

A REGULAR WORK SESSION WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 27TH DAY OF JANUARY IN THE YEAR TWO THOUSAND TWENTY ONE IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 9:00 A.M.

IN RE: CALL TO ORDER

Chairman Thomas W. Evelyn called the meeting to order.

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: PINE FORK PARK UPDATE

Copies of the results of a park amenities survey as well as a Pine Fork Park Additional Expenditures list had been distributed prior to the meeting.

Parks and Recreation Director Kim Turner announced Assistant Parks and Recreation Director Jason Baldwin had recently celebrated fifteen years of service with New Kent County and she congratulated him on reaching this milestone.

Ms. Turner reported construction on Pine Fork Park had begun in July 2019 and contractor Bruce Howard had completed a majority of the requirements of his contract. The remaining items were pending the completion of the concession stand facility which was currently under construction by another contractor. The concession stand was expected to be completed by the end of May. She noted updates on unexpected stormwater management issues, DEQ corrective actions and the budget would be provided by staff. She drew attention to the survey results and noted trends were showing significant increases in outdoor recreation since the start of the pandemic. She referenced the Wahrani Nature Trail and reported its use had increased by 50 to 60%. When asked which park amenities were important, the top two responses had been walking paths and bathrooms. She noted these responses had not changed much since an earlier survey conducted prior to the start of Pine Fork Park. Walking paths and bathrooms were included in the amenities currently being constructed as a part of Phase I and the survey results indicated the Board could be confident including these had been a good decision. She deferred to Assistant County Administrator Justin Stauder for an update on stormwater management.

Mr. Stauder reported "budget place holders" of \$30,000 and \$50,000 had originally been included for the two DEQ corrective action areas. Prices had come in much higher with each area being more than \$90,000. The overall stormwater management plan was complete and the design was final. Bruce Howard would remobilize once they were able to work in the concession stand area and would complete the corrective action work at that time.

Drawing attention to the survey results, Mr. Stiers pointed out eleven amenities had been listed and he was surprised a swimming pool had not been included. He noted there had

been many phone calls and comments on social media about the County needing a pool. Ms. Turner reported the survey had included only the amenities known to be at Pine Fork Park and a pool was listed in a future construction phase. She agreed there had been a number of requests for a pool but noted the operating impact was more of a concern than the construction cost. Mr. Stiers asked if a membership fee would be charged to offset the cost of maintenance if the County had a pool. Ms. Turner indicated a fee would be charged and also reported a small fee would be charged for use of the dog park. She reported operating policies and procedures should be in place by July 1, 2021 and plans were to bring draft documents to the Board for input at the March work session.

Mr. Evelyn asked if the request was for an additional appropriation of \$447,000. Mr. Hathaway reported the Board had appropriated \$325,591.11 to address stormwater and environmental issues in October. Referencing Mr. Stauder's report on corrective action area costs, he noted this appropriation was \$111,553 short of the actual cost of \$437,144.11. Mr. Evelyn reported attending a meeting with the engineer, surveyor and project consultant. The issues stemmed from design errors resulting in over \$400,000 in additional expenses, no one was taking responsibility and it would ultimately come down on the County/tax payers to cover the cost. Addressing County Attorney Brendan Hefty, he stated he did not believe it would do any good to take this to court. Mr. Hefty reported he was working with Project Consultant Brian Camden on a list of costs the County felt were the responsibility of the designers. Several design companies were involved and there had been a lot of finger pointing at the meeting previously mentioned. He stated the Board should move forward with this appropriation because the work had to be done to satisfy DEQ requirements. Mr. Hathaway, Mr. Camden and he would continue working to determine how/if the County could recover anything. Mr. Hathaway stated it was in the County's best interest to move forward with the corrective actions because failure to do so could result in additional fines.

Mr. Hathaway drew attention to the additional expenditures handout and pointed out the additional appropriation of \$111,553 needed for stormwater management and DEQ corrective actions. Additional costs included:

- a 2,500 sq. ft. maintenance building for \$150,000 - The original plans had not included a maintenance building for storing equipment, fertilizer and pesticides but given the amount of grass to be maintained, this was a need.
- playground area improvements for \$31,086.95 - Playground equipment had been installed but additional improvements for ADA accessibility and fencing were needed.
- athletic field improvements for \$47,235.51 - This included improvements to practice areas, batting cages and bullpens.
- concession stand area costs totaling \$29,483.24 - Some improvements in the concession stand area were also related to drainage and some of the additional costs included equipment. The concession stand would produce some income to recoup some costs.
- dog park improvements for \$15,000 - Improvements included agility/obstacle course equipment, waste management and a watering fountain.
- additional utility costs totaling \$5,400 - The cost of bringing WiFi to the site had been covered with CARES (Coronavirus Aid, Relief and Economic Security) Act funding. This additional cost would cover making the WiFi connection internal to the site.
- additional site improvements totaling \$29,703.72 - This included generator rental for well operation prior to the Dominion Energy connection as well as improvements and repairs to the walking trail.
- a 10% contingency totaling \$41,946.24.

These additional appropriation requests totaled \$461,408.66. \$13,692.83 in credits were also reported making the total appropriation request \$447,715.83. If the Board wished to

move forward with these requests, a motion to appropriate funds from Capital Fund Balance would be needed. The report also included Option 1A for paving the complete trail system for \$136,546.17. This would make the trail fully ADA accessible and reduce maintenance costs. Mr. Hathaway noted this was an option and could be funded at a later time.

Mr. Stiers expressed concerns over the \$150,000 costs of a 2,500 sq. ft. storage building. He referenced his computer screen noting it depicted a beautiful 25' x 100' metal building for \$23,000. Ms. Turner reported the size of the building had been reduced from the original proposal and the facility would not only be for storage but would also include OSHA required emergency features to address possible chemical or pesticide exposure. This was a project that would be put out to bid with the exact cost not being known until bids were received. She asked Mr. Baldwin to share additional information. Mr. Baldwin reported the Public Utilities Department had constructed a similar building about five years ago at a cost of \$120,000. Climate control would also be necessary for safe storage of chemicals and pesticides. Ms. Paige noted the concession building would have restrooms and asked if showers would be included. Mr. Baldwin indicated there would be no showers. Several Board members stated they believed showers would be included. Ms. Turner noted there would be a shower on the second floor. Ms. Paige asked if a shower was on site, why a shower was needed in the maintenance building. Ms. Turner stated it was standard practice to have an emergency washdown station where chemicals were stored to meet OSHA regulations. Mr. Evelyn asked where pesticides were currently stored. Mr. Baldwin reported they were stored in a locker room at the Historic School where a shower was available and the shower had been used on several occasions.

Ms. Paige asked for the total cost of Pine Fork Park. Ms. Turner reported the total projected cost had been approximately \$7,000,000. Ms. Paige asked what had been spent or was needed to complete Phase I. Ms. Turner reported approximately \$6,000,000 had been spent. She reminded the Board the contract with Bruce Howard had been signed with the understanding it would be necessary to come back for funding additional items. Most listed items, with the exception of additional storm water management costs, had been expected.

Mr. Tiller noted agreement in regard to the maintenance building cost and questioned why kitchen equipment had not been included. Ms. Turner reported the kitchen equipment was one of a number of items that had been removed at the request of the Board in order to reduce the initial contract price. Ms. Paige noted the Board had asked that it be removed because it was their understanding someone else would run the concession stand. Ms. Turner noted there would not be one specific group operating the concession stand and the groups or organizations that would use the facility would be charged a fee. Information on this would be included in the policies and procedures to be presented in March. Mr. Tiller stated it appeared the County had decided to build baseball fields but had not planned for bases, home plates, pitching mounds or batting cages. Mr. Hathaway noted these items were for practice areas and batting cages and he did not believe the batting cages had been included in the original plans. Mr. Tiller stated there seemed to be a lot of things that had been overlooked that should have been included from the beginning. Ms. Turner stated the Board had asked that the contract price be brought down by removing some of these items with the understanding they would come back later for funding. These items had not been overlooked but, as cost-saving measures, had not been included in the original contracts. Mr. Baldwin also noted the County could save by purchasing some of these items rather than paying the 15% mark-up charged by a contractor. Parks and Recreation had been tasked with working within a budgetary number and they had known they would have to come back for funding for some amenities. He reported a number of items such as bases, soccer field goals and football pylons had been purchased and the additional athletic field

amenities were needed for the batting cages. Mr. Hathaway reported a part of the initial planning had included a budget for what had been approved for Bruce Howard as well as a substantial budget to take care of other amenities. The environmental issues had resulted in the need for a Project Manager/Consultant which had not been included in the budget. The initial project budget had included a significant contingency much of which had been used to address environmental issues, the costs of consultants and issues with electricity to the well. These items had been considered and funded in the beginning but due to the issues the project had run into, the funding was no longer available. Mr. Tiller asked if contractors had been paid in full. Mr. Hathaway reported payment was being withheld from the civil engineer. Mr. Lockwood asked for the amount being withheld. Ms. Turner reported approximately \$25,000 was being withheld for work done through the end of October and there had been additional work since then.

Mr. Evelyn stated the Board had made a mistake when it had tried to piecemeal this project together with different contractors. He believed it would have turned out differently if they had gone with one general contractor and their attempts to save some money had gotten them where they were today. Ms. Turner stated there was a file of "lessons learned" on this project. Mr. Evelyn agreed and noted the Board now needed to decide what to do.

Mr. Lockwood asked if the concession stand had been in the original plan. Ms. Turner reported the concession stand had been in the original plan but was not a part of the site work contract. Contracts for various components had been presented to the Board individually. Mr. Lockwood asked if the price for the concession stand had been \$750,000. Ms. Turner noted she did not have the exact figure but believed it was in that range. Mr. Hathaway reported the concession stand had been put out for bid as a separate project and it had never been intended to be included in the site work contract. Mr. Lockwood noted agreement with Mr. Evelyn and stated he hoped a lesson had been learned that sometimes a phased approach was good but when building a park, it should have been looked at as an entire project with a total budget. He agreed environmental issues had been beyond the County's control but noted the additional cost was of great concern to him. Ms. Turner empathized but noted the DEQ corrective actions needed to be addressed and indicated she would continue working with Mr. Hefty and Mr. Hathaway to see if there could be any recovery. Mr. Lockwood agreed the Board needed to move forward to avoid fines for something they would ultimately have to do anyway. Mr. Evelyn suggested Ms. Turner and Mr. Baldwin should bring additional information on the maintenance building back to the Board. Mr. Lockwood agreed and noted he understood the OSHA requirements but suggested the Board should delay any action until their next meeting. He asked if Parks and Recreation could confirm the numbers and bring information back to the Board. Mr. Evelyn suggested action addressing the environmental issues was needed today. Ms. Turner agreed and asked Mr. Evelyn if he would outline the areas where the Board was seeking a specific cost. This information could be brought back to the Board at a February meeting. Mr. Stiers also suggested Parks and Recreation should look into the metal building information he had found on the internet. Ms. Turner requested he send the link to Mr. Baldwin. Mr. Stiers indicated he would and suggested there could be a substantial savings.

Mr. Lockwood asked for clarification on the need for a generator. Mr. Baldwin reported the generator had been needed prior to the Dominion Energy power connection to the well because the grass had been "sprigged" and needed to be watered. Mr. Lockwood stated this was something that had already been done. Mr. Baldwin confirmed.

Ms. Turner noted they could look further into the pricing on several items but stated she felt most prices were the real cost. She asked if there were any specific items for which the

Board wished to have additional information. Mr. Lockwood asked if any quotes had been received for concession equipment. Ms. Turner reported the price for low to medium-end equipment had come in at \$12,000 and high-end had been approximately \$30,000. She believed this pricing had come from state contract but would confirm.

Mr. Evelyn questioned the need for \$16,000 in additional drainage work at the concession stand. Mr. Stauder reported it had been necessary for the contractor to raise the slab to correspond with drainage patterns and a French drain was necessary behind the building. These projects were included in the items Mr. Hefty and Mr. Camden were looking into.

Ms. Paige stated it appeared we had multiple contractors with multiple set of plans and none were aware of what the others were doing. Mr. Hathaway reported one contractor had done the engineering and design plan and this plan had been used by the site contractor and the concession stand contractor. He noted there had been deficiencies in the plan which had led to various issues with the concession stand, the BMP area as well as other areas. Mr. Evelyn stated the problem was the engineering and design plan did not match what was actually on the ground and now the County was paying the price for it.

Ms. Paige moved to appropriate the following from Capital Fund Balance: \$111,553 for Pine Fork Park Stormwater Management Redesign & DEQ Corrective Action Restoration, \$6,693.32 for Concession Stand – area drainage improvement and \$8,400.92 for Concession Stand – raising grade to match slab and drainage pattern. The members were polled:

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

The motion carried.

IN RE: CONSIDERATION OF PROPOSED AGREEMENT WITH VDOT TO ENFORCE
ILLEGAL ADVERTISEMENTS WITHIN THE VDOT RIGHT-OF-WAY –
RESOLUTION R-05-21

Before the Board for consideration was Resolution R-05-21 approving an agreement between the Virginia Department of Transportation (VDOT) and the Board of Supervisors of New Kent County for enforcement of laws regarding illegal signs and advertising within the VDOT right-of-way. Per Section 33.2-1224 of the Code of Virginia, VDOT had the authority to enter into an agreement with a locality to enforce illegal signage. County Administrator Rodney Hathaway reported that Code also stated localities could issue and collect fines. He pointed out Resolution R-05-21 designated the Zoning Administrator as responsible for the removal of signage in the VDOT right-of-way.

Mr. Evelyn noted the Board had discussed this several times over the past three to four months. He asked if members had any further comments they wished to make.

Mr. Lockwood stated he felt this was a good start at cleaning up the roadways in New Kent. He suggested that when an implementation plan was developed, consideration should be given to including a thirty-day notice to businesses to allow time to move signage to a location that would not impede on VDOT's right-of-way.

Ms. Paige reported she had received an email indicating VDOT had sent notices to a number of businesses in the Eltham area informing them that their large advertising signage either did not meet standards or had not been permitted. The notices had also indicated these businesses needed to remove the signage or pay the required permit fee. She suggested this was an indication VDOT was concerned about signage in the right-of-way. She agreed that cleaning up the rights-of-way was a good start.

Mr. Stiers asked if only the Zoning Administrator would be allowed to remove signage. He had reported at numerous meetings that he had been removing signage in the VDOT right-of-way within his district and indicated he didn't want to get into any trouble if this was not allowed. He noted the Zoning Administrator already had a lot to do and suggested any help from a Board member would be appreciated. Mr. Hathaway noted the State Code stated the Board of Supervisors or its designee could remove the signage. He asked County Attorney Brendan Hefty if the Board should amend the resolution and noted it currently designated the "Zoning Administrator to be the County's Responsible party for enforcement under this Agreement." Mr. Hefty suggested it could be revised to authorize "the County or its Designee" and then the Board could designate who would be responsible if they wanted to go beyond the Zoning Administrator. He pointed out the Board would be approving this prior to VDOT's approval so it would not be effective immediately. The County would need VDOT's approval and signed agreement in hand first. Mr. Evelyn suggested Delegate Scott Wyatt may be able to help move this along once the Board adopted the resolution.

Mr. Lockwood moved to adopt Resolution R-05-21 approving an agreement between VDOT and New Kent County for enforcement of illegal advertisements within the limit of highways with the following revision: the resolution is revised to state, "to allow the County designee to enforce illegal signs and advertising within the limits of County highways under this Agreement." And the words "and designates the Zoning Administrator to be the County's Responsible party for enforcement" are removed. The members were polled:

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

The motion carried.

IN RE: COUNTY LITTER COLLECTION PROGRAM DISCUSSION

County Administrator Rodney Hathaway distributed a handout regarding roadside litter removal options. The Board had requested that he look into options to address the ongoing issue of litter along the roadside throughout the County. Information on two possible options including a County Staff option and a County Contract option was reviewed.

- County Staff Option – This involved two full-time staff at an annual cost of \$90,092. This included \$82,992 in salaries/benefits, \$5,000 in operating supplies/equipment, \$500 for vehicle maintenance, \$600 for uniforms and \$1,000 for cellular service. One-time start-up costs for vehicles, cell phones and signage were approximately \$72,000.
- County Contract Option – This included having a contractor address litter on a list of identified roads totaling 145 miles. The proposal recommended three designated pick-up months including March, August and November and estimated cost of each pick-up would be \$23,010. Total annual cost would be \$69,030.

Mr. Stiers reported he had spoken with VDOT Residency Administrator Marshall Winn who had indicated they could assist with supplies such as bags, safety cones, safety vests and collection tools. Mr. Hathaway noted the one-time start-up cost was a worst-case scenario and indicated he believed the County had other vehicles that could be used. Mr. Stiers reported he had also spoken with Jerry Assessor with Providence Forge Volunteer Fire-Rescue and had learned they had a pickup truck they wished to donate to the County. Mr. Lockwood questioned the need for two vehicles and stated he felt from a safety and efficiency standpoint, these employees should work as a team. Mr. Stiers also reported he had spoken to Fire Chief Rick Opett regarding a F-250 pickup the County had acquired when it had taken possession of the Providence Forge Rescue Squad. Chief Opett indicated this vehicle as well as a SUV in his department were available. Mr. Hathaway also noted signage had been included in the one-time start-up costs but believed VDOT had indicated they would provide this as well. Mr. Stiers confirmed VDOT could assist with signage. Mr. Hathaway again noted this was a worst-case scenario and other resources previously mentioned had been identified to reduce costs. He noted there would be some advantages to staff being responsible for the litter removal such as specific calls could be addressed quicker and the County could be more responsive than a contracted service.

Mr. Evelyn reported Board members received frequent calls about litter and stated two people would not be able to clean up the current situation. He suggested the Board consider having a big sweep with a number of people involved and then have the two staff members begin working after that. Mr. Lockwood agreed two individuals would never be able to get ahead of the current situation and suggested a crew of two could only cover a few miles a day. He supported the idea of full-time staff and their availability to respond quickly to call-ins. Mr. Tiller noted the list of roads included in the handout totaled 145 miles and would take a month or more for two individuals to cover. Mr. Lockwood agreed but noted some of the streets would need to be cleaned again in a month's time. He would like to see a community driven trash pick-up day as had been done several years ago.

Ms. Paige asked what would be the advantage of having County Staff vs. a County Contract and noted she understood they would be able to respond to immediate needs quickly. She also noted VDOT was saying they could assist but reminded all of the issues with VDOT lending items for the trash pick-up day Mr. Lockwood had mentioned. She stated if the County would be hiring full-time staff it should be prepared to buy the equipment and supplies and noted she doubted VDOT would be willing to provide supplies for staff to do their work. She noted if the County contracted out, the contractor would be obligated to complete pick-ups at the designated times. She also asked if the list of roads could be switched or would they address the same roads each time. Mr. Hathaway indicated if the Board decided to go with the Contract Option, he would recommend the inclusion of on-call services. He also indicated he didn't think it would be affordable for the County to include every road in a contract and reported the list was prioritized based on traffic.

Mr. Evelyn suggested VDOT should have inmates addressing litter issues on Route 60. Ms. Paige also noted litter pick-up should be done by VDOT during the grass-cutting season. Mr. Hathaway agreed and noted he had considered the grass-cutting season. The contractor rates noted were based on figures he had been given by someone performing this work. Estimated rates were \$150 per mile for single lane roads and \$180 per mile for roads with a median. The list of roads was flexible and could be modified as needed.

Mr. Evelyn asked what these employees would be doing on bad weather days. Mr. Hathaway noted he was recommending these be full-time General Services positions and he felt they

would be difficult to fill if they were part-time. These employees could be assigned other duties when weather conditions were not suitable for litter pick-up. If there were times when they were not working on litter pick-up, they could work on clearing utility easements and assist with grass cutting at recreation fields and various other locations in the County.

Mr. Lockwood suggested the Board should hire a contractor to do a one-time cleaning for \$23,000. Mr. Evelyn noted support for the Contract Option and suggested the County should move forward with making arrangements for a full year with on-call service included. He also indicated he had several roads to add to the list and other Supervisors may also wish to do so. He suggested the County moving forward with addressing the litter issue would make a big statement to the community. Mr. Lockwood noted agreement with moving forward with a one-year contract and pointed out there would be no start-up costs.

Ms. Paige reported the New Kent Clean County Committee was planning to start a "Keep New Kent Beautiful" campaign and noted Mr. Lockwood was the Board's liaison to this committee. This had been discussed with Environmental Director Josh Airaghi and the committee would be working on educating the community and increasing awareness by providing information through the media. She suggested this, in conjunction with a contract, would go a long way. She agreed that the contractor approach should be tried for a year. She also suggested it should be confirmed that litter pick-up was included in VDOT's grass-cutting contract and noted it did not appear this was being done.

Addressing Sheriff Joe McLaughlin, Mr. Evelyn noted inmate labor had been used in the past but suggested it seemed to be hard to come by. Sheriff McLaughlin agreed it was more difficult. County Attorney Brendan Hefty reported this would not be an option in the short-term because jails were restricting inmates from leaving facilities during the pandemic.

Mr. Stiers noted his concern with a contract would be what would happen if a roadside had been cleaned and a truck came by several weeks later spilling trash. Would the County have to wait until the next scheduled trash pick-up to have this cleared? Mr. Lockwood noted if on-call services were included in the contract, the County could pay someone to do the cleanup. Mr. Stiers suggested the County would not have as much control and ability to respond to an immediate need with a contractor. He thought it would be better to have employees addressing this because the County would have more control. Mr. Evelyn suggested two people for the entire County would have a hard time making a big difference.

Mr. Hathaway asked Board members to review the list of roads if they wished to go with the Contract Option and let him know if there were others they wished to add. He noted rates for scheduled routes would most likely be lower than on-call rates so it would be important to have a good list of scheduled routes to be included in the Request for Proposals (RFP). Mr. Stiers asked if it would be necessary for the contract to be for a full year or could it be done for just one pick-up. Mr. Hathaway reported that based on Virginia Procurement Law one pick-up at the suggested \$23,000 would be below the threshold requiring the work be put out for bid but would require obtaining four price quotes. It would be necessary to put the job out for bid if a full year including three pick-ups was desired.

Ms. Paige moved to contract out County litter pickup for one year.

Mr. Evelyn asked how quickly additions to the list of roads were needed and how soon an RFP could be put out. Mr. Hathaway reported an RFP could be ready for release by the end of the week. He also noted any contract would have a termination clause so it would not be necessary to go a full year if the Board determined the service was not working.

The members were polled:

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

The motion carried.

Mr. Lockwood drew attention to a handout from Mr. Stiers and asked him if he would like to speak about it. Mr. Stiers noted the handout was from the New Kent Neighbors social media group and contained a number of complaints about litter along roadways. He reported he had commented this topic would be on today's agenda and had encouraged the community to stay tuned for the outcome. Mr. Lockwood pointed out that a very positive comment had initiated the chain of comments. The original comment had been an expression of appreciation to several individuals who had voluntarily picked up litter along Airport Road. Although there had been complaints, the overwhelming response from the community had been "thank you." He expressed his appreciation to these individuals as well as many others who were dedicated to keeping New Kent Clean.

IN RE: PRESTON HOLLOW CAPITAL PRESENTATION – FARMS OF NEW KENT (FONK)

County Administrator Rodney Hathaway distributed handouts provided by Preston Hollow Capital (PHC). Preston Hollow Capital Managing Director Ramiro Albarran thanked the Board for allowing PHC to speak again. He noted some of the presentation was new information while some would be a repeat but he felt it would be helpful presented together in today's discussion. He reported he had previously spoken with each Board member with the exception of Mr. Lockwood but noted none of them had met PHC's Chief Executive Officer Jim Thompson. He turned the floor over to Mr. Thompson.

Mr. Thompson thanked the Board for allowing PHC an opportunity to speak and noted they had previously entertained their comments on numerous occasions. He reported Preston Hollow Capital was a relatively young company having been started by a colleague and he in 2014 with the idea they would provide financing for projects reflecting state and local government priorities. Some of PHC's financing had been in support of infrastructure, broadband, parks, economic development projects and critical care/healthcare projects. The company had picked up approximately 85 shareholders, one of which was the Virginia Retirement System, which had allowed them to grow to approximately \$2 billion. PHC's largest project to date was the redevelopment of a military base in San Antonio, Texas in partnership with the City of San Antonio. This had involved a \$200 million investment attracting Amazon, a hotel and 450 units of workforce housing to support over 3,000 jobs on the 1,300 acre base. He reported this was a mission "very near and dear" to their hearts and they had become involved in the FONK when purchasing the defaulted 2006 bonds in 2017 and 2018. The FONK was a very high priority for PHC and they felt they were on the cusp of being able to help this community achieve some of its goals. He thanked the Board again for the opportunity to speak and turned the floor over to Mr. Albarran.

Mr. Albarran stated he would only be making a presentation and would not be asking the Board to take any action at this meeting. He noted this was a very important topic to PHC and they had been speaking with the Board for some time regarding these new assessment

bonds. PHC controlled a significant development in New Kent with about 1,800 residential homes and about one million square feet of commercial development which would require about \$100 million in infrastructure. The proposed new assessment bonds would allow PHC to accelerate development, install quality amenities and contribute to a County-wide project. He stated this project was economically valuable to PHC and they were prepared to make a contribution toward Pine Fork Park that could be measured in the millions. This would benefit the community at large as well as the residents of the FONK. He noted a pool had been mentioned at Pine Fork Park and reported a \$1 million swimming pool was among the amenities currently being built in Land Bay V. He stated he would like this type of amenity to be made available for the entire community. He noted PHC's willingness to make this contribution was new information from previous conversations.

Mr. Albarran reported PHC believed the County allowing for these new assessment bonds would benefit the County in numerous ways including:

- Accelerating development projected to generate tax revenues in excess of \$400 million (gross) or \$180 million (present value) over the next 30 years. Lack of County support for the new bonds would result in development on a "pay as you go" basis and prevent this acceleration. This would result in a significant reduction in projected revenue.
- Growth in the FONK would primarily be in age-restricted communities which would mean no school burden and traffic impacts would be significantly less.
- The new bonds would allow for faster commercial development activity. He reported PHC was currently negotiating with a major grocer for approximately 13 acres with an expected opening in late 2022. The ability to accelerate development would be a key determinant in whether or not this grocer moved forward with closing a transaction.
- The County would receive a contribution toward Pine Fork Park.

Mr. Albarran drew attention to a list of CDAs (Community Development Authorities) one of which was the FONK. He noted Board members had previously expressed concerns about special assessments being fully disclosed to homeowners. Municap, to the best of their knowledge, was administering every CDA in Virginia and it was Municap's standard procedure of disclosing, assessing and monitoring special assessments on a property for both primary and secondary sales. They were also responsible for addressing any questions or concerns relating to special assessments from homeowners. This service would be available through the full term of the bonds, there would be no cost to the County and a toll-free number would be available to assist homeowners. Mr. Albarran reported all CDAs (20 were listed), with the exception of the FONK, were levying special assessments on homeowners and the FONK was the only one with a mandatory prepayment requirement.

Mr. Evelyn asked how many of these CDAs had special assessments that had been changed/collected half way through the development or had special assessments been in place as soon as the development had been started. Mr. Albarran indicated he did not know the answer but stated the normal course of business would have been that the assessments would have been established at the commencement of the development. He noted in the context of the 2006 bonds, this was different but pointed out the portion of development to be impacted would be a subdistrict and was at the same stage as all of the other CDAs had been at the time of development. He pointed out the special assessments would only apply to the Trustee Lands under PHC's control and would not apply to existing homes.

Mr. Hathaway noted he was familiar with some of the CDAs on the list and pointed out some were commercial and mixed use developments. He asked if any were residential. Mr. Albarran named several specifically and noted most contained some residential. He indicated he could get a breakdown from Municap. He stated he was not trying to dismiss

the Board's concerns regarding calls about special assessments and noted he could not promise that a homeowner would not call over the course of the 30-year term of the bonds. He did note, however, that a process was in place with Municap and it had been working well in other CDAs.

Mr. Albarran stated PHC had been a good partner with the County and felt the County had been a great partner with PHC. He referenced a number of specifics.

- He suggested if PHC had not acquired over \$84 million in problem bonds, the property would most likely still be sitting fallow today. PHC's long-term view for the development included over \$12 million invested in new residential development and County PUD projects. The presentation noted over \$40 million had been advanced for payment of outstanding delinquent Special Assessments which had provided free and clear title on the Trustee Lands. These delinquent assessments had made the property undevelopable. PHC would also be providing ongoing advancing for annual payment of Special Assessments on Trustee Lands equaling more than \$5 million per year.
- PHC had demonstrated and continued to demonstrate its commitment to the New Kent community in numerous ways. PHC had fulfilled many of its obligations under the PUD and thanked the Board for the PUD amendments they had approved. PHC had contributed ten acres and \$750,000 for the construction of a new fire station. PHC had also set aside a corner parcel and spent \$256,000 for the community Farmers Market. They had also completed a permanent water solution for the development at a cost of \$605,000. Existing residents had expressed various maintenance concerns and PHC had addressed these at a cost of approximately \$350,000. They had also completed the final asphalt/paving of streets throughout Land Bay IV at a cost of \$275,000. They were also involved in scheduling VDOT roadway improvements at the I-64 interchange.
- The bonds would encumber only Trustee Lands, including Land Bays IV and V that would largely be sold to two national public home builders (Ryan Homes and DR Horton).

He stated he felt it had been a good relationship between PHC and New Kent County. As previously stated, he noted PHC was not asking for any action today but was asking the Board to schedule this for a formal vote for a final determination. PHC wanted to be sure the Board understood from them why this was so important not just to PHC but also to New Kent County. He stated the ability to accelerate development would help drive a great deal of value to address County operations and needs.

The remainder of the handout provided an update on the project's development and Mr. Albarran encouraged Board members to review the information. He drew attention to Page 8 which included pictures of the model home and new homes being built in Land Bay IV. He drew attention to page 9 which depicted some of the \$12 million in infrastructure work previously mentioned. He reported this was a small section of the development in Land Bay V which would make up the Lifestyle section, one of three offerings from Ryan Homes. The new bonds would allow PHC to continue moving forward and accelerate this work. He reported Ryan Homes and DR Horton had both been surprised with the demand given the current pandemic. Other pages included information on additional amenities such as the community trail system, clubhouse/recreational facility, pool and parks. He noted these amenities indicated their level of commitment to this project and desire to continue to make. He indicated he would like to work with Mr. Hathaway to bring an action to the Board asking for a formal vote on the new bonds. He closed by stating the Board's support would not only benefit PHC but be even more of a benefit to New Kent County based on the extent to which they could accelerate development. He entertained questions.

Mr. Stiers expressed his appreciation to the PHC representatives for attending this meeting and stated he hoped their development would continue to grow. He suggested it needed to

be stressed that the new homeowners would be well aware of the special assessment and would be made aware in writing prior to purchasing the home. Mr. Albarran replied, "absolutely." Mr. Stiers stated if the homeowners were aware and willing to pay the assessment, there would be no need for them to call the County. Mr. Albarran again replied, "absolutely." He added that he would be happy to have Municap come and explain their process if the Board wished to hear more and assured the Board there would be full transparency with both primary and secondary sales. Mr. Stiers reported the grocer Mr. Albarran had spoken of was one of two he had reached out to several years ago asking them to consider New Kent County. He asked Mr. Albarran if he thought they would change their mind about New Kent if the Board did not support the PHC proposal. Mr. Albarran responded, "perhaps" and noted grocers based their locations on a formula which included rooftops. He stated a grocer would be there one day but he wasn't sure of the extent to which they could convince them to come if the development was not progressing at an accelerated pace. He was not saying they would walk away but he was concerned if PHC could not get to their rooftop count, they would delay their decision. Mr. Stiers agreed and noted the grocers he had approached had stressed rooftops. He also noted they did not consider the daily traffic volume passing through New Kent via I-64. Mr. Thompson noted the rooftops were not where the grocer wanted them to be but the acceleration did give PHC flexibility to offer concessionary terms to attract them. Mr. Evelyn asked Mr. Albarran if he would be working with Mr. Hathaway to put a proposal together for the Board to consider. Mr. Albarran agreed and expressed his appreciation for the opportunity to speak.

Mr. Evelyn called for a brief recess at 10:50 a.m. The meeting reconvened at 10:59 a.m.

IN RE: OTHER BUSINESS – NEW KENT COUNTY VACCINATION PLANNING

County Administrator Rodney Hathaway distributed copies of a document entitled NKC Vaccination Planning January 27, 2021 Brief Out and another entitled FEMA's Role in COVID-19 Response. Fire Chief Rick Opett reported he wanted to bring the Board up to date on the vaccination planning taking place in the County over recent weeks. He reported that today was the one-year anniversary of Fire-Rescue receiving notification about Novel Coronavirus and a general order had been put out that something bad was coming. He provided a brief overview of the documents including:

- Recent Clinics - A four-hour vaccination clinic had been held on January 13, 2021 for Phase 1A first responders in New Kent and Charles City Counties. 100 vaccinations were given, averaging 2.08 vaccinations every five minutes. A six-hour clinic had been held on January 23, 2021 for Phase 1A, Phase 1B and 65 and older. In response to the Governor and schools moving forward with plans to get students back in school, this clinic had primarily focused on school personnel from New Kent and Charles City Counties. 876 vaccinations were given, averaging 14.6 vaccinations every five minutes.
- Upcoming Clinics - A four-hour clinic was scheduled for February 10, 2021 to administer Dose #2 to those receiving Dose #1 on January 13th. A six-hour clinic was scheduled for February 20, 2021 to administer Dose #2 to those receiving Dose #1 on January 23rd.
- County Vaccination Work Group - A County Vaccination Work Group had been formed on January 18, 2021 with the first meeting being held on January 25, 2021. This group had developed a call center plan for New Kent residents, criteria for a call center registration portal and criteria for a dashboard for County vaccination clinics. Arrangements had been made for training call takers. County leadership would be discussing these plans with the Chickahominy Health District on January 28, 2021.
- The Call Center - The call center would be monitored from 8:00 a.m. to 4:30 p.m. Monday - Friday. (Hours were later changed to 9:00 a.m. to 4:00 p.m.) Call center goals included:

- Providing high quality customer service to New Kent citizens.
- Delivering hospitality in an empathetic manner.
- Registering citizens for New Kent clinics.
- Notifying citizens of location, times and general information after dose confirmation.
- Help with Frequently Asked Questions (FAQ).
- Research and follow-up with questions outside of FAQ.
- The Registration Portal – The portal would be used by call center personnel and would:
 - Have the capacity to register at least 5 individuals at once.
 - Gather name, date of birth, address, any special accommodations and potential questions and answers.
 - Have the ability to assign multiple clinics.
 - Be able to assign algorithms for total doses versus hours.
 - Contain algorithms to generate time blocks.
 - Assign first come/first serve to time blocks.
 - Generate a real-time dashboard showing scheduled clinics and doses available/scheduled.
 - Allow for easy check-in during a vaccination event.
- New Kent Vaccination Sites – In addition to New Kent High School (weekends only), three other potential vaccination sites had been identified including the Providence Forge Recreation Center, the Cumberland Community Center and St. Elizabeth Ann Seton Catholic Church. These three sites would be available on weekdays only.
- Chief Opett reviewed several models used to calculate the number of vaccine doses New Kent could expect to receive weekly based on its population and the number of doses Virginia had received that week. One model used 2010 census data and the other used the County's current population resulting in an expected weekly number of doses ranging from 252 to 283. He was hopeful the weekly allotment numbers would increase as more vaccines became available. He reviewed several vaccine scenarios and noted with the limited allotment of vaccines currently available, it could take months to vaccinate all County residents through New Kent County clinics. He noted some residents were finding vaccines available to them outside of New Kent County.

Chief Opett noted the remainder of the presentation was information from the FEMA handout on COVID-19 response. He summarized noting FEMA was taking action to support the President's COVID-19 response plan. They were also supporting expanded vaccinations across the United States by providing expedited financial assistance for vaccination efforts to eligible applicants. He noted there would be a cost to the County to offer vaccine clinics and reported it often took several years to receive FEMA public assistance reimbursements requiring a local match. With the new process, there would be no match and the funding would be immediate. Applications for funding items such as vaccination clinics could be submitted and approved quickly. He reported Arlington County had done this and had been approved for \$2.5 million to run vaccination clinics. They were also deploying federal personnel to support vaccination sites as well as providing equipment and supplies. He reviewed a list of funding eligible reimbursements including but not limited to:

- Leasing facilities or equipment to administer and store the vaccine.
- Providing personal protective equipment and disinfection services and supplies.
- Paying staff overtime for vaccine administration or logistics.
- Contracting additional staff.
- Training personnel on vaccine distribution and administration.
- Supplies for administration sites.
- Using technology to register and track vaccine administration.
- Providing public communication on vaccine efforts.

Chief Opett stated work remained to be done and he understood it was frustrating because they were all receiving phone calls. He suggested it would be a "hurry up and wait" situation until vaccinations were plentiful. He entertained questions.

Mr. Lockwood expressed his appreciation for the information provided. He stated he was always impressed with how Chief Opett was able to put things together on short notice to accomplish a goal. He asked who had put together the call center and what platform would be used to log the calls and create lists. Chief Opett reported the call center had come out of the work group and the rollover phones were a part of the County's Emergency Operation Center. The criteria had been setup for the portal and the same vendor who had created the County's COVID-19 screening/sign-in software had built the portal. He was hopeful the call center would be up and ready for operation on Monday or Tuesday the following week. The opening of the call center would be promoted on social media and the County's website. Mr. Lockwood noted there was a lot of information in the news suggesting Virginia had received over one million vaccines and had administered only 400,000 to 500,000. He stated it seemed that shots were not getting into arms and asked where was the bottle neck. He noted the Governor had suggested Virginia would be done with vaccinations by the end of Summer 2021 but the scenarios Chief Opett had shared indicated it would be much longer. He asked "is the state the problem – is the federal government the problem – or is it just a lack of vaccine?" Chief Opett indicated he didn't know the answer. He reported the guidance New Kent was receiving from the Virginia Department of Health (VDH) indicated Virginia was receiving 105,000 doses weekly. He assumed that number would grow but did not know the reason for the lag. Mr. Lockwood reported he had received many compliments about the organization of the vaccine clinic at New Kent High School and expressed his appreciation to everyone who had been involved. Chief Opett thanked Mr. Lockwood and reported it had taken the work of a lot of team members to make it happen. He noted New Kent County Schools, the Sheriff's Office, County Administration and New Kent Social Services had all been involved.

Mr. Stiers reported the Providence Forge Recreation Center could also be available on weekends if not rented. Following Mr. Lockwood's comments regarding the recent clinic, he reported receiving many positive comments and many had reported being in and out in less than an hour. He expressed his appreciation to all who had been involved. He suggested if the vaccine distribution availability was a federal problem everyone would be in the same boat but it appeared Virginia was in a boat by its self. He said that out of 50 states, Virginia was ranked 50 in getting the vaccines out. He stated there didn't seem to be a problem in West Virginia where 84% of residents had already received vaccines. He suggested it was clear it was not a federal problem but a state problem and noted he supported the Chesterfield Board of Supervisors who had sent the Governor a letter expressing their dismay over his performance in getting the vaccine out.

Ms. Paige asked if Board members could begin sharing information with their constituents regarding the call center or should they wait until Monday. Chief Opett reported the goal was to have the call center open on Monday but noted testing and training needed to be completed first. Board members would be notified when the center was active. Ms. Paige asked if the portal would link to the VDH. Chief Opett indicated it would not link to VDH. Ms. Paige asked if individuals already registered with VDH should also call and register with New Kent. Chief Opett confirmed they should register with both. He noted callers would not be registered for a specific date/time until a clinic was schedule. Their information would be collected and they would be contacted when a clinic date/time was available. Ms. Paige expressed her appreciation for the clinic on Saturday. She also noted Cumberland Community Center could also be available on weekends.

Mr. Lockwood asked if there was coordination with the Health Department and reported they had reached out to Proclaiming Grace Outreach to schedule a vaccination event in conjunction with one of their food pantry days. Chief Opett stated he hoped there would be coordination and noted there would be a meeting with Health District representatives on Thursday. He added he would like New Kent's team to be aware of anything the Health District was doing in New Kent. He also noted clinic times would be flexible with varying hours to accommodate workers.

Mr. Tiller asked if the County could do a call-out to notify residents about the call center. It had been mentioned earlier that there was a population who was not using computers and he noted social media and the website would not get the message to those individuals. Chief Opett indicated that could be done. He stated the County's Everbridge mass notification tool could be used to notify those registered for that service.

Mr. Stiers reported he had heard there was a possibility there would be a mobile crew to vaccinate shut-ins. He asked if this was still in the plans. Chief Opett reported this was one of the recommendations New Kent would be making to the Health District and noted callers would be asked if they required any special accommodations. For those indicating they are not able to drive or get out of their home, arrangements would be made for a mobile unit to administer the vaccine. This would be contingent upon the Health District's ability to provide staff to support this.

Mr. Evelyn, addressing Chief Opett, Sheriff Joe McLaughlin, Mr. Hathaway and staff, expressed appreciation for the forward thinking to get vaccinations to the community. He noted he had attended some of the meetings and felt this could be a very successful and important way to get vaccines to residents. He stated being proactive rather than sitting and waiting for a clinic to come to us was important and the Board would do whatever Chief Opett thought was needed to support this. Chief Opett thanked them for the support.

IN RE: OTHER BUSINESS – WORK ON ELTHAM BRIDGE

Mr. Lockwood reported the bridge connecting Eltham with the Town of West Point would have one lane traffic in each direction for the next two days. He encouraged travelers to plan accordingly as the restricted use of the bridge could result in delays.

IN RE: CLOSED SESSION

Ms. Paige moved to go into closed session pursuant to section 2.2-3711A.5 of the Code of Virginia for a discussion involving Project Solstice, a prospective business where no previous announcement has been made of the business' interest in locating its facilities in the County. She further moved to go into closed session pursuant to Section 2.2-3711A.29 of the Code of Virginia for discussion of a public contract involving the expenditure of public funds and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position and negotiating strategy of the Board, involving the purchase of fire apparatus. The members were polled:

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

The motion carried.

Mr. Tiller moved to come out of closed session. The members were polled:

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

The motion carried.

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:

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

The motion carried.

IN RE: ANNOUNCEMENT OF UPCOMING MEETINGS/ADJOURNMENT

Mr. Evelyn announced the Board's next regularly scheduled meeting would be held at 6:00 p.m. on Monday, February 8, 2021 and the next work session at 9:00 a.m. on Wednesday, February 24, 2021, both in the Boardroom of the County Administration Building.

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

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

The motion carried.

The meeting was adjourned at 12:17 p.m.