

THE REGULAR WORK SESSION OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 27TH DAY OF MAY IN THE YEAR TWO THOUSAND EIGHT OF OUR LORD IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 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: WALKER'S DAM

County Administrator John Budesky explained that in response to concerns about the status of the repairs to Walker's Dam, representatives from Newport News Waterworks (NNWW) had been invited to attend to answer questions and provide updates. Present from NNWW were Director Brian Ramaley, Engineers Kevin Phillips and Scott Dewhurst, and Public Information Officer (PIO) Lee Ann Hartmann.

Mr. Ramaley reported that the failure at the dam occurred sometime during the weekend of April 21, 2007. He indicated that an informational public meeting was held at the Heritage Public Library on May 24, 2007, where details on the nature of the failure were given, as well as their intended repair strategy of first stabilizing and restoring the water levels, and thereafter making permanent repairs which included reconstructing the boat lock which could take anywhere between twelve and eighteen months. He added that the water level in the river fluctuated, depending on the tides, and that the dam was originally built in 1943 as a salt water intrusion barrier.

He explained that they inspected the dam to analyze the failure, and thereafter developed a biddable design for a cofferdam, and were in the process of reviewing the bids when, on June 7, 2007, there was a complete collapse of the boat lock. He indicated that the design was no longer adequate and it was necessary to design a much larger structure and re-advertise. He advised that the project was awarded on July 10, but noted that the redesign process had lengthened Phase I by six months. He explained that the breach involved between 280 and 300 feet along the dam. He reported that water levels were restored in January 2008 and that Phase I of the project was completed in February 2008. He advised that the construction costs for Phase I were in the neighborhood of \$3.7 million, exclusive of the engineering costs.

Mr. Ramaley advised that they had a draft conceptual design scope for Phase II from their consultant and anticipated that they would have a final design and permitting completed by the end of 2008, with bids due in January or February 2009, and construction starting in spring 2008. He indicated that Phase II was still projected to take twelve to eighteen months to complete and estimated to cost between \$10 and \$12 million.

He emphasized that safety and security remained among their primary concerns and that a six-foot chain link fence had been installed to block access to the dam on the New Kent side in order to keep people off the dam for safety reasons. He added that they had

communicated with the New Kent Sheriff's Office and asked for their assistance to help enforce the safety measures.

He advised that Phase II involved replacing the boat lock at the same location with a new structure. Mr. Davis inquired about the use of the boat lock. Mr. Ramaley advised that the exact extent of its use was unknown and he "guesstimated" that it was used between six and twelve times a day, but that they had received comments suggesting that it would be used more often if it were more user-friendly, explaining that it was now a "two-man operation". He indicated that their goal was to have a lock that would require only one person to operate, but admitted that they did not yet have a final design.

Mr. Davis asked if either the Army Corps of Engineers or Virginia Marine Resources was requiring that the boat lock be replaced. Mr. Ramaley indicated that no one had ordered that it be replaced, but that it was their intention to replace it, pointing out that if the lock were removed, it would make it a more permanent structure. He noted that the fish ladder was still functioning, and that the structure itself was still functioning as a salt water intrusion barrier. It was reported that a boat as large as 28 – 38 feet could navigate the lock and that boats could travel about ten to twelve miles past the lock.

There was discussion regarding the drawing of water from the dam by NNWW for drinking purposes. Mr. Ramaley confirmed that they continued to draw water from the Chickahominy but drew out only what was needed, and noted that since Phase I had been completed, there had been significant rainfall and there had been only a few days when the water level had been down. He explained that NNWW had five reservoirs and one river intake in their system and that they used water from the Chickahominy to keep the reservoirs full at Diascund and Little Creek. Mr. Davis inquired about the existence of a pipeline from the Diascund to the Chickahominy that was reflected on some old maps, adding that it could be that the pipeline was never actually built. Mr. Ramaley explained that their water transmission line ran along Interstate 64 and that Diascund and Little Creek were actually cul de sacs from that transmission line, and he was not aware of any pipeline running between the two bodies of water but would check on it.

Mr. Ramaley advised that NNWW did plan to have a second public informational meeting in June of 2008 to review the Phase II design concept with the residents and address any concerns. Mr. Evelyn inquired how they would notify the residents about the meeting. Mr. Ramaley advised that they would advertise in the local newspapers and also through their mailing list. He encouraged anyone who had questions or needed additional information, to contact their PIO, Ms. Hartmann, and he also offered copies of their PowerPoint presentation to anyone in the audience who wanted one.

Mr. Trout noted the presence of the owners of Eagles Landing (John Jones) and Ed Allen's Campground (Debra & Kermit Ward), two of the businesses negatively affected by the situation at Walker's Dam.

Mr. Ramaley addressed the floating debris. He advised that NNWW continued to try to keep the fish ladder clear of this debris, which was a real problem and very expensive to have removed. He advised that the final design was to incorporate a way to control the problem, which did not surface until after Hurricane Floyd, when the water levels made some of the marsh "movable". He admitted that the floating debris had only a minor impact on the dam itself.

Mr. Trout asked about reported concerns of weakness and/or breaks at the Charles City County end of the dam. Mr. Ramaley reported that they had looked into those reports and

found no evidence. He confirmed that Phase II involved strengthening the entire dam and that their goal was a 60-year design life. When asked if building in a new location would be less expensive and take less time, Mr. Ramaley responded that it would not and it was easier to rebuild at the existing site because of the permits and other processes that would be necessary at a different site.

There was discussion on inspections. Mr. Ramaley advised that Walker's Dam was not a regulated dam (did not meet the requirements) and that NNWW performed inspections because it was important to them, not because they were required to do so. Mr. Trout commented that there were more businesses along the Chickahominy River than on any road in the County and asked if the inspection reports and damage safety reports performed prior to and after the failure, could be released.

Mr. Trout also referred to an April 15 letter from NNWW which reported that the water levels were back to normal, and asked what "levels" that referred to. Mr. Ramaley explained that meant that NNWW had the same control over the water levels that it had two years prior, noting that levels were normally dependent upon the tides and the rain cycles and that the goal of Phase I had been to re-establish those normal lake levels.

Mr. Trout spoke about the chain link fence that was preventing fishermen from using the bulkhead and how it was affecting the sale of fishing supplies, and asked how long the bulkhead was expected to be closed off. Mr. Ramaley explained that in repairing the bulkhead, it was necessary to prevent as much traffic as possible, citing safety concerns. He noted that Phase II would stabilize and improve the structure and although the bulkhead would be one of the first things addressed, it would remain unavailable to the public for some time because it would be needed for construction access.

Mr. Trout agreed that the new boat lock needed to be easier to use and suggested that some of the local businesses might be able to help with some of the design ideas. Mr. Ramaley advised that the public informational meeting in June would be the best time to bring those suggestions. Mr. Trout asked that he be advised as to the date and place of the meeting and he would help spread the word to the community. Mr. Ramaley confirmed that people from Charles City County were also on their mailing list and would receive notice of the meeting as well.

Mr. Trout asked about ownership of Outpost Road. Mr. Ramaley made reference to a discussion held approximately fifteen years prior regarding ownership and maintenance of the road where it was concluded that the road did not belong to NNWW. Mr. Trout referenced a 1943 contract where NNWW agreed to perpetually maintain the road to the dam. Mr. Ramaley advised that he did not think the road was conveyed to them by the War Department at the time the dam was conveyed and Mr. Trout asked him to review the contract to which he referred. Mr. Trout also noted that Outpost Road was the major access to Rockahock Campground as well as to facilities owned by NNWW and the dam, was heavily traveled, and would be the access for the heavy equipment needed for the dam repair project. He suggested that this might be the opportunity bring the road up to State standards and make it a State road, in which case CSX would have to install cross gates at the railroad tracks. Mr. Ramaley advised that NNWW had an ingress and egress easement along Outpost Road, and they had spoken with the owner of Rockahock Campgrounds who had led them to believe that he owned the road and that NNWW had agreed to do some improvements (topcoat or seal) and they were just waiting for the estimate.

Mr. Trout spoke about differing interests in the dam, where NNWW was concerned with the provision of water and New Kent was concerned with businesses on the river above the

dam. He also referred to studies of the Chickahominy River underway by the Richmond Regional Planning District Commission and the National Park Service, as well as the importance of the sport fishing businesses. Mr. Ramaley pointed out that there were many overlapping interests and that NNWW was concerned with water quality and conducted a significant amount of raw water monitoring, and he emphasized that the Chickahominy River was very important to them.

Mr. Burrell thanked Mr. Ramaley and his staff for the updated information and invited questions from those in the audience. Ms. Ward of Ed Allen's Campground spoke about the impact that the breach of the dam had upon their business and asked about pumping by NNWW when the water levels were low, as well as a problem with flooding. Mr. Ramaley confirmed that they stopped pumping when the water level became too low, but reminded that they had very limited control over high water levels. Mr. Ward asked how the inspections of the dam were made. Mr. Ramaley advised that it was conducted with divers and that they had underwater photos and that he would locate and provide the reports. He also advised that there was a USGS flow station nearby whose data was accessible on the website.

The Board took a short break and then resumed its meeting.

IN RE: 100-ACRE PARK SITE PROJECT

Mr. Budesky noted the appearance of Parks & Recreation Manager Kim Turner, Recreation Programmer Matt Spruill, and Maintenance Supervisor David Bednarczyk, advising that General Services Director James Tacosa was unable to attend because of a prior commitment. He clarified that staff was there only to report on the general status of the park project and not to ask the Board to make any kind of decision, as had been suggested in a recent newspaper article. He commented that the proposed budget had only limited funds for the park property, but that it was important for the planning process to continue in order to accommodate the donations being offered by the residents. He emphasized that staff was not in a position to recommend that the County assume debt for the project and he advised that a proposed final concept would be brought back to the Board at some time in the future.

He noted that in past years, the sum of \$250,000 had been annually budgeted for the park but in the current CIP, that amount had been reduced to \$125,000. Mr. Burrell commented that the reduction reflected only that the Board did not want to increase the tax rate any higher and not that the Board didn't desire park facilities.

Ms. Turner reviewed the graphic illustration that had been distributed to the Board and noted that the general plans for the park had been well received by the public. She reported that engineering and survey work had been done and they were waiting for bids to come in for the crossover. She emphasized that they were still in the planning process and accepting input, and that the Parks and Recreation Advisory Commission had asked staff to come up with some other options. She indicated that the survey reflected that approximately 64 acres of the parcel could be used for active recreation, and the remaining could be used for other activities. She advised that they would continue to look at prices and search for grants and other funding sources.

Mr. Evelyn suggested there might be a better location for the crossover. Staff reported that it had been determined that the proposed location was the best place, as a portion of the crossing was already there and it would reduce the cost of installation.

Ms. Turner emphasized that they were working to have a master plan in place so that when funding was available, they would be able to move forward. She reported that it was possible for organizations to help with the process, and Mr. Budesky clarified that the County would not be able to accept donations of work until the master plan was in place.

Mr. Davis inquired about the dimensions of the adult fields. It was reported that Mr. Tacosa was still formulating those dimensions.

Staff advised that they would keep the Board apprised on the crossover work and any grant opportunities and that the future master plan would be a working document that would help ensure that the park was planned appropriately and hopefully avoid some of the problems that occurred with the Quinton Community Park.

IN RE: SCHOOL FUNDING

The Board met with members of the School Board and their staff to further discuss school funding. Present were School Board members Gail Hardinge, Terri Lindsay and Stacy Simmons, as well as Superintendent J. Roy Geiger II and Assistant Superintendent Ed Smith.

Mr. Budesky explained that this meeting resulted from requests from three Board members and the School Board and staff. He advised that based upon the recommendations of the Budget Team and the Finance Committee, \$814,737 remained the level of new funding for schools in the proposed budget and the amount that was advertised for public hearing. He reminded that the Schools had requested just over \$1.2 million in new funding and that representatives wanted to address the Board about its additional needs. He noted that there also seemed to be some confusion as to where the State money was being spent as well as the local money. He advised that if there was some interest in increasing school funding above the \$814,737, then staff would need some direction from the Board in order to make the appropriate modification to the presentation for the scheduled public hearings.

Mr. Burrell clarified that this meeting was not a joint work session and invited Dr. Geiger and Mr. Smith to the table.

Mr. Smith distributed handouts and advised that the latest version of the school budget was based upon funding of \$932,998, which was the \$814,737 plus the value of one penny on the real estate tax rate.

He reviewed that a funding level of \$932,998 would provide a wage increase of 6.7% for teachers, 8.7% for paraprofessionals, and 4% for all other employees. He indicated that a reduction to \$900,000 in new local funding would require that they eliminate the new transition specialist position (these tasks would continue to be performed by teachers and the guidance counselors); the elementary art teacher position (the two elementary schools would continue to share one art teacher); the SPED reading specialist (this position is needed to help special needs students at New Kent Elementary to make Adequate Yearly Progress or AYP); reduce the salary increase for the psychologist/social worker to 6.7% (they were trying to save money by not outsourcing this position); and reduce local funding for the Title I program.

Mr. Smith advised that although they had not agreed on specific actions to meet the \$814,737 funding level, hypothetically, cuts would need to be made to salaries, school resource officers, and other positions tied to the Standards of Learning (SOL) and AYP.

Mr. Evelyn advised that after discussions with School Board representatives, he would support new local funding at the \$900,000 level, which he understood that the Schools would be happy with, and the new tax rate could remain at 73 cents.

Mr. Burrell asked if funding of \$900,000 would provide teacher raises of 6.7%. Ms. Lindsay responded that had not yet been determined, and reminded that some of the threatened new positions were tied to AYP and without them there would likely be "problems down the road".

Mr. Budesky reported that the County had realized savings in the sum of \$60,500 from the recent pay-off of an old loan and although staff was going to recommend that savings be moved into the contingency account, if the Board wanted to use those savings for schools, then it would need to find an additional \$25,000 to bring school funding up to the \$900,000 level. However, he cautioned that staff continued to have concerns about "unknowns" in the future and would not recommend further reductions in the contingency fund.

Mr. Burrell agreed that that the County would likely have to turn to its contingency fund to deal with unanticipated jail costs and the rising cost of fuel.

There was a \$90,000 difference in the State funding figures between what the County had and what the School Board was using. Mr. Smith advised that they were using the most current figures.

Mr. Davis asked where the increased funding was being spent. He advised that he would support a 6% increase for teachers, which was 4% more than what was being proposed for County employees. He noted that there had been an increase in local school funding of 88.55% over the last five years and increases of between 8% and 9% per year.

Mr. Burrell asked what one-half of a percent raise for teachers would amount to – Mr. Smith estimated that would be around \$60,000.

Mr. Trout asked if the State had budgeted for a 2% increase for teachers' salaries. Mr. Smith advised that increase was not for the current year but for FY09/10.

Mr. Trout advised that raises for County employees had been reduced from 2% to 1% and that he would not support taking salary increases away from County employees so that the School employees could get a higher increase.

Mr. Geiger stated that he understood that concern, but that it was just a small part of the equation, and alleged that County salaries for secretaries and custodians were higher on average than those positions with the schools.

Mr. Trout expressed his concerns about not having enough in the contingency account, citing unknown costs of fuel and public safety, as well as decreased revenues and increased delinquencies because of the economy, and he felt this was the year to have a larger than usual contingency.

Ms. Lindsay advised that the schools had the same concerns about fuel costs. Mr. Smith advised that they did not base the school fuel budget on a particular price, and feared that they had not budgeted enough. Ms. Lindsay added that they anticipated having to eliminate field trips and reduce athletic events.

Mr. Burrell predicted that fuel would likely cost \$5 per gallon before the summer ended and that everyone needed to be cautious. He continued that he was "pro-education" but that these were uncertain times and they needed to "err on side of caution".

Ms. Lindsay reminded that many of their costs were for things that were mandated by the State, and that they were trying to improve salaries in order to attract and retain good teachers. She advised that nine teachers were dismissed during the current year, a higher number than usual, and that there were associated costs when that occurred.

Mr. Davis advised that he would support increases of 6% for teachers, 8% for para-professionals and 4% for other staff, and not a penny more this year. He commented that times were tough for taxpayers and felt that there was no other school system giving teacher raises as high as 6.5%.

Dr. Geiger spoke about the teacher shortage, advising that Virginia universities were producing a lesser number of teachers each year and that a significant number of those entering the profession were "career switchers". He emphasized that the teacher shortage and New Kent's salary disparity were significantly affecting New Kent's ability to attract and retain good teachers.

Several of the Board members agreed that someone from the School Board should be a permanent part of the Finance Committee in the future.

Board members asked about the timing of the School Board adopting its budget, complaining that the process put undue pressure on the Board of Supervisors. Mr. Geiger explained that the State required school boards to adopt their budgets by April 1.

The Treasurer and Commissioner of the Revenue, as members of the Finance Committee, were invited to comment.

Treasurer Herb Jones, Jr. stated that he did not feel school funding should be increased over the suggested \$814,737 level. He complained that he had never seen the details requested of the School Board at the end of the March work session. He also indicated that the Schools had been asked for exit interview information from departing teachers and could not provide it. He spoke about the lack of detail from the schools when every other department had been required to justify their requests, as well as the propaganda that the County was not supporting its schools. He said that he felt that a 10% increase in new local school funding was more than fair.

Mr. Trout advised that he had seen some additional detail from the schools. Mr. Jones maintained that the Finance Committee had not seen these details.

Commissioner of the Revenue Laura Ecimovic commented that there was no question that everyone one would love to be able to give the teachers raises of 8% or 9%, but reminded that these were very tough economic times and that government was having the same struggles as the taxpayers. She understood that many of the teachers lived outside of New Kent and had to commute; however, she pointed out that most of New Kent's residents also had to commute to their jobs and would not be receiving 6.7% raises. She commented that everyone understood how low the pay rate was for New Kent's teachers, but reminded that a 1% raise was taken away from County employees in order to fund the schools at the \$814,737 level, but that "it never seemed to be enough". She asked how much could be asked of taxpayers in one year. She emphasized that it was about the "total picture" and that the County had to do what was fiscally responsible.

Mr. Jones added that times were rough for everyone, noting that there were currently three trustee sales for people who couldn't afford to pay their taxes.

Mr. Budesky confirmed that the Budget Team did have some detailed information from the School Board, and that information was reflected in the recommendation made to the Finance Committee, who did not recommend increasing school funding beyond \$814,737.

Mr. Burrell added that notwithstanding, New Kent residents were experiencing "tight times" and he agreed with many of Ms. Ecimovic's comments. He noted that a beginning salary of \$36,000 for a teacher covered only nine months out of the year, and was comparable to a beginning salary of \$48,000 for a deputy who worked twelve months. He cited a need to put things into perspective and noted that this was not the time to give larger raises.

Mr. Jones commented that he felt that salaries were not the reason that teachers left New Kent's school system. Mr. Evelyn disputed that comment, noting that he knew of a number who had left for that reason. Mr. Burrell stated that some teachers were willing to travel to teach in a good system. It was reported that an average of 30 teachers out of 200 left each year.

Mr. Davis advised that he had calculated that in order to provide raises for teachers at 6% and paraprofessionals at 8%, the Schools would need only another \$17,787. Board members were reminded that they did not have the ability to allocate school funding as that authority remained with the School Board. Ms. Lindsay commented that whatever was funded, the School Board would continue to do the best it could – that was what they always tried to do. Mr. Burrell stated that the Board had never accused the School Board of being wasteful and were aware that they "ran a tight ship".

Mr. Sparks departed the meeting early at 10:40 a.m.

Mr. Trout commented that everyone was "pro education" and that the discussion was not on the value of education but on how to fund it in the current economic times with limited revenues.

Mr. Davis suggested increasing school funding to \$831,737, or \$17,000 more than what was proposed. He reminded that the Schools were getting higher raises than anyone else and the County was building a new high school. He predicted that more people might consider teaching as a profession as other jobs in the market were disappearing with the downturn in the economy.

There was discussion regarding increasing school funding to \$835,737, and in the end, consensus to increase it to \$834,737. It was again clarified that the Board could not dictate to the School Board where to allocate the funds. It was confirmed that this increase could be accommodated with a 73 cent real estate tax rate as it would be taken from the savings realized from paying off the prior borrowing. Mr. Budesky advised that the remainder of the savings would be put into the contingency account.

Board members and School Board members expressed their hope that there would be better communication between the Boards during future budget cycles.

IN RE: CLOSED SESSION

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

The motion carried. The Board went into closed session.

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

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

The motion carried.

Mr. Evelyn 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	Absent
James H. Burrell	Aye

The motion carried.

IN RE: ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 11:19 a.m.