

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, SEPTEMBER 5, 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.

**PLANNING DIRECTOR**

Mrs. Jones, Assistant Administrator, announced the re-hiring of Mr. Tim Wilson as Planning Director. The Board expressed their pleasure with Mr. Wilson's return to the County. Mr. Ed Ruark, speaking from the audience, noted his favor with Mr. Wilson's return.

**MINUTES**

The motion to approve the minutes of the August 1<sup>st</sup> and August 15<sup>th</sup> meetings was made by Mr. Williams, seconded by Mr. Crittenden 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 36384 through 36537 totaling \$163,398.94 were disbursed as approved.

**PAYROLL**

The motion to approve payroll for the month of August was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously. Checks numbered 36287 through 36383 totaling \$106,809.05 were disbursed as approved.

## **COMMITTEE REPORTS**

Mr. Williams: No reports

Mrs. Weber:

- Social Services - It was noted the State has approved tuition reimbursement at a rate of 80/20, with a cap of 2500 per fiscal year.
- Comprehensive Services - Since its inception, a total of 62 kids have been served through the County's Comprehensive Services committees; currently there are 29 kids being served, with 4 pending adoption.
- Red Cross - An agreement has been signed with Lancaster County for regional program.

Mr. Jessie:

- Jail Board - Mr. Jessie noted that the County should have no problems getting labor assistance from the jail and the Administrator should call with requests.

Mr. Crittenden:

- Planning District Commission -
- Airport Committee - there was no quorum for the meeting in July or August. Members of the Committee have suggested a proxy system, however, according to the County Attorney, public bodies such as the Airport Committee are not allowed to use proxy voting. State funding is still being withheld because of the tree obstructions on the Nuckols property. Mr. Crittenden suggested meeting with the Forestry Department regarding the select harvesting of timber from wooded property belonging to the County at the airport\ . Culvert pipes that were to be installed for an entrance to the airport off Route 3, will be removed. It was determined by the Department of Transportation that they did not own the right of way at the location proposed as an entrance to be used for the Wings and Wheels event.
- School Matters - Mr. Crittenden reported that he had had no meetings with the School Board Chairman for several months and did not know the status of the school construction projects.

Mr. Culley:

- Communications Committee - the committee has been working on establishing a job description for the 911 dispatchers. Atlantic Tower, the County's radio engineering firm, is working on the tower locations.

Mr. Miller:

- Rappahannock River Basin - At a recent meeting, it was presented that the main source of fecal coliform in the Rappahannock was from animals and not from failing septic systems.

## **CONSTITUTIONAL OFFICERS**

### **Commissioner:**

Mrs. Ebinger advised the Board that Mrs. Alice Nelson would be working daily as a part time employee in her office.

### **Treasurer:**

Mrs. Bray reported the amounts of delinquent taxes due were \$89,512.64 for real estate and \$94,887.66 for personal property. A list of delinquent taxpayers can be advertised in the local paper for \$1500. The Board will vote on this matter at a later meeting. In October, Delinquent Tax Attorney, James Elliott, will conduct a sale of property held for delinquent taxes.

A report of funds, to include interest by percent and dollars earned, was requested.

### **Sheriff:**

Sheriff Abbott reported that \$1,078 in fines were due to be collected for the County as a result of the recently adopted traffic law ordinance.

## **HIGHWAY MATTERS**

Resident Engineer, Bill Sullivan, presented the following information to the Board:

### ***West Point Bridges:***

The Transportation Board is recommending the 4-laning of Route 33, through the Town of West Point, with 2-lane bridges, with the possibility of doing 4-lane bridges. Widening the bridges would cost an additional 30 million. The Board confirmed that they continued to recommend that 4-lane bridges be constructed at the same time as the road is widened.

### ***Six-Year Plan:***

Mr. Sullivan recommended conducting a public hearing on the County's Six-Year Secondary Road Improvement Plan at the Board's October 17<sup>th</sup> meeting, and

holding a work session with the Board at the November meeting. The Board concurred with his suggestion.

***My Lady's Swamp:***

Work has started on the abutments in order to be ready for the beams, due to arrive in November.

***School Crossing:***

Mr. Sullivan reported that VDOT engineers are against installing any type of signal at the intersection of Route 33 and Route 620 until traffic warrants it. Other alternatives discussed with Mr. Lackey and the School Board included shifting the lanes in order to widen the median, and widening Route 681 at its intersection with westbound Route 33 so buses could turn east onto Route 33, then loop back Route 681 to go west. According to Mr. Sullivan, the Board of Supervisors would have to amend its request for funding to the Transportation Board. Mr. Crittenden noted that he would support one of these alternatives over the current request of widening Route 33 to Hartfield. Mr. Lackey, School Superintendent, commented that he still considered the crossing guards as a temporary solution. Board members requested a letter be sent to Mr. Ogle, Mr. Nottingham and Mr. Humphreys of the Commonwealth Transportation Board, requesting one of the two suggested alternatives be considered as a small project request.

***Hartfield:***

Mr. Sullivan reported that with the movement of signs, the site distance would improve through Hartfield, and movement will become better as drivers adjust to the improvements.

Mr. Edwin Ruark commented regarding work by VDOT personnel on the Hartfield widening project and voiced his objections to VDOT taking turn-lanes that were paid for by private businesses and turning them into part of the regular driving surface. According to Ruark, construction by VDOT workers was not to the same standard required of others who have installed turning lanes in that area. According to Mr. Sullivan, for entrances, contractors can either put in stone with asphalt on top, or full depth asphalt; VDOT used full-depth asphalt.

Mr. Sullivan also commented that businesses in the area were not happy with having to move signs. According to Mr. Sullivan, VDOT has 110' of right of way, extending in some cases to the front doors of the businesses. No signs are permitted in the right-of-way and they have been required to be removed.

Mr. Williams commented that communications needed to improve between the citizens and business people of the County and VDOT. Mrs. Weber commented about a new homes banner required to be removed from the Hartfield area and that she resented VDOT saying that businesses and the County could not do what they could to promote tourism and businesses. Mr. Sullivan reminded Mrs. Weber of the rules and

laws that he has to uphold. In the case of the banner, it was on private property, however, Mr. Sullivan noted that there are laws that regulate outdoor advertising. On federal aid primary roads, such as Route 33, one requirement is that signs must be on property that has been zoned commercial, or the signage must be on property where the business exists.

Mr. Fleet expressed his frustration in dealing with on-premises versus off-premise signs, when the business he wants to advertise is across a road from property he owns. In Mr. Fleet's case, Mr. Sullivan commented that the location Mr. Fleet wants to place the sign is not zoned commercially and is not on the same property as the business he wants to advertise.

***West Point Bridges, con't.***

Mr. Charles Revere questioned the purpose of VDOT proposing a bypass around West Point, if it was not a viable option. Mr. Sullivan commented that while it was a viable solution, it was a difficult one because of cost (120 million for two lanes; 260 million for four lanes) and environmental concerns. Funding for the alternate selected (\$90 million) is available; 4-laning the bridges would cost another 30 million.

***Hartfield con't.***

Mr. Revere questioned the entrance requirements that appeared to be different for private contractors from what the VDOT workers installed. Mr. Revere requested confirmation that private contractors would be able to install the same type of asphalt could be installed in the same manner as VDOT workers installed it through Hartfield. Mr. Sullivan confirmed that it already has been done; full-depth asphalt has been allowed in other locations.

***Route 612:***

Mr. Sullivan commented that VDOT was preparing drawings that will be used to request condemnation of property to install a ditch to allow for drainage.

***Grass Cutting:***

Mr. Crittenden requested that VDOT stay on top of cutting grass at intersections.

**SCHOOL MATTERS**

***Condemnation:***

Mr. Lackey noted that the date for the condemnation hearing had been changed; a firm date had not been decided.

**School Resource Officer:**

Mr. Lackey offered to use truant officer funding of \$8,000 toward the School Resource Officer position. If these funds were used, the position would have to be based at St. Clare Walker.

Board members questioned the use of funds that will be available due to the change in over twenty teaching positions. According to Mr. Lackey, there should be a surplus of approximately \$50-60,000, of which \$25-30,000 will be used for substitute teacher positions, \$15,000 for a computer aide, with the balance to help off-set a lack of funding created by actual enrollment versus budgeted enrollment. In addition, there is a possibility of having to correct possible brake problems on several buses.

**Appropriation Requests:**

Textbook Carry-over Fund - Approved by motion of Mrs. Weber, second by Mr. Williams, carried unanimously. TO: 4-23-63000-6210, \$6,900.07, Instruction FROM: 3-1-41060-0001, \$6,900.07 - General Fund. Funding for carry-over balance of Textbook Fund.

Sweep Account - Approved by motion of Mr. Williams, seconded by Mr. Jessie and carried unanimously. TO: 4-27-10010-1010, \$588,899.10, School System -Sweep Account, FROM: 3-27-41050-0045, \$588,899.10 - Revenue, Sweep Account. Carry-over balance from Sweep Account.

Project CORD – Approved by motion of Mrs. Weber, seconded by Mr. Williams and carried unanimously. TO: 4-23-60010-6210, \$8,617.83, Instruction; FROM: 3-23-33020-0320, \$8,617.83 - Carryover balance for Project CORD.

**AIRPORT MATTERS**

**Proxy System:** Scott Kauffman, Chairman of the Airport Committee, was advised of earlier discussion regarding a proxy system for the Airport Committee. Mr. Culley was asked to send a letter to all Airport Committee members encouraging their attendance and participation at regular meetings.

**Airport Plan:** Mr. Kauffman reported that John Dankos, the County's representative on the Aviation Board, recently indicated that an update to the County's Airport Layout Plan was required. The motion to proceed with upgrading the Plan was made by Mr. Crittenden, seconded by Mrs. Weber and carried unanimously.

**Wings and Wheels:** Mr. Jamie Barnhardt, Chairman of the Wings and Wheels project, informed Supervisors that the Virginia Aviation Board had recently approved a tentative allocation of a maximum of \$4,361.00 for promotion of the Wings and Wheels event. A match of \$4,361 is required by the County in order to receive the State revenue. The motion to appropriate a maximum of \$8,722, with the understanding that 50% of this amount would be returned to the County by the State, was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously.

## **BAY TRANSIT**

Representatives from the Chesapeake Agency on Aging were present to discuss the Bay Transit program and how it works for participating localities. The public transportation system allows for transportation by an individual of any age or income. To begin the process, the Agency applies for an experimental grant, requiring a 5% local match, with the match amount increasing after 18 months. Currently, the system is active in five Middle Peninsula-Northern Neck counties. Initially, the system ran from 7 AM – 6 PM, 5 days per week. A federal grant has allowed for expansion of the hours of operation to 6 AM – 9 PM, and also purchased additional buses.

Board members requested that an experimental grant package be prepared for the day meeting.

## **LIVESTOCK CLAIM**

The motion to approve the awarding of \$20.00 to Mr. Truman Stone as compensation for poultry killed by unknown dogs was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously.

## **STATEWIDE MUTUAL AID IMPLEMENTATION GUIDEBOOK**

Board members briefly discussed a Statewide Mutual Aid Guidebook, a collaborative effort of the Statewide Mutual Aid Committee that includes all the major emergency services providers as well as the local government attorneys. The plan establishes procedures for implementing broad based mutual aid and for the federal/state/local reimbursement of deployment-related costs. The Board requested that the Plan be reviewed by the County's fire and rescue departments for discussion at the next Emergency Communications Committee meeting.

## **COMMUNITY CRIMINAL JUSTICE BOARD**

Changes in State Code have made it necessary to increase the membership on the County's Community Criminal Justice Board. The motion to Mr. Miller to serve as the County's governmental representative was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously.

### *RESOLUTION*

#### *MIDDLE PENINSULA COMMUNITY CRIMINAL JUSTICE BOARD*

*WHEREAS, at their meeting on Friday, June 30, 1995, the Board of Supervisors of Middlesex County adopted a resolution establishing the Middle Peninsula Community Criminal Justice Board; and*

*WHEREAS, new legislation mandates the appointment of a local government official from each participating locality; and*

*WHEREAS, a local government official is classified as one of the following: member of a locality's governing body, county administrator, assistant or deputies appointed by the governing body as defined in §15.2-102 and 15.2-1502;*

*NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby appoints John D. Miller as a representative to the Middle Peninsula Community Criminal Justice Board.*

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

### **TREE REMOVAL**

The motion to contract with Quality Tree Service for the removal of the lightning damaged tree in the Courtyard, pending confirmation of adequate insurance, was made by Mr. Jessie, seconded by Mrs. Weber and carried unanimously.

### **PLANNING DIRECTOR**

The motion to reappoint Mr. Tim Wilson as the County's Planning Director and Subdivision Agent, was made by Mr. Williams, seconded by Mrs. Weber and carried unanimously. Mr. Wilson will return to employment with the County at the same rate of pay and time of service, because he was considered to be on vacation from the County while he was working for another locality.

### **CONSUMER'S UTILITY TAX**

The motion to schedule a public hearing for amendment of the County's utility tax on electric service for the October 17<sup>th</sup> meeting was made by Mr. Williams, seconded by Mrs. Weber and carried unanimously.

### **APPROPRIATION REQUESTS**

**Social Services** - Approved by motion of Mr. Williams, second by Mr. Jessie, carried unanimously. TO: 4-1-53010-5730, \$1,055.00, Social Services - Foster Parent Training FROM: 3-1-24010-0002, \$1,055.00 - Social Services - Public Assistance and Welfare. Additional allocation provided by the State/ requires no local match.

**Social Services** - Approved by motion of Mrs. Weber, second by Mr. Jessie, carried unanimously. TO: 4-1-53010-5735, \$33,238.00, Social Services - Non-View Day Care FROM: 3-1-24010-0002, \$33,238.00 - Social Services - Public Assistance & Welfare. Additional allocation provided by the State; requires no local match.

There was no motion made regarding the request to approve an appropriation of an additional allocation provided by the State for Adult Protective Day Care. This money required a local match of 20% (\$1,400, local).

**Courthouse Air Conditioning** - Approved by motion of Mrs. Weber, second by Mr. Jessie, carried unanimously. TO: 4-1-43020-3004, \$24,180.00, General Properties - Repairs FROM: 3-1-41060-0001, \$24,180.00 - General Fund. Emergency repairs to Courthouse air conditioning.

**Woodward Building Air Conditioning**

Mr. Culley presented emergency bids received for replacement of the air conditioning system in the Woodward Building. The first floor unit was no longer functioning and needed replacement. Prices had also been obtained to rework some of the ductwork, divide areas into zones for more effective cooling, and to replace the unit serving the second floor, since it is also in danger of failing at any time. Three window units had been transferred from the Courtroom and are being used in three of the offices, leaving five offices, restrooms and hall without any air conditioning on the first floor. Mr. Culley was requested to contact one other contractor for a price to replace the equipment; action was to be reconsidered at the September 19<sup>th</sup> meeting.

LOCATION	CROWTHER HEATING & AIR	RYMAN'S AIR CONDITIONING
1 <sup>st</sup> Floor	\$13,700	\$17,500
2 <sup>nd</sup> Floor	\$29,200	\$37,500
TOTAL	\$42,900 (deduct \$2,325 if both done at once - <b>\$40,575</b> )	<b>\$54,000</b>

**APPOINTMENTS**

**Wetlands Board:** The motion to appoint Mr. Miller Smither to fill a vacancy on the Wetlands Board was made by Mrs. Weber, seconded by Mr. Williams and carried by vote of 4-0-1 (Miller abstained). Mr. Smither will fill the position previously held by Mr. Holmes, which expires June 30, 2003

**Airport Committee:** Mr. Jessie recommended that the name of Paige Hogge be submitted to the Airport Committee, as a representative from the Jamaica District.

**Chesapeake Agency on Aging:** The motion to appoint Dr. Chris Massengill to serve on the Agency Board of Directors was made by Mrs. Weber, seconded by Mr. Crittenden and carried unanimously. Dr. Massengill will serve a term of 3 years, from October 1, 2000 to September 30, 2003.

**FEE FOR AFTER-THE-FACT ZONING PERMIT APPLICATIONS**

There was discussion by the Board members regarding the amount of maximum to advertise as an after the fact zoning fee. Mr. Culley suggested that the Board may want to look at introducing a civil penalty provision for blatant offenders of the permitting requirements. The motion to advertise for a public hearing to increase the Zoning Permit After-the-Fact Fee from \$45 to \$150, was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously. It was suggested that the Board should also consider increasing the Wetlands After-the-Fact permit fee. No action was taken on this matter at this time.

### **NEW BUSINESS**

***Rescue Squad:*** Board members commented on a letter received from the Central Middlesex Volunteer Rescue Squad requesting action on their request for the Board to provide them with someone to administer the paid personnel within their department and to assist with recruitment and scheduling. Mr. Miller commented that meetings of the Task Force had been poorly attended by the rescue squad representatives, and no progress had been made at the meetings. Mr. Miller reminded the Board of the County Attorney's opinion, confirmed by State Code, that the County is not under an obligation to provide fire or rescue services.

Mr. Miller set a meeting date of September 12<sup>th</sup>, at which time Mr. Miller and Mrs. Weber would meet with Garland Mosby, Captain, and Cynthia Barlowe, squad member, to discuss the letter and related items.

***Brochures:*** Additional quotes for the reprinting of several brochures have not been requested as yet.

***Department of Environment Quality:*** Mr. Culley informed the Board that vapor extraction and testing from behind the Courthouse, where an underground fuel tank was removed, would be required. The Department of Environmental Quality will reimburse the contractor for the testing.

### **ADJOURN**

The motion to adjourn was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously. The next regular meeting of the Board of Supervisors was scheduled for Tuesday, September 19, 2000, at 7:30 P.M.

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