

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

IN RE: CALL TO ORDER

Chairman Thomas W. Evelyn called the meeting to order and welcomed everyone.

IN RE: ROLL CALL

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

All members were present with the exception of Mr. Tiller who joined the meeting at 9:35 a.m. Mr. Evelyn announced Agenda Item 1 regarding the Lower Chickahominy Watershed Collaborative Memorandum of Understanding had been withdrawn.

IN RE: PRESENTATION AND DISCUSSION ON THE RECENTLY COMPLETED LOWER CHICKAHOMINY WATERSHED COLLABORATIVE MEMORANDUM OF UNDERSTANDING

This item had been withdrawn.

IN RE: COX BROADBAND EXPANSION PLAN DISCUSSION

Cox Communications Senior Manager for Public Affairs Sarah Buck expressed appreciation for the opportunity to speak and noted she was looking forward to sharing opportunities for partnership resulting in connectivity for unserved County residents. She shared background information on Cox Communications including that Cox founder, James M. Cox, had purchased the Dayton Evening News in 1898 which marked the start of the current Cox Enterprises. Cox Enterprises was a privately-held communications, media and automotive services company with revenues nearing \$15 billion and more than 50,000 employees. The Cox family was committed to continuing Mr. Cox's legacy by investing in communities where they were doing business and where their employees lived and worked. Ms. Buck reported Cox had been investing in New Kent and providing connectivity for residents and businesses for more than twenty years. Information on Cox's nationwide investment included:

- A \$16 billion investment in the network over the past ten years.
- A planned \$10 billion investment over the next five years with approximately \$2.2 billion being in Virginia. The investment strategy focused on getting ready for future demand.
- 12-18 months advance demand planning. While Cox residential customers could get speeds up to 1G now, they were expecting the need to increase and enhancements in progress would support 10G deployment. She noted Cox business/commercial customers were already able to get this speed and could get up to 100G if desired.
- 28,000 neighborhood nodes nationwide.
- 99% of existing nodes had performed very well amid increased use.

Ms. Buck reviewed a map of the Cox nationwide fiber backbone composed of 35,000 miles of fiber and 180,000 miles of hybrid fiber-coax. She reported hybrid fiber-coax was the

typical connection from fiber-fed nodes to individual homes. She also reported Cox had a line into the Trans-Atlantic Cable enabling them to offer connectivity to commercial customers for overseas business. She provided an example of a typical hybrid fiber-coax configuration illustrating how individual homes would be connected. The hybrid fiber-coax model was a traditional method of delivering high speed internet and tended to be the most economical way to provide service to a large number of homes. Using this model, fiber was used to feed nodes and coax was used to carry the signal from the nodes to the home. In some cases, Cox engineers may determine fiber to the home would be the best option but regardless of delivery method, all customers could receive the 1G speed.

Ms. Buck stated New Kent was a prime candidate for the use of American Rescue Plan Act (ARPA) funding and New Kent had received federal funding for the purpose of investing in broadband infrastructure to reach the unserved. The federal government had realized it was cost prohibitive for the private sector to take on broadband expansion on their own. New Kent had an opportunity to reach unserved residents with financial support from the federal government and those funds, combined with initial and ongoing Cox investments, could support projects that could start as soon as tomorrow to help connect residents.

Ms. Buck reported Cox engineers had taken a look at the County at the end of 2019 and early 2020 and had identified twenty-two specific areas where service was not available. These areas had been selected because of their proximity to the existing fiber network. She noted this was by no means a list of all residences needing connectivity but they were projects Cox felt could be completed the quickest and with the least amount of investment. Building out the ninety miles of new network to reach the twenty-two noted areas (1,200 unserved homes) would cost about \$7 million. Cox had worked with New Kent to apply for a VATI (Virginia Telecommunications Initiative) grant for several areas last year. That application had included 756 homes on/in Crumps Mill, Old Church, White House Farms, Henpeck, Autumn Hills and Tunstall Road. The total build cost had been estimated at \$6,034,610 but unfortunately the application was unfunded. Cox had applied for a similar grant in Roanoke which had also gone unfunded but they they had received a commitment from Roanoke to move forward. Cost estimates were for initial build only and Cox would own, operate and maintain the network regardless of the service take rate.

Ms. Buck noted information on some of the individual projects had been provided for possible consideration as pilot projects utilizing other funding sources such as ARPA or CARES Act. She specifically noted the Henpeck/Autumn Hills proposal which would serve 24 homes at a total build cost of \$149,175. This was the only area of the VATI application that had not been impacted by RDOF (Rural Digital Opportunity Fund) funding. The Cox contribution would be \$58,205 and New Kent County's share would be \$90,970. Noting the normal connection was considered to be 250 feet, she stated these costs also included reaching homes beyond the normal 250 foot distance. All estimates were virtual and the costs could fluctuate once they walked the property. She also drew attention to a couple of smaller projects including one for Emmaus Church Road, Roxbury Road and Pocahontas Trail and the other for Wingapo Drive and Marina Road. The County's share for each of these projects had been estimated at \$80,000. The Emmaus Church Road project would include 7,200 feet of construction and serve ten homes and three businesses. The Wingapo project would include 4,100 feet of construction and serve eleven homes and three businesses. She drew attention to another proposal involving the Elysium Drive/Eames Way/Pamunkey View Lane neighborhood and noted this would be a fiber to the home build that would take at least six months to construct. Twenty-six homes, nine residential lots and two HOA-owned lots would be passed. The total cost was estimated at \$284,752 with \$146,005 being New Kent's share and the Cox share being \$138,747.

In closing, she noted New Kent County had an excellent opportunity to dedicate federal funds through ARPA to take immediate action to get unserved residents connected to the internet. She noted all homes passed in any of the proposed projects would have:

- Access to speeds up to 940/35 mbps (known as the Cox G1GABLAST product) and would benefit from future network enhancements and upgrades.
- Connect2Compete would also be available for qualifying residents. This would provide low-cost internet for \$9.95 per month at speeds of 50/3 mbps. Qualification criteria included having a K-12 student in the home and participation in the National Free/Reduced Lunch program or other qualifying assistance program.
- Opportunity to partner with Cox on an internet subsidy program – New Kent’s version of the federal emergency broadband benefit program offering a \$50 per month subsidy to help cover the cost of internet service for qualifying families.
- Cox was excited to continue working with New Kent and thinking outside the box for ways to partner and serve residents. Cox already had fiber in the ground and could start building out to some of the suggested neighborhoods as early as the next day.

She expressed appreciation for the Board’s time and consideration in working together to reach families. She entertained questions.

Referencing the Connect2Compete (C2C) program, Mr. Lockwood suggested this hardly provided the ability to compete and added that homeschool and Zoom meetings would not work well at this speed. He added that 50/3 was not the current minimum standard for high speed internet and reported the minimum was now 120. Ms. Buck reported broadband speeds were defined as 25/3 and above and noted the C2C program had initially been offered at 25/3 and had been increased to 50/3 soon after the onset of the pandemic. She reported 50 was sufficient for Zoom calls, telemedicine and in home learning and moving the speed up to 50/3 had been an effort to allow multiple students to work simultaneously. There had been a great deal said about symmetrical speeds and meeting the 100/100 but Cox was seeing that usage was more on the download stream than the upload stream and felt it was more beneficial to focus the bandwidth on the download speed. Mr. Lockwood noted disagreement and stated COVID had shown that the upload speed was critical and the demand for upload speed had been increasing at a greater rate than for download speed. He also expressed concerns regarding the use of coax. He noted New Kent had spent a lot of money and every consultant as well as the Broadband Advisory Committee had recommended fiber to the home. The Board had come to the conclusion fiber to the home was the way to go and only one of the proposals Ms. Buck had shared was for fiber to the home. He suggested any proposal should be fiber to the home. Ms. Buck indicated she could work with engineers to see what fiber to the home would look like and noted it would change the cost. Mr. Lockwood noted New Kent had quotes from other companies for fiber to the home and suggested anything less would be a compromise the investment would not justify. He stated any proposal he would consider would have to be fiber to the home. Ms. Buck expressed appreciation for his comments.

Ms. Paige thanked Ms. Buck for attending. She reminded her that she had sat down with her and Mr. Stork (Barret Stork Cox Director of Government and Regulatory Affairs) almost two years ago to discuss a plan for New Kent. Mr. Evelyn noted he had also been present. Ms. Paige reported numerous emails had been exchanged but no plan had been received. It was no secret New Kent had been talking with other providers and if they were to compare what was offered, they would need to compare apples to apples. She noted Ms. Buck had stated New Kent would be getting federal funds and suggested perhaps she knew the level of funding the County would be getting but the County did not. She noted many Cox

customers appreciated having service but stated it was not providing what New Kent needed as a county. She asked what good \$9.95 a month service would do if it would cost \$7 to \$15 thousand to get service to the home. Families were working and learning from home and a plan that covered 700 to 1,200 homes didn't touch what was needed. She had enjoyed discussing a plan for New Kent with Ms. Buck and Mr. Stork but added the Board needed a different type of presentation and she was disappointed she had not received the discussed plan. She suggested it was easy for Cox to invest in the County when they were the only provider but noted New Kent needed more. Ms. Buck thanked Ms. Paige for her comments and noted Cox was not alone in this. She reported the Governor's broadband team had estimated a quarter of a million Virginia residents did not have connectivity and it was cost prohibitive to extend service into some of the more rural areas. That was why the federal government was stepping in to provide funding for infrastructure bills. She also reported the Governor had requested \$700 million to be put into the VATI grant fund. VATI was a competition and Cox would be competing with other private providers for funding. She noted it all came down to economics and stated Cox would invest but was looking for some support to offset the high cost of the initial build. Cox would continue investing in the network through upgrades and providing services to customers. She understood the frustration and noted they had been discussing a plan for New Kent for some time. They had pulled together the twenty-two areas previously mentioned as a starting point and there had been a lot of conversations but due to funding there had been no movement.

Ms. Paige stated the County had not been awarded any VATI grants since 2015. She had looked at the process and specifically mentioned the previous year when there had been a number of emails between Cox and the County Administrator. The County Administrative staff was applying for grants even though they didn't know all the terms necessary to apply and she had not seen the support the County needed to apply. She stated the County was hoping to get some of the mentioned federal funding and suggested there wasn't much hope with the VATI grant because New Kent had never received one. Ms. Buck noted it was unfortunate that it seemed most of the VATI awards had been west of I-95 and had focused on areas with a high concentration of homes. Cox had applied for several areas within their service area but none had been awarded. They worked closely with the applicants and noted the localities had to apply in conjunction with a private partner. Cox had worked with New Kent to be sure all of the information the County Administrator needed to apply had been provided and they too were frustrated with the lack of awards. When the scores came in and other localities were serving 3,000 homes, there was no comparison with New Kent's application to serve 750 homes. She noted the grant was seeking to serve as many homes as possible in response to the Governor's goals for universal coverage and the County and Cox had both spent a lot of time and resources putting an application together. Ms. Paige asked Ms. Buck if she didn't think New Kent had more than 3,000 homes without service. She stated that if that's the Governor's expectation, she was sure 3,000 homes without internet could be found in New Kent. Ms. Buck reported they would need to identify the 3,000 homes and put together a grant application for those homes. She noted previous applications had focused on priority areas identified by the County.

Referencing Ms. Paige's comments regarding the request for a plan two years ago, Mr. Evelyn stated he had been in that meeting and if New Kent had received that plan, they could have used CARES funding to begin implementation. Ms. Buck reported \$33,000 in CARES funding had been used to reach a small area. Mr. Evelyn indicated he had thought New Kent would be getting a plan similar to what Cox had done for neighboring Gloucester County. Ms. Buck indicated that when Mr. Stork and she had met with Mr. Evelyn and Ms. Paige, they had brought a map depicting the twenty-two areas and they had been instructed to focus on those areas. They had put together a plan and that had involved the

\$7 million mentioned earlier in the presentation. Building out these areas would have required a \$5 million commitment from the County. Ms. Paige indicated she did not remember this. Mr. Evelyn also indicated he didn't remember this. County Administrator Rodney Hathaway reported the plan Ms. Buck was referencing was the plan for 750 homes. Ms. Buck indicated the plan had been for 1,200 homes. Mr. Hathaway indicated he believed the expectation had been that New Kent would receive a plan covering the entire County. Mr. Evelyn noted he and Mr. Lockwood had the two most underserved districts in the County and stated he understood Cox was a business and had to make money. He distributed maps of the Whitehouse Farms Subdivision containing 62 homes which he reported had no internet service. He noted Cox kept saying they wanted to work with the County and stated this subdivision met the Cox requirement for a minimum of 25 homes within a mile (franchise agreement) and he didn't understand why service had not been extended to this community although there had been numerous requests. Ms. Buck noted she was not an engineer but would be happy to take this example back for review. Mr. Evelyn noted this was very frustrating. He added that Verizon was not adding any new customers and Board members received frequent calls and emails from new home buyers asking when they could expect to have internet access.

Mr. Lockwood noted another frustration for him was Cox's selection of small projects. He stated they were picking projects that were the easiest to connect and every time the County allowed this type of expansion, it would make it harder for outlying areas to be connected. He suggested this was cherry picking and was taking the take rate off the table for the next potential program. He noted a solution was needed for the County and not just a specific area. He added that if he was in Cox's shoes, he would present a proposal for fiber to the home for the County and noted that was the only proposal he would accept. He stated cherry picking may make a few voters happy but would do nothing to solve the overall issue for the County. Ms. Buck expressed appreciation for the feedback and noted the presentation had focused on several specific areas including financial information to make the costs more digestible. The hope was the County would want to move forward with some of these projects now and the network would be built as they were adding on these smaller areas. She likened it to a game of connect the dots and noted that as dots were connected, the cost to get to outlying areas would become less expensive. Mr. Lockwood suggested that would only help if they were building fiber to the home and noted at some point, the capacity of the nodes would be exhausted. Ms. Buck indicated it would be fiber to the node and a HFC (Hybrid Fiber-Coax) connection from the node to the home.

Mr. Evelyn thanked Ms. Buck for the presentation. Ms. Buck again expressed appreciation for the opportunity to meet with the Board.

IN RE: NEW KENT COUNTY BOARD OF ROAD VIEWERS CHARTER

Before the Board for consideration was Resolution R-16-21 restructuring and adopting a charter for the existing New Kent County Board of Road Viewers. County Administrator Rodney Hathaway reported New Kent had received \$1,629,741 in Central Virginia Transportation Authority (CVTA) funding to date. This was the County's local share for local transportation projects. The CVTA had been working to develop guidelines and a process focusing on the use of CVTA funding for regional projects. He suggested the CVTA process could also be used as a guide as New Kent began moving forward with locally funded projects. He was recommending the development of a public process involving a public board charged with working with staff to develop an annual work program for projects using CVTA funding. The recommendations for inclusion in the annual work program would be brought to the Board each year for approval. He noted there were two existing County

commissions or committees that were dealing with transportation. One was the Board of Road Viewers which was required in the process of receiving Secondary Six-Year Plan (SSYP) funding from the state. New Kent was receiving approximately \$60,000 annually in SSYP funding. The limited funding made it difficult to move forward with projects and as a result, the Board of Road Viewers had not been very active. The other was the Transportation Safety Commission which was comprised of 19 members including citizens and staff who were meeting quarterly to specifically look at County transportation safety issues. Mr. Hathaway reported the option before the Board was to formally charter the Board of Road Viewers and task them with working with staff on the annual work program as well as their current obligation to the SSYP. This option would require a total restructure of the Board of Road Viewers. Members of this board were currently serving one-year terms and because projects often took several years to complete, their tenure should be longer and their terms should be staggered for continuity. He drew attention to the membership section of the proposed charter which outlined the process of staggering terms and required the reappointment of existing members and/or the appointment of new members. The recommendation also included increasing the board's membership to seven by adding two at-large members. He suggested that on the surface the two tasks given to the Board of Road Viewers sounded small but noted the work would be involved. He also noted they would be tasked with developing a scoring process by which potential projects could be ranked. He stressed the importance of having a uniform measure to rank all projects considered for inclusion in the annual work plan. He entertained questions.

Mr. Stiers asked why the annual work plan task was being given to the Board of Road Viewers and not the Transportation Safety Commission. Mr. Hathaway noted the Board of Road Viewers was an inactive board but noted the charter would more clearly define their purpose. He also noted the Transportation Safety Commission dealt mainly with safety issues and projects to be funded with CVTA funds would not necessarily be safety related. As an example, he suggested an Economic Development project may require a new road which would not be a safety issue. Mr. Stiers noted there were no individuals in the County who knew the roads better than the Sheriff and the Fire Chief and they were serving on the Transportation Safety Commission. The commission met quarterly and there were some projects they had been working on for several years. He thought it would be better for the annual work plan to come from the Transportation Safety Commission. He noted he didn't know who was serving on the Board of Road Viewers and there would be input from the Sheriff and Fire Chief if the task was given to the Transportation Safety Commission. Mr. Lockwood noted Sharon Oakley, his appointee to the Board of Road Viewers, had been doing an excellent job and had provided him with much information on projects. Mr. Hathaway reported the Sheriff and the Fire Chief as well as VDOT would be involved in the process whether the plan was coming from the Board of Road Viewers or the Transportation Safety Commission. He noted the County did not have engineers on staff and he hoped projects could be managed and constructed by VDOT with funding provided by the County.

Ms. Paige asked if she had heard correctly that the Board of Road Viewers was a required board. Mr. Hathaway confirmed and noted SSYP projects had to be reviewed by a public body. Ms. Paige noted the CVTA had just celebrated its first anniversary and was still working to get policies and procedures in place. She stated the committee forming the annual work plan would need to go beyond the Sheriff and the Fire Chief and would also have to work with County departments as well as the Transportation Safety Commission. When projects were graded and decisions made, it would be necessary to have input involving all aspects including safety. She noted there may be projects in which Planning Director Kelli Le Duc should be involved because of her knowledge of other funding avenues. She also noted the committee would need to be willing to view the County as a

whole while still representing individual districts. She also stressed the importance of CVTA funding not being used for things that were VDOT's responsibility. She had heard VDOT was telling individuals the County had CVTA funding and stressed that CVTA money was for County projects and not VDOT maintenance. She also stressed that Board members should consider the importance of the committee when making appointments and the importance of making sure New Kent received its share of funding. Mr. Hathaway also reported the funding received thus far (\$1.6 million) had well exceeded the \$1.2 million projection and those funds had only been collected for a portion of the previous fiscal year (starting in October 2020). Mr. Lockwood noted that was indicative of how critical it was that Board members select the correct people to serve because they would be advising on how the County should spend a significant amount of funding. Mr. Stiers noted the final decision would be made by the Board of Supervisors. Mr. Lockwood agreed and noted this would be an advisory board tasked with making informed recommendations to the Board. He noted road projects were expensive, they would be dealing with both short-term and long-term plans and setting the criteria for how to do that would be critical. He again stated it would be critical for Board members to select the correct people to fill these seats.

Mr. Evelyn noted agreement and expressed concerns regarding the tendency to focus on projects within their districts rather than the County as a whole. He asked Board members how they felt about adding non-voting members such as the Sheriff, Economic Development Director, Planning Director and Fire Chief. These individuals were working in the County on a daily basis and would know the needs. Ms. Paige noted agreement and also stressed the importance of making sure the projects would meet CVTA funding requirements because New Kent would still be under the CVTA's governance to some degree. Mr. Hathaway reported he had always anticipated these parties would be involved in the process. He suggested the language could be revised to include them as ex-officio members. He also noted he envisioned VDOT being involved in the discussions and the County ultimately relying on them to manage some projects. Ms. Paige noted she did not think VDOT would have to do the work but it could be contracted out using VDOT contractors. She suggested the appointees should make the recommendations and then there could be a group of people to review them. She also suggested non-voting members would not need to attend every meeting but their advice and experience would be greatly needed. Mr. Hathaway asked if a Board member should serve. Mr. Evelyn expressed concerns that a Board member could be persuasive regarding projects within their district.

Mr. Lockwood suggested VDOT should not come into the process until the County had made its decisions. Although VDOT's input/approval would be needed for some projects, he expressed concerns that they may consider this funding as a solution to their problems and stressed it should not be used for maintenance VDOT should already be doing. He again suggested VDOT should be brought in once project decisions were made and then have them work to get them done. He noted the County would have to work with VDOT and their rules but projects funded with CVTA money should be the County doing the project with VDOT's permission. He also stressed the importance of decisions being weighted on need and not district. He asked if it would be necessary for the at-large representatives to be New Kent residents and suggested the Board would want to have some expertise that may not be available in the County. Mr. Evelyn suggested perhaps an engineer. Mr. Lockwood agreed and suggested possibly a retired VDOT engineer who would have an understanding of not only the need but also the how to get it done. Ms. Paige suggested a staff representative instead of a Board representative. Mr. Evelyn noted the next agenda item (Consideration of Creating a Transportation Planner Position) would resolve that issue.

Mr. Evelyn entertained a motion. Ms. Paige asked if the Board should take action to bring the resolution back for consideration once changes were made. Mr. Evelyn noted that would be at the pleasure of the Board. Mr. Lockwood suggested they should wait to take action at the next meeting. He also asked if the action would eliminate the current Board of Road Viewers. Mr. Hathaway indicated Board members could reappoint existing representatives but the terms would be staggered. Mr. Evelyn asked Mr. Lockwood what reason there was to delay the vote. Mr. Lockwood suggested they should first answer the residency question for at-large representatives or the proposed motion could be amended if the Board wished to move forward. Ms. Paige noted the motion could state "with suggested changes." Mr. Hathaway noted the changes he had heard were to include the Sheriff, Fire Chief, Economic Development Director and Planning Director as non-voting members and answer the residency question for at-large representatives. Mr. Evelyn asked Board members if they thought they could find someone living outside of New Kent who would volunteer to serve. Mr. Lockwood suggested the at-large nominations should not reside within the district of the Board member making the nomination. Mr. Hathaway noted the charter did not specify residency for the at-large representatives and the Board would have discretion to go outside of the County if they wished. Mr. Stiers suggested consideration should be given to adding School Transportation to the list of non-voting members. Mr. Hathaway agreed and noted they were on the roads daily and could provide valuable insight.

Ms. Paige moved to adopt Resolution R-16-21 to establish a charter for the New Kent County Board of Road Viewers with the noted changes.

County Attorney Brendan Hefty clarified the motion by stating the intention was to eliminate the current slate of members with the adoption of R-16-21. The terms of current members would be terminated upon adoption. He asked if that was the intention of the motion. Mr. Evelyn asked if the addition of non-voting members should be included in the motion.

Ms. Paige moved to adopt Resolution R-16-21 to establish a charter for the New Kent County Board of Road Viewers to include non-voting members from Fire-Rescue, the Sheriff's Office, Economic Development, Planning and School Transportation and with a clean slate of members to be appointed for the terms stated in this resolution. 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: CONSIDERATION OF REQUEST TO CREATE A TRANSPORTATION PLANNER
 POSITION

County Administrator Rodney Hathaway reviewed a draft job description for a new Transportation Planner Position which would be a part of the New Kent Planning Department and report to the Planning Director. This position would manage the Central Virginia Transportation Authority (CVTA) local funding process and would serve as staff support to the Board of Road Viewers. Managing projects would be a large part of the Transportation Planner's responsibilities and they would also attend CVTA meetings. This position would also be responsible for required reporting to meet CVTA regulations and would work closely

with the Board of Road Viewers to develop the annual work program for the Board's approval. He again noted the job description was in draft form and if the Board wished to move forward with this position, he would work with Human Resources and the Planning Director to finalize it for advertisement. He entertained questions.

Mr. Tiller asked if CVTA funds could be used to support this position. Mr. Hathaway noted he was proposing that CVTA funds be used. The agenda item request form indicated the position would be a level 20 pay grade with a salary ranging from \$48,293 to \$63,742. Other costs included \$3,000 for a laptop, \$1,200 for software, \$2,500 for office supplies, \$600 for a cell phone, \$900 for cell phone service and \$800 for fuel and mileage.

Mr. Stiers asked if the position was mandated by the state. Mr. Hathaway noted the position was not mandated but New Kent would need someone to manage the process.

Ms. Paige stated she was a champion of this position and reported the Planning Department was currently responsible for managing applications for grants for transportation needs in the County. This was a position that could be funded through the CVTA and would work with various departments and VDOT to enhance New Kent's Smart Scale applications to get more rural projects done throughout the County. Mr. Lockwood noted agreement and stated he felt the responsibilities of this position would be better handled by a dedicated individual rather than dividing responsibilities among existing staff. He also noted the individual should be capable of understanding the grant process and added this would open the door to other federal and state grants the County may be missing. He noted grant applications were time-consuming and suggested the right person could bring more funding in addition to the CVTA funding to the County.

Mr. Tiller noted Mr. Hathaway had confirmed CVTA revenue could be used to fund the position. He asked if the position could be approved with the understanding that it would exist only as long as CVTA funding was available. Mr. Hathaway reported language indicating the position would continue as long as CVTA funds were available could be added.

Mr. Stiers suggested an alternative to having a Transportation Planner would be to have a three-member panel who would volunteer their time to do this work. He suggested the addition of this position would be creating more big government for taxpayers to fund. He noted the cost of the position would start at approximately \$75,000 and suggested an assistant would be needed a few years later and the cost would grow and grow. He added this would be money that could be spent on projects needed in the County. Mr. Lockwood noted the Board of Road Viewers was responsible for reviewing projects and making recommendations and this position would give the County the best opportunity to find someone who was specialized in this area as opposed to creating another advisory committee. He stated he respectfully disagreed with Mr. Stiers and noted a decision maker would be needed and this position would indirectly be taxpayer-funded but would not be New Kent only funded. He felt utilizing CVTA funding would be a good use of this money.

Mr. Hathaway reported many surrounding localities had similar positions and, in some cases, entire Transportation Departments. Job descriptions for existing positions had been reviewed in the process of drafting New Kent's description. Mr. Stiers asked if this person would be required to live in New Kent. Mr. Hathaway reported that could be stipulated but noted the County Administrator was the only other County position requiring residency.

Mr. Evelyn noted support for Mr. Tiller's idea of tying the continuation of the position to the availability of CVTA funding.

Ms. Paige moved to authorize the County Administrator to create a Transportation Planner position at a level 20 pay grade with language indicating this is a CVTA (Central Virginia Transportation Authority) funded position. 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: OTHER BUSINESS – VANDELL PRESERVE AT CUMBERLAND MARSH

County Administrator Rodney Hathaway distributed handouts on the Vandell Preserve at Cumberland Marsh. The Preserve was located along Cumberland Road, consisted of 1,193 acres and was owned by The Nature Conservancy. Amenities included hiking trails as well as a handicapped accessible boardwalk and observation platform. He drew attention to a map noting the location of the Preserve and the approximate location of the boardwalk and observation deck. The County had recently been approached by The Nature Conservancy expressing a willingness to partner with New Kent on the construction of a kayak launch providing public access to the Pamunkey River. Mr. Hathaway noted there was no public access to any of the three rivers surrounding New Kent and increasing access was listed as a goal in the County's recently adopted Strategic Plan. The proposed kayak launch would replace the existing observation deck and board walk which were in need of extensive repair. He drew attention to several pictures depicting the observation deck at low tide and noted a kayaker would be thirty to forty feet from the water's edge during low tide. He drew attention to several pictures similar to what was proposed including a long deck with an observation structure and kayak launch. Additional details included:

- Staff was requesting authorization to proceed with engineering/design utilizing an on-call engineering firm. This would enable the County to develop a cost estimate to determine whether or not it would be feasible to proceed with construction.
- Staff was recommending using proffered funds from the Farms of New Kent Planned Unit Development (FONK PUD) for conservation easements. The current balance of funding was \$108,960. He noted the engineering cost would be much less than this and remaining funds could be used for construction if the project was financially feasible.
- The request was consistent with the recently adopted Strategic Plan as an action item for Quality of Life (Item Q.1.6) which stated, "To provide public access points to the three rivers within the County."

Mr. Tiller asked if the Farms of New Kent proffer was the corking fee that had originally been set up in the FONK PUD. Mr. Hathaway confirmed and noted the corking fee had been twenty-five cents per bottle of wine produced at the New Kent Winery.

Mr. Lockwood asked if the proposed launch would replace the existing structure in the same general location but extend out more toward the water. Mr. Hathaway confirmed but noted engineering findings could result in a slight change in location. Mr. Lockwood asked if it had been determined if any of the underlying structure was usable. Mr. Hathaway reported this had been discussed with The Nature Conservancy and they had indicated they believed a total rebuild would be necessary. Mr. Lockwood asked if this had been the idea of Assistant Finance Director Larry Clark. Mr. Hathaway reported Mr. Clark had helped organize several

meetings and had been the driver for this project. Mr. Lockwood noted increasing access to the water was in the County's Strategic Plan and much of the County's marketing pointed to the water. He suggested looking into the feasibility would be a good thing.

Ms. Paige asked if the launch would be "use at your own risk." Mr. Hathaway reported the County would look at the impact this facility may have on insurance and noted liability signage would be in place. He added that he did not see this as a barrier.

Mr. Stiers asked if the County would own the pier. Mr. Hathaway reported the County would not own the pier but would maintain it. Mr. Stiers asked if water access would be restricted only to kayaks. Mr. Hathaway drew attention to the picture of the proposed launch and suggested a canoe or small john boat could also possibly be launched.

Mr. Evelyn reported a kayak launch had been built in Mathews County several years ago. He asked if an engineer was needed or would an RFP (Request For Proposals) be sufficient. Mr. Hathaway reported using an engineer had been recommended to obtain cost estimates. Mr. Lockwood asked if the Design/Build process could be used. Mr. Hathaway indicated Design/Build could be used. Mr. Evelyn reported the Mathews project, which had been built by Bruce Howard, had cost much more than the previously mentioned proffer funds. Mr. Hathaway reported the County could put out a construction bid and see what prices came back. Mr. Lockwood suggested the engineering should be included in the bid.

Assistant County Administrator Justin Stauder reported another reason for the recommendation to start with engineering first was in response to grant opportunities available through the DCR (Department of Conservation and Recreation) which required an 80/20 match. It would be necessary to have a plan in place establishing the cost before the County could apply. Mr. Evelyn asked for estimated engineering costs. Mr. Stauder indicated he was not sure but noted it would be necessary to increase the existing parking area. Mr. Lockwood asked if the County could apply for grant funding after the fact. Mr. Hathaway suggested timing would be a factor and applications could possibly be submitted while engineering/permitting were in process. Mr. Lockwood indicated he would like to see this project include engineering when put out to bid.

County Attorney Brendan Hefty noted if the estimated cost was under \$200,000, State Code would allow the Board to move forward using small purchase procurement procedures without formal solicitation. Mr. Hathaway noted County purchasing policy required Board approval for anything over \$50,000.

Mr. Evelyn suggested information such as cost and if an engineer had been used should be gathered on the Mathews project. Mr. Hathaway indicated he would check with Mathews and noted he would also look into a project in Stafford County called "Crow's Nest" that was similar in topography and distance to the water.

IN RE: OTHER BUSINESS – CENTRAL VIRGINIA TRANSPORTATION AUTHORITY
(CVTA) PROJECT LIST

Mr. Lockwood noted Board members had submitted suggested projects for use of the Central Virginia Transportation Authority (CVTA) funding and asked when those projects would be discussed. He suggested the County could begin looking at these projects and possibly start moving forward on some. County Administrator Rodney Hathaway reported PlanRVA had requested lists of potential projects from all member jurisdictions. It had been a good number of months since that list had been submitted and PlanRVA would not be

holding the localities to those lists. He suggested a time could be arranged if the Board wanted to discuss possible projects. He stated he was aware of drainage issues in Eltham, a needed stop light in Bottoms Bridge, intersection improvements at Route 155, issues with South Quaker Road and many others and the Board of Road Viewers would be busy wading through the list. Mr. Lockwood asked if he was saying the Board should wait for the Board of Road Viewers or were there projects they could move forward with now.

Ms. Paige reported PlanRVA was planning to ask localities to submit a new list. The initial request for a list had been a necessary part of the formation of the CVTA and they had expected the projects to change. The initial list had not been only for the utilization of New Kent County CVTA funding but was also for possible regional CVTA funding consideration.

Mr. Lockwood indicated he was looking at projects that could utilize the County CVTA funds. He suggested there were a lot of little things the County had been asking VDOT to do that had been turned down and this would be a good time to clear some of those from the list. He specifically noted there were some signage issues which he indicated VDOT had determined were not needed or perhaps they had not wanted to cover the cost. He suggested this was an opportunity to look at those issues, it would not be necessary to ask for VDOT permission and the County could address the issues themselves. He felt the Board should be able to just do a lot of what they wanted to do and expressed concerns over the need to ask for VDOT's permission. He stated the County would be putting up the money, would be doing the engineering and would be playing by the rules and he would be expecting a rubber stamp from VDOT when the time came to put a project forward. He added if a road was built to VDOT standards and the signage was to VDOT standards, New Kent should be able to say this is what we want and this is what we are going to fund.

Mr. Tiller suggested if the funding was County money and CVTA would be allowing the County to move forward with projects, perhaps there would be some flexibility on speed limits. Mr. Hathaway stated VDOT warrants had to be met first and noted a specific situation in Bottoms Bridge where a proffer had been available to pay for a stop light but VDOT had not allowed the light to be installed because it had not met their warrants. Mr. Tiller noted the mentioned proffer had expired after ten years. Mr. Lockwood noted VDOT had since come back and agreed a light was needed. Mr. Tiller agreed and noted VDOT had since initiated a study from the County line to Route 106 to look at potential future development and determine the best location for a stop light. If the County went to VDOT now saying they would install a light at Market Place Drive, it was possible VDOT could come back and say no if their study found it should be somewhere else. Mr. Hathaway agreed and suggested the Board should wait on making any decisions regarding Bottoms Bridge until the corridor study was complete. He noted the study may determine Market Place would not be the best location for a stop light. He indicated he could send Board members the list that had been sent to PlanRVA and they could begin working from there. Mr. Evelyn suggested the Board should wait until the Transportation Planner was on board.

IN RE: CLOSED SESSION/ANNOUNCEMENT OF UPCOMING MEETINGS

Mr. Stiers moved to go into closed session pursuant to section 2.2-3711A.5 of the Code of Virginia for a discussion concerning two prospective businesses where no previous announcements had been made of their interest in locating facilities in the County. 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. Mr. Evelyn announced there would be no further business taken after the closed session. He further announced the Board's next regularly scheduled meeting would be held at 6:00 p.m. on Monday, August 9, 2021 and the next work session would be held at 9:00 a.m. on Wednesday, September 29, 2021, both in the Boardroom of the County Administration Building. There would be no August work session. He also announced Mr. Tiller and he had recently met with the Chair and Vice Chair of the Planning Commission and had tentatively scheduled a joint meeting at 6:30 p.m. on September 20, 2021. The purpose of the meeting would be to discuss plans for updating the County's Comprehensive Plan. He asked Board members to let Mr. Hathaway know if they had any issues with this date. The Board went into closed session.

Ms. Paige moved to come out of closed session. The members were polled:

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

The motion carried.

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

Mr. Tiller moved to adjourn. 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. The meeting was adjourned at 11:35 a.m.