

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, MARCH 7, 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

The Chairman, Mr. Miller, called the meeting to order at 9:00 A.M., and opened with a prayer.

MINUTES

The motion to approve the minutes for the meetings of February 1, 13, 16 and 24 as corrected was made by Mr. Crittenden seconded by Mr. Williams and carried unanimously.

The motion to amend the minutes of the October 20, 1998 meeting, by adding the following text that had been omitted, was made by Mr. Williams, seconded by Mrs. Weber and carried unanimously:

The following text was omitted from the minutes of the October 20, 1998, Board of Supervisors meeting:

VIRGINIA RETIREMENT SYSTEM

Discussion continued from the October 6th meeting regarding funding a proposed change from the Rule of 90 to the Rule of 85 with the Virginia Retirement System. Mr. Culley reported that all but two departments had enough money remaining in their budgets to fund the change. For these departments, an additional \$27.95 was needed from one, and \$33.05 for the other.

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

RESOLUTION

RETIREMENT BENEFITS

Be it hereby resolved that the County of Middlesex, Virginia, a political subdivision of the Commonwealth of Virginia, acting by and through the Board of Supervisors, does hereby elect to have those of its employees who are regularly employed full time on a salary basis and whose tenure is not restricted as to temporary or provisional appointment to become eligible for full unreduced early retirement benefits at age 55 with at least 30 years of service, effective October 20, 1998, as set out in Title 51.1, Chapter 1, Section 51.1-155(2) of the Code of Virginia, as such code has been or may be amended from time to time. The County agrees to pay the required employer cost for participation of its employees becoming covered hereunder.

Now, therefore, Charles M. Culley, Jr., County Administrator, he also being the Clerk of the Board of the County of Middlesex, is hereby authorized and directed in the name of the County to execute any required contract in order that said employees of the County may become eligible for unreduced early retirement benefits at age 55 with 30 years of service under the Virginia Retirement System. In execution of any contract which may be required, the seal of the County shall be affixed and attested by the Clerk and said officers of the County are hereby authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the County and its employees for this purpose.

A footnote would be added to the minutes from the October meeting noting this correction.

DISBURSEMENTS

The motion to approve the disbursements as presented was made by Mrs. Weber, seconded by Mr. Crittenden and carried unanimously. Checks numbered 34817 through 34955 totaling \$134,392.59 were disbursed as approved. A report on the total expenditures for the Puller Center repairs was requested.

PAYROLL

The motion to approve payroll for the month of February was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously. Checks numbered 34720 through 34816 totaling \$145,151.18 were disbursed as approved.

COMMITTEE REPORTS

Mr. Williams:

- [Planning District Commission](#) - Discussed the Chesapeake Bay Local Assistance Department agreement and regional assessment.

Mrs. Weber:

- Social Services - Jack Fackler has been appointed Chairman, Joan Harris, Vice Chairman.
- Comprehensive Services - no new cases were reported
- Museum - Douglas Gray has been appointed as President; gearing up to re-open.

Mr. Jessie:

- Social Services - shelving needs to be installed; Mrs. Amy will need to be replaced.

Mr. Crittenden:

- [Airport Committee](#) - the approach to the fuel area needs to be paved with asphalt. Mr. Crittenden requested a monthly report of tie-downs and money collected.

CONSTITUTIONAL OFFICERS

Treasurer:

Mrs. Bray, Treasurer, presented the Board with a monthly report. The Board requested a report of the number of decals sold compared with last year. Mrs. Bray reported that the local banks are cooperating in letting citizens make tax payments.

Commissioner:

Mrs. Ebinger, Commissioner, thanked the Board for having letters sent to owners of manufactured homes advising them of their new assessed values. The motion to approve the request to transfer \$1,500 from the Equipment line of her budget to Part-time Compensation was made by Mr. Crittenden, seconded by Mrs. Weber and carried unanimously. Mrs. Ebinger noted that she would probably request an additional transfer later in the year.

Mrs. Ebinger reported that current policy allowed for a tax break for boats; the more expensive the boat, the greater the tax break. The Board sets the tax rate, however, it is the Commissioner's responsibility to set the percent of assessment. The Board supported being fair with the assessment and approved not giving an additional break for more expensive boats. Mrs. Ebinger noted that she was also planning to change to using the AVIS book for values.

SCHOOL MATTERS

Mr. Lackey reported that the School Board was working with the chosen architect on the design phase of the elementary school. Mr. Culley requested that the architect take into consideration the use of the school for sheltering purposes and the need to maintain potable water and sewage disposal, heating/cooling for core area and some kitchen facilities.

SHERIFF

High School - Sheriff Abbott advised the Board that safety at the high school was a chief concern during an arrest that occurred nearby involving drugs and guns. Undercover officers had been stationed at the school as a precaution.

County Tickets - Sheriff Abbott requested the Board's cooperation regarding adoption of an ordinance which would allow for a portion of fines to be returned to the County.

Satellite Office - The Sheriff thanked the Board for their cooperation in assisting with opening the satellite office in Deltaville.

HIGHWAY MATTERS

Pre-Allocation Hearing - Resident Engineer, Bill Sullivan, informed the Board of the primary roads pre-allocation hearing scheduled for April 21 at the School Board office in Tappahannock, 10:00 A.M. Possible projects to be discussed included left turn lanes at Hartfield Post Office, center turn lanes through Hartfield, four laning of 33, from Harmony Village to Hartfield.

My Lady's Swamp - Mr. Sullivan reported that he hoped to be able to award and emergency contract within the next 30 - 60 days and start construction in the spring. Bridge design is complete; waiting on the road design. There is no temporary bridge system available to allow farm equipment to cross.

South Landing Road - The motion to approve the following resolution for the transfer of right of way for South Landing Road to the highway department for the first phase of construction as a rural addition was made by Mr. Jessie, seconded by Mr. Crittenden and carried unanimously:

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS HELD ON TUESDAY, MARCH 7, 2000, IN THE BOARD ROOM OF THE WOODWARD BUILDING, SALUDA, VIRGINIA, ON A MOTION DULY MADE AND SECONDED, THE FOLLOWING RESOLUTION WAS CARRIED BY THE FOLLOWING VOTE:

<i>Mr. John D. Miller, Jr.</i>	<i>aye</i>
<i>Mr. Kenneth W. Williams</i>	<i>aye</i>
<i>Mrs. Lenora O. Weber</i>	<i>aye</i>
<i>Mr. Frank Jessie</i>	<i>aye</i>
<i>Mr. Fred Crittenden</i>	<i>aye</i>

WHEREAS, the Board of Supervisors of Middlesex County have received and considered petitions for rural addition funding; and

WHEREAS, the Board of Supervisors of Middlesex County gave South Landing Road the number one priority to receive rural addition funding to bring portions of the road into the Virginia Secondary Road System;

WHEREAS, the property owners of South Landing Road and an area set aside as a turn-around area have put to record, at Deed Book 304, Pages 390 and 392 a deed and agreement which dedicates and conveys free, unencumbered and unrestricted property for the purpose of roadway improvements, this property being more detailed described as:

All that certain piece or parcel of land, located in Jamaica Magisterial District, lying on the southern side of State Route #640 and containing 3.0355 acres. For a more accurate and particular description as to the metes and bounds of the property hereby conveyed reference is made to a plat of survey prepared by Wayne E. Lewis, L.S., of Keller, Lewis & Associates, dated February 12, 1988, recorded in the Clerk's Office of the Circuit Court of Middlesex County, Virginia in Plat Book 9, at Pages 82, 83 and 84, and by reference hereto is incorporated herewith, whereon said plat the property hereby conveyed is shown and designated as "Parcel A - 3.0355 Ac." Said parcel being 40-feet in width and extends back in a generally southerly direction from its intersection with State Route #640 until it intersects with the northern line of Parcel B as set forth on the attached Lewis plat.

WHEREAS, the street does render a public service in accordance with established procedures; and

WHEREAS, it has been determined that a speculative interest does not exist along this road or turn-around area;

NOW, THEREFORE BE IT RESOLVED, that the Middlesex County Board of Supervisors does hereby guarantee a free and unencumbered and unrestricted right-of-way of 40 feet with necessary easements for cuts, fill and drainage and being described in more detail in the aforementioned plat to the Virginia Department of Transportation; and

BE IT FURTHER RESOLVED that the Middlesex County Board of Supervisors does request the Virginia Department of Transportation to accept the same in the Middlesex County Secondary System as a Rural Addition.

REGIONAL REASSESSMENT

The Planning District Commission has received a quote of \$49,000 to complete the study regarding a regional reassessment program. If split by the five currently participating localities (Gloucester, Mathews, Middlesex, King William and Essex), the cost per locality would be \$8,250.00. There is still a question as to whether it is legal to hire a firm to perform reassessments on a regular basis throughout the region. The motion to approve the appropriation and expenditure of the additional \$8,250, conditioned on approval of the proposal by the State, was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously.

HEALTH DEPARTMENT

The motion to approve the appropriation and funding of an additional \$100.00 contribution to the health department was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously. There was a difference of \$100.00 between the amount approved by the Board and the amount requested by the Health Department in

the Local Government Agreement which lists the County's fiscal commitment for 1999-2000.

DISPOSAL OF SURPLUS PROPERTY

The motion to accept the bid of \$200.00 received for the Draftmaster RX Plotter was made by Mr. Crittenden, seconded by Mrs. Weber and carried unanimously. This printer was given to the County by the Planning District Commission and had never been used.

WORKFORCE INVESTMENT COUNCIL

The motion to adopt the following resolutions regarding participation in the Workforce Investment Council was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously:

CHARTER
CHIEF LOCAL ELECTED OFFICIALS AGREEMENT
of the
Bay Consortium Local Workforce Investment Area
under the
WORKFORCE INVESTMENT ACT (P. L. 105-220)
THIS AGREEMENT, made and entered into this 7th day of
March, 2000
by and between the JURISDICTIONS OF
Accomack County, Caroline County, Essex County, City of Fredericksburg, King & Queen County, King
George County, King William County, Lancaster County, Mathews County, Middlesex County,
Northampton County, Northumberland County, Richmond County, Spotsylvania County, Stafford County,
and Westmoreland County
In the Commonwealth of Virginia (hereinafter, the Jurisdictions):

WITNESSETH:

WHEREAS, the County Board of Supervisors/City Council of the aforementioned jurisdictions did previously adopt resolutions authorizing the County Board Chairperson/City Mayor to sign a charter creating the Bay Consortium in order to administer the provisions of Public Law 105-220, the federal Workforce Investment Act, and

WHEREAS, the County Board of Supervisors/City Council of each of the aforementioned jurisdiction has adopted a resolution authorizing the County Board Chairperson or City Mayor to sign this Charter of the Bay Consortium under the Workforce Investment Act (P. L. 105-220)" (hereinafter, the "Charter"):

NOW, THEREFORE, in consideration of the above premises and the mutual covenants of the parties hereinafter set forth, the receipt and each party acknowledges sufficiency of which for itself, the Jurisdictions do hereby agree to the following Charter:

AGREEMENT

SECTION 1: *That the Jurisdictions of Accomack County, Caroline County, Essex County, City of Fredericksburg, King & Queen County, King George County, King William County, Lancaster County, Mathews County, Middlesex County, Northampton County, Northumberland County, Richmond County, Spotsylvania County, Stafford County, and*

Westmoreland County, do hereby constitute themselves to be a consortium for the purposes of Section 117 (c)(1)(B) of Public Law 105-220, the Workforce Investment Act.

- SECTION 2:** *The chief local elected officials (the chairpersons of the County Board of Supervisors and City Mayor) or the designees of said officials of the jurisdictions shall constitute the Workforce Investment Area Consortium (hereinafter, the "Consortium") which shall appoint the Local Workforce Investment Board under Section 117(c)(1)(A) of the Act.*
- SECTION 3:** *The Consortium shall elect from its membership a Chairperson, a Vice-Chairperson and such other officers as may be provided in the by-laws to serve for a term of one year or until a successor is elected and qualified. Vacancies shall be filled by election for the residue of the unexpired term. The Chairperson shall appoint a staff person of one of the consortium member counties, city or the administrative entity to serve as board clerk.*
- SECTION 4:** *Roberts Rules of Order, Newly Revised, shall govern the procedures of the Consortium insofar as they do not conflict with applicable law or administrative rules or by-laws duly adopted by the Consortium.*
- SECTION 5:** *The Consortium may adopt operational and procedural by-laws consistent with this Charter, applicable federal and state laws, and rules or regulations pursuant thereto. By-laws or amendments thereto may be adopted by the affirmative vote of 2/3 of the entire membership of the Consortium at any regular meeting called for that purpose, provided that written copies thereof are delivered to each member 15 days prior to consideration.*
- SECTION 6:** *The Consortium designates from its membership the local government jurisdiction of Richmond County to serve as the grant recipient for Title I funds of the WIA, and further designates The Bay Consortium, Inc. to serve as local fiscal agent and administrative entity for Title I funds of the WIA. It is the intent of the Consortium that all risks of liability for disallowed costs be reduced to the minimum extent possible. Involvement of local elected officials will be designed to fulfill legislated requirements of the WIA. Operational authority and responsibility will remain with the local fiscal agent/administrative entity. The local fiscal agent/administrative entity will be required to maintain insurance policies sufficient to protect the Consortium from potential errors and omissions in administering the use of these funds.*
- SECTION 7:** *The Consortium shall appoint the Local Workforce Investment Board of the area, under Section 117(c)(1)(A) of P. L. 105-220 and applicable rules thereunder.*
- SECTION 8:** *The Consortium shall execute an agreement with the Local Workforce Investment Board for the operation and functions of the Board under Section 117 of the Act, and shall approve all Local Plans under Section 118 of the Act. The Consortium shall review and approve any and all planning documents for WIA activities prior to its submission to the Virginia Employment Commission and U. S. Department of Labor.*
- SECTION 9:** *The Consortium shall perform all functions for local elected officials as contained in P. L. 105-220, the federal Workforce Investment Act.*
- SECTION 10:** *This Charter agreement shall be effective when approved by Resolutions adopted by the County Board of Supervisors/City Council of each jurisdiction party hereto and executed by the chief elected official thereof pursuant to said resolution and shall thereupon act to repeal and supersede any and all prior written or oral consortium agreements under P. L. 102-367, the Job training Partnership Act.*
- SECTION 11:** *Amendments to the Charter agreement may be adopted with the concurrence of the Board of Supervisors/City Council of each jurisdiction party hereto. The Consortium may be dissolved and this agreement may be rescinded only with the consent of all the*

Boards of Supervisors/City Council of each jurisdiction party hereto and the Governor.

IN WITNESS WHEREOF, the parties hereto have caused this Charter Agreement to be executed by the Chairperson of the County Board of Supervisors or the City Mayor of the aforementioned Jurisdictions.

Chairman of Middlesex County Board of Supervisors

**RESOLUTION
AUTHORIZING SIGNATORY AUTHORITY**

WHEREAS, the Congress of the United States adopted Public Law 105-220, the Workforce Investment Act, to replace the Job Training Partnership Act (JTPA); and

WHEREAS, the purpose of this Act is to: streamline services through a One-Stop service delivery, empower individuals through information and access to training resources, provide universal access to core services, increase accountability for results, ensure a strong role for Local Boards and the private sector in the workforce investment system, facilitate State and local flexibility, and improve youth programs.

WHEREAS, under Section 116 of the Act the Governor has designated workforce development areas within the state to implement the provisions of the Act there in; and

WHEREAS, the Act and the state regulations adopted by the Governor under the Act allows the jurisdictions within a workforce development area to enter into a "consortium agreement" to define their roles and relationships in administering their responsibilities under the Act; and

WHEREAS, the Act requires the Chief Local Elected Official (County Board Chairperson or City Mayor) or his/her designee to perform several duties which assure local government control over the Local Plan adopted in our Workforce Development Area, and

WHEREAS, the jurisdictions in this Workforce Investment Area need to adopt a formal consortium agreement between them for filing with the Governor:

WHEREAS, the Middlesex County Board of Supervisors has authorized the County Board Chairperson to execute the "CHARTER CLEO CONSORTIUM AGREEMENT" of the BAY CONSORTIUM WORKFORCE INVESTMENT AREA under the WORKFORCE INVESTMENT ACT (P. L. 105-220)

NOW, THEREFORE, BE IT RESOLVED by the Middlesex County Board of Supervisors that the county administrator be authorized to sign other such documents related to WIA and Consortium functions after consideration and approval from said Board of Supervisors, and that such considerations and approvals be documented within board minutes.

ADOPTED this 7th Day Of March 2000.

Chairman of Middlesex County Board of Supervisors

Attest: _____
County Clerk

RESOLUTION

FOR JURISDICTIONS TO WORK TOGETHER

Authorizing the County Board Chairperson/City Mayor to execute a joint agreement between the jurisdictions in the workforce investment area to form a consortium under the federal Workforce Investment Act.

WHEREAS, the Congress of the United States adopted Public Law 105-220, the Workforce Investment Act, to replace the Job Training Partnership Act (JTPA); and

WHEREAS, the purpose of this Act is to: streamline services through a One-Stop service delivery, empower individuals through information and access to training resources, provide universal access to core services, increase accountability for results, ensure a strong role for Local Boards and the private sector in the workforce investment system, facilitate State and local flexibility, and improve youth programs.

WHEREAS, under Section 116 of the Act the Governor has designated workforce development areas within the state to implement the provisions of the Act there in; and

WHEREAS, the Act and the state regulations adopted by the Governor under the Act allows the jurisdictions within a workforce development area to enter into a "consortium agreement" to define their roles and relationships in administering their responsibilities under the Act; and

WHEREAS, the Act requires the Chief Local Elected Official (County Board Chairperson or City Mayor) or his/her designee to perform several duties which assure local government control over the Local Plan adopted in our Workforce Development Area, and

WHEREAS, the jurisdictions in this Workforce Investment Area need to adopt a formal consortium agreement between them for filing with the Governor:

NOW, THEREFORE, BE IT RESOLVED by the Middlesex County Board of Supervisors that the County Board Chairperson be and hereby is authorized to execute the "CHARTER CLEO CONSORTIUM AGREEMENT" of the BAY CONSORTIUM WORKFORCE INVESTMENT AREA under the WORKFORCE INVESTMENT ACT (P. L. 105-220) which is attached hereto and made a part hereof.

ADOPTED this _____ Day Of _____, 2000.

Chairman of Middlesex County Board of Supervisors

Attest: _____
County Clerk

Nominations for the two positions to represent Middlesex County were considered. Nominations had been received for Kimberly Taylor, Transition Specialist with the Pre-Release and Post-Incarceration Service at the Regional Security Center and for Sherry Pearson, Manager of the Job Assistance Center/Job Shop, Inc. Rev. Chauncey Mann currently represents Middlesex County on the Bay Consortium Private Industry Council. The motion to nominate Rev. Mann and Kimberly Taylor to the positions on the new Workforce Investment Council was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously.

LIVESTOCK CLAIM

The motion to approve the reimbursement of \$72.00 for 36 chickens that were destroyed by stray dogs was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously.

ANIMAL CONTROL ORDINANCES

The motion to advertise for a public hearing to receive comments on the adoption of combined animal control ordinances was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously.

WATER AUTHORITY

The Board discussed the next step regarding creation of a water authority. At the public hearing held on February 24th, more than 50% spoke in opposition. Mr. Soberick advised the Board that the enabling statute states that if substantial opposition exists a referendum can be scheduled. Mr. Soberick noted that he believed that even 25% opposition would constitute substantial opposition.

Mrs. Weber commented on her general opposition to referendums because she believes the Board was elected to make the decisions. The motion to adopt the resolution requesting the decision to be placed on the ballot was made by Mr. Jessie, seconded by Mr. Crittenden and carried unanimously:

At a regular meeting of the Board of Supervisors of Middlesex County, Virginia, held thereof in the Board Room of Woodward Building, located in the Courthouse Complex, Saluda, Virginia, on the 7th day of March, 2000, there were present: MR. JOHN D. MILLER, JR., Chairman, Saluda District, MR. KENNETH WAYNE WILLIAMS, Vice Chairman, Pinetop District, MR. FRED S. CRITTENDEN, Pinetop District, MRS. LENORA O. WEBER, Saluda District, MR. FRANK JESSIE, Jamaica District, and MR. CHARLES M. CULLEY, JR., Clerk.

RE: MIDDLESEX COUNTY PUBLIC WATER AUTHORITY

The following motion was made by Mr. Jessie and seconded by Mr. Crittenden and unanimously adopted:

WHEREAS, on the 4th day of January 2000, this Board indicated a desire to consider the creation of the Middlesex County Public Water Authority and advertised a public hearing on said resolution set for January 18, 2000 and January 27, 2000, and;

WHEREAS, due to inclement weather conditions, the January 27th public hearing was rescheduled and re-advertised for February 24, 2000, and;

WHEREAS, in the judgement of the governing body, substantial opposition was heard at the public hearing and the Board of Supervisors in its judgement and wishing to obtain the sense of the voters on the creation of the Middlesex County Public Water Authority, finds that a petition should be filed to the Circuit Court and a referendum held on the question of whether or not the resolution signifying the intention of the Board of Supervisors of Middlesex County to create a water authority should be adopted.

NOW, THEREFORE, it is resolved that the County Attorney is hereby directed to petition the Circuit Court of Middlesex County to request that the polls be opened and a referendum be held to obtain a sense of the voters on the issue of whether or not the resolution signifying the intention of the Board of Supervisors of Middlesex County to create an authority under the Virginia Water and Waste Authority should be adopted.

COMMUNICATIONS COMMITTEE

Mr. Culley reported that American Tower is interested in building three (3) towers in Middlesex on County properties and has offered to provide the County with space for communications equipment and 10% of all revenue they collect from leasing space to other companies. This offer provides a saving of approximately \$310,000 from the total system cost. There was no formal vote, however, it was the consensus of the Board to continue negotiation with American Tower. Mr. Soberick will review the lease agreement.

CLOSED MEETING

The motion to conduct a closed meeting for the purpose of discussing pending litigation with the County's Attorney, pursuant to §2.1-344.a7, and personnel, pursuant to §2.1-344-a1, Code of Virginia, was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Williams, 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 Meeting, there was no action taken.

RECESS

Mr. Miller recessed the meeting until 1:30 P.M.

BUDGET WORK SESSION

The Board reconvened to conduct a budget work session on the proposed County budget for 2000-2001.

CLOSED MEETING

The motion to conduct a closed meeting for the purpose of discussing personnel, pursuant to §2.1-344-a1, Code of Virginia, was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Williams, 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 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 until the regular evening meeting scheduled for March 21, 2000, at 7:30 P.M.

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