

A REGULAR MEETING WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 8TH DAY OF SEPTEMBER 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

Ms. Paige gave the invocation and led the pledge of allegiance.

IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Minutes
 - a. July 14, 2020 Regular Session Minutes
 - b. July 29, 2020 Work Session Minutes
2. Miscellaneous
 - a. Approval of Renewal of Agreement with Geodecisions for GIS Service
 - b. Approval of a Proclamation Recognizing Otis E. Timberlake, Sr. on the Occasion of his 95th Birthday
3. Refunds
 - a. REFUND – Thurston General Contracting - \$363
4. Treasurer’s Report: Cash as of July 30, 2020, \$48,980,711.65 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: SPECIAL PRESENTATION – RECOGNITION OF OTIS E. TIMBERLAKE, SR. ON
THE OCCASION OF HIS 95TH BIRTHDAY

Ms. Paige stated it was her pleasure to recognize Mr. Otis E. Timberlake, Sr. on the occasion of his 95th birthday. The Board had adopted a proclamation honoring Mr. Timberlake and she would be sharing some highlights. The proclamation noted Mr. Timberlake was one of four children born to Mr. and Mrs. Robert Timberlake. He had served his country in the United States Army during World War II and had been stationed in several states prior to shipping out to France in December 1944. Mr. Timberlake was captured by the German Army near the city of Cologne and was moved to several POW camps before being liberated near Moosburg, Germany. His military service having ended on December 3, 1945, Mr. Timberlake returned to Barhamsville where he and his wife Louise raised four children. He worked for 43 years in the marine department at Chesapeake Corporation and was now enjoying a much deserved retirement. Mr. Timberlake had celebrated his 95th birthday on July 25th with members of the community participating in a parade in his honor. In closing, the Board recognized Mr. Timberlake's many life achievements, thanked him for his service to our country and community and congratulated him on the occasion of his 95th birthday. Ms. Paige thanked Mr. Timberlake for his service and commitment and for being a great man of honor and presented him with a copy of the proclamation. The audience honored Mr. Timberlake with a standing ovation. Mr. Timberlake expressed his appreciation for the Board's recognition and to the Sheriff's Office and others involved in his birthday parade. He stated it had made him feel good to know that the County thought something of him.

IN RE: CITIZENS COMMENT PERIOD

There were no citizens comments.

IN RE: PROPOSAL FOR THE ISSUANCE OF NEW TAX-EXEMPT BONDS BY THE FARMS
OF NEW KENT COMMUNITY DEVELOPMENT AUTHORITY (FONK-CDA)

Ms. Paige reported Preston Hollow Capital had requested the removal of this item from the agenda. She noted Preston Hollow Capital representatives had recently met with the FONK-CDA and she anticipated this item would be rescheduled for a later date.

IN RE: CARES CORONAVIRUS RELIEF FUNDS EXPENDITURE PLAN (ROUND II)

County Administrator Rodney Hathaway reported he had been surprised when the County had been notified of a second round of CARES Relief Funding and New Kent would receive \$2,014,601. A review committee had been established, had met with each department submitting a request and had developed a proposed CARES Relief Fund Expenditure Plan for Round II. Copies of the proposed plan had been placed at each member's seat. Mr. Hathaway provided an overview of the recommended items for each department or area.

Recommended expenditures for Administration totaled \$334,035 and included:

- Public Safety Hazardous Duty Pay (September – December) totaling \$247,600 - Mr. Hathaway reported CARES Act funding criteria was very specific in regard to which employees were eligible for hazardous duty pay and first responders were included.
- COVID HVAC Design Services - Courthouse totaling \$81,400 – CARES Act expenditures were allowed for improving air circulation in public buildings. This funding would be used to enter into a contract for the design of a new HVAC system for the Courthouse.

- Blue Beam Software – Hands Free Plan Handling totaling \$2,300 – This would be used by the Planning and Permitting Departments with the goal to be fully automated so contractors and developers would not have to come into the office to do business.
- Civic Send – News Letter totaling \$2,735 – This software would work in conjunction with the County’s current website and would assist with the development and distribution of a newsletter to help keep citizens informed.

Mr. Hathaway reported Global PPE (Personal Protective Equipment) continued to be a focus of CARES Act expenditures. PPE would include disinfectant wipes, hand sanitizer, disinfectant spray, gloves, masks (including 6,000 teacher and student masks for schools), shop towels and shelving. Recommended Global PPE requests totaled \$161,086.68.

Mr. Hathaway also reported the review committee had worked with the schools and approved requests from schools totaled \$673,773 and included:

- Webcams and USB Extension Stands totaling \$48,000 – These items were needed to support the school division’s virtual learning format.
- Google Licensing totaling \$7,500 – This would also support the virtual learning format.
- CrowdStrike for Staff Laptops totaling \$19,893 – CrowdStrike software would provide additional security for staff laptops.
- Instructional Staff Laptops totaling \$225,380 – These laptops would be for teachers and were needed to meet instructional needs utilizing a virtual format.
- Wireless Connections for Internet Cafés totaling \$23,000 – The school division would be providing opportunities for students without internet access to come to the schools during the day. These connections would improve service in the gyms and cafeterias.
- Chromebooks totaling \$300,000 (\$566,762 had been requested) - The school division was working to get Chromebooks to all students.
- Server Updates totaling \$50,000 – This request was in support of the expected increase in server demand.

Mr. Hathaway reported the New Kent Department of Social Services (DSS) had used Round I CARES Act funds to implement a program providing emergency bill assistance to County residents and they had requested an additional \$50,000 to continue this service. A need in the community for childcare assistance had also been recognized and DSS had requested \$15,000 to provide a small stipend directly to daycare facilities on behalf of families needing assistance. An additional \$15,000 was also requested to provide childcare assistance to employees. This would also be a stipend paid directly to the daycare facility to assist County employees. This funding had been broken out from other childcare funding because there were a number of employees living outside of New Kent and whose children were not attending County schools. Total funding recommended for DSS was \$80,000.

Recommended expenditures for Economic Development totaled \$103,050 and included:

- Sanitizer Wipes and Antibacterial Wipes totaling \$3,000.
- Business Grants – Round II totaling \$100,000 – Mr. Hathaway noted the request had been for \$50,000 for Round II of Business Grants but noted the review committee had felt that Round I Business Grants had gone so well they had recommended approving \$100,000. He had discussed this with Economic Development Director Matthew Smolnik and Mr. Smolnik had indicated he would be more comfortable with the original request of \$50,000. Mr. Evelyn asked if any consideration had been given to providing some support to daycare providers. He noted these businesses were required to do so much to be able to continue operating and asked if some of this Business Grant funding could be used for those expenses. He noted some of these businesses had received PPP (Payroll Protection Program) funding which had helped them keep their employees but

the virtual school format was now presenting other issues to be addressed. Mr. Hathaway reported some daycare facilities did receive Round I Business Grants and he could look into developing a program for daycare providers and reserving the additional \$50,000 specifically for daycare providers. He reported some of the daycare providers had made significant investments in improving technology to meet the needs of the children. Mr. Evelyn asked if childcare providers who had received PPP funding would be eliminated from eligibility for a Business Grant. Mr. Hathaway noted that one of the CARES Act criteria was that federal funds could not be spent on anything for which PPP funds had already been used. He suggested the program could be developed to require documentation that funds were to be used for items outside of PPP funding. Mr. Evelyn asked if DSS or Economic Development would oversee this. Mr. Smolnik indicated he would be happy to do whatever the Board wished. He indicated he thought this was a good idea and stated daycares were a need. He had made his request for \$50,000 based on the number of applications received in Round I and noted many County businesses had received PPP funding which had made them ineligible for Round I. Mr. Evelyn asked if Round II grants would also be \$2,500. Mr. Smolnik confirmed and noted the Economic Development Authority (EDA) would be having a meeting later in the week to finalize the process. The EDA grant criteria included being in business for at least a year prior to the pandemic, having not received any PPP funds and being in good standing (no zoning violations, have a valid business license and owe no back taxes to the County). Mr. Evelyn asked how many daycare facilities were in New Kent. Interim DSS Director Suzanne Grable reported there were five. Ms. Paige agreed with Mr. Evelyn that daycare facilities had been faced with additional expenses and noted her support for developing a program specifically for them. She recommended repurposing \$50,000 of the proposed \$100,000 Business Grant funding specifically for daycares.

- Touchless Paper Towel holder totaling \$50 – This item would be installed at the Visitors and Commerce Center. Mr. Hathaway stated he felt the Visitors Center was at greater risk for COVID exposure due to the fact that I-64 travelers would be visiting.

Recommended expenditures for Parks & Recreation totaled \$50,000 and included:

- Outdoor WiFi totaling \$10,000 – Parks & Recreation was working very closely with the school division providing day services and assisting with virtual learning. This funding would increase WiFi availability in support of both learning and recreation.
- Additional Outdoor Services totaling \$25,000 – This funding would provide additional outdoor equipment in support of the before and after school program and day programs.
- Adult Care Packages totaling \$15,000 – These packages would contain PPE items as well as other items and would be distributed to senior citizens throughout the County.

Recommended expenditures for the Sheriff's Office totaled \$82,726.29 and included:

- Paid Sick and FMLA (Family and Medical Leave Act) totaling \$19,231 – Mr. Hathaway reported first responders were not eligible for Families First CARES Act funding which provided financial assistance to those who were out on sick leave, for child care purposes or a variety of other reasons. Because first responders were not entitled to this funding, the Sheriff's Office had requested the County provide funding. The current policy for first responders was if they had a job-related exposure, the County would cover the leave time. Employees with a non job-related exposure would use their own leave time. Mr. Evelyn asked for clarification and asked if a deputy was exposed and quarantined for 14 days, would this funding cover this leave time. Mr. Hathaway confirmed duty related exposure would be covered by the County. This additional funding would cover non duty-related exposure. Mr. Stiers asked how the location where the virus was contracted could be determined. Mr. Hathaway reported employees who were exposed were required to notify their supervisor. Mr. Stiers asked how

someone would know if they had contracted the virus at a family picnic on Saturday or three days later at work. Mr. Hathaway noted every case was different, determining could be a challenge and some judgement calls may be necessary. He asked Sheriff Joe McLaughlin to share how exposures in his department were being handled. Sheriff McLaughlin reported they were tracking on-duty exposures of individuals having contact with someone who had been exposed or had tested positive and these cases were being covered by Worker's Compensation. Other cases for which he was seeking funding involved families with parents being quarantined due to children testing positive. He reported a number of young deputies had experienced this situation. On-duty or off-duty exposure determinations were made based on the facts presented in each case.

- AEDs totaling \$58,855.29 – This funding was for the replacement of AED equipment in Sheriff's Office vehicles as well as several in facility installations. Existing equipment had reached its lifespan and this was a great opportunity to replace vital equipment.
- Logo Masks totaling \$4,640

Recommended expenditures for CSA (Children's Services Act) totaled \$5,000 for COVID-19 testing. Student testing was required prior to residential or daycare placement.

Recommended expenditures for Emergency Management totaled \$50,000 and included engineering and environmental work for the PPE Warehouse. This included renovations to the former Providence Forge Rescue Squad facility which had been donated to the County. \$250,000 had been requested in Round I and an additional \$50,000 was needed.

Recommended expenditures for Human Resources totaled \$20,000 and included COVID-19 anticipated overtime – August 1 - December 31, 2020 – Most of this was for anticipated overtime in Fire-Rescue. Several employees in this department had been given additional duties as PPE managers responsible for ordering, tracking and delivering PPE items.

Mr. Hathaway reported the Round II Expenditure Plan totaled \$1,559,670.97, the CARES Act allocation had been \$2,014,601 and the balance remaining totaled \$454,930.03. There would be a third round of requests from departments and agencies in early October to determine the allocation of the remaining balance. He entertained questions.

Referencing \$81,400 for COVID HVAC Design Services at the Courthouse, Mr. Stiers asked if this only covered a study. Mr. Hathaway reported this funding would be used for permitting and the development of an engineered plan to be put out to bid. Mr. Stiers asked for confirmation that this was not to replace the system. Mr. Hathaway confirmed this did not include any construction. Mr. Stiers asked if the construction could be done with COVID funding. Mr. Hathaway indicated it could qualify for COVID funding but because it could not be completed by the December 30th deadline, had not been given consideration. Regarding the requests received from the School Board, Mr. Stiers asked if the funding included in the proposed Expenditure Plan was all that they needed other than a new school. Mr. Hathaway noted there were two individuals representing New Kent Schools present and deferred to them. Dr. Nichols reported their list was evolving and the allocation was a great foot forward. He stated they had requested more Chromebook funding but the recommended allocation would allow them to secure 865. He reported most of the comments received since schools had opened involved issues with Chromebooks not performing well and he was grateful for funding that would allow them to get additional Chromebooks. Referencing Emergency Bill Assistance, Mr. Stiers asked if the funds were paid directly to the entity or the individual. Ms. Grable reported payments were made directly to vendors.

Mr. Evelyn asked Dr. Nichols if Chromebooks would be backordered. Dr. Nichols reported the School Board had a purchase order ready to go, the supplier was on standby and had indicated the Chromebooks could be delivered in about eight weeks.

Referencing Hazardous Duty Pay, Ms. Paige asked what this allocation would be per person. Mr. Hathaway reported public safety employees would receive \$2 more per hour. Ms. Paige noted there was still the possibility of other unknown expenses/needs and asked if it was possible to make this \$1 per hour. She expressed appreciation for all that was being done and noted she was not saying we shouldn't pay this but was suggesting the allocation should either be cut to \$1 per hour or if the rate was kept at \$2 per hour, then the duration should be reduced to September through October. The need for any additional funding could be considered in the third round of requests previously mentioned. She again expressed concerns over the many unknowns and a desire to hold some funding in reserve. She referenced a news story reporting that Richmond Public Schools had found it necessary to purchase more WiFi devices because many families with internet access had found their service was not strong enough to meet instructional needs and suggested the same could be true in New Kent. She suggested if the rate was reduced to \$1 per hour and it was determined there were sufficient funds later in the process, they could go back and pay the additional dollar. Mr. Lockwood stated he felt the rate should be kept at \$2 per hour. He noted agreement with reducing the duration to include only September and October and suggested if the duration was reduced, the funding could be cut in half and the need for additional funding could be considered with the third round of reviews. Mr. Tiller stated he agreed with Mr. Lockwood that the rate should remain at \$2 per hour. He suggested if the rate was cut to \$1 per hour and there were funds remaining, the County could pay these employees back pay. Ms. Paige noted this was in line with what she had suggested.

Mr. Lockwood moved to approve the presented expenditure plan for the use of New Kent County's second allocation of Federal CARES Coronavirus Relief Funds with hazard duty pay being changed to cover the period of September and October and reviewed later. 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: DISCUSSION ON THE ESTABLISHMENT OF A BROADBAND AUTHORITY AND
THE APPROPRIATION OF FUNDS FOR A FINANCIAL STUDY

County Administrator Rodney Hathaway reported this item was a continuation of a previous presentation from the Broadband Advisory Committee (BAC) where BAC Chairwoman Kate Ferris had presented the committee's recommendations. Recommendations had included moving forward with the establishment of a broadband authority and approving a proposal submitted by Nick Pascaretti (a consultant involved with the creation and management of the Eastern Shore of Virginia Broadband Authority (ESVBA)) to perform a financial feasibility study at a cost of \$30,000. Mr. Hathaway reported the feasibility study would be geared toward fact checking the work and assumptions of the BAC and developing a business model for how a broadband authority would operate. He reported he had also provided the Board with copies of another proposal he had received the previous week. He noted County

Financial Advisor Ted Cole with Davenport and Company had attended the meeting when the advisory committee presented their recommendations and it had been suggested that they should provide some assistance with reviewing the numbers. Mr. Hathaway indicated he had reached out to Davenport and they had recommended several consultants who had worked with broadband in other localities. He had followed up with those consultants as well as several others and had received a proposal from Design Nine Broadband Planners to do a financial feasibility study. He provided some background information on Design Nine noting New Kent had previously worked with them in 2016. The County had received a grant from the Department of Housing and Community Development to conduct a broadband study and had contracted with Design Nine. Design Nine had also conducted the initial financial feasibility study and had developed a business model for the ESVBA.

Mr. Lockwood asked if a quote had been provided by Design Nine. Mr. Hathaway confirmed and stated the proposed fee would be \$9,500. Mr. Lockwood asked if this would be an engineering study or just a feasibility study. Mr. Hathaway stated the proposal was for a financial feasibility study and did not include engineering. Mr. Lockwood stated he believed the discussions with Mr. Pascaretti had included engineering as well as a financial feasibility study. Mr. Hathaway reported he had a copy of the proposal from Mr. Pascaretti and reviewed the list of included tasks. He noted no engineering had been included.

Ms. Paige asked if there were any other comments. Mr. Lockwood stated he felt it would be prudent for the Board to move forward with establishing a broadband authority which would open the door to no more than establishing a legal entity allowing the County to begin pursuing grants for which they were currently not eligible. He suggested the County would not need to expand beyond this until financial feasibility and engineering studies were completed. He stated his preference was to have Mr. Pascaretti conduct the study but he was open to either of the proposals. He again stated he felt the Board needed to move forward with determining what needed to be done, the cost and establishing a plan.

Mr. Evelyn agreed that a study was needed. He indicated he had been looking into the creation of a broadband authority. He noted other localities had done this in other ways and suggested staff should look at what other localities had done. He stated it was his understanding the County could get a grant writer and could serve as the authority (entity) pursuing those grants. He asked Mr. Hathaway if this was correct. Mr. Hathaway confirmed and reported he was familiar with VATI (Virginia Telecommunication Initiative) and USDA (United States Department of Agriculture) grants for which localities could apply. Mr. Evelyn stated he felt the feasibility study should be completed and then the Board could decide if creating a broadband authority should be the next step based on those findings.

Mr. Stiers reported the 2016 grant had been \$75,000 and approximately \$70,000 of that had been spent with Design Nine. The County had then entered into a contract with SCS Broadband who Mr. Stiers suggested had already conducted a feasibility study. He reported SCS had indicated they could provide the entire County with wireless access in two years and the BAC's underground fiber approach would take eight to ten years to build out. He stated he didn't think the County could wait that long and suggested service could be provided to the entire County in two years with the installation of several additional towers. He asked Mr. Hathaway if he was wrong. Mr. Hathaway stated he was not wrong and noted New Kent had been new to the broadband market when the County had received the grant in 2016. Design Nine's initial work had included a citizen survey, a review of current infrastructure and the development of a general plan that identified needs as well as potential opportunities. The County had entered a contract with SCS Broadband for \$9,000 to develop a detailed plan for wireless coverage. Mr. Hathaway stated he believed SCS had

indicated they could provide a wireless solution to the entire county for \$900,000. He reported SCS had contracted with a number of localities and unfortunately things had not worked out with them. He stated the study had determined a wireless solution was feasible and provided valuable information on infrastructure. He noted wireless would be quicker and cheaper although not as reliable as the BAC's recommended fiber option.

Mr. Lockwood suggested there had been three or four studies in the last four or five years and two or three plans and the County was still at the same place it had been in 2016. He noted the County had not been awarded VATI grants they had hoped to receive and was currently waiting for a determination on another. He noted as Ms. Paige had once said, a grant is a wish and it doesn't count until the check is in the bank. He suggested there had been a lot of studying and planning and it was time for the Board to move forward.

Ms. Paige stated she had heard three presentations on what a broadband authority would do and there had been changes each time she heard the presentation. She suggested the numbers did not add up. She stated we absolutely need broadband but noted the Board needed to know a cost and suggested nothing presented had been concrete. She had not heard what connection fees would be and stated the Board was trying to get real numbers. She added that if the Board voted to form an authority tonight, there would still be people in the County who would not have broadband in eight to ten years. She also suggested there was no guarantee it would be accessible to everyone and noted affordability would be a factor. She suggested the Board would be good stewards by getting real numbers.

Ms. Paige called on an unknown man in the audience who had raised his hand several times. The man asked if the previously mentioned feasibility studies were available to the public. Mr. Hathaway confirmed the studies were available and encouraged the man to contact the County Administration Office.

Ms. Paige noted many comments about what the Board needed to do to get broadband had been posted on social media and citizens needed to understand that if even if the Board voted to move forward tonight, some parts of the County would not have broadband for eight to ten years. She also noted initial discussions had focused on serving the unserved and underserved but now the recommendation was to make the County Administration building which already had service the hub of the County's network. She suggested that once the hub was established, they would expand to others areas which also already had service and asked what about the parts of the County with no service? She noted a recent cost estimate had suggested \$8 million would be needed and she asked when would the tax payers get their money back? She stated these were very real questions for which she needed answers. Mr. Lockwood stated these were all very good questions and suggested more clarity was needed regarding establishing a broadband authority. He noted establishing a broadband authority would not be agreeing to build out a network. It would only establish a legal entity and once the study was completed, the Board could then decide what role the broadband authority would play. He suggested there were federal grants not open to New Kent and a broadband authority could solicit those grants.

Ms. Paige reported she had spoken to Senator Warner's and Congressman Wittman's offices and both had indicated broadband grant bills before the General Assembly would require that grants be written in conjunction with current internet providers. She noted Cox was not always spoken of in positive terms but they were providing service and were partnering with the County on the most recent grant application. Mr. Lockwood agreed and noted many of the grants did require an established internet provider and this was often more easily done partnering with a broadband authority whose only task was to establish funding.

Mr. Evelyn stated he would like to have staff look into other broadband authorities to see how they were setup and how successful they had been in obtaining grant funding. He asked that without real numbers and no clear understanding of what the County was going after, how would a broadband authority sell a grant proposal? Mr. Hathaway indicated he could do an analysis of the 26 or 27 broadband authorities in the state.

Mr. Lockwood stated he was getting the idea he should not bother with the broadband authority part of the proposed motion. He moved to appropriate \$40,000 from Capital Fund Balance to enter into a contract with a consultant to perform a financial feasibility study for the establishment of a broadband authority.

Mr. Evelyn offered the following substitute motion:

Mr. Evelyn moved to authorize the funding of a feasibility study up to \$10,000 but table the creation of the broadband authority until the feasibility study is done and staff has had a chance to poll other localities and report on how they have handled broadband expansion in their counties.

Mr. Lockwood moved to withdraw his motion. 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.

The members were polled in regard to the substitute motion:

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: REFUNDING OF SERIES 2012B & 2012C VIRGINIA RESOURCE AUTHORITY
(VRA) BONDS

Davenport and Company Senior Vice President Ted Cole reported he had information regarding the potential refunding of series 2012B and 2012C Virginia Resource Authority (VRA) New Kent County Public Utilities bonds. If the Board wished to move forward with this, action would not be scheduled until the Board's September 30th meeting. Mr. Cole noted this would be a refunding for savings; there would be no change in the term and the Board would need to approve a resolution by early October for inclusion in the VRA fall pool on October 28th. These bonds had been reviewed for possible refunding several times but it had been determined there would not be enough savings to move forward. Conditions were more attractive now with the passage of time and current low interest rates. Mr. Cole reported the resolution the Board could consider to move forward with the refunding would

contain a number of provisions one of which was a minimum acceptable level of savings. This provision would be included because the Board would be approving the resolution in late September, the bonds would not be sold until late October and the rate could change during that period of time. He suggested the biggest question would be is this the best time to do this or would it be better to wait until later? He answered by stating it would be impossible to know. He pointed out the term of the bonds was through 2035 and given current interest rates, he suggested it was a pretty compelling opportunity for refunding. He reported this had been discussed with staff and individual details as well as combined details on the 2012B and 2012C bonds had been provided. He reported annual savings on the 2012B bonds would be \$39,000 with total savings over the remaining term of just under \$400,000. Annual savings on the 2012C bonds would be \$26,000 with total savings of \$395,000 over the remaining term of the bond. Estimated savings for both series would be \$790,000 and Mr. Cole reminded the Board that these savings would not be locked in until late October. He again noted the resolution would include a minimum acceptable level of savings and stated the numbers he had quoted already accounted for any cost of issuance. The rates would be locked in in late October, the bond issuance would be in November and debt service would continue at a lower annual rate through 2035. He entertained questions.

Mr. Stiers asked if these bonds were for the Bottoms Bridge Service District. Mr. Cole reported these bonds went back to the original bond issue for County utilities some of which had funded improvements in Bottoms Bridge as well as improvements in other areas of the County. Mr. Stiers asked if the other areas would include Brickshire and Colonial Downs. Mr. Cole deferred to Assistant Public Utilities Director Mike Lang. Mr. Lang reported these bonds had funded Bottoms Bridge, the Courthouse and the force main to Parham Landing. Mr. Stiers asked what bonds impacted Brickshire and Colonial Downs. Mr. Lang reported there were no bonds for Brickshire or Colonial Downs unless he was referring to the bond (Route 618 waterline) for which the Board had conducted a public hearing the previous month. County Administrator Rodney Hathaway reported the developer had funded most of the improvements for Brickshire. Mr. Cole indicated he did not believe the County had an outstanding bond issue for Brickshire or Colonial Downs. Mr. Stiers reported he had been told nine years ago that there were bonds impacting these areas. He had also been told these bonds could be reviewed in seven to nine years. He asked Mr. Cole if he would look into this and suggested if those bonds could be refunded similar to the Bottoms Bridge bonds with a savings of \$700,000, perhaps the water bills in Brickshire could be reduced. Mr. Stiers asked Mr. Lang for a response. Mr. Lang stated it was possible but difficult to say. Mr. Stiers indicated he had been saying for eight years that the County needed to work on the water bills and suggested there hadn't been much progress. He noted rates had recently been cut by 1% which had been the first cut in 20 years.

Ms. Paige asked if there were any further questions. There were none. She asked Mr. Cole to confirm that he was requesting that the Board take action at the September 30th work session. Mr. Cole confirmed and indicated he would also be providing a market update, answers to Mr. Stiers' questions and resolution for the Board's consideration.

IN RE: WATER AND SEWER REVENUE BONDS UPDATE - RT. 618 PROJECT

Davenport and Company Senior Vice President Ted Cole noted this subject had been before the Board on several occasions, the Board had conducted a public hearing and had adopted a resolution (Resolution R-33-20). This loan had not closed in August as originally planned and was now scheduled to close in September. All previous Board approvals were still valid and what he would share at this meeting would be for informational purposes only. This bond would be administered through the Virginia Resources Authority (VRA). The VRA now

had several new conditions associated with water and sewer debt which he felt were important enough to bring to the Board for discussion. As a part of going forward with this \$2.2 million loan with a fifteen-year term and 1% interest rate, VRA was requiring that the County have reserves in Public Utilities equal to the annual debt service. Mr. Cole indicated the County had always been able to do this but VRA was now expecting this requirement to be written into the loan documents. The reserve would be approximately \$1.2 million and Public Utilities reserves were currently well in excess of this amount. He stated this was not an issue today but was a new requirement that would be documented. The County's current debt service coverage policy required that for every dollar of debt there would be \$1.15 available to make the payment. He noted the County had never had any issues meeting the requirements of this policy which had been written with broad criteria allowing both operating and reserve funds to be considered in the calculation. Mr. Cole noted New Kent Public Utilities had always been able to make payments with operating revenues and had never needed to use reserves. VRA was now requiring Public Utilities to be able to show they could cover the payments without using reserves. This new requirement could impact the ability to borrow for future projects. He noted connection and availability fees were tailing off in some areas and coupled with a mindset to reduce rates, could make it more difficult to project the ability to meet these targets. He noted it may become necessary to increase rates or decrease expenses and stated he felt the new conditions were relevant enough that he wanted to specifically discuss them with the Board. If the Board was comfortable with these conditions, there was no need for any further action. If they were not comfortable, they could delay or eliminate the borrowing. He suggested that even if the Board didn't move forward, these conditions would most likely be included in the Board's next transaction (previous agenda item on refunding) with VRA. He noted the loan was ready to close in September and pointed out that a good portion of the loan would reimburse Public Utilities for money already spent on the project. He entertained questions.

Mr. Evelyn noted Public Utilities would be borrowing \$2.2 million at 1% for 15 years. He asked Mr. Cole if he saw this being an issue and noted he would be more concerned if it was a larger amount. Mr. Cole stated there were no concerns with this loan and reported that in regard to the 1.15 times coverage requirement, New Kent's level was nine times and 1.48 times in regard to the 1 times coverage. He suggested entering this covenant now could potentially be an issue down the road for future large project borrowing. Mr. Evelyn asked if this would impact the VPSA (Virginia Public School Authority) loan (referencing borrowing for the new elementary school). Mr. Cole indicated this would only impact utility projects and the VPSA loan or any general County borrowing would not be impacted. He stated this was not a novel concept in the bond market but was something VRA had decided they now needed to include. He needed the Board to let him know if they wished to move forward or pause on the financing. County Administrator Rodney Hathaway stated he recommended the Board move forward. The general consensus was to move forward.

IN RE: PUBLIC HEARING – GENERAL OBLIGATION SCHOOL BONDS FOR THE
CONSTRUCTION OF A NEW ELEMENTARY SCHOOL

Sands Anderson, P.C. Counsel Jesse Bausch was not present and Davenport and Company Senior Vice President Ted Cole presented this agenda item. Mr. Cole noted this public hearing was a legal requirement for the VPSA (Virginia Public School Authority) borrowing for a new elementary school. The School Board had taken action to move forward, the application had been submitted to VPSA and the VPSA Board would be meeting to review applications on September 16th. The Board would have two resolutions to consider one of which would be for the VPSA pool option and the other for the VPSA stand alone option. The Board could wait to consider action until September 30th and the bonds would be sold in

mid-November. He again noted tonight's agenda item was to satisfy the public hearing requirement and action could be scheduled for September 30th. He entertained questions.

Mr. Evelyn asked if a final borrowing number was needed to adopt the resolutions. Mr. Cole reported a maximum number had been included in the advertisement for this public hearing. This was a firm not to exceed number which had been set on the high end. The Board could always move forward with a lower number but could not go above the advertised number without having another public hearing. Mr. Stiers asked what the term of the loan would be. Mr. Cole indicated he did not believe a term had been included in the public notice but stated they had been working with 30 years and believed the final term would be lower. This decision would be made with the resolutions at the end of the month.

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

Mr. Stiers reported there had been a joint meeting between the School Board and the Board of Supervisors the previous Monday (August 31, 2020). He further reported he had not attended because he had been hospitalized for four days. He stated that a nurse had come to him on Monday and had told him that every nurse in the hospital knew that he had a meeting he had to attend at 4:00 p.m. but they could not guarantee that he would make it. He apologized to Dr. Hardinge, Dr. Nichols and the School Board for his absence. He stated that he knew his name had been called out for not attending and he had not appreciated this. He stated the School Board knew how he felt about the education of children in New Kent and how closely he had worked with school administration through the years and he wanted them to understand the reason for his absence.

Mr. Stiers moved to adopt Resolution R-15-20 R1 (VPSA pool option) and R-15-20 R1 (VPSA stand alone option) authorizing the issuance of an estimated maximum amount of \$37,000,000 in general obligation school bonds for the construction of a new elementary school.

County Administrator Rodney Hathaway noted this action involved two resolutions with the same number which would give the County the option to go with either the VPSA pool option or the VPSA stand alone option. The pool option would have a set calendar compared to the stand alone option which would be more flexible with dates but would have more closing costs. He stated the stand alone option would only be considered in the event the County was not able to meet the schedule of the pool option. He also stated he wanted to make it clear to the public that the motion before the Board was for both resolutions.

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 – AFD-01-20 WITHDRAWAL FROM WAHRANI SWAMP AFD
REQUESTED BY BECKY M. AND ROBERT L. HOGGE – ORDINANCE O-10-20

Before the Board for consideration was Ordinance O-10-20 approving application AFD-01-20 to withdraw tax map parcel 36-6-12A from the Wahrani Swamp Agricultural and Forestal (AFD) District. AFD Administrator Sheri Adams reported the applicants, Becky M. and Robert L. Hogge had submitted an application to withdraw 49.52 acres of land located at 4557 Wahrani Ridge Road in Lanexa from the Wahrani Swamp AFD. The applicants had also submitted a Large Lot Subdivision Application (SUB-000178-2020) to divide the 49.52 acre parcel into two separate lots with the intent being to sell 15 acres to the general public. Ms. Adams noted this was not a family subdivision and was not allowed under the AFD program and by removing the parcel from the program, the land owner would be compliant with current County Code (Section 91-10 c and d) and be free to sell the parcel to the general public. The land owners were aware of their obligation to pay roll-back taxes associated with the early withdrawal. Ms. Adams noted a number of supporting documents as well as AFD Advisory Committee July 15, 2020 meeting recommendations had been provided. The Planning Commission had considered this application August 17, 2020 and had forwarded a favorable recommendation to the Board. Ms. Adams entertained questions.

Mr. Stiers asked if this family would be allowed to put the remainder of the parcel back into the program. Ms. Adams reported they could not leave the remaining 34 acres in the AFD because the subdivision was not for an immediate family member and it did not meet tax code requirements of the Commissioner of Revenue. Mr. Stiers asked if we were sure the 15 acres was not for an immediate family member. Ms. Adams reported County Attorney Brendan Hefty and Commissioner of Revenue Laura Ecimovic had both provided opinions indicating this transaction was not for an immediate family member. Mr. Stiers reported he served on the AFD Advisory Committee and asked if he was allowed to vote on this item. Mr. Hefty confirmed Mr. Stiers could vote on this item.

Mr. Evelyn indicated he did not see a map in the packet and asked what the access would be to the 15-acre parcel. He noted if access was not from a main road, the parcel would need to be 25 acres. Ms. Adams reported the 15-acre parcel would have access from Homestead Road and the remaining 34 acres would have access from Wahrani Ridge Road. County Administrator Rodney Hathaway confirmed 15 acres was sufficient size.

Ms. Paige asked where the 15-acre parcel was in relation to the home on the property. Ms. Adams noted the dwellings were on the remaining 34 acres and there were no dwellings on the 15 acre parcel. Ms. Paige noted Homestead Road had been a "Rural/Rustic" project and suggested a limited number of homes could have access from such a road. Mr. Hathaway indicated he wasn't sure if the limit was 100 homes or 100 trips per day. He noted he would have to look into this but if it was 100 trips per day, the limit would be 10 homes. Mr. Stiers noted Mount Pleasant Road was Rural/Rustic and Mr. Hathaway noted Egypt Road was also a Rural/Rustic project. Both roads were currently serving more than 10 homes.

Ms. Paige asked if there were any additional comments. There being none, she opened the public hearing. There being no individuals wishing to speak, the public hearing was closed.

Mr. Tiller moved to adopt Ordinance O-10-20, application AFD-01-20 to withdraw tax map parcel 36-6-12A, GPIN G27-3433-0692, consisting of 49.52 acres from the Wahrani Swamp Agricultural and Forestal District. 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 – AFD-02-20 WITHDRAWAL FROM WAHRANI SWAMP AFD
REQUESTED BY JENNIFER SAXTON CULPEPPER AND KEVIN L. CULPEPPER, JR.
– ORDINANCE O-11-20

Before the Board for consideration was Ordinance O-11-20 approving application AFD-02-20 to withdraw tax map parcel 36-4-5A and to partially withdraw 5.775 acres from tax map parcel 36-4-11 from the Wahrani Swamp Agricultural and Forestal (AFD) District. AFD Administrator Sheri Adams reported the applicants, Jennifer Saxton Culpepper and Kevin L. Culpepper, Jr. had submitted two applications for withdrawal from the Wahrani Swamp AFD which had been combined into one review. The first application was a complete withdrawal of tax map parcel 36-4-5A consisting of 5.675 acres located at 14700 Duck Carver Lane in Lanexa. The applicants would be creating a new lot under the allowable family subdivision clause and would be incorporating a portion of this parcel into the new lot. This action would make this parcel unqualified for the AFD program due to the lack of minimum required acreage. The second application was for a partial withdrawal of tax map 36-4-11 which currently consisted of 25.7 acres located at 15960 Hidden Hills Lane in Lanexa. This withdrawal was also a result of the aforementioned family subdivision. The request was to withdraw 5.775 acres of this parcel to be incorporated with parcel 36-4-5A. The balance of 19.925 acres would still qualify for and remain in the AFD program. The land owners were aware of their obligation to pay roll-back taxes associated with the early withdrawals. Ms. Adams noted a number of supporting documents as well as AFD Advisory Committee July 15, 2020 meeting recommendations had been provided. The Planning Commission had considered this application on August 17, 2020 and had forwarded a favorable recommendation to the Board. Ms. Adams entertained questions.

Recognition of Dan Palenski - Ms. Paige asked if there were any additional comments. There being none, she called for Administration Building Receptionist Dan Palenski to bring in the clip boards for the remaining public hearings and asked him to please remain at the front of the room. She noted Mr. Palenski would be leaving now that she had all of the clip boards and she wished to comment before he left. She noted he had been serving as a Receptionist in this building and she had watched him man the desk especially since the pandemic. She noted he had served with commitment and excellence. She noted her appreciation for his service and his due diligence in doing what had been required of him. She noted this would be his last Board meeting and jokingly suggested this was particularly sad because he would no longer need to chase her down to come back and sign in. She expressed the Board's appreciation for his service and noted that although someone else would fill the position, he could not be replaced. She thanked him and led the Board and audience in a standing ovation.

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-11-20, application AFD-02-20 to withdraw from the Wahrani Swamp AFD all 5.675 acres from tax map parcel 36-4-5A, GPIN I26-1600-0812, and only 5.775 acres from tax map parcel 36-4-11, GPIN I26-2180-1818. 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 – RAB AVIATION SERVICES, LLC LEASE AMENDMENT

Before the Board for consideration was a lease amendment with RAB Aviation Services, LLC. The original lease had been approved on June 10, 2019 followed by a first amendment on October 15, 2019. Airport Manager Duane Goss reported RAB Aviation was providing general aviation aircraft maintenance and had become well established. Ms. Anna Brown, the business owner, had requested the lease be amended to include an additional 1,350 +/- square feet of space for expansion and growth. He asked the Board to consider a second lease amendment which would increase the space by 1,350 +/- square feet and increase the monthly rent by \$150. This amendment would commence on September 1, 2020 and all other terms of the original lease remained unchanged. He entertained questions.

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

Mr. Tiller moved to approve and authorize the County Administrator to sign the Second Amendment to the RAB Aviation Services LLC lease increasing the leased space by an additional 1,350 +/- square feet and the monthly rent by an additional \$150 for use in providing general aviation aircraft maintenance at the New Kent County Airport. 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 – FY 2020-2021 BUDGET AMENDMENT – RESOLUTION R-36-20

Before the Board for consideration was Resolution R-36-20 to amend the fiscal year 2020-2021 budget by appropriating \$2,014,601 received from the federal CARES Coronavirus Relief Fund for expenditures addressing the COVID-19 pandemic. County Administrator Rodney Hathaway reported this appropriation of \$2,014,601 was the second round of CARES Act Relief Funds received by the County. State Code required a public hearing for any budget change above 1%. He entertained questions.

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

Mr. Lockwood moved to adopt Resolution R-36-20 amending the fiscal year 2020-2021 budget, appropriating funds received from the federal CARES Coronavirus Relief Fund. 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 – FY 2019-2020 BUDGET AMENDMENT – RESOLUTION R-37-20

Before the Board for consideration was Resolution R-37-20 to amend the fiscal year 2019-2020 budget by approving the appropriation of revenue in the amount of \$4,455,266.33. County Administrator Rodney Hathaway reported this appropriation would amend the previous fiscal year's budget by incorporating funds received from the operation of Colonial Downs. State Code required a public hearing for any budget change above 1%. He entertained questions.

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

Mr. Evelyn moved to adopt Resolution R-37-20 amending the fiscal year 2019-2020 budget and appropriating revenue received from Colonial Downs to the Capital Fund. 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: ELECTED OFFICIALS REPORTS

Mr. Lockwood indicated he had nothing to report.

Mr. Stiers reported the Wakie Howard Bridge connecting New Kent and Charles City on Route 155 (Courthouse Road) had reopened the previous week. This reopening had been a month ahead of schedule.

Mr. Tiller indicated he had nothing to report.

Mr. Evelyn indicated he had nothing to report.

Ms. Paige reported on several items.

- A bill had been introduced by Delegate Delores McQuinn to establish the Central Virginia Transportation Authority (CVTA). This authority had been created to provide additional funding for regional highway projects. She suggested the lack of this authority had been a big part of the inability to get funding for widening I-64 through New Kent County. She reported that when SMART SCALE projects were considered, it was desired that the

locality or region making the request contribute financially. New Kent would be one of nine jurisdictions in the CVTA. This authority would be similar to the Hampton Roads Authority which she noted had done amazing work with their highways, bridges and tunnels. The CVTA had held its inaugural meeting and the Finance Committee had been established with Mr. Frank Thornton of Henrico County as Chairman. CVTA would be funded with a portion of sales and gas taxes and the jurisdictions would receive funding for use on local road projects. More information could be found on the PlanRVA website.

- There had been a number of I-64 accidents in New Kent County over the past month and she expressed appreciation to New Kent Fire-Rescue for the services provided. She specifically referenced an incident from the previous day and thanked Sheriff McLaughlin and the deputies who had been on scene. She reported a four-year old child abducted from another locality had been involved in the accident but was not hurt.
- "Prayer with a Purpose" had been held in August. This had been a very united and peaceful march and the organizers had appreciated the Board's resolution (R-35-20) in support of equality. She reported there had been a very good turnout and expressed appreciation to Rebecca Jones and Ashley Brown for such a well organized event.
- She also encouraged everyone to pray for parents as the new school year was starting. She also encouraged everyone to be kind in their interactions and comments. She reminded everyone that many had spent months in isolation and would now be faced with a new way of learning. She encouraged everyone to support each other and to trust the decisions being made by their elected officials.

IN RE: STAFF REPORTS – ACTING DIRECTOR OF SOCIAL SERVICES

County Administrator Rodney Hathaway reported the previous Friday had been Social Services Director Jon Martz's last day with New Kent. He noted he was excited to introduce Acting Director of Social Services Suzanne Grable. Ms. Grable had been with the New Kent Department of Social Services for a number of years and had done an excellent job as Assistant Director. He expressed his confidence in her abilities to lead the department.

IN RE: STAFF REPORTS – NEW KENT FARMERS MARKET

County Administrator Rodney Hathaway reminded everyone that the Farmers Market was being held every Saturday through the end of October in the New Kent High School parking lot from 9:00 a.m. to 11:30 a.m. A great selection of vendors would be present and he encouraged the community to come out and support them.

IN RE: APPOINTMENTS – DELEGATED BY DISTRICT

There were no appointments delegated by district.

IN RE: APPOINTMENTS – NOT DELEGATED BY DISTRICT

Mr. Stiers moved to appoint Laura Clark as an at large representative to the Clean County Committee to complete a four-year term ending December 31, 2021.

Mr. Evelyn moved to appoint Suzanne Grable as the New Kent Department of Social Services representative to the Community Policy and Management Team to complete a term ending June 30, 2022.

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 motions carried.

IN RE: CLOSED SESSION

Mr. Stiers moved to go into closed session pursuant to section 2.2-3711A.5 of the Code of Virginia for discussion concerning the expansion of an existing business where no previous announcement has been made of the interest of this business in expanding its facilities in the County. 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. Ms. Paige noted the Board did not anticipate that any actions would be taken after returning from closed session.

Mr. Evelyn moved to come out of closed session. 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.

Mr. Stiers 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:

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: OTHER BUSINESS – OCTOBER WORK SESSION DATE CHANGE

Upon returning to the meeting, Mr. Evelyn noted he had a conflict with the Wednesday, October 28th work session date and asked Board members if they would consider moving the meeting to Tuesday, October 27th.

Mr. Tiller moved to move the Wednesday, October 28th work session to Tuesday, October 27th. 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. The meeting time and location were not changed.

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 Tuesday, October 13, 2020 and the next work session at 9:00 a.m. on Wednesday, September 30, 2020, both in the Boardroom of the County Administration Building.

Mr. Evelyn moved to adjourn. 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.

The meeting was adjourned at 8:45 p.m.