

A REGULAR MEETING WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 14TH DAY OF JULY IN THE YEAR TWO THOUSAND TWENTY IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

IN RE: CALL TO ORDER

Chairwoman Patricia A. Paige 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: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Tiller gave the invocation and led the pledge of allegiance.

IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Minutes
 - a. May 27, 2020 Work Session Minutes
 - b. June 8, 2020 Regular Session Minutes
2. Miscellaneous
 - a. Approval of New Development Street Names
 - b. Approval of Change Order Request – Pine Fork Park – Increasing PO#20190208 to \$23,157.95 and Increasing PO#2020084 to \$68,179.84
 - c. Approval of June 23, 2020 Primary Abstracts of Votes
3. Refunds
 - a. Farmers Market Registration Fee Refund – Charles City Fruit - \$45
 - b. Refund to Karen B. Thompson – Boundary Line Adjustment (BLA-000111-2019) - \$185
 - c. Refund to Metropolitan Richmond Sports Backers – Cultural Events Permit (CE-000155-2020) - \$600
4. FY20 Supplemental Appropriations
 - a. Funds Received from VRSA Insurance: Sheriff - Claim #02-19-31956-1-AP DOL 6/8/20 (\$3,634.75), Claim #02-19-32103-1-AP DOL 6/20/20 (\$5,269.45), Claim #02-19-32020-1-AP DOL 6/13/20 (\$1,041.38) and Public Utilities - Claim #02PC19-23442-01PR DOL 7/25/19 (\$11,268.40), \$21,213.98.
 - b. Animal Shelter Donations, \$350.
 - c. Gifts & Donations to: Fire/EMS - Charles E. Carr, Jr. (\$50) and Fire/EMS (Fire Station #4): Davenport & Company (\$500), \$550.

- d. Additional State and Federal Revenues Received by Social Services for the Clients Continuation of Services, \$7,656.

- \$29,769.98 - Total
 - (\$10,345.58) - Total In/Out - General Fund (1101)
 - (\$7,656.00) - Total In/Out - Social Services (1201)
 - (\$500.00) - Total In/Out - Capital Projects (1302)
 - (\$11,268.40) - Total In/Out - Water/Sewer (1514)

- 5. FY21 Supplemental Appropriations
 - a. To Reverse Funds for Visitor Center HVAC Replacement (already used in FY20), \$35,000.
 - b. To Increase Fund Balance for a Reduction in Expected Expenditures for Richmond Metropolitan Convention & Visitors Bureau, \$10,000.
 - c. Additional Funds Needed for Computer Replacement, (\$30,950).

- \$14,050.00 - Total
 - (\$10,000.00) - From Fund Balance - General Fund (1101)
 - (\$30,950.00) - From Fund Balance - Social Services (1201)
 - (\$35,000.00) - From Fund Balance - Capital Projects (1302)

- 6. FY21 Supplemental Carryforward Appropriations
 - a. Information Technology Department FY20 Carry Forwards to FY21 (Purchase Orders & Unspent Funds) Strategic Plan PO# 20200213, \$17,338.39.

- \$17,338.39 - Total
 - (\$17,338.39) - From Fund Balance - General Fund (1101)

- 7. Treasurer's Report: Cash as of May 31, 2020, \$51,869,528.44 including escrow funds.

Mr. Tiller moved to approve the Consent Agenda as presented and that it be made a part of the record. The members were polled:

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

The motion carried.

IN RE: ECONOMIC DEVELOPMENT AUTHORITY – FINANCIAL ASSISTANCE COVID-19 GRANT PROGRAM UPDATE

Economic Development Director Matthew J. Smolnik reported \$100,000 had been budgeted for the Economic Development Authority (EDA) Financial Assistance COVID-19 Grant Program. He expressed his appreciation and noted this program would not have been possible if it had not been for the Board's support of local businesses. The goal of the program was to provide an opportunity for support to businesses who had not received PPP (Paycheck Protection Program) funding through the Small Business Administration or a New

Kent EDA loan. Mr. Smolnik reported applications should be submitted to the New Kent Visitors and Commerce Center located at 7324 Vineyards Parkway by 4:30 p.m. on Wednesday, July 15th. Plans were to award forty \$2,500 grants. Applications would be reviewed for eligibility by the EDA Grant Committee and a random lottery drawing would be held at 9:00 a.m. on July 24th to select recipients. This drawing would be live streamed on the New Kent EDA Facebook page and applicants did not have to be present to win. Mr. Smolnik reported there had been extensive outreach efforts to get the word out about this opportunity. Information had been posted on Facebook through the EDA, the New Kent County and the New Kent Chamber of Commerce pages as well as on the Economic Development and New Kent County websites. Several local TV stations had aired stories, Richmond Regional Tourism had also promoted the program and a video as well as a blog had been posted on LinkedIn. A half-page advertisement had been published in the New Kent-Charles City Chronicle and the Tidewater Review had also published a news article. Two separate emails with applications had been sent to over 900 County businesses and applications were available at the Visitors and Commerce Center door. Information had also been running on Cox Channel 48. Mr. Smolnik reported he had visited a number of businesses to encourage them to submit applications. He noted this had been a good opportunity to meet business owners and to show them the Board of Supervisors and the EDA really cared about County businesses. He stated many people often associated Economic Development with bringing new businesses into the County but supporting existing businesses was also a big part of what Economic Development was all about. He reported the past two days at the Visitors Center had been busy and he expected the last day for receiving applications to be busy as well. He entertained questions.

Ms. Paige noted she had no questions but would like to express her appreciation to Mr. Smolnik and EDA members for the extra efforts to reach out to County businesses. She asked him to share the deadline information again. Mr. Smolnik noted applications were due by 4:30 p.m., July 15th at the Visitors and Commerce Center located at 7324 Vineyards Parkway. Mr. Lockwood asked how many applications had been received. Mr. Smolnik reported receiving several dozen. He also reported that while visiting businesses, he had learned that many had received PPP funding which made them ineligible for an EDA grant. He suggested if this had not been the case, the number of applications would have been much higher. He estimated there would be 70 to 80 qualified applicants in the final pool.

IN RE: CITIZENS COMMENT PERIOD

There were no citizen comments.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION - RESIDENCY
ADMINISTRATOR'S REPORT

Due to COVID-19 social distancing, VDOT staff were not present. A written report from Residency Administrator Marshall Winn had been provided. The report indicated a variety of work including pothole, asphalt, shoulder and sinkhole repairs, grading dirt roads, rural rustic project on Route 624 (Old Sweet Hall Ferry Road), driveway repair, pipe cleaning and repair, ditching, tree removal/pruning, mowing with right arm tractor, general mowing, sign repair/replacement, debris removal and litter pickup had been completed. 91 work requests had been received with 54 completed. Six emergency after hours callouts were reported. Construction on the replacement deck over the Chickahominy River canal on Route 155 (Courthouse Road) was ongoing. A speed study on Route 1010 (Colony Trail) was pending.

IN RE: OTHER BUSINESS – COLONIAL DOWNS UPDATE AND VIRGINIA DERBY

SPONSORSHIP

County Administrator Rodney Hathaway reported Colonial Downs Group Executive Vice President John Marshall would be updating the Board on the upcoming horseracing season. He noted practice had started the previous day and the Virginia Derby would be held on September 1st. New Kent had been the Derby's title sponsor in 2019 and the County would have the opportunity to do the same this year if the Board wished to do so. Sponsorship remained at the previous year's level of \$50,000. He turned the floor over to Mr. Marshall.

Mr. Marshall thanked the Board for the invitation to speak. He reported Rosie's operations across the Commonwealth had reopened on July 1st as of part of Governor Northam's Phase 3 plan. He thanked the Board for the resolution (R-28-20) they had previously adopted supporting Rosie's reopening. He reported everything was going safely and well during the 14 days since reopening. The stable area of Colonial Downs had reopened on July 13th and they were expecting 650 horses and 73 trainers. He stated he wanted to give the Board some assurance on the measures being taken to return to safe operations in the stable area and race track. A program called "Extra Care" had been implemented which included necessary precautions to have a safe stable area, safe track area and safety for players at Rosie's. All horsemen entering the grounds would be required to have a temperature check before entering. All entering the stable area would be reminded of masking, sanitizer and distancing protocols. Those not going to the stable area would be directed to the Racing Office where they could submit race entries. Mr. Marshall reported the Racing Office was encouraging virtual and phone entries and plexiglass guards and distance markers were in place in the State Licensing Office to manage the flow of traffic. Temperature checks and masks were also required for all individuals entering Rosie's. Governor Northam had given guidelines for live racing in the Phase 3 reopening plan which pertained to "multi-race day significant infrastructures" which Mr. Marshall stated were aimed specifically at Colonial Downs. Those guidelines would permit up to 1,000 people outside on the apron on Mondays, Tuesdays and Wednesdays between July 27th and September 2nd. Post time would be 5:30 with the first 1,000 guests being allowed to enter the apron after having a temperature check and receiving a mask reminder. Distancing decals would also be in place on the apron. Part of Colonial Downs' safety mitigation efforts had included changing race days from Thursday, Friday, Saturday to Monday, Tuesday, Wednesday. He suggested this change would help control the interest but they didn't know what to expect for attendance. He stated that regardless of the number of attendees arriving at the facility, protocols were in place to manage the crowd. Interior (Rosie's) and exterior (live racing) attendees would be managed simultaneously with live racing attendees wishing to enter Rosie's having to go through Rosie's main entrance and vice versa. Fourth floor suites and the 1609 Restaurant would not be open. Food trucks and a beverage concession would be available outside on race nights. Mr. Marshall reported many of the seasonal employees would be joining Colonial Downs from Tampa Bay Downs. These employees who had been racing at the beginning of the pandemic were experienced in operating within the required protocols and understood how to function in their jobs while maintaining appropriate distance.

Mr. Marshall reported the Virginia Derby would be run at Colonial Downs on September 1st and if the Board was interested, a sponsorship opportunity was available. Noting Supervisors may question the sponsorship level being the same as the previous year when there would be limited spectators, he reported the power of the sponsorship would come from the distribution of the racing signal to over 900 outlets. He also reported revenues during the pandemic had increased exponentially on a national level and suggested this was due to fewer opportunities for wagering since sports were closed and those dollars were funneling to horseracing. He added the sponsorship would provide the exposure of holding

the name sake for what may become New Kent County's crown jewel, The New Kent County Virginia Derby. He asked the Board for their consideration and entertained questions.

Mr. Stiers asked if any VIP passes would be available. Mr. Marshall indicated 1,000 passes would be available each day for eighteen days. Mr. Lockwood reported he had attended the reopening of Rosie's on July 1st and had been impressed with the safety protocols in place. He stated he was glad they were back and noted he loved the "R" Burger. Mr. Hathaway stated a motion to appropriate \$50,000 from the Colonial Downs Capital Reserve Fund would be needed if the Board wished to be a 2020 Virginia Derby sponsor. Mr. Hathaway also reported New Kent had begun receiving revenue from Colonial Downs again since the July 1st reopening of Rosie's. He added that it appeared things were going well and revenue levels were almost where they had been prior to the pandemic. Mr. Evelyn noted the possibility of COVID-19 cases increasing in Virginia and asked Mr. Marshall if he believed the Governor would possibly shut Colonial Downs/Rosie's down again. Mr. Marshall suggested this was a great question and reported Colonial Downs had built its recovery plan so that it could expand and contract as needed. It was their hope to remain open in Phase 3 and that the State would not slip back into Phase 2. He noted that based on the Governor's message earlier in the day, the decision to move forward to Phase 4 would be based on performance and it was the responsibility of each of us to stay safe. Mr. Evelyn noted Colonial Downs had continued to pay their employees throughout the pandemic and had provided food for first responders. He thanked Mr. Marshall for everything Colonial Downs had done throughout the County and noted they had done everything they had said they would and had been a great partner with the County and citizens. He noted he was happy they were back, up and running and the Board would support them. Ms. Paige reported she too had gone through the screening process to enter Rosie's and noted it had gone smoothly and quickly. She echoed Mr. Evelyn's comments and stated Colonial Downs had her full support. She reported Colonial Downs and Rosie's at every location had done exactly what they had said they would do and often above for the localities. She also reported having seen a recent news story in which Rosie's had given a donation to a non-profit organization. She noted businesses across the State had felt the burden of the pandemic and it was commendable for Rosie's to continue to reach out and support the community while they too were feeling the impact. She stated they deserved the Board's respect and support.

Mr. Stiers moved to approve the appropriation of \$50,000 from the Colonial Downs Capital Reserve Fund for the sponsorship of the 2020 Virginia Derby. The members were polled:

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

The motion carried.

IN RE: OTHER BUSINESS – PROVIDENCE FORGE VOLUNTEER RESCUE SQUAD
REAL ESTATE AND PERSONAL PROPERTY

County Administrator Rodney Hathaway indicated the next item was an exciting report regarding something Mr. Stiers had been working on along with other members of the community involving the Providence Forge Volunteer Rescue Squad (PFVRS). He turned the floor over to Mr. Stiers. Mr. Stiers reported he had been contacted by PFVRS Charter Member Wimpy Isgett about two years ago with a request that he do what he could to see if

the vacant squad building could be turned over to the County. Others involved had been life-time member and former New Kent Sheriff Wakie Howard, Charter Member Richard Morris and former Commonwealth's Attorney Linwood Gregory. He noted this had been a long process but he was happy to report the final signature had been received. He reported that as of July 14th, the Commissioner of the Revenue listed the value of the property as \$746,700. He asked Chairwoman Paige if PFVRS representatives could be allowed to speak. Ms. Paige agreed and suggested if they didn't wish to speak, they should at least come forward to be recognized. As Mr. Isgett, Mr. Howard and Mr. Morris came forward, they were greeted by the Board with a standing ovation. Mr. Evelyn thanked them and noted he understood they had worked on this for a long time. Mr. Howard reported Mr. Isgett had gotten it started and Mr. Stiers had finished it. He also reported his father had donated the PFVRS property and suggested if he were alive, he would be happy to know the County would be taking the property. He thanked Mr. Stiers for his efforts and noted a lot of work had gone into this facility many years ago. He introduced Mr. Morris and reported he had served as Captain of the squad for many years. Mr. Morris reported he had been Captain for 25 to 30 years. Mr. Isgett thanked the Board for their consideration in taking the property and expressed his appreciation to Mr. Stiers for what he had done to make this happen. Mr. Morris reported a lot of work had gone into this station 50 to 60 years ago and he hoped the County could find some way to make the facility beneficial to the people of the County since they had been the ones who had paid for it. He stated he didn't know if it was possible but he would like to see the facility become a community-type building. Ms. Paige thanked Mr. Morris for his many years of service. She recalled having seen squad members at a local event many years ago and reported the ambulance had resembled a hearse and no one wanted to get hurt because they didn't want to ride in a hearse. She stated there were many fond memories and thanked the men who were present as well as the many volunteers who had served through the years. She also thanked Mr. Stiers for the role he had played. She stated the County would be proud to have this facility and noted she was hopeful it would be renovated and open again. She assured Mr. Isgett, Mr. Howard and Mr. Morris that the County would be good stewards of this gift.

Mr. Stiers moved to authorize the County Administrator to execute all necessary documents in a form approved by the County Attorney to assume ownership of property and equipment from the Providence Forge Volunteer Rescue Squad. The members were polled:

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

The motion carried.

IN RE: PRESTON HOLLOW CAPITAL (PHC) – ISSUANCE OF NEW TAX-EXEMPT BONDS
BY THE FARMS OF NEW KENT (FONK) COMMUNITY DEVELOPMENT
AUTHORITY

GS Companies, LLC Managing Partner David Guy opened the discussion by introducing Preston Hollow Capital (PHC) Managing Director and Co-Head of Originations Ramiro Albarran and Preston Hollow Capital Director Marc Armentrout who would be presenting information on the possible issuance of new tax-exempt bonds by the Farms of New Kent (FONK) Community Development Authority(CDA). He also noted MuniCap Inc. President

Keenan Rice would be joining in the discussion by phone. He thanked the Board for the opportunity to be on the agenda and turned the floor over to Mr. Albarran.

Mr. Albarran noted he represented PHC which was a leading specialty finance company with a \$1.5 billion permanent equity capital base and sole ownership of a bond issued in 2006 by the FONK CDA. He stated he would like to update the Board in regard to activities over the past two years and ask the Board for consideration of new financing of existing bonds. He provided the following background information:

- The CDA had issued \$85.7 million in bonds in 2006 to finance the cost of roadways and water and sewer infrastructure for the 1,800-acre FONK community. The development had been going quite well until the recession.
- From 2010 to 2012, the owners of all properties not previously sold to homeowners in Landbays III, IV and V failed to pay their share of the special assessments. Mr. Albarran noted Boddie-Noell who owned properties in Landbay I had not been a part of this delinquent ownership group.
- The 2006 bonds had gone into default in 2012.
- The 2006 Bond Trustee took title to the delinquent lands in 2015.
- PHC acquired the outstanding 2006 bonds and assumed control over all investment and development activities related to the Trustee-owned lands from 2017 to 2018.
- Since 2018, PHC had been working to implement an aggressive plan to reactivate and revitalize the development.

Mr. Albarran reported PHC has stepped in at about the time the FONK PUD was being amended through the Board of Supervisors. In partnership with Boddie-Noell, progress began to be made on reactivating the community and fulfilling PUD commitments including:

- A 10-acre land contribution in Landbay IV and \$750,000 for a new fire station.
- A corner parcel had been set aside within Landbay III and \$256,000 was spent for a community Farmers Market.
- A permanent water solution had been completed for FONK at a cost of \$605,000.
- Maintenance concerns of residents were addressed at a cost of approximately \$350,000.
- Final asphalt/paving had been completed throughout Landbay IV at a cost of \$275,000.
- VDOT roadway improvements had been scheduled for the I-64 interchange.
- Over \$40 million in historically delinquent special assessments levied prior to PHC's involvement were cleared allowing free and clear title to a portion of the Trustee Lands which was necessary to move forward with contracts with builders and contractors.
- Discussions were ongoing with the New Kent Treasurer and the FONK CDA on a long-term solution for annual payments of all future Trustee Land special assessments.

Mr. Albarran stated he was proud to talk about the restarting of the development accomplished with the help of Mr. Guy and County staff. He reported a number of things had occurred since PHC had stepped in including:

- \$9 million had been contributed to restart land development with the development of 171 residential lots, related roadways, water and sewer in Landbay IV.
- Development activities had commenced for the construction of 567 residential lots and amenities on 160 acres in Landbay V. An 8,000 square foot clubhouse/recreational center and pool facility were also planned in Landbay V.
- Contracts with national homebuilders had been negotiated for over 1,300 lots. This included 171 lots contracted to D.R. Horton in Landbay IV. Sales had closed on 42 homes on these lots, the model home was open, ten additional homes had been completed and eight were under construction. Ryan Homes was under contract to purchase 1,164 lots with plans to offer three different product types including mid and higher-priced residential homes and townhomes.

Mr. Albarran reported they had been working with existing residents in the K. Hovnanian section in Landbay V to facilitate sidewalk repairs and to expand the HOA to allow those residents to share in the planned amenities in Landbay V including the clubhouse/recreational and pool facility.

He noted the next slide in the presentation provided a better picture of the scope of future capital needs for undeveloped lands in Landbays III, IV and V. He stated another capital investment of \$100 million dollars would be needed to make this development a reality and PHC had understood this at the time they had acquired the bonds. He suggested there was a much more effective way to make this investment and that was what he wanted to discuss with the Board. Mr. Albarran stated PHC's request was for the County to consider supporting new financing to be issued through the CDA. This new financing would put no obligation on the County and would be secured by special assessment liens levied only on land under PHC's control. This new financing would allow for the acceleration and improvement of infrastructure and amenities. In order to facilitate the new bonds and reduce the burden associated with the 2006 special assessment liens, PHC was prepared to prepay the existing special assessment liens on the Trustee Lands securing the 2006 Bonds. This would include full payment of the existing \$66 million special assessment plus interests and fees on Trustee Lands and then replacing it with the new special assessment. Any new special assessment levied would be limited to a prudent level estimated at \$45 million. Bond proceeds would be used to fund construction of new infrastructure within the Trustee Lands. Special assessments would be levied for thirty years to match the proposed new bond term. Mr. Albarran also reported any new special assessment lien that "runs with the land" would be capped at a manageable level estimated to be \$100 per month or \$1,200 per year. Any portion of the lien not supported by this would be prepaid at home closing.

Mr. Evelyn asked what would happen to the individuals who already had homes in the community. Mr. Albarran stated they would not be affected. Mr. Evelyn asked for confirmation that the current homes would not have a special assessment. Mr. Albarran indicated that was correct and stated the special assessment would only be on the undeveloped lands held by the Trustee. He referenced the K. Hovnanian homes in Landbay V and noted they would not be financially impacted and in fact would benefit from the improved amenities package to be made available to them.

County Administrator Rodney Hathaway asked if it would be necessary to create a new CDA with the issuance of new bonds. Mr. Albarran indicated he did not believe a new CDA would be needed. He did state a new special assessment methodology and lien would need to be created under the CDA. The intent was to have a conversation with the County Board related to the new assessments lien and then go to the CDA as well.

Mr. Albarran noted an annual special assessment capped at \$100 per month that would run with the land was something that had not existed with the 2006 bonds and this assessment would be fully disclosed to any homeowner or future homeowner in the event of a resale. The existence of this assessment would be recorded in the land records to be easily found by title examiners. Mr. Evelyn suggested the Board would still receive calls from individuals saying they didn't know they would be required to pay this assessment. He likened it to the County's Bottoms Bridge ad valorem tax and noted Board members were still receiving calls from individuals regarding this. Mr. Evelyn stated that in theory the information would be disclosed but suggested that over time, this may be overlooked. Mr. Albarran suggested Mr. Rice with MuniCap could better address Mr. Evelyn's concern. Mr. Rice reported MuniCap was currently serving the County and the FONK CDA as the administrative agent for the 2006 Bonds and provided a number of services one of which was assisting with

disclosures. They were helping with disclosures in several ways including making sure the builders had the appropriate forms and information to pass on to buyers. Information to be disclosed would be made know through several means including recording it in the land records, including it in the sales contract and encouraging builders to include it in the HOA documents. Mr. Rice also reported MuniCap provided a toll-free number where residents could contact them directly as well as a website where disclosures related to a specific address could be reviewed. He stated any calls the County or the Board may receive should be directed to MuniCap. He shared information on a development in a neighboring locality where MuniCap was serving as administrative agent and noted residents understood MuniCap was their point of contact and the process had been going very smoothly there.

Ms. Paige stated new residents would be paying \$100 per month for the special assessment and she asked if they would also be paying additional fees for the HOA. Mr. Albarran reported HOAs were currently a part of the FONK development with a master HOA in place for the entire development and separate HOAs for each of the landbays. It was currently a resident's obligation to become a member and payer of the HOA. The \$100 per month additional charge would apply only to new residents. Mr. Lockwood asked if this special assessment would be for a 30-year term. Mr. Albarran confirmed. Ms. Paige expressed concerns that some residents would be paying this fee while other would not, this would come up in conversations between neighbors and they would call the Board of Supervisors asking why. She noted the FONK was in her district so the calls would be coming to her. Mr. Albarran noted he appreciated her concerns and reported PHC wanted to hit this subject head on and not try to hide it. The obligation would be fully disclosed and priced into the price of the home and it would take into account HOA fees as well. He agreed that the residents would get together and they would have the conversation about fees but PHC was trying to create a prudent level of special assessments, take into account HOA costs would be lower for these individuals and provide an efficient mechanism to handle calls through MuniCap. He stated this was a well-established process and reported MuniCap was managing all of the CDAs in Virginia so they had demonstrated success in this area. Mr. Tiller asked if the \$100 per month assessment was for amenities. Mr. Albarran indicated the special assessment would be used to cover a portion of the payment of the debt service on the new bonds for the next 30 years. Mr. Evelyn indicated he understood what PHC was trying to do and asked what would keep the developer of Landbay I from asking for the same thing. Mr. Albarran indicated he did not know the plans of the Landbay I developer but did report he was aware they had sold some property. He suggested there was one distinction and that was that a part of this request would include prepaying the existing lien of \$66 million which would make the land free and clear of the 2006 bonds and allow for new bonds to be issued. He also suggested financial cost to the Landbay I owners would be different than to PHC because those owners were not also the bond holders. Ms. Paige stated she was the mother of all of the landbays and asked "what about Landbay I?" Mr. Albarran reported it was PHC's intent to leave Landbay I completely unimpacted by the new bonds and the 2006 bond financial obligation of those owners would be unchanged.

Mr. Albarran reported much had happened since PHC had assumed ownership of the bonds and suggested if they had not become involved, the property would most likely still be mired in delinquencies and would not have seen the recent level of activity. He stated PHC had "put our money where our mouth is" with investments in the County and with getting builders reengaged. He closed with a summary of the rationale for the new bonds and the reasons why the County and the CDA should support this new funding including:

- PHC had a long-term view for the development and investment capital to reactivate, expand and accelerate land development and homebuilding activity.

- The new bonds would allow for faster paced residential and future commercial development activity.
- The new bonds would encumber the Trustee Lands, including Landbays IV and V that were largely sold to two, national, public homebuilders – Ryan Homes and D.R. Horton.
- These top-tier homebuilders had committed to build over 1,300 homes over the next five years.
- PHC, as the 2006 bond holder, would be responsible for new special assessment levy annual payments during the development and lot construction period.
- The new bonds would be structured to limit the annual assessment that any future homeowner would be obligated to pay during the remaining term of the new bonds.
- MuniCap’s involvement as administrative agent would provide support to the County, CDA and future residents for administration, disclosure and questions as well as other administrative functions.

Mr. Albarran noted there was a significant amount of additional information in the presentation booklets. A preliminary timeline had been included indicating bond closing would be on September 29, 2020. Detailed information on services provided by MuniCap as well as maps and pictures depicting some of the activities and plans for Landbays III, IV and V had also been included. Development was on target for delivery of the first 90 lots in the “Life Style” brand for Ryan Homes by the end of this year or early next year.

Ms. Paige stated she had too many questions to ask at this time and stated she would be interested in attending the CDA meeting. She would also be interested in hearing the thoughts of current Landbay V residents and noted she had to keep the interests of all in mind. She expressed her appreciation for the growth in The Arbors and suggested there would be ongoing conversations. She thanked Mr. Albarran for the presentation. She noted Doug Anderson and Donna Reynolds with Landbay I were present and expressed her appreciation for growth in that area and the continued efforts of Boddie-Noell.

IN RE: NEW KENT - CHARLES CITY EMERGENCY RADIO AGREEMENT

County Administrator Rodney Hathaway presented a proposed agreement between New Kent and Charles City which would allow Charles City to join New Kent’s emergency radio system. He would be asking the Board to consider authorizing him to execute this agreement which would run year to year and could be terminated with a six-month notice by either party. Charles City had entered into a preliminary agreement with L3Harris, Inc. (fka Harris Communications, Inc.) As a part of this agreement, New Kent would assist Charles City with project management for the installation and upgrade of their equipment. Charles City would be responsible for 100% of the costs associated with installation and equipment and would also pay for a pro-rata share of the operation and maintenance cost. Mr. Hathaway drew attention to Attachment A of the agreement and noted it provided details on Charles City’s financial obligation through FY27. The responsibility in the first year was much less because the equipment would be under warranty and years after the initial year would include annual maintenance fees. Mr. Hathaway reported the Charles City Board of Supervisors had taken action giving their County Administrator the authority to enter into this agreement and he was now asking the Board to give him that same authority. He suggested this would be a win/win for all parties. He noted that by connecting with New Kent’s system, Charles City would be replacing a very outdated system and would be able to utilize the most recent technology in radio communications. This would significantly improve their radio coverage in a manner that would be much more affordable (about 1/3 of the cost) than purchasing their own separate system. This project would also be a win for New Kent by improving communications during mutual aid

responses. He closed by noting a proposed motion as well as a copy of the agreement was in the meeting packet. He entertained questions.

Mr. Evelyn noted Sheriff Joe McLaughlin and Fire Chief Rick Opett were present and asked if they agreed with this plan. Both confirmed agreement. Ms. Paige asked if New Kent had worked out all of the "bugs" in its system and who would help Charles City through their start up. Sheriff McLaughlin jokingly reported most of the bugs had been exterminated and the agreement with Charles City included New Kent Fire personnel working with Charles City to manage/coordinate their system. Mr. Hathaway also pointed out the agreement's shared use cost model included Charles City paying a portion of management costs.

Mr. Stiers moved to authorize the County Administrator to execute the proposed New Kent - Charles City Radio Agreement for emergency radio services. The members were polled:

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

The motion carried.

IN RE: PUBLIC HEARING - FY2020-2021 BUDGET AMENDMENT - ORDINANCE O-06-20

Before the Board for consideration was Ordinance O-06-20 amending the fiscal year 2020-2021 budget and appropriating funds received from the Federal CARES Coronavirus Relief Fund. Mr. Hathaway reported New Kent County had received \$2,014,601 from the Federal CARES Coronavirus Relief Fund on June 1, 2020 for expenditures addressing the COVID-19 pandemic. State Code required a public hearing be held for budget amendments exceeding one percent of the locality's budget and this funding exceeded that threshold. The Board had adopted an expenditure plan for this funding on June 24th. The Board was being asked to approve the appropriation of these funds and FY 2020-2021 budget amendment so that staff could proceed with the expenditure plan. Ms. Paige asked if there were any questions.

Mr. Stiers noted a \$210,385 balance had not been allocated. Mr. Hathaway confirmed. Mr. Stiers asked if this unallocated funding could be added to the EDA \$2,500 Grant Program to fund more grants. Mr. Hathaway noted this was possible and reported COVID expenditures would be reevaluated in mid to late August to determine what funding remained. Mr. Lockwood pointed out that a great deal of PPE (Personal Protective Equipment) had been included in the expenditure plan and asked if the County had price guarantees on these products as prices were escalating. Mr. Hathaway deferred to Fire Chief Rick Opett. Chief Opett reported New Kent was using the State eVa Contract where prices were locked in for most PPE. He agreed some vendors were taking advantage of the situation and raising prices. New Kent would continue using eVa vendors whenever possible and in situations where bulk purchasing was necessary, an RFQ/RFP (Request For Quotes/Request For Proposals) would be issued to assure competitive pricing. He reported multiple vendors on the eVa Contract were honoring pricing that had been in place prior to COVID-19 and staff was doing a very good job of making sure the County was not a victim of price gouging.

Ms. Paige thanked Deputy Fire Chief Lisa Baber, Chief Opett, Mr. Hathaway and Assistant County Administrator Justin Stauder for the many hours and planning that had gone into

developing this spending plan. She stated there were still so many uncertainties but noted this funding was providing an opportunity to support our businesses and to purchase much needed items. She again thanked everyone for their hard work.

Ms. Paige opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Mr. Evelyn moved to adopt Ordinance O-06-20 amending the fiscal year 2020-2021 budget and appropriating funds received from the Federal CARES Coronavirus Relief Fund. The members were polled:

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

The motion carried.

IN RE: PUBLIC HEARING – NEW KENT CHAMBER OF COMMERCE LEASE

Before the Board of consideration was an agreement between the New Kent Chamber of Commerce and the Board of Supervisors for the lease of office and storage space at the New Kent Visitors and Commerce Center. County Administrator Rodney Hathaway reported the Chamber was currently leasing one office space and outside storage for a trailer. The term of the proposed lease was one year as had been the previous lease. Mr. Hathaway reported he was hopeful an analysis of all County office space could be conducted during this fiscal year to be sure space was being used as efficiently as possible. He noted office space was about at capacity and a longer lease commitment with the Chamber was not being recommended until this internal review could be completed. Once completed, a determination could be made on how the Chamber could be accommodated in future years.

Ms. Paige asked if there were any questions. She opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Mr. Lockwood moved to adopt the proposed lease with the New Kent Chamber of Commerce to lease office space at the New Kent Visitors and Commerce Center for a period of one year. The members were polled:

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

The motion carried.

IN RE: PUBLIC HEARING – AMENDMENT OF APPENDIX A (COUNTY FEE SCHEDULE)
OF THE NEW KENT COUNTY CODE – ORDINANCE O-07-20

Before the Board for consideration was ORDINANCE O-07-20 amending Appendix A – Fees of the New Kent County Code. County Administrator Rodney Hathaway reported two areas

would be impacted by the proposed amendments, Courthouse Security Fees and Parks and Recreation Facility Rental Fees. Per a 2020 General Assembly amendment to Section 53.1-120 of the Code of Virginia, the limit for Courthouse security fees collected in criminal and traffic convictions in district and circuit court had increased from \$10 to \$20. The Sheriff’s Office had requested the Board also consider increasing this fee. Parks and Recreation staff had noticed an increase in facility rentals involving non-county residents. Staff was proposing a higher rental fee for non-county residents since they were not paying County taxes supporting upkeep of facilities. These proposed rental fees would involve the Quinton Community Center and the Quinton Community Park Pavilion. He entertained questions.

Mr. Evelyn asked for clarification on the Parks and Recreation fee and noted the ordinance stated the current fee was \$30 and the proposed fee was also \$30. Mr. Hathaway stated this was the fee currently charged to everyone. The title of this fee would be amended to state this was the resident fee which was not changing. A new line would be added for separate fees for non-residents. Mr. Lockwood asked if this meant the Board would be voting on whether or not they would pay a higher fee for a speeding ticket. Mr. Hathaway confirmed and noted the fee would only apply to cases where there was a conviction.

Ms. Paige opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

County Attorney Brendan Hefty noted an amendment was necessary in the first paragraph of proposed Ordinance O-07-20. As written, this paragraph referenced Code of Virginia Section 36-105. He stated this Code reference should be amended to Section 15.2-1806.

Mr. Lockwood moved to adopt Ordinance O-07-20 with the Code reference in the first paragraph changed to 15.2-1806, amending Appendix A – Fees of the New Kent County Code. The members were polled:

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

The motion carried.

IN RE: PUBLIC HEARING – UNITED STATES POSTAL SERVICE LEASE AND
RESOLUTION R-29-20

Before the Board for consideration was a lease agreement with the United States Postal Service (USPS) for the construction and lease of a new post office to replace the existing New Kent Post Office. Also for consideration was a Commission Agreement and Resolution R-29-20 granting signatory authority to County Administrator Rodney Hathaway. Mr. Hathaway reported this project had been in the works for approximately three years and was in response to the need for additional space at the New Kent Post Office to support County growth. There had been conversations encouraging the USPS to find a location for a larger facility to accommodate current and future needs. The USPS had started searching approximately a year ago and ultimately had come back asking if the County would be interested in building a facility next to the existing post office. After discussions with the Board, staff had begun the process of looking into this option. Mr. Hathaway noted information in the meeting packet included a rendering of the proposed facility and a

proposed lease with the USPS. The lease would have a ten-year term with annual rental payments of \$60,000. A shell building would be constructed and turned over to the USPS for interior completion. The County would have one year from the date the agreement was signed to deliver the facility. Mr. Hathaway pointed out the document in the meeting packet stated a shorter time period but a revised agreement allowing for a full year had been received. This would allow time for the County to go through the required procurement process. He noted three motions were proposed including a motion for the lease, a motion approving Resolution R-29-20 and a commission agreement with Jones Lang LaSalle, Inc. which the Board had seen in February. The Board had indicated they would hold action on the commission agreement until the lease was in hand. He entertained questions.

Ms. Paige asked if the County or USPS would have a project manager. Mr. Hathaway indicated the County would have a project manager and reported he had spoken with someone who was interested and was familiar with the project. He further reported this individual was getting things in order to be able to contract with the County.

Ms. Paige asked if there were any other questions. She opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Mr. Evelyn moved to authorize the County Administrator to execute a lease agreement with the United States Postal Service for the Construction and lease of a new Post Office to replace the existing New Kent Post Office; to adopt Resolution R-29-20 granting signatory authority to the County Administrator to sign the proposed lease agreement with the United States Postal Service and to authorize the County Administrator to execute the proposed Commission Agreement with Jones Lang LaSalle, Inc., for real estate broker services related to this project. The members were polled:

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

The motion carried.

IN RE: ELECTED OFFICIALS REPORTS

Mr. Lockwood reported the Proclaiming Grace Outreach would be hosting their Annual Jenna Bash fundraiser on August 1st. This event had been held at Rockahock in recent years but due to COVID-19, would be hosted as a telethon/live auction format on Facebook. The hours would be 11:00 a.m. to 3:00 p.m. and the event would be similar to the "Spot On" sales held during the Thrift Spot's COVID-19 closure. Mr. Lockwood noted he was looking forward to this event and was hopeful the community would show their support.

Mr. Stiers indicated he had nothing to report.

Mr. Tiller indicated he had nothing to report.

Mr. Evelyn indicated he had nothing to report.

Ms. Paige thanked County staff for their commitment as the County was going through necessary changes to continue operating in a safe and welcoming manner. She noted it

was good to see staff back at work and expressed her appreciation for their continued commitment and dedication while following safe guidelines. She stated the Board was very grateful for all staff was doing and would continue to do.

IN RE: STAFF REPORTS – UPDATE ON FILLING VACANT DIRECTOR POSITIONS

County Administrator Rodney Hathaway reported interviews for two vacant director positions had been conducted. He announced Brian Mikelaites had been selected to fill the Building Official position. Mr. Mikelaites was a New Kent County resident and was currently employed by the County as a Building Inspector. Mr. Hathaway reported Mr. Mikelaites would be starting his new position on August 1st and noted he was always glad when there was an opportunity to hire from within. He noted Mr. Mikelaites had been with the County for a number of years and he knew he would do a good job in this position. Mr. Hathaway also announced Rick Stewart had been hired to fill the General Services Director position and had started working the previous day. He reported Mr. Stewart was a New Kent County resident and noted it was also great to be able to hire from within the County. Mr. Stewart would be bringing a lot of experience to the position having worked most recently as the Maintenance Director at the Great Wolf Lodge and also specializing in HVAC. He stated he knew Mr. Stewart would also do a great job for the County.

IN RE: STAFF REPORTS – FARMERS MARKET

County Administrator Rodney Hathaway reminded everyone that the New Kent Farmers Market would be open this Saturday and every Saturday until October 31st from 9:00 a.m. to 11:30 a.m. in the New Kent High School parking lot. He reported this had been a great event thus far and encouraged the public to come out and participate.

Ms. Paige thanked Executive Administrative Assistant Krista Eutsey, her husband Mike and son Gage as well as Mr. Hathaway for being at the Farmers Market every Saturday. She expressed her appreciation for the fact that Ms. Eutsey and Mr. Hathaway were working all week in the office and then coming out to work at the Farmers Market on Saturday. She reported she was hopeful to be back at the Farmers Market Pavilion at Route 106/Route 249 next year. She again expressed her appreciation for the extra efforts of all who had been involved in making sure this could be provided for our community.

IN RE: OTHER BUSINESS

Other Business had been covered earlier in the meeting.

IN RE: APPOINTMENTS – DELEGATED BY DISTRICT

There were no appointments delegated by district.

IN RE: APPOINTMENTS – NOT DELEGATED BY DISTRICT

There were no appointments not delegated by district.

IN RE: APPOINTMENTS – REGIONAL BOARDS AND COMMISSIONS

Mr. Evelyn moved to appoint Patricia Paige as New Kent's representative to the Central Virginia Transportation Authority to serve a one-year term ending December 31, 2020. The members were polled:

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

The motion carried.

IN RE: ANNOUNCEMENT OF UPCOMING MEETINGS/ADJOURNMENT

Ms. Paige announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, August 10, 2020 and the next work session at 9:00 a.m. on Wednesday, July 29, 2020, both in the Boardroom of the County Administration Building.

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

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

The motion carried.

The meeting was adjourned at 7:50 p.m.