

A SPECIAL WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 3RD DAY OF APRIL IN THE YEAR TWO THOUSAND EIGHT OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 5:00 P.M.

IN RE: ROLL CALL

Thomas W. Evelyn	Present
David M. Sparks	Present
James H. Burrell	Present
Stran L. Trout	Present
W. R. Davis, Jr.	Present

The Chairman called the meeting to order.

IN RE: WHITEHOUSE FARMS WELL

County Administrator John Budesky introduced Larry Dame, Public Utilities Director, who reported on recent problems with the water system at Whitehouse Farms.

Mr. Dame reported that they initially received calls early that morning with complaints about low water pressure but when the County staff arrived, they discovered that the well was not running and the system had emptied. He indicated that they first thought that the coil had burned up; however, when the coil was replaced and the system energized, the well started pumping mud. He advised that they called in Sydnor Hydro who pulled the well and were in the process of inspecting it. He reported that in the interim he had contracted with someone to haul water from the Greenwood subdivision well to the one in Whitehouse Farms. He predicted that the system could be energized by that evening so that the residents in the subdivision would have water, but that residents had been asked to conserve use and to boil any water used for drinking or cooking.

He indicated that they were hoping to make some temporary repairs but would continue to run the water truck as long as needed. He advised that he hoped to have more definitive information by the next day.

Regarding the boil water notice, he stated that it was a normal procedure and although he did not expect there to be a problem, they would be taking samples to make sure.

He advised that there were 54 homes in the subdivision and that it was his understanding that the current well was drilled eleven years ago.

He praised the "excellent" Utilities staff, noting the efforts of David Bunting, Ken Seiberling, and Ron Cloude. He also indicated that Assistant Public Utilities Director Mike Lang, who was a well driller by trade, had been extremely helpful and had been able to save the County a lot of money. He reported that office staff was working late that evening to field telephone calls from the subdivision residents as they arrived home from work.

Mr. Dame advised that water samples would be taken the next day and it would take 48 hours to receive the test results, which meant that the boil water directive would remain in effect throughout the weekend as a precaution.

Mr. Budesky commended both Mr. Dame and Mr. Lang, along with Assistant County Administrator Bill Whitley, for their efficient handling of the situation. The Board members thanked Mr. Dame and his staff for their hard work.

IN RE: FY09 BUDGET

County Administrator John Budesky advised that the Land Book was not received from the reassessment firm until late in the day on March 31, 2008. He explained that the reassessor had completed his hearings and there were some implications that some of the decisions made as a result of those hearings might impact the projected Equalized Rate, the value of a penny, and the tax rate to be advertised. He indicated that he had hoped to have more definitive information to share with the Board but, under the circumstances, he was not in a position to make a recommendation nor did he want to speculate. He reported that staff was in the process of trying to "work out the numbers" and he did not anticipate that being completed until some time next week. He suggested that there may be a recommendation of an advertised rate other than the \$0.73 rate previously authorized by the Board. He suggested that with Mr. Burrell being out of town during the next week, it might be best to discuss this on April 14, the day of the next regular meeting. He further reported that under the circumstances, the public hearing could not be held on May 12 as planned but would have to be moved to a later date because of the 30-day advertising requirement.

There was discussion regarding the Reassessment. Mr. Davis spoke about the "exorbitant" and "outrageous" increases and asked "if the Reassessment was that flawed, should we throw all of it out?" Mr. Budesky advised that the assessment increases were consistent with those in surrounding localities and although there may be some individual issues that could be corrected by the Board of Equalization, he could not recommend that the Reassessment be rejected.

Mr. Burrell commented that most residents didn't like large assessments but few would agree to sell their property for the amounts at which they had been assessed.

Mr. Budesky advised that staff had only had forty-eight hours to analyze the Land Book and reminded that had the Reassessment had been completed on time, they would not have had to work with projections in developing the budget. He indicated that he anticipated that the Equalized Rate would change one or two cents from what was expected. He explained that the Commissioner of Revenue was working on "backing out" the AFD properties as well as new construction in order to come up with some solid figures. He suggested that, once staff review was complete and it was determined what tax rate would be needed to balance the budget, he would contact each Board member individually, and then perhaps the Board could meet early on April 14 to review and discuss his findings and recommendations, as well as some of the other aspects of the budget.

There was consensus to meet at 5 p.m. on April 14 for a budget work session.

IN RE: CLOSED SESSION

Mr. Trout moved to go into Closed Session for consultation with legal counsel pursuant to Section 2.2-3711A.7 of the Code of Virginia involving actual or probable litigation. The members were polled:

Thomas W. Evelyn	Aye
David M. Sparks	Aye

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
James H. Burrell	Aye

The motion carried. It was announced that the Board may be making a decision when it returned to open session. The Board went into closed session.

Mr. Sparks moved to return to open session. The members were polled:

David M. Sparks	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye

The motion carried.

Mr. Sparks made the following certification:

Whereas, the New Kent County Board of Supervisors has convened in a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, Section 2.2-3712 of the Code of Virginia requires a certification by the Board that such closed session was conducted in conformity with Virginia law;

Now there be it resolved that the Board hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open session requirements by Virginia law were discussed in closed session to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board.

The Chairman inquired whether there was any member who believed that there was a departure from the motion. Hearing none, the members were polled on the certification:

Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
David M. Sparks	Aye
James H. Burrell	Aye

The motion carried.

IN RE: PENDING LITIGATION

Mr. Sparks moved to authorize the County Attorney to enter settlement negotiations on the terms discussed in Closed Session. The members were polled:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
David M. Sparks	Aye
Stran L. Trout	Aye
James H. Burrell	Aye

The motion carried

IN RE: ADJOURNMENT

Mr. Evelyn moved to adjourn the meeting. The members were polled:

Thomas W. Evelyn	Aye
David M. Sparks	Aye
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
James H. Burrell	Aye

The motion carried.

The meeting was adjourned at 6:42 p.m.