENDED, BY AMENDING §§ 74-301, 74-302, 74-304, 74-306 AND 74-310 AND BY ENACTING §74-304.1 TO ADD NEW DEFINITIONS TO ALIGN WITH THE STATE CODE AND TO CHANGE THE PROCESS BY WHICH TRANSIENT OCCUPANCY TAXES ARE COLLECTED FROM ACCOMMODATION PROVIDERS AND ACCOMMODATION INTERMEDIARIES

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 amending §§ 74-301, 74-302, 74-304, 74-306 and 74-310 and by enacting § 74-304.1 as follows:*

CHAPTER 74 TAXATION

ARTICLE VIII. - TRANSIENT OCCUPANCY TAX

Sec. 74-301. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accommodations means any room or rooms, lodgings, accommodations, or space at a lodging facility for which tax is imposed on the retail sale of the same pursuant to this article.

Accommodations Fee means the room charge less the discount room charge, if any, provided that the accommodations fee must not be less than \$0.

Accommodations Intermediary means any person other than an accommodations provider that (i) facilitates the sale of an accommodation and (ii) either (a) charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale; (b) collects a room charge from the customer; or (c) charges a fee, other than an accommodations fee, to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including one or more payment processors, between a customer and an accommodations provider. Accommodations Intermediary does not include a person that meets any of the following requirements:

- (1) If the accommodations are provided by an accommodation provider operating under a trademark, trade name or service mark belonging to that person;**
- (2) If the person facilitates the sale of an accommodation where (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only**

compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodation provider to such person; or

- (3) If the person is a licensed as a real estate licensee pursuant to Article 1 (§ 54.1-2100 et seq.) of Chapter 21 of Title 54.1 of the Virginia Code, when acting within the scope of such license.

Accommodations Provider means any person that furnishes accommodations to the public for compensation. The term “furnishes” includes the sale of use or possession or the sale of the right to use or possess.

Commissioner shall mean the Commissioner of the Revenue of the County of Prince George, Virginia or any duly authorized deputies or agents.

County means the County of Prince George, Virginia.

Discount Room Charge means the full amount charged by the accommodation provider to the accommodation intermediary, or any affiliate thereof, for furnishing the accommodations.

~~Hotel means any public or private hotel, inn, hostelry, tourist home or house, motel, rooming house, or other lodging place within the county offering lodging for one or more persons at any one time, and the owner and operator thereof, who, for compensation to any transient.~~

~~Lodging means room or space furnished any transient.~~

Lodging Facility means any public or private hotel, inn, apartment hotel, hostelry, tourist camp, tourist cabin, tourist home or house, camping grounds, club, motel, rooming house, any place that offers short-term lodging, or other place within the County offering accommodations for one or more persons at any one time, and the owner and operator thereof, who, for compensation, furnishes accommodations to any transients.

~~Person includes, but is not limited to, any individual, firm, partnership, association, corporation, person acting in a representative capacity and combinations of individuals of whatever form and character or any group of individuals acting as a unit.~~

Retail Sale means a sale to any person for any purpose other than for resale.

Room Charge means the total charge made to, or total price paid by or for, a transient in a retail sale for the use or possession of accommodations at any such lodging facility before taxes. “Room Charge” includes any fee charged to the customer and retained as compensation for facilitating the sale, whether described as an accommodations fee, facilitation fee, or any other name.

~~Transient means any person who, for a period of fewer than 30 consecutive days, either at his own expense or at the expense of another, obtains accommodations in any lodging facility for which a charge is made. the use or possession of a room or space occupied for lodging at any hotel or travel campground for which a price is charged.~~

~~Travel Campground means any area, site, lot, field or tract of land offering spaces for recreational vehicles or campsites for transient dwelling purposes, or temporary dwelling during travel, or recreational or vacation uses.~~

Sec. 74-302. - Imposed; amount.

Pursuant to Virginia Code § 58.1-3819, there is hereby levied and imposed, in addition to all other taxes and fees of every kind imposed by law, on each transient, a tax equivalent to seven percent of the total **Room Charge** price paid by **or for any such Transient** the customer for the use or possession of **Accommodations** a room or space occupied for lodging by or for such transient.

Sec. 74-304. – Collection of Tax Duty to collect and remit; reports.

- (a) For any retail sale of Accommodations facilitated by an Accommodation Intermediary, the Accommodations Intermediary will be deemed a facility making a retail sale of an Accommodation. The Accommodations Intermediary must collect the tax imposed pursuant to this Article, computed on the total Room Charge, from the person paying for the Accommodations at the time payment for the Accommodations is made and shall be liable for the same.
- (b) For any retail sale of Accommodations not facilitated by an Accommodation Intermediary, the Accommodations Provider must collect the tax imposed pursuant to this Article, computed on the total Room Charge, from the person paying for the Accommodations at the time payment for the Accommodations is made and shall be liable for the same.

It shall be the duty of every person receiving the total price paid by the customer for the use or possession of a room or space occupied for lodging by or for a transient, with respect to which a tax is levied under this article, to collect the amount of tax hereby imposed at the time payment for such room rental is made. The taxes collected during each calendar month shall be reported and remitted by each person to the commissioner of the revenue, on or before the 20th day of the following calendar month. The taxes collected by the person shall be deemed to be held in trust by such person until they have been remitted to the commissioner of the revenue. The required report shall be in such form as may be prescribed by the commissioner of the revenue. All remittances received by the commissioner of the revenue shall be turned over promptly to the county treasurer.

Sec. 74-304.1 – Report and Remittance of Tax.

- (a) For any retail sale of Accommodations facilitated by an Accommodations Intermediary, the Accommodations Intermediary must remit the tax imposed pursuant to this Article to the Commissioner.
- (b) For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider must remit the tax imposed pursuant to this article to the commissioner.
- (c) For any transaction for the retail sale of accommodations involving two or more parties that meet the definition of accommodations intermediary, nothing in this article prohibits such parties from making an agreement regarding which party will be responsible for collecting and remitting the tax, so long as the party so responsible is registered with the Commissioner for purposes of remitting the tax. In such event, the party that agrees to collect and remit the tax will be the sole party liable for the tax, and the other parties to such agreement will not be liable for such tax.
- (d) The person collecting any such tax required pursuant to this article must make out a report on such forms and setting forth such information as the Commissioner may

prescribe and require, showing the amount of total room charges collected, and the tax required to be collected, and must sign and deliver the same to the Commissioner with a remittance of such tax.

- (e) **The reports and remittances must be made monthly on or before the 20th day of the month and covering the amount of tax collected during the preceding month. If the remittance is by check or money order; it must be payable to the County and all remittances received hereunder by the Commissioner must be promptly delivered to the Treasurer.**

- (f) **Each accommodations intermediary must submit to the Commissioner the property addresses and gross receipts for all accommodations facilitated by the accommodations intermediary in the County on a monthly basis.**

- (g) **If any person required to collect and remit the tax imposed by this article fails to file a statement and a remittance, or if the Commissioner has reasonable cause to believe that an erroneous statement has been filed; the Commissioner may proceed to determine the amount due to the County pursuant to Virginia Code § 58.1-3903.**

Sec. 74-306. - Penalty and interest for nonremittance.

If any person ~~accommodations provider or accommodations intermediary~~ shall fail or refuse to remit **to the Commissioner** the tax required to be collected and paid under this article, within the time and in the amount as provided for in this article, there shall be added to such tax a penalty in the amount of ten percent thereof or the sum of \$10.00, whichever shall be greater, and interest thereon at the rate of ten percent per annum, which shall be computed upon the tax and penalty from the date such taxes were due and payable.

Sec. 74-310. - Penalty for violation.

Any person convicted of willful failure or refusal to file a tax return at the times required by this article will be subject to criminal penalties. If the tax lawfully assessed in connection with the return that was not filed is \$1,000 or less, then such failure or refusal to file will be punishable as a Class 3 misdemeanor. If the tax lawfully assessed in connection with the return that was not filed is more than \$1,000, then such failure or refusal to file will be punishable as a Class 1 misdemeanor. In determining the penalty to be applied in the event that a person has not filed a tax return as required by this article, the penalty will be based on the amount due to the County as determined by the Commissioner. ~~It shall be unlawful for any person to violate any of the provisions of this article. Any person violating any of the provisions of this article, upon conviction, shall be punished by a fine of not less than \$25.00 nor more than \$200.00 or by confinement in jail not exceeding 30 days, either or both. Each **such failure or refusal** violation and each day's continuance thereof shall constitute a separate offense. Such conviction shall not relieve any person from the payment, collection, or remittance of the tax as provided in this article.~~

(2) *That the Ordinance shall be effective upon adoption.*

On roll call the vote was:

In favor: (5) Hunter, Webb, Waymack, Brown, Carmichael

Opposed: (0)

Absent: (0)

P-4. Public Hearing Ordinance to Amend § 30-62 of “The Code of the County of Prince George, Virginia”, 2005, as Amended, to Change the Polling Location for the Rives Precinct. Mr. Dan Whitten, County Attorney, stated that Walton Elementary School is the current polling location for the Rives (104) Precinct. Walton Elementary School closed February 17, 2023. The Board of Elections and Registrar’s office have looked in to securing a new polling location for the Rives Precinct. Sacred Heart Catholic Church at 9300 Community Lane, located on Route 460, County Drive and the Central Wellness Center located at 11023 Prince George Drive are possible locations. To make this change, the Board will need to amend County Code § 30-62 to designate the new polling location. The Registrar’s office will mail letters to the public advising them of the new polling location. A motion approving the new polling location for Rives Precinct by amending County Code § 30-62 is requested. Chairman Hunter opened the public hearing at 8:26 p.m.

Ms. Jennifer Canepa (4163 Baxter Ridge Drive). She believes that Central Wellness Center is a better voting place. She stated that not everyone is religious and a church may prevent them from coming to vote. Not enough people are voting as it is now.

There being no one else to speak, Chairman Hunter closed the public hearing at 8:27 p.m. Mr. Brown made a motion, seconded by Mr. Carmichael, to approve the new polling location for the Rives Precinct to the Central Wellness Center by amending County Code § 30-62. Roll was called on the motion.

O-23-012

P-4.

ORDINANCE TO AMEND § 30-62 OF “THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA”, 2005, AS AMENDED, TO CHANGE THE POLLING LOCATION FOR THE RIVES PRECINCT

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

(1) That § 30-62 of The Code of the County of Prince George, Virginia, 2005, as amended, is amended as follows:

CHAPTER 30 – ELECTIONS

ARTICLE II. – ELECTIONS DISTRICTS

DIVISION 2. – PRECINCTS AND POLLING PLACES

Sec. 30-62. - Polling places designated.

Pursuant to authority contained in Code of Virginia, 1950, as amended, §§ 24.2-305—24.2-310.1, the polling places for each precinct are established as follows:

ELECTION DISTRICT NO. 1

Precinct No.	Polling Place
101	Richard Bland College, Richard Bland Barn Theater, 11301 Johnson Road, Petersburg, Virginia 23805, located on Johnson Road approximately one-half mile from the southern border of the City of Petersburg.
102	Templeton, South Elementary School, 13400 Prince George Drive, Disputanta, Virginia 23834, located on State Highway Route No. 156 at its intersection with State Highway Route No. 626.
103	Union Branch, Union Branch Church, 3356 Union Branch Road, Petersburg, Virginia 23805, located on Route 649, Union Branch Road.
104	Rives, Walton Elementary School, 4101 Courthouse Road, Prince George, Virginia 23875, located at the intersection of Route 460, County Drive and Route 106, Courthouse Road on Courthouse Road. <u>Central Wellness Center, 11023 Prince George Drive, Disputanta, Virginia 23842, located on State Highway Route 156.</u>

105	Harrison, David A. Harrison Elementary School, 12900 East Quaker Road, Disputanta, Virginia 23834, located on State Highway Route No. 629.
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ELECTION DISTRICT NO. 2

Precinct No.	Polling Place
201	Bland, N. B. Clements Jr. High School, 7800 Laurel Spring Road, Prince George, Virginia 23875, located at 7800 Laurel Spring Road, the intersection of State Highway Route No. 616 (Laurel Spring Road) and State Highway Route No. 156 (Prince George Drive).
202	Blackwater, Prince George Parks and Recreation Community Center, 11100 Old Stage Road, Prince George, Virginia, located on State Highway Route No. 609.
203	Brandon, Friends of Burrowsville Community Center, located at 18701 James River Drive, Disputanta, Virginia 23842.
204	Courts, Abundant Life Church, 6500 Middle Road, Prince George, Virginia 23875.
205	Jefferson Park, Middle Road Elementary School, 5400 Middle Road, Prince George, Virginia 23875.

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

On roll call the vote was:

In favor: (5) Hunter, Webb, Waymack, Brown, Carmichael

Opposed: (0)

Absent: (0)

ORDER OF BUSINESS (cont'd)

A-3. Resolution Regarding the Extension of the Due Date for Real Estate Taxes, Personal Property Taxes, Machinery and Tools Taxes, Mobile Home Taxes, Stormwater Utility Fees and Public Services Taxes. Mr. Dan Whitten, County Attorney, stated that pursuant to Prince George County Code § 74-1, “[o]ne-half of the taxes due and owing to the county for real estate for each and every fiscal year, shall be paid by...on or before June 5 or the first business day thereafter, if June 5 is not a business day.” Pursuant to Prince George County Code § 74-2, “[t]he payment of taxes due and owing for each and every year to the county for personal property, mobile homes, and machinery and tools shall be paid by...on or before June 5 or the first business day thereafter, if June 5 is not a business day or within 30 days of receiving a bill if based on proration.” Pursuant to Prince George County Code § 38-82, “[a]n annual stormwater utility charge of \$36.00 shall be collected for every developed residential parcel in the county to be paid at the time that real estate taxes are due on December 5 and June 5 in equal installments of \$18.00. An annual stormwater utility charge shall be collected for every developed commercial/industrial/exempt parcel in the county to be paid in equal installments at the time that real estate taxes are due on December 5 and June 5.” Prince George County intends to extend the 2023 due date for second half of Real Estate Taxes, Stormwater Utility Fees and Public Service Taxes and the 2023 due date for Personal Property, Mobile Home, and Machinery and Tools Taxes from June 5, 2023 to June 16, 2023. A motion approving the Resolution is requested. Mr. Brown stated that he has no problem changing the date. However, we have done it for the last three years and we should consider changing it permanently in the future. Mr. Whitten stated that the Commissioner of Revenue and the Treasurer have concerns about changing the date permanently as it may affect boats where two different jurisdictions could be taxing and the other jurisdiction taxes first. Mr. Brown stated that it still warrants further discussion in the future. Mr. Brown made a motion, seconded by Mrs. Waymack to adopt a Resolution regarding the extension of the due date for real estate taxes, personal property taxes, machinery and tools taxes, mobile home taxes, stormwater utility fees and public services taxes. Roll was called on the motion.

R-23-068

A-3.

RESOLUTION REGARDING THE EXTENSION OF THE DUE DATE FOR REAL ESTATE TAXES, PERSONAL PROPERTY TAXES, MACHINERY AND TOOLS TAXES, MOBILE HOME TAXES, STORMWATER UTILITY FEES AND PUBLIC SERVICES TAXES

WHEREAS, Prince George County Code § 74-1 states “[o]ne-half of the taxes due and owing to the county for real estate for each and every fiscal year shall be paid by or on behalf of persons owing such taxes on or before December 5 or the first business day thereafter, if December 5 is not a business day. One-half of the taxes due and owing, to the county for real estate for each and every fiscal year, shall be paid by or on behalf of persons owing such taxes on or before June 5 or the first business day thereafter, if June 5 is not a business day”; and

WHEREAS, Prince George County Code § 74-2 states “[t]he payment of taxes due and owing for each and every year to the county for personal property, mobile homes, and machinery and tools shall be paid by or on behalf of persons owing such taxes on or before June 5 or the first business day thereafter, if June 5 is not a business day or within 30 days of receiving a bill if based on proration”; and

WHEREAS, Prince George County Code § 38-82 states “[a]n annual stormwater utility charge of \$36.00 shall be collected for every developed residential parcel in the county to be paid at the time that real estate taxes are due on December 5 and June 5 in equal installments of \$18.00. An annual stormwater utility charge shall be collected for every developed commercial/industrial/exempt parcel in the county to be paid in equal installments at the time that real estate taxes are due on December 5 and June 5”; and

WHEREAS, Prince George County intends to both extend the 2023 due date for the second half of Real Estate, Stormwater Utility Fees and Public Service Taxes and the 2023 due date for Personal Property, Mobile Home, and Machinery and Tools Taxes from June 5, 2023 to June 16, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that both the 2023 due date for the second half of Real Estate, Stormwater Utility Fees and Public Service Taxes and the 2023 due date for Personal Property, Mobile Home, and Machinery and Tools Taxes are hereby extended from June 5, 2023 to June 16, 2023.

On roll call the vote was:

In favor: (5) Hunter, Webb, Waymack, Brown, Carmichael

Opposed: (0)

Absent: (0)

Chairman Hunter called a recess at 8:34 p.m. The meeting reconvened at 8:49 p.m.

A-4. Draft Minutes – March 14, 2023 Regular Meeting and March 16, 2023 Budget Work Session. Mr. Brown made a motion, seconded by Mrs. Waymack, to approve the March 14, 2023 Regular Meeting and the March 16, 2023 Work Session minutes. Roll was called on the motion.

On roll call the vote was:

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

Opposed: (0)

Abstained: (1) Carmichael (absent at those meetings)

A-5. Resolution; Appropriation (\$5,200.00 State Department of Social Services Safe and Sound Task Force Mini Grant). Ms. Bertha Judge, Social Services Director, stated that she applied for a mini-grant that was made available under Governor Youngkin’s Safe and Sound Task Force Initiative. This grant will be used to refurbish family time/visitation rooms to enhance parent – child interaction and reduce potential trauma exposures. Items that will be purchased are to create a physical space that promotes safety, well-being and healthy family engagement. It will also reduce traumatic experience of removal/placement change by providing new suitcase or duffel bag with hygiene products and comfort items enclosed to make transitions a bit easier and more dignified. She is requesting approval of an appropriation of Safe and Sound Mini Grant for \$5,200. There is no local match required. Mr. Webb made a motion,

seconded by Mrs. Waymack, to approve the appropriation as presented. Roll was called on the motion.

R-23-069

A-5.

RESOLUTION; APPROPRIATION (\$5,200.00 STATE DEPARTMENT OF SOCIAL SERVICES SAFE AND SOUND TASK FORCE MINI GRANT)

BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 28th day of March, 2023, does hereby authorize 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>
<u>GENERAL FUND</u>	
<u>Expenditure:</u>	
0100-05-113-0701-46097	Social Services Safe & Sound Mini Grant
	\$5,200.00
 <u>Revenue:</u>	
0100-20-601-8203-326213	State DSS Safe & Sound Mini Grant
	\$5,200.00

On roll call the vote was:

In favor: (5) Hunter, Webb, Brown, Waymack, Carmichael

Opposed: (0)

Absent: (0)

A-6. Resolution Accepting the Resignation of County Attorney. Mr. Dan Whitten has submitted his resignation as County Attorney, effective immediately. Mr. Brown made a motion, seconded by Mr. Carmichael, to accept his resignation. Roll was called on the motion.

R-23-070

A-6.

RESOLUTION ACCEPTING THE RESIGNATION OF THE COUNTY ATTORNEY

WHEREAS, Mr. Dan Whitten has submitted his resignation, effective immediately as the County Attorney for Prince George County.

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 28th day of March, 2023, hereby accepts the resignation of Dan Whitten as County Attorney of Prince George County, effective immediately.

On roll call the vote was:

In favor: (5) Hunter, Webb, Brown, Waymack, Carmichael

Opposed: (0)

Absent: (0)

A-7. Resolution; Board of Supervisors; Appointment of Interim County Attorney. Mr. Brown made a motion, seconded by Mr. Webb, to appoint Ms. Andrea Erard as Interim County Attorney for Prince George County, effective immediately.

R-23-071

RESOLUTION; BOARD OF SUPERVISORS; APPOINTMENT OF INTERIM COUNTY ATTORNEY

BE IT RESOLVED That the Board of Supervisors of the County of Prince George this 28th day of March, 2023, hereby appoints Andrea Erard as Interim County Attorney, beginning immediately and serving until such time as a County Attorney is appointed.

On roll call the vote was:

In favor: (5) Hunter, Webb, Brown, Waymack, Carmichael

Opposed: (0)

Absent: (0)

ADJOURNMENT. Mr. Carmichael moved, seconded by Mrs. Waymack to adjourn. Roll was called on the motion.

On roll call the vote was:

In favor: (5) Hunter, Webb, Waymack, Brown, Carmichael

Opposed: (0)

Absent: (0)

The meeting adjourned at 8:54 p.m.

[Draft Minutes prepared March 31, 2023 for consideration on April 11, 2023; adopted by unanimous vote.]

Donald R. Hunter
Chairman, Board of Supervisors

Jeffrey D. Stoke
County Administrator