

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, JANUARY 4, 2000, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

Present: Fred S. Crittenden, Pinetop District
Kenneth W. Williams, Pinetop District
John D. Miller, Jr., Saluda District
Lenora O. Weber, Saluda District
Frank Jessie, Jamaica District

Charles M. Culley, Jr., County Administrator
Michael T. Soberick, County Attorney

CALL TO ORDER

This being the annual organizational meeting of the Board, the meeting was called to order at 9:00 A.M. by Mr. Culley. The floor was opened for nominations for the position of Chairman. Mr. Miller was nominated as Chairman by Mr. Crittenden; second by Mr. Williams. There being no others, the floor was closed for nominations. The motion to elect Mr. Miller as chairman carried unanimously.

Mr. Williams was nominated as Vice Chairman by Mr. Jessie; second by Mr. Crittenden. There being no other nominations, the floor was closed for nominations. The motion to elect Mr. Williams as vice chairman carried unanimously.

The motion to continue meeting on the first Tuesday of each month at 9:00 AM and the third Tuesday of each month at 7:30 PM, in the Board Room of the Woodward Building, was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously.

CALL TO ORDER

Mr. Miller took the Chair and called the meeting to order. The meeting was opened with a prayer.

MINUTES

The motion to approve the minutes for the meeting of December 7 and the minutes of December 21 as written was made by Mrs. Weber seconded by Mr. Williams and carried unanimously.

DISBURSEMENTS

The motion to approve the disbursements as presented was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously. Checks numbered

34370 through 34481 totaling \$433,482.83 were disbursed as approved. Board members requested a final cost analysis of expenditures for renovation of the Woodward Building.

PAYROLL

The motion to approve payroll for the month of December was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously. Checks numbered 34191 through 34365 totaling \$138,550.89 were disbursed as approved.

COMMITTEE REPORTS

Mr. Williams: No reports

Mrs. Weber:

- Rappahannock River Basin Commission - no outstanding action

Mr. Jessie: no report

Mr. Crittenden:

- Planning District Commission - Discussed legislative issues

Mr. Miller:

- Chamber of Commerce - Chamber offices will be closing

Mr. Culley:

- Communications Committee -- GTE is selling towers to Sprint. The engineers are designing a new system using Sprint towers and possibly adding a new tower to send the signals by microwave rather than T-1 phone connections. The T-1 lines would incur greater monthly charges; the microwave, more up-front costs. The system has to be designed to guarantee 95% in-building coverage.

CONSTITUTIONAL OFFICERS

Treasurer.

Mrs. Bray informed the Board that she planned to do some remodeling in her offices.

Commissioner of Revenue:

Mrs. Ebinger informed the Board of personnel changes in her office. Sarie Bowman has been promoted to Deputy II and Bonnie Davenport has been made full time as Deputy I. Hours for her offices have been changed to 8:00 AM - 5:00 PM with employees taking a one-hour lunch hour break away from their desks.

Sheriff:

Undercover Vehicle: Special Agent, Lewis Shelton, in charge of the drug task force, advised the Board of the condition of the vehicle used by the County's undercover policeman. According to Shelton, the vehicle is unreliable and broken down at least half of the time. Sheriff Abbott pointed out that there was \$13,000 left in state reimbursable funds that could be used to purchase a vehicle. According to Mrs. Jones, Assistant Administrator, this fund is also used to purchase fuel for sheriff's department vehicles. The motion to allow the expenditure of up to \$10,000 from the existing \$13,000 to purchase a vehicle was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously.

Sheriff Abbott announced that he would be making his request for new vehicles in the near future.

Personnel: Sheriff Abbott announced changes in department personnel - David Bushy - Major, and Bruce Bowles - Captain/Investigator

CLOSED MEETING

The motion to convene in Closed Meeting to discuss personnel in the Sheriff's Office, pursuant to §2.1-344.a1, Code of Virginia, was made by Mr. Williams, seconded by Mrs. Weber and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Williams, seconded by Mrs. Weber and carried unanimously:

- To the best of the members' knowledge, only public business matters lawfully exempted from open meeting requirements under Code of Virginia §2.1-344.a1 and identified in the motion by which the Closed Meeting convened were heard, discussed, or considered by the public body.

Action:

As a result of the Closed Session, there was no action taken.

Satellite Office: Sheriff Abbott is working with a property owner who has donated a space for a satellite office in Deltaville.

Additional Deputy: Sheriff Abbott requested the Board appropriate funding for an additional deputy's position. The motion to approve an appropriation of up to \$18,000 to fund a deputy position for a six (6) month period, conditional that the deputy be used at the Deltaville location, was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously. It was noted that this deputy could be used to fill the requirement of the COPS grant.

HIGHWAY MATTERS

Rt. 640, Cul-de-sac - Discussion continued from the December 21st meeting. VDOT has written the owner and advised him that there will be no action on the cul-de-sac permit until the Board has made some decision on the road. Although the owner owns the property where the easement to the water is, the County and State control it. A meeting was requested between VDOT, Mr. Soberick, Mr. Culley and Mr. Jessie.

Rt. 629 - Repairs to the bridge at My Lady's Swamp are in the design phase.

Rt. 628 - Mr. Miller requested that a centerline be placed on Rt. 628 to the end of the road. According to Mr. Sullivan, painting a line depends on the width and traffic count on the road; Mr. Sullivan will research the width.

SCHOOL MATTERS

Construction - An architect has been appointed. Mr. Miller requested an update in written form.

School Population - Mr. Miller requested school enrollment figures.

CHECKS

The motion authorizing Mr. Crittenden to sign checks for January, due to the change in the chairmanship, was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously.

WORKFORCE INVESTMENT ACT

Mike Jenkins, Bay Consortium, Private Industry Council, advised the Board that the new Workforce Investment Act would require more planning and more hands-on by the Board. All paperwork is now generated through the Virginia Employment Commission. Richmond County has agreed to serve as the fiscal agent and grant recipient. Mr. Jenkins volunteered to facilitate the drafting of memoranda of understanding and resolutions for local boards. There is a possibility that a second person may need to be appointed to represent the County.

This new board needs to be up and running by July 1.

REQUEST TO WITHDRAW FROM COMMISSION

Mr. Tom Harris, Administrator from King George County, requested that King George County be allowed to withdraw from the Middle Peninsula Juvenile Detention Commission. An escrow account has been set aside to cover expenditures until January 1, 2008. The motion to approve the request was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously.

JOINT RESOLUTION OF THE MIDDLE PENINSULA AND RAPPAHANNOCK JUVENILE DETENTION COMMISSIONS AND THEIR RESPECTIVE MEMBER JURISDICTIONS, CONCERNING THE TRANSFER OF KING GEORGE COUNTY'S MEMBERSHIP FROM THE MIDDLE PENINSULA COMMISSION TO THE RAPPAHANNOCK COMMISSION

I. Recitals.

A. The Middle Peninsula Juvenile Detention Commission ("MPJDC") is a political subdivision of the Commonwealth of Virginia, created by joint action of the Counties of Caroline, Charles City, Essex, Gloucester, Hanover, James City, King and Queen, King George, King William, Lancaster, Mathews, Middlesex, New Kent, Northumberland, Richmond, Westmoreland and York and the Cities of Poquoson and Williamsburg (collectively, the MPJDC Member Jurisdictions). MPJDC has financed and constructed and is operating the Merrimac Center, a juvenile detention facility located in James City County. All the MPJDC Member Jurisdictions have executed an agreement (the "MPJDC Service Agreement") detailing their respective rights and obligations concerning MPJDC. Under the MPJDC Service Agreement, the MPJDC Member Jurisdictions are obligated to send all of their juvenile offenders requiring secure detention to the Merrimac Center and to pay the per diem rates established by MPJDC for such detention. The MPJDC Service Agreement further provides that a Member Jurisdiction may not withdraw without the consent of the MPJDC and of each other Member Jurisdiction.

B. The Rappahannock Juvenile Detention Commission ("RJDC") was created by joint action of the City of Fredericksburg and the Counties of Greene, Louisa, Madison, Orange, Spotsylvania and Stafford (collectively, but not including Greene County, the "RJDC Member Jurisdictions") and currently operates a juvenile detention facility in Fredericksburg; however RJDC is constructing a replacement facility in Stafford County (the "New Rappahannock Center"). Greene County has elected not to sign the current agreement for the financing, construction and use of such replacement facility (the "RJDC Service Agreement") and will cease to participate in the RJDC once the New Rappahannock Center opens. Under the RJDC Service Agreement the remaining Member Jurisdictions will be obligated to send all of their juvenile offenders requiring secure detention to the New Rappahannock Center. The RJDC Service

Agreement further provides that additional jurisdictions may join the RJDC with the unanimous consent of the other RJDC Member Jurisdictions.

C. Although King George County is currently an MPJDC Member Jurisdiction, it wishes to terminate its membership in MPJDC and join RJDC when the New Rappahannock Center is opened. By its adoption of this Resolution, King George County hereby requests MPJDC and RJDC and their respective Member Jurisdictions to approve such transfer of membership.

II. Resolution.

Be it Jointly RESOLVED by the Middle Peninsula Juvenile Detention Commission, the Rappahannock Juvenile Detention Commission, the Boards of Supervisors of Caroline, Charles City, Essex, Gloucester, Hanover, James City, King and Queen, King George, King William, Lancaster, Louisa, Madison, Mathews, Middlesex, New Kent, Northumberland, Orange, Richmond, Spotsylvania, Stafford, Westmoreland and York Counties and the City Councils of the Cities of Fredericksburg, Poquoson and Williamsburg, THAT:

A. This Resolution shall be effective January 1, 2001, or the date the New Rappahannock Center is Placed in Service and King George is formally accepted as a member of the RJDC, as that term is defined in the RJDC Service Agreement, whichever is later.

B. The MPJDC and the MPJDC Member Jurisdictions each approve the withdrawal of King George County from membership in MPJDC upon such effective date, and agree jointly to assume King George's future obligations and release King George from further liability thereunder, subject to the following conditions:

1. King George shall have paid MPJDC all per diem and other charges for which it is then currently obligated under the MPJDC Service Agreement;

2. King George shall not be entitled to recover any capital contributions it has made to MPJDC through payment of MPJDC's per diem charges, or to assert any right of ownership in any property of MPJDC, or to participate in any future distribution of the proceeds of sale of any such property.

3. King George shall not be released from any liability it may otherwise have for any claim asserted by any detainee committed to the Merrimac Center by King George, regardless of whether such claim arises before or after the effective date of King George's withdrawal from membership.

4. King George shall have deposited the sum of \$250,000, which amount has already been appropriated by the board of supervisors for such purpose, with a financial institution mutually acceptable to King George and MPJDC, to be held in escrow to fund King George's potential liability for its share of MPJDC expenses for debt service and operations, in the event the annual average daily population of the Merrimac Center falls below 48, as follows:

a. The average daily occupancy of the Merrimac Center will be provided to the King George county administrator's office on a quarterly basis. Futhermore, all disputes regarding daily occupancy shall be made within 21 days of receipt of such quarterly reports, as provided in paragraph 4(c).

b. MPJDC shall be entitled to charge King George MPJDC's then-current per diem rate for a sufficient number of detainee days to raise the average daily population during each calendar year to 48, provided that in no event shall such charge exceed a maximum of 7.5% of MPJDC's expenses for operations and debt service (net of state reimbursements) during such calendar year. King George's annual share shall be calculated as follows:

Average Daily Population (ADP) - KG share = Revised ADP

Number of Beds - Revised ADP = Per Diem Variance

Per Diem Variance x Per Diem Rate x 365 days = Payment due from KG

c. If MPJDC's director determines that such a charge is due for any quarter, she shall certify such fact to the county administrator of King George. Such certification shall include the data and calculations on which MPJDC bases its claim. The King George county administrator shall have 21 days after receipt of such certification to dispute the calculation of the charge. If no timely objection is received from the county administrator, the quarterly report will then be accepted for use in determining the average daily population for that calendar year. Upon completion of the calendar year, based on the four previously accepted quarterly reports (averaged annually), the escrow agent shall pay MPJDC from the escrow account.

d. If there is an objection, the King George county administrator and MPJDC's director shall meet to resolve the dispute, and may ask the escrow agent or some other third party to mediate within 21 days of receipt.

e. Every such quarterly certification shall be accompanied by evidence of good faith efforts on the part of MPJDC to find users for its excess beds. In the event King George is not satisfied that such good faith efforts have been made, it may instruct the escrow agent to reduce the payment to MPJDC by 20%. If there is a dispute over this provision it shall likewise be resolved by consultation or mediation, within 21 days of receipt.

f. Interest earned on the escrow account shall accrue to the account. Provided there are no pending disputed claims on the escrow account at that time, the unexpended balance in the account shall revert to King George on January 31, 2008, or sooner if mutually agreed by MPJDC and the King George County Board of Supervisors.

C. RJDC and the RJDC Member Jurisdictions (which term does not include Greene County) each approve the entry of King George County into membership on the RJDC on the effective date of this Resolution, provided that King George executes a copy of the RJDC Service Agreement as then in effect and agrees to be bound by all the terms and conditions of such Agreement.

APPROPRIATION

The motion to approve the following appropriation was made by Mr. Crittenden, seconded by Mrs. Weber and carried unanimously: TO: 4-1-32010-5605,5606,5607, \$3,486.09 each (total \$10,458.28), from 3-1-24040-0010, Fire Programs.

COUNTY DEPOSITORIES

The motion to approve the following resolution, which lists the depositories for County funds, was made by Mrs. Weber, seconded by Mr. Jessie and carried by vote of 4-0-1 (Williams abstained due to being a stockholder).

AUTHORIZATION OF COUNTY DEPOSITORIES

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS HELD ON TUESDAY, JANUARY 4, 2000, IN THE BOARD ROOM OF THE WOODWARD BUILDING, SALUDA, VIRGINIA: THE FOLLOWING MOTION WAS MADE AND ADOPTED:

RESOLVED, that the Board of Supervisors of Middlesex County, Virginia, hereby deems that the following are depositories to hold funds and securities on behalf of Middlesex County, Virginia:

- First Virginia Bank - Hampton Roads, Virginia
- Chesapeake Bank - Kilmarnock, Virginia
- Citizens and Farmers Bank - Saluda, Virginia
- Southside Bank - Hartfield, Virginia
- Peninsula Trust Bank - Gloucester, Virginia

BE IT FURTHER RESOLVED, that the Clerk of this Board shall forthwith prepare an attested copy of this resolution for such depositories; and

BE IT RESOLVED, that the Clerk of this Board shall accordingly spread this Resolution upon the proper record book as official action of this Board.

John D. Miller, Jr.	aye
Kenneth W. Williams	abstain
Fred S. Crittenden	aye
Lenora O. Weber	aye
Frank Jessie	aye

HVAC SYSTEM - WOODWARD BUILDING

The following bids were received for installation of a new heating and air conditioning system in the Woodward Building:

WITH CONTROLS AS SPECIFIED	Delaware Corporation	Crowther Heating & A/C Inc.	WITH ALTERNATE CONTROLS	Delaware Corporation	Crowther Heating & A/C Inc.
First Floor	\$28,000	\$32,200	First Floor	None	\$32,200
Second Floor	\$46,950	\$41,600	Second Floor	None	\$34,825
Second Floor Alternate	\$47,950	\$38,300	Second Floor Alternate	None	\$31,500

Discussions with the apparent low bidder have indicated that the bid price could be lowered if labor intensive specifications were removed. The motion to table the issue was made by Mr. Williams, seconded by Mrs. Weber and carried unanimously. Mr. Williams noted that a more conservative approach to spending should be taken until it is decided whether a new court house is to be built.

STREET NAMING APPLICATION

The motion to approve the names, Captain's Reef Road and Perkins Woods Lane, for streets in the County, was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously.

REQUEST FOR TEMPORARY MORATORIUM - STREET NAMING

The motion to adopt the following resolution was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously:

RESOLUTION ENACTING A TEMPORARY MORATORIUM ON THE FILING AND CONSIDERATION OF ROAD NAMING PETITIONS

WHEREAS, the Middlesex County Board of Supervisors has approved the establishment of an Enhanced 911 Emergency Telephone System; and

WHEREAS, the implementation of such system requires the assignment of names to all streets and roads in the County, and the development of a Master Street Addressing Guide identifying all addressed structures; and

WHEREAS, the accuracy of initially compiling this addressing data is of greatest importance, and changes in such data during system implementation may compromise the integrity of such information and provide opportunity for error,

NOW, THEREFORE, BE IT RESOLVED, that the Middlesex County Board of Supervisors does hereby establish a moratorium on the filing of street naming and street name change petitions until after the implementation of the E911 Emergency Telephone System. Such moratorium shall be lifted upon the successful activation of the E911 Emergency Telephone System.

This Resolution shall become effective immediately upon its adoption.

PUBLIC HEARING SCHEDULED

The motion to schedule a public hearing on the creation of a County water authority, for January 27, 2000, 7:30 P.M., at the Deltaville Civic Association Building in Deltaville, was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously.

APPOINTMENTS

Road Viewer: John Langford was appointed as the third road viewer to review petitions for rural additions.

Industrial Development Authority: Mr. John B. Wake and Mr. Philip J. Allan were appointed to fill vacancies on the County's Industrial Development Authority.

COMPLAINTS

Mr. C. L. Morrissette of King and Queen Courthouse, questioned the County's liability to a homeowner whose home incurs damages because of trees left in place according to the adopted Chesapeake Bay Act. Mr. Soberick stated that the County had no liability.

Mr. Morrissette also complained about the fees charged for land disturbance permits.

CLOSED MEETING

The motion to convene in Closed Meeting to discuss a personnel issue, pursuant to §2.1-344.a1, Code of Virginia, and pending litigation, pursuant to §2.1-344.a7, was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously:

- To the best of the members' knowledge, only public business matters lawfully exempted from open meeting requirements under Code of Virginia §2.1-344.a1 and 2.1-344.a7 and identified in the motion by which the Closed Meeting convened were heard, discussed, or considered by the public body.

Action:

As a result of the Closed Session, there was no action taken.

ADJOURN

There being no further business, the meeting was adjourned. The next regular meeting of the Board was scheduled for January 18, 2000, at 7:30 P.M.

John D. Miller, Jr., Chairman
Board of Supervisors