

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

IN RE: CALL TO ORDER

Chairman Thomas W. Evelyn called the meeting to order.

IN RE: ROLL CALL

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

All members were present.

IN RE: NEW KENT FIBER OPTIC NETWORK DESIGN PLAN UPDATE

Mr. Evelyn noted the Board had been looking forward to this presentation and he believed many citizens would also be tuning in to listen. He turned the floor over to RiverStreet Networks representatives including Business Development Managers Rob Taylor and Lon Whelchel and Vice President of Business Development Greg Coltrain. Mr. Taylor took the lead and indicated the purpose of the presentation was to bring the Board up to date on progress made on the County's broadband expansion plan. The fiber optic design was complete and work was in progress on the wireless design.

An overview of the company indicated RiverStreet Networks was a wholly owned for profit subsidiary of the Wilkes Telephone Membership Corporation (Wilkes TMC). The Wilkes TMC was a member-owned broadband cooperative (originally telephone cooperative) established in 1951 and headquartered in Wilkes County, North Carolina. They currently had approximately 30,000 accounts with 23,000 in North Carolina and 7,000 in Virginia. The company's assets were over \$173 million, annual revenue was over \$60 million and there were over 220 employees. Customers in five states including North Carolina, Virginia, South Carolina, Georgia and Tennessee were being served. Their focus was on serving unserved and underserved areas that lacked high speed internet access at affordable rates.

Mr. Taylor reviewed a map of the RiverStreet service area noting areas served by fiber and copper. He also noted some of the other marked areas were currently served by coax, CAF II Fiber (Connect American Fund) or wireless. He reported CAF II was an auction hosted by the FCC (Federal Communications Commission) where companies participated in a reverse auction by bidding on census blocks where they would design or build networks. The auction was reverse in that the FCC had initially offered a set amount of funding and then received bids. They had reduced the available funding numerous times with bidders dropping out along the way until they had met what they referred to as "the clearing round." The remaining bidders had then received awards. A similar process had been used for RDOF (Rural Digital Opportunity Fund) awards. They had started with \$20.4 billion which was then reduced to \$16.4 billion but in the end, about \$9 billion had been awarded. He reported a flaw in the census block process had been that the FCC had looked at the service available within the blocks and if one resident had service, they had assumed service was available to all. He reported there were currently four service providers in New

Kent offering either wireless, fiber or cable. RiverStreet had bid on several census blocks in the RDOF process and had been awarded funding to pass 1,183 locations in New Kent. Space X had been awarded funding for 89 locations and 32 locations had been awarded to Starry (Connect Everyone LLC).

Mr. Whelchel distributed a handout for Board members to follow through the remainder of the presentation. This handout was collected at the conclusion of the presentation.

Mr. Taylor reviewed several maps and touched on key points in the fiber to the home (FTTH) design. The County would be divided into three service areas with fiber passing all homes in the County's GIS system. The backbone of the system would be 66.77 miles in length and would pass 269 homes at a cost of just under \$3 million. RiverStreet would be responsible for the connection costs up to 1,200 feet off the road. Mr. Evelyn asked what would happen in the case of a state maintained dirt road with only two homes. Mr. Coltrain reported the design had considered all homes in the GIS system which would include state maintained as well as private roads. Once the backbone was in place, an additional 560 miles of cable passing 11,143 homes would be installed at a cost of just over \$22 million. Total cost would depend on the number of subscribers.

A review of "next steps" included:

- RiverStreet would be seeking to leverage matching funds to cover the budget shortfall with state and federal grants to expand the current network to more residents sooner.
- A County map depicting federally funded census blocks awarded to RiverStreet indicated 1,183 locations would be served within six years. This could be reduced to three years with County funding. The federal funding would be paid over ten years, grant funding would also be sought and total estimated cost would be just over \$6.5 million. A project shortfall of just over \$5.8 million was noted.
- Possible FTTH project funding sources would include federal RDOF funds, federal ARP (American Rescue Plan) funds, VATI (Virginia Telecommunications Initiative) funding, local funds and RiverStreet Networks matching funds.

A "summary of RiverStreet requests" to New Kent County included:

- Almost \$6 million in matching funds for the Phase I FTTH Project. This would pass 1,183 locations and County funding would expedite completion from six years to three years.
- Recommended the County provide up front funding of an additional \$3 million to build Phase I and the backbone simultaneously to expedite the build and minimize costs.
- RiverStreet would pursue all eligible state and federal funding for the project.
- RiverStreet would offer reduced pricing to low income households and would consider other concessions for this funding contribution.
- RiverStreet would seek additional funding for the Phase II FTTH Project if the County decided to support a total FTTH project.

Mr. Taylor indicated RiverStreet would like to have a future discussion on obtaining funding needed to expedite the RDOF build. A possible funding model for 2022 through 2031 was briefly reviewed. He noted this preliminary information was provided for future discussion. He also noted that with a 30% subscription rate, New Kent would begin to receive a share of the revenue. This share would increase if the subscription rate rose above 30%. He entertained questions. Mr. Coltrain further noted RiverStreet was not expecting any decision from the Board today but wanted to provide this information for thought. He added that today's presentation had only scratched the surface but did provide a vision of a County-wide plan with funding suggestions. They requested a future opportunity to meet with the Board for a more detailed discussion.

Mr. Evelyn requested more information on the RDOF funded census blocks page which had noted a project shortfall of just over \$5.8 million. Mr. Taylor noted the RDOF funding included only 1,183 locations which he suggested was an issue. Based on census blocks, the federal government had indicated New Kent had 1,183 locations which had been awarded to RiverStreet plus 89 awarded to Space X and 32 awarded to Starry. This meant they were going on the assumption that with over 11,000 locations in New Kent, only about 1,300 did not have broadband service. They knew this was not true because, as previously mentioned, if one location within a block had service, they assumed service was available to all. He noted the state was also using the mapping information provided by the federal government. Mr. Coltraine also reported RiverStreet had participated in a mapping study with CostQuest and U.S. Telecom. He encouraged Board members to do a search on "CostQuest Mapping Study" and review the findings. He reported the study had found the mapping in Virginia was 35 to 38% inaccurate. He indicated CostQuest was working on a proposal to be presented to the FCC recommending the use of their mapping method.

Mr. Lockwood stated, "Leave it to the federal government to throw billions of dollars at a program where they don't know where they need to spend it." Mr. Taylor noted this had been one of the biggest complaints because many had thought RDOF money would not be distributed until the maps were updated. He reminded everyone that \$16.4 billion had been available in the first round of RDOF funding but because the cost had been driven down by larger companies, only \$9 billion had been awarded. Those receiving awards would be required to complete their projects within six years but the funding would be distributed over ten years. Mr. Lockwood expressed concerns over the projected six-year build. Mr. Taylor noted that because the funding would be distributed over ten years, there would be a shortfall for which RiverStreet would seek funding. Mr. Lockwood asked if the project could be completed sooner if funding was available. Mr. Taylor indicated if the County could help get the project funded, the backbone and RDOF blocks could be built in three years. Mr. Coltraine noted it would take at least six years to build the entire system and it would be three years before the first customer could be served.

Mr. Taylor reported the need for broadband services had exponentially increased because of COVID. Purchasing of fiber had increased while manufacturing capability had been impacted due to shutdowns and transportation issues and installation crew members were in high demand. Their timeline was to start the project in January 2022 but discussions needed to start now for everything to be coordinated to make that a reality.

Mr. Lockwood expressed concerns that New Kent would be funding 70% of the project. Mr. Taylor indicated that would not be the case and noted they would actively be working with the County to seek other funding to reduce the County's costs. Mr. Coltraine noted the federal government had always funded based on a set internet speed which had increased over time as technology changed. He reported fiber had been a game changer and when configured the correct way, a gig of service could be provided to every customer. The network they were designing was what they considered to be "future proof." He noted our appetite for broadband was constantly increasing and as a result the federal government would continue changing the level at which they would consider an area to be unserved. He suggested the network RiverStreet was proposing would serve New Kent many years into the future and would create an economic landscape desired by many localities. He noted delays in the supply chain were already being experienced and the RDOF money had not been released yet. He reminded everyone that many localities would be working to expand broadband and those with a plan in place would be ready to move when the funding became available. He again noted they would be happy to come back to discuss this further. Mr.

Evelyn asked what the timeline would be for that meeting. Mr. Coltrain noted that would be up to the Board and they would be willing to meet multiple times if needed. He stated they were “devoted to helping see you through understanding the decisions and the choices you feel like you need to make for your constituents.”

Discussion shifted to satellite vs. fiber service. Mr. Lockwood reported he had ordered satellite equipment which he expected to receive this summer. He suggested his location would most likely be one of the last to receive fiber service and he had ordered the equipment to see how well it would work. He asked if it worked well, why anyone would switch to fiber when it became available to them years down the road. Mr. Coltrain noted cost would be a factor but added that ultimately fiber would provide better service.

Mr. Lockwood asked if RiverStreet’s network would be open access. He further asked if they would be providing content or only a connection. Mr. Taylor reported RiverStreet would be providing internet service, there would be no throttling and other vendors would not be able use the system to provide service. Mr. Coltrain added that customers would be able to consume all of the internet they wanted and there would be no metered service.

Ms. Paige asked if costs for subscribers would be provided during their next meeting. Mr. Taylor indicated they would. Mr. Coltrain reported the slowest option was approximately \$75 per month, one gig was approximately \$250 per month and discounts would be available for low income households. He also noted this system would not only provide service to homes but also to businesses within the County. This would help New Kent leverage its opportunities to attract business and industry.

Mr. Stiers noted Mr. Whelchel had reported at a previous meeting that temporary antennas could be placed on existing towers to serve some residents while the fiber system was constructed. He noted this had not been mentioned in today’s presentation. Mr. Taylor again noted the wireless portion of the plan was not complete, the engineers were still working on that component and the use of towers would still be an option. Mr. Coltrain reported they would come back and present plans for the wireless project and he was hopeful it would be complete when they came back for a deeper financial discussion. Mr. Evelyn asked how much time was needed to complete the wireless plan. Mr. Coltrain noted the plan was almost complete and should be ready in a month or two. Mr. Evelyn suggested they meet again at a work session in two months to discuss the wireless plan and financials. Mr. Coltrain agreed and indicated he would let the Board know if the wireless plan was finished sooner. He indicated they would spend as much time with the Board as they wanted. Mr. Evelyn stated broadband was a top priority and several other Board members agreed. Mr. Stiers suggested they may wish to consider calling a special meeting for their next discussion. Mr. Evelyn requested a copy of the presentation for posting on the County website. Mr. Taylor indicated he would provide an electronic copy. Mr. Coltrain thanked the Board for their time.

IN RE: PRESENTATION OF NEW SAFETY MANUAL, CDL SUPPLEMENTAL POLICY,
GROUP MEDICAL PLAN LOOK-BACK POLICY AND PROPOSED UPDATES TO
THE EMPLOYEE PERSONNEL POLICIES MANUAL

Copies of the documents to be considered at this meeting had been provided to Board members at their April 12th regular meeting to allow sufficient time for review. Human Resources Director Karen Wiscott reviewed each of the items.

- Safety Manual - This would be the first Safety Manual for New Kent. Ms. Wiscott and representatives of other departments had worked with J. J. Keller & Associates (a

consultant) for approximately one year to create the manual from scratch. The manual had focused on compliance with VOSH (Virginia Occupational Safety & Health), OSHA (Occupational Safety & Health Administration) and VRSA (The Virginia Risk Sharing Association) regulations. New Kent currently had a 100% safety rating and was receiving a discount from VRSA as a result. A random VOSH inspection had been conducted during the course of the manual's development. A copy of the draft manual had been provided and the County had passed the inspection. Plans were to provide bound copies to all employees and they would be required to sign a statement of receipt for placement in their employment file. Mr. Evelyn asked who had worked on the manual. Ms. Wiscott reported J. J. Keller & Associates as well as a Safety Committee composed of staff members from various departments had worked together. Departments impacted by specific policies were also asked to provide input.

- Employee Handbook – Ms. Wiscott reviewed a list of updates including:
 - Pages 7, 21, 28 and 102 - Corrections of grammar, typos, etc.
 - Page 15 - Disability Accommodation – ADA (Americans with Disabilities Act) language
 - Page 21 - Health, Dental and Vision Insurance – Line added to refer to the ACA (Affordable Care Act) Look-Back Policy document.
 - Pages 31-32 – Holidays – Holiday list updated in accordance with State calendar.
 - Pages 37-39 - Military Leave – Corrected "15 Workdays" to "120 Hours"
 - Pages 45-47 - Emergency Closings – Updated policy, clarifying that Emergency Administrative Leave does not apply to Public Safety/Emergency Response personnel and that the number of hours granted shall not exceed the total number of hours for which the office was closed.
 - Pages 79-82 - Commercial Drivers (Covered Employees) – Updated to refer to CDL Supplemental Policy.
- CDL Supplemental Policy - Ms. Wiscott noted the CDL Supplemental Policy would impact only the Public Utilities Department at this time but other departments/positions could be impacted in the future. Mr. Stiers asked if smoking pot was addressed. Ms. Wiscott reported there had been no drug policy changes. County Administrator Rodney Hathaway noted this was a big issue and pointed out marijuana use was illegal federally and County employees were not allowed to be under the influence. Ms. Wiscott also reported the lack of testing to prove when marijuana had been used was another issue. With current testing, a positive result would indicate the use of marijuana but not if the individual was currently under the influence. She added that a positive result would never be acceptable for certain staff such as those in public safety. She noted all employees should be treated fairly and asked would the County ever want to have different drug testing standards for certain staff.
- Group Medical Plan Look-Back Policy – This policy had been created as required for ACA compliance.

Ms. Wiscott entertained questions. Mr. Lockwood noted he had no questions but wished to thank Ms. Wiscott for getting New Kent up to date in all of these areas. He specifically noted appreciation for the Safety Manual and stated that the next time VOSH came for a surprise visit New Kent would be ready to provide a manual that was in full effect. Ms. Wiscott thanked the Board for the opportunity to present this information.

Mr. Hathaway asked the Board to consider taking action to adopt the manual, updates and policies as presented.

Mr. Lockwood moved to adopt the proposed New Kent County Safety Manual, proposed CDL Supplement Policy, proposed Group Medical Plan Look-Back Policy and proposed updates to the New Kent County Personnel and Policies Manual. The members were polled:

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

The motion carried.

IN RE: PINE FORK PARK UPDATE

Parks and Recreation Director Kim Turner and Assistant Parks and Recreation Director Jason Baldwin provided handouts on the Pine Fork Park project. Ms. Turner encouraged County Administrator Rodney Hathaway, Assistant County Administrator Justin Stauder and Mr. Baldwin to feel free to comment as she presented. She was excited to review what she hoped would be one of the last updates on Phase 1 and reported Board members had been receiving weekly reports providing real time updates. Phase 1 was nearing completion and there were still a few items to be discussed in order to successfully complete this phase. She noted this project had been a challenge but a quality park would be delivered to the community in July. She drew attention to a brief PowerPoint summary of the project. Phase 1 had officially started in July 2019 and the total estimated net project cost had been \$7,821,223 in 2018. A four phased development approach had been adopted and the decision had been made to bid the project in smaller components to better manage costs. Phase 1 included timbering, infrastructure, well, irrigation, ball fields, walking trail, playground, concession/bath house, dog park, maintenance shed and signage. Phase 2 included ball field lighting (originally in Phase 1 but removed to reduce costs), a paved walking path and additional shade structures. Phase 3 included basketball courts and tennis/pickleball courts. Phase 4 and beyond included a Field House.

Ms. Turner reported grant funding supporting some components of Phase 1 had been received. Bruce Howard Contracting had been the main contractor with a contract which had initially come in at almost \$5 million. The Board had encouraged staff to review the contract and work with the contractor to shave down the price and as a result, almost \$1 million had been reduced. There had since been a number of change orders for issues beyond the County's control. One example was stormwater management and DEQ (Department of Environmental Quality) issues which were brought to the Board's attention in January. She thanked the Board for their ongoing support and reported they had come to the Board in October 2020 and again in January 2021 requesting additional funding. She reported approximately \$10,000 had been saved on the concession/bath house which was expected to be completed in early June. A soft opening would be scheduled soon thereafter. July would be National Parks & Recreation Month and plans were to have a Progressive Grand Opening with certain parts of the park officially opening on certain days. The stormwater management redesign and DEQ corrective action restoration were complete and only a few items were pending completion on the Bruce Howard contract. Ms. Turner noted she and staff would be happy to take Board members out for a site visit.

Ms. Turner drew attention to an "additional expenditures" sheet and noted there were a number of items to complete the park which required discussion. She noted there had been a number of questions about why these items had not been included in the original plans. She reported many of the items had been included but had been removed because the funding had been needed to correct other issues. She reported Mr. Baldwin had researched some of the numbers for remaining items and turned the floor over to him for an overview.

Mr. Baldwin reviewed each item noting the following:

- Item 1 - Design Services and Special Inspections and
- Item 2 - Stormwater Management Redesign and DEQ Corrective Action Restoration on the list of additional expenditures had been completed at a total cost of \$437,144.11. The Board of Supervisors had approved an additional appropriation of \$325,591.11 at their October 2020 work session to address some of these costs.
- Item 3 – Maintenance Building (2,500 sq. ft.) at an estimated cost of \$150,000 – The building size had been reduced by 50%. Information provided by Mr. Stiers on a website offering similar buildings had been reviewed. Mr. Baldwin reported the website prices were for a shell building which did not include a slab, electrical, mechanical, plumbing or construction costs. He had also spoken with several contractors who had suggested the price would be between \$155,000 and \$360,000. The building would need to meet OSHA (Occupational Safety & Health Administration) requirements. The project would need to be put out to bid and construction costs were steadily increasing.
- Item 4 – Improvements – Playground Area at an estimated cost of \$31,086.95 - Fencing around the play area had been completed. ADA (Americans with Disability Act) improvements, the play area border and playground mulching as well as curbs along the parking lot frontage remained to be completed.
- Item 5 – Improvements – Athletic Fields at an estimated cost of \$47,235.51 – These costs included L screens, home plate bases and pitching mounds for batting cages. Baseball outfield fence gates and irrigation modifications had already been completed.
- Item 6 – Improvements – Concession Stand Area at an estimated cost of \$14,389 – This included basic furnishings as well as a \$2,000 credit for windows due to the contractor. Mr. Evelyn asked what furnishings would be included. Ms. Turner reported the architect had estimated \$25,000 in equipment but this had been reduced to \$12,000 to \$14,000. She noted that in some cases, vendors may provide equipment such as a drink vendor providing a refrigerator. Mr. Evelyn suggested the groups using the concession stand should pay a fee. Ms. Turner agreed and noted they would be expected to sign a concessionary agreement and pay a percentage of sales to the County. Some concerns were expressed about this arrangement. Ms. Turner reported the use agreement would include language giving the County authority to review the organization's books.
- Item 7 – Improvements – Dog Park at an estimated cost of \$15,000 – This included obstacle/agility equipment, benches/tables, waste management and a watering fountain. Waterlines were in place and donations would cover a portion of remaining costs.
- Item 8 – Utility totaling \$5,400 – This included a Cox internet connection to provide WiFi internal to the site as well as the building.
- Item 9 – Additional Site Improvements totaling \$29,703.72 – This included generator rental to run the well/irrigation in the early days of the project. Original plans for the walking trail had been for the surface to be covered with mulch and that had since been upgraded with an aggregate product. Several areas of the walking trail which had washed out due to heavy rains had been paved in an effort to stabilize them.
- Item 10 – 10% Contingency to address any unforeseen circumstances.

Mr. Baldwin also pointed out there had been several credits totaling \$13,692.83. "Option 1A" for complete trail system paving to allow full ADA accessibility at a cost of \$136,546.17 was also included. The total additional appropriation request without trail paving was \$308,403.87. Total with trail paving would be \$444,950.04. Ms. Turner also reported an application had been submitted to DCR (Department of Conservation and Recreation) for assistance with the trail. Paving the trail could also be addressed at a later date as a part of the CIP (Capital Improvement Program). She noted they wanted to open the park in July and decisions needed to be made regarding the remaining items. They were still looking for

donors/sponsors and were hopeful they would come soon. Mr. Hathaway stated the request was for \$308,403.87 to be appropriated from Capital Fund Balance in order to complete Phase 1 and open the park. He noted the County was anticipating receiving American Rescue Plan Act funds which could be used for some of this costs but those funds had not yet been received. Ms. Turner stated she understood the project had been frustrating at times and noted many lessons had been learned along the way. She entertained questions.

Ms. Paige asked if the costs of Phases 2 and 3 were known. Ms. Turner reported Phase 2 had included lights for the ballfields which had originally been estimated to cost \$500,000. She suggested that cost was now more like \$650,000. Ms. Paige stated she would like to switch the order of Phase 2 and Phase 3. Mr. Hathaway noted consideration also needed to be given to what the Field House facility would include. Ms. Turner also suggested opening the park would generate some excitement about what was available as well as what would be coming in the future and may encourage more donations. They would continue seeking grant funding to help with development of the park but receiving awards was sometimes difficult due to the County's high household income. They also continued to seek someone interested in establishing a 501(c)(3) nonprofit designation for Parks & Recreation to be able to begin fundraising. As a County employee, she was not allowed to do this. She added that if funding for the courts (Phase 3) was available, they could be moved up on the schedule. For now, the commitment was to complete Phase 1 and open the park safely.

Mr. Evelyn stated he did not feel the \$150,000 estimate for a 2,500 sq. ft. maintenance building was enough. Mr. Baldwin and Ms. Turner agreed. Ms. Turner indicated they would do their due diligence and follow County procurement policy to get the best possible price. She didn't want to have to come back to the Board for more funding but if the bids came in significantly higher than \$150,000, she would have to. Mr. Lockwood suggested the Board should hold on the appropriation for the maintenance facility until a more accurate cost was known. He also suggested it would be better to wait for the ground to fully settle prior to moving forward with any plans to pave the walking trail.

Mr. Lockwood moved to appropriate \$158,403.87 from Capital Fund Balance to complete Phase 1 of Pine Fork Park with the exception of the maintenance building. The members were polled:

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

The motion carried.

IN RE: PROPOSED AMENDMENT TO COUNTY CODE CHAPTER 66, ARTICLE II,
SUBDIVISION II – EXEMPTIONS FOR ELDERLY, DISABLED AND SURVIVING
SPOUSES OF CERTAIN PERSONS KILLED IN THE LINE OF DUTY

County Administrator Rodney Hathaway distributed a handout on elderly and disabled real estate tax exemptions. He noted he had been asked to look at current exemptions and to make recommendations for adjustments that would benefit more residents. Participants had to be at least 65 years of age or have a permanent total disability. He reported he had been working with the Commissioner of the Revenue on this request and noted Chapter 66, Article II of the New Kent County Code authorized the Commissioner to grant real estate tax

exemptions to elderly individuals meeting certain income qualifications. Current qualifying income brackets included:

\$0 - \$15,000	\$800 exemption
\$15,001 - \$25,000	\$650 exemption
\$25,001 - \$35,000	\$500 exemption
\$35,001 - \$50,000	\$350 exemption

Mr. Hathaway reported the current income brackets were examined for adequacy. New Kent's brackets had been compared to several other neighboring localities and had been found to be very similar. The federally recognized poverty level which was considered to be 80% of the median household income was considered when establishing income brackets for localities. That level was currently approximately \$57,000 for a two-person household in the Richmond region. Although New Kent's income brackets were similar to surrounding localities, the maximum exemptions in New Kent were low in comparison. He drew attention to the handout and noted the Commissioner of the Revenue had put together a proposal to increase the maximum exemption for each bracket. Under the current exemption structure only six residents were receiving an exemption large enough to cover their total tax bill. There were currently 164 residents participating and annual exemptions totaled \$95,092. The proposed new maximum exemptions included:

\$0 - \$15,000	\$1,600 exemption
\$15,001 - \$25,000	\$1,300 exemption
\$25,001 - \$35,000	\$1,000 exemption
\$35,001 - \$50,000	\$500 exemption

Using current participant information, these increases would result in 69 residents receiving an exemption large enough to cover their total tax bill. Implementation cost was estimated to be \$71,054. The deadline to apply for exemption was May 1st and there would not be sufficient time to implement this proposal for the current year. He recommended the Board consider implementing these changes the following tax year. He entertained questions.

Mr. Evelyn asked if these proposed new exemptions would need to be advertised. Mr. Hathaway confirmed and noted it would be necessary to change the ordinance and a public hearing would be required. Ms. Paige stated that the information on the handout was based on current participant numbers. Mr. Hathaway confirmed and noted income thresholds would not change but suggested the increased exemption amounts may encourage others who may qualify to participate. Mr. Evelyn asked if the proposed changes would put New Kent more in line with surrounding localities. Mr. Hathaway confirmed.

Mr. Stiers noted he had also requested a greater personal property tax exemption for the elderly and disabled. Mr. Hathaway reported he had spoken with the Commissioner regarding exempting one vehicle for the elderly and disabled. The Commissioner had run the numbers and had reported the cost to implement such an exemption would be approximately \$95,000. Mr. Hathaway indicated this was something that could be brought back for consideration. He also noted he had not done research to see what other localities were offering but could also get that information and report back.

Mr. Evelyn stated he wasn't sure how he felt about an additional personal property exemption. Mr. Hathaway reported there were currently various state and local vehicle exemptions but this would be an additional exemption with qualifications being based on age, income and disability status.

Ms. Paige noted exemption programs were currently in place in New Kent. She reminded the Board that they had been presented with proposals for salary increases from the

Sheriff's Office and Fire-Rescue which had been based on salaries in other localities. The Board was also often presented information on school funding/teacher salaries based on salaries in other localities. She asked how New Kent's revenue compared to these other localities and, "are we looking at the whole story?" She noted revenue was a part of the story and the Board needed to have that information when they considered these requests.

Mr. Hathaway reported he had looked at localities with a similar size when he had researched real estate tax exemptions for elderly and disabled and he had made recommendations based on what he had found in localities of similar size. He indicated he could provide her with that background information. Ms. Paige stated she knew many people who would qualify for the elderly and disabled tax exemption but did not apply because they did not want to give the County their personal information. She added that discussions often included lowering utility rates, decreasing taxes, getting staff salaries to a more competitive level, current construction of a new school, construction of another new school in the near future and on and on. She stated that as a Board they did not desire increases in taxes but that was what they were moving to. She added that what was happening in New Kent was no secret and suggested that the Board needed to be mindful that everything they increased or decreased would impact what they would be able to do to meet the future needs of the County. She stated their decisions needed to be visionary.

Mr. Evelyn expressed concerns regarding the suggestion of an additional personal property exemption. He reminded the Board that the County was providing services to all residents but for some residents, the tax paid on their personal property was the only revenue the County received from them. He stated he would be concerned about that. Mr. Lockwood suggested if the Board did consider a personal property exemption, it should include a cap on the property value. Mr. Stiers noted the calculations of the Commissioner had suggested the average assessed value of the property would be \$8,500 and the previously reported cost of \$95,000 would impact approximately 300 residents. He stated he had asked for this information to see what could be done to help some of the County's senior citizens.

IN RE: FY 2022 - 2027 SECONDARY SIX-YEAR PLAN

County Administrator Rodney Hathaway noted it was time for the Board to consider the annual Secondary Six Year Plan (SSYP) for secondary roads. He reported the County received yearly State and Federal allocations to fund secondary road improvements. Secondary roads were generally those with route numbers of 600 or higher. The primary source of funding was from TeleFee funds which consisted of lease revenues received by VDOT from utility companies with infrastructure located within their right-of-ways. He reported the projected allocation for FY22 was \$67,422. Given the cost of construction, this allotment would not go far. He also noted it generally took several years of accumulated allotments to have enough funding for a project. VDOT was recommending the FY22 funding be used to address drainage issues on Route 618 (Olivet Church Road) near the Route 60 access point. Plans were to conduct the public hearing required for the Adoption of the Secondary Six-Year Plan on May 10, 2021. He entertained questions.

Mr. Lockwood asked why a drainage issue on an existing road did not fall under VDOT's routine maintenance and suggested it should not come out of New Kent's Secondary Six-Year budget. He added that the County had to ask VDOT for permission for everything they wanted done and then had to provide all the funding. He stated, "It makes me wonder why does VDOT exist other than to deny things we want done?" Mr. Hathaway noted it was frustrating. He reported receiving a call from a Rockahock Campground resident who had reported speaking with VDOT. They reported they had been told the County had money to

pave Rockahock Road through the Central Virginia Transportation Authority and they should contact the County. He noted Rockahock Road paving should be a part of VDOT's regular maintenance. In defense of some VDOT employees, Mr. Lockwood stated that on the maintenance side, the individuals tasked with doing the work were getting things done and the issues were with upper management. He added that the General Assembly was also an issue since they had not allocated the funds necessary for VDOT to maintain roadways in Virginia for decades. He encouraged everyone to think about who they voted for and where their priorities were when they needed a front end alignment.

IN RE: BLIGHT ORDINANCE DISCUSSION

Assistant County Administrator Justin Stauder distributed a staff memo regarding Code Enforcement/Public Nuisance Ordinance Discussion. Staff had been asked to review current ordinances and prepare recommendations for improvement or add additional language in relation to public nuisances. Areas reviewed included unsafe structures, inoperable vehicles, weeds/tall grass, solid waste and public nuisances in general.

Mr. Stauder provided a brief overview of the relevant County Code Chapters.

- Chapter 58 Solid Waste - addressed garbage, refuse, sludge, weeds, tall grass or other discarded materials. This was currently enforced through the Zoning Department.
- Chapter 70 Traffic and Vehicles - addressed the issue of inoperable vehicles. Inoperable vehicles were not allowed for a period longer than 60 days unless shielded/screened from view. This was currently enforced through the Zoning Department.
- Chapter 18 Community Development - addressed unsafe structures including but not limited to unsanitary conditions, fire hazards and vacant buildings. This was enforced through the Building Department.

Mr. Stauder noted there were opportunities to amend these ordinances to strengthen them or a new nuisance or spot blight ordinance could be developed. He asked for feedback from the Board regarding where they would like to go with these ordinances before preparing any new ordinance or proposed ordinance amendments.

Referencing Chapter 18, Mr. Stiers asked what the County did once a violation notice was sent and 30 days had passed. Mr. Stauder deferred to Building Official Brian Mikelaides. Mr. Mikelaides reported it was a vicious cycle of notices to get to the actual removal of a structure. If a property owner did not have the means to remove the structure, the process stopped. He also noted the County did not have the means or a policy in place which allowed them to remove a structure. Mr. Evelyn asked if he was referring to money. Mr. Mikelaides indicated he was. Mr. Stiers asked what the County could do going forward to address this. Mr. Stauder indicated the County would need to look at resources in general, possible additional staffing and draft a plan to remedy the situation. Mr. Stiers asked if the property owner did not remedy the situation, could the County hire a contractor to do the work. Mr. Stauder indicated that could be a possibility. Mr. Stiers stated it had been mentioned that the County could possibly file a lien against a property to recoup the costs. Mr. Stauder indicated the State Code did include provisions allowing the costs to be billed back to the property owner. Mr. Stiers asked if this was included in New Kent's Code. Mr. Stauder indicated Chapter 58 and Chapter 70 did address this but he was not sure about Chapter 18. He deferred to Mr. Mikelaides who indicated State Code did give the locality the ability to place a lien against the property. Mr. Stiers asked if it would need to be in the County Code before New Kent could do anything. County Attorney Brendan Hefty reported Chapter 18 did contain a provision for the County to hire an outside contractor to remove an unsafe structure with the cost of such removal going to the property owner. Mr. Evelyn

suggested New Kent needed to see what could be done with enforcing the existing ordinance. Ms. Paige asked if this discussion was about businesses or structures in general. Mr. Stauder indicated the provisions would apply to all structures whether residential or commercial. Mr. Stiers stated he did not know the County's existing code allowed for hiring an outside contractor to remove an unsafe structure and then place a lien on the property. Mr. Stauder noted there was a process in place requiring several notices and giving the property owner an opportunity to remedy the situation before the County could step in to remove a structure. Mr. Mikelaites noted it would be necessary to go through the court system for the County to get to the point where they would demolish and remove a structure and create a lien against the property. Mr. Hefty also noted that in the case of an unsafe structure, the Building Official would perform an inspection to determine if there was an eminent threat and danger of collapse and then take whatever steps were necessary. He stated that an eminent threat would be unusual. Mr. Stiers indicated he could provide an example of an eminent threat and reported there was a residence in his district with refrigerators in the yard which posed an eminent threat to children who could possibly become trapped inside. Mr. Hefty indicated this situation would be different than enforcing codes for an unsafe structure. Mr. Lockwood suggested this situation would fall under the solid waste code. Mr. Stauder agreed and noted that was where the question of trash and junk came into play and "one man's trash is another man's treasure." He noted this was very subjective and added that Zoning Administrator Kenneth Vaughn could attest to that.

Mr. Stauder asked if what he was hearing was that the Board would like staff to look at the current ordinance and see if improvements were needed to allow for the more effective carrying out of the intent and bring suggested recommendations to the Board. Mr. Lockwood noted the handout included some suggested improvements for the various chapters. Mr. Stauder noted a proposed new article on Public Nuisance in Chapter 18 had also been included as well as some minor revisions to existing sections. Mr. Stiers asked what was a nuisance. Mr. Stauder reported the State Code definition was anything that was "common to the public generally and which may injure those citizens generally who may be so circumstanced as to come within its influence" and then went on to provide more specific details. He noted conditions which could harbor mice, rats, snakes or other vermin, an accumulation of trash or construction debris, structures with unsanitary or unsafe conditions or hazards such as open wells or pits, discarded refrigerators or freezers or unsecured vacant structures could all be considered a nuisance.

Mr. Evelyn asked Mr. Hefty if the necessary tools were currently in the County Code to address these issues. Mr. Hefty indicated provisions were currently in the Code to address some of these issues but pointed out State Code did give localities the authority to enact an ordinance specifically prohibiting public nuisances which could endanger health and safety. He noted a neighbor impacting a neighbor's property would not be something the County would get involved in but would be an issue for the two neighbors to settle. If there was hazardous waste or some other health issue on the property general to the community or the public then it would become a public nuisance and the County could add provisions to address this. He pointed out someone with the County would have to be charged with enforcing the provisions and funding to support the enforcement would have to be provided. He suggested the Board should answer the question, "what is it that is bothering you or the people are complaining about that you want to address?" He stated if there was an example of a public nuisance that the current ordinance would not address, he would recommend the Board consider adopting the public nuisance ordinance.

Mr. Lockwood asked what New Kent would be able to accomplish with a new ordinance that it was not already able to do with existing ordinances. Mr. Stauder noted the public

nuisance ordinance would give the County another avenue to pursue select issues which may not fall neatly within existing ordinances. Mr. Lockwood noted he felt a means to resolve these issues was already provided in current ordinances. Mr. Hefty agreed and indicated he would be happy to meet with staff to discuss the particular issues they were having and look at how they could be addressed either through the courts or other means. Mr. Lockwood noted he felt this would be beneficial and also noted he believed that in many cases, residents were not aware they were violating County Code. He specifically referenced inoperable vehicles and noted he was aware of many which he doubted the owners knew were in violation. Mr. Stauder noted this brought up another issue and asked would enforcement remain complaint based or would staff be expected to actively pursue these issues. Mr. Lockwood stated he wondered how many people knew they were breaking the law with inoperable vehicles and suggested an awareness campaign may be helpful. Mr. Stiers reported he had drafted a letter on County letterhead and hand delivered it to the property owner previously mentioned in his district. He noted there had been some improvements at the property and the refrigerators had been removed. Mr. Mikelaites noted this also went back to having the means. He noted the County had the means legally to require this but no means (money) of enforcement with sufficient staff or resources to remedy the issue if it was not addressed by the property owner. Mr. Vaughn reported that approximately 15 years ago the Board had wanted to pursue a case through the courts to have a property cleaned. The property owner had not addressed the issue and the court had ordered the County to clean up the property. After spending approximately \$30,000 for one clean up, the Board had backed off on the enforcement. He suggested property owners would be more likely to address concerns such as inoperable vehicles if they knew the County was really going to do something about it. Mr. Evelyn noted he believed the Board had considered a blight ordinance about 15 years ago but had taken no action. He asked Mr. Hefty to go ahead with plans to meet with staff to review current ordinances and bring back recommendations. Mr. Lockwood asked if grants were available to help with cleaning up some of these situations. Mr. Hathaway reported grants were available for clean-up at larger sites but he was not aware of anything for smaller residential properties. Mr. Hefty suggested grants could be tricky and posed the question of whether it would be advisable to go through the EDA (Economic Development Authority) to help someone who has been in violation clean up their property. Spending money would help clean up the property, but when considering the fairness aspect, it would almost be like rewarding a property owner who had ignored the County's requests to clean up. He indicated the County could set up its own internal grant program but suggested fairness issues would be a problem. EDA grants to improve the appearance of businesses could also be an option. Mr. Stiers reported he had also learned through this process that the County Fire Marshal had no jurisdiction over fire hazards at residential properties.

IN RE: OTHER BUSINESS/ANNOUNCEMENTS

Farmers Drive Closure - Mr. Lockwood reported Farmers Drive would have alternating lane closures the following week between the hours of 7:00 a.m. and 4:00 p.m. while VDOT cleaned the ditches. He reminded drivers that taking Route 33 to Route 30 resulted in only one minute of extra travel time on a regular day and may be a better option while this work was in process.

New Kent Farmers Market – Mr. Evelyn asked County Administrator Rodney Hathaway for an update on the Farmers Market. Mr. Hathaway reported opening day would be Saturday, May 15th. The market would be open every Saturday throughout the summer from 8:00 a.m. to 11:30 a.m. and would be back at the pavilion at the corner of Route 106 (Vineyards Parkway) and Route 249 (New Kent Highway).

County Office Closures – County Administrator Rodney Hathaway reported certain departments would be closed at various times the following week as departments in the lower level of the County Administration building would be moving out and departments on the upper level would be moving back in. These moves were a result of the ongoing HVAC replacement project. The first phase was almost complete and the second phase would start as soon as offices were vacated. Closure notices would be posted on social media.

COVID Vaccine Clinics Update – Mr. Evelyn asked for a COVID Vaccine Clinic update. County Administrator Rodney Hathaway reported the clinics were winding down and transitioning to second dose only clinics. The last clinic was scheduled for May 21st.

Sports Backers Half Corked Marathon – Sheriff Joe McLaughlin announced the Sports Backers Half Corked Marathon would be in New Kent on Saturday, May 1st. Traffic on Tunstall Road would be impacted and the event was expected to be finished by 10:00 a.m.

New Kent Employee Appreciation Lunch – Mr. Evelyn announced the County would be hosting an Employee Appreciation Lunch that afternoon and he unfortunately would not be able to attend. He expressed appreciation to all employees for their hard work and dedication over the past year.

IN RE: ANNOUNCEMENT OF UPCOMING MEETINGS/ADJOURNMENT

Mr. Evelyn announced the Board’s next regularly scheduled meeting would be held at 6:00 p.m. on Monday, May 10, 2021 in the Courtroom of the Historic Courthouse (School Board Office), 12003 New Kent Highway, New Kent, VA. The next work session would be held at 9:00 a.m. on Wednesday, May 26, 2021, in the Boardroom of the County Administration Building, 12007 Courthouse Circle, New Kent, VA.

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

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

The motion carried. The meeting was adjourned at 11:17 a.m.