

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, AUGUST 7, 2001, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

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

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

CALL TO ORDER

The Chairman, Mr. Williams, called the meeting to order at 9:00 a.m. and opened with a prayer.

MINUTES

The motion to approve the minutes from the meetings of June 19th, June 27th, July 3rd and July 17th was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously. Mr. Culley advised that the State and the Virginia Association of Counties are developing an ordinance relating to sludge application. Work on the ordinance is proceeding slowly pending the outcome of several court decisions.

DISBURSEMENTS

Board members questioned the refunding of a filing fee for Delegate Harvey Morgan. It was noted that the counsel for the Board of Zoning Appeals is not authorized to do any more work. Credit card expenditures for the Sheriff's Office were also questioned; the Board requested that copies of invoices for all credit card charges be included in their packet. The motion to approve all disbursements as presented, holding the payment for the Sheriff's credit card, was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously. Checks numbered 39316 through 39494 totaling \$505,089.02 were disbursed as approved. Mrs. Weber cautioned all departments to keep an eye on their expenditures.

PAYROLL

The motion to approve payroll for the month of July was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Checks numbered 39210 through 39310 totaling \$155,967.14 were disbursed as approved.

COMMITTEE REPORTS

Mr. Miller:

- Local Government Officials Conference - will be attending conference in Charlottesville; on the environmental committee - sludge discussion will be an issue.

Mrs. Weber:

- Local Government Officials Conference - on the community development and steering committee - working on plans for Virginia Association of Counties annual meeting.

Mr. Jessie:

- Social Services - Rappahannock Community College had been helpful in getting client's jobs, however, programs for VIEW clients have been phased out. Mrs. Weber suggested sending a letter from the Board asking the community college to become more involved. The motion to send the letter as suggested was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

Mr. Crittenden:

- Airport Committee - There are several items on the Board's agenda for consideration; plans for the Wings and Wheels event are progressing.

Mr. Williams:

- Planning District Commission - Continued discussion regarding the loan programs offered by the PDC.

HIGHWAY MATTERS

Resident Engineer, Marcie Parker, was present for the meeting.

Route 640, Water View: The current cul-de-sac is not located on the platted right-of-way. Prior to his death, Jamaica Supervisor Frank Jessie met on site with the County Administrator and County Attorney and agreed that the cul-de-sac could move east in the Department of Transportation right-of-way. With this arrangement, the property owner, Mr. Benton, would have to give up some property on the west to make enough room for the turn around. Mr. Benton has requested the cul-de-sac be moved further away from the river. Benton has agreed to move it at his cost, however, if moved, it would no longer allow a view of the river; he has requested approval from VDOT to proceed. It was a consensus of the Board that the cul-de-sac not be moved to the

location suggested by Mr. Benton. The Board would take no action until a written request had been received from Mr. Benton.

Sidewalk Maintenance: Mr. Crittenden requested that the cleaning job on the sidewalks be completed. According to Mrs. Parker, the sidewalks are owned by VDOT and VDOT will maintain them for safety, however, there will be no routine maintenance, snow removal or weed pulling. Mrs. Parker offered to put spraying of the sidewalks on the routine maintenance schedule.

Route 33: Resurfacing of Route 33 in the area between Hartfield and Deltaville should be completed prior to November 3rd. Mrs. Parker will check to see if road reflectors are to be installed in the Hartfield area.

Route 631: Mrs. Parker would research the status of work for Route 631

Route 636: Problem with water standing in ditches

DeWolf Property: Mrs. Parker is waiting for return of an agreement between the State and the DeWolf's.

Route 612: VDOT renegotiated with the property owners regarding a drainage easement; the owners had a 10 day response time.

Windward Watch Subdivision: The motion to accept the following resolution was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously:

RESOLUTION

WHEREAS, *Windward Watch Homeowner's Association has recorded a deed at Deed Book 319 Page 285 deeding Windward Watch Lane in Windward Watch Subdivision, to the County of Middlesex; and*

WHEREAS, *the street described in the plat referenced above and on the attached Additions Form SR-5(A), fully incorporated herein by reference, is shown on plats recorded at Plat Book 12, Page 17, inclusive, in the Clerk's Office of the Circuit Court of Middlesex County, Virginia; and*

WHEREAS, *the Virginia Department of Transportation has advised this Board that the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation;*

NOW, THEREFORE, BE IT RESOLVED, *that the Board of Supervisors of Middlesex County does hereby request the Virginia Department of Transportation to add the streets described on the attached Additions Form SR-5(A) to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and*

BE IT FURTHER RESOLVED, *this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage; and*

BE IT FURTHER RESOLVED *that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.*

CONSTITUTIONAL OFFICERS

Treasurer: Kathy Thrift, Deputy for the Treasurer, requested authorization to publish the delinquent taxpayer list. This request would be reconsidered at the night meeting.

It was hoped that delinquent taxpayers would come forward if the threat of publication was included in the newspaper.

Commissioner of Revenue: Bonnie Davenport, Deputy Commissioner brought forth a question regarding changing a real estate assessment. Mr. Soberick advised that the Commissioner was the only person with the power to adjust an assessment.

Sheriff: The Sheriff was unable to attend the meeting, however, his secretary advised that copies of the credit card receipts would be included in the Board's information.

APPROPRIATIONS

The following appropriations were all approved unanimously by motion and second of the Board members listed:

Circuit Court Clerk's Office: Appropriation of State grant revenue received for new cabinet; FROM: 3-1-23080-0002 (Clerk's Office - Grants) \$10338.00 TO: 4-1-21060-5401 (Clerk's Office - Supplies) \$10338.00; Weber/Miller. FY01

Abandoned Vehicle: Appropriation of State funds received from the abandoned vehicle program; FROM: 3-1-24040-0030 \$4120 (DMV-Abandoned Vehicles) TO: 4-1-81040-5412 (Zoning Administration - Abandoned Vehicle Program) \$4120; Miller/Jessie. FY02

Treasurer: Appropriation of funds refunded from old postage meter; FROM: 3-1-18030-0001 (Miscellaneous Refunds) \$1007 TO: 4-1-12130-5201 (Treasurer-Postage) Miller/Jessie FY02

General Properties: Roll-over of funds remaining for installation of new chiller at Health Department; FROM: 3-1-41060-0001 \$5000 (General Fund) TO: 4-1-43020-3004 (General Properties - Repair & Maintenance) Weber/Miller

Capital Outlay: Roll-over of funds remaining for tower shelter huts; FROM: 3-1-41060-0001 \$101,777 (General Fund) TO: 4-1-10010-7036 (Capital Outlay - Communications Equipment) Miller/Weber

SCHOOL MATTERS

Mike Myers, Interim Superintendent, advised that the system would have to replace 15 teachers and professionals this year.

DOMINION VIRGINIA POWER

The motion to authorize the County Administrator to sign electric service agreements with Dominion Virginia Power was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

APPOINTMENTS

Wetlands Board: The motion to reappoint Dale Taylor to a new term on the Wetlands Board was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously. This term expires June 30, 2006.

Social Services: Mr. Williams appointed Mr. Crittenden to replace Mrs. Weber on the Board of Directors of the Social Services Board.

Jail Board: Mr. Williams appointed Mrs. Weber to serve as the Board's representative on the Jail Board. Assistant Administrator Marcia Jones was appointed to serve as the alternate.

EROSION AND SEDIMENT CONTROL

Changes in State Code:

Tim Wilson, Planning Director, advised the Board that changes in the State Code require that a person receive certification before they can perform any land disturbing activity. Certification requires a test be taken over the Internet. The new regulation, effective July, 1 2001, does not allow a grace period; contractors are being advised of the change as they come into the office.

It was noted that a public hearing was not required because the changes are the result of a State law change. The motion to incorporate the changes was made by Mr. Miller and seconded by Mrs. Weber. The vote to accept the changes carried by a vote of three for (Miller, Weber, Jessie) to two opposed (Crittenden, Williams)

It was suggested that Delegate Morgan be contacted to request repeal of the law.

Request from Town of Urbanna:

The Town of Urbanna requested the County take over enforcement of the Erosion and Sedimentation laws, similar to the way the County enforces the State's building code. Mr. Wilson noted that if the Town continued their own enforcement, it would require a staff person to be trained and certified for plan review and enforcement. Mr. Wilson suggested that the Board receive assurance that the Town's program is free of violations.

The motion to begin enforcement of State erosion and sediment control laws in the Town of Urbanna upon receipt of a report from the Department of Conservation and Recreation that the Town has been inspected and is free of violations, was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

WINGS AND WHEELS

Bob Crump and Jamie Barnhardt, representing the Wings and Wheels event, were present to request the Board's reconsideration of leasing property from Joe Fears for the installation of an entrance to Hummel Field. This entrance would be fenced off and only used occasionally. Mr. Soberick advised that a member who had voted in opposition to the vote taken in July on this issue must offer a motion to reconsider. The motion to reconsider the Board's decision regarding leasing the property was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. The motion to approve the leasing of the portion of Joe Fears' property necessary for the temporary entrance, at \$250 per year for three years, was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously. Mr. Crittenden requested that Mr. Crump visit with the Perkinson's, owners of the adjoining property, to advise them of the intent to place the entrance.

The motion to approve placement of a culvert pipe and installation of entrance at a cost not to exceed \$1,000 was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously.

Mr. Crump also requested the Board's consideration of seeding the Lawson property and property to the east side of the runway; these were the properties recently graded. It was the consensus of the Board that no action be taken regarding seeding and that grass and weeds would begin growing as soon as there was rain.

Mr. Crump advised the Board that there may be a delay in receiving funding from the State for the Wings and Wheels event; all aviation funding is being diverted to the Aviation World's Fair project. Board members expressed their approval with continuing plans for the show with the understanding that it may be fully funded by the County.

LOCKLIES CREEK

Mrs. Jones, Assistant Administrator, informed the Board of problems at the public dock at Locklies Creek. Several complaints have been received about the users of the adjoining marina parking their boat trailers in areas designated for public dock parking. The signs also designate that there shall be no parking of trailers. The Board endorsed the writing of tickets for vehicles that disregard the signage.

ENHANCED 911

A citizen disagreed with the naming of a private road to James Road as requested by the mother of a recently deceased child and requested the Board approve a bird name. It was a consensus of the Board that the name be changed to Hawk Lane.

A request was received from a citizen who desired to be addressed from Locklie's Creek Road rather than from Mason's Cove Lane. According to Mr. Culley, road addresses are assigned from the road that the residence is accessed from and in this instance should remain Mason's Cove Road. It was a consensus of the Board for the address to remain off Mason's Cove Road.

No action was taken regarding Route 600 - Pirates Bluff and Riverside Drive.

PROPOSED SHOOTING ORDINANCE

Mr. Culley presented a suggested ordinance, which could be used to regulate areas shooting in the County. The ordinance designated restricted areas based on population density, zoning classifications, parcel size and use of property. Mr. Crittenden commented that the ordinance restricted too much of the County and suggested Mr. Culley revise the ordinance. This ordinance was prepared at the request of the Board, after the Planning Commission had suggested the issue be addressed by a separate ordinance rather than the Zoning Ordinance. There was no further action taken on the proposed ordinance.

CLOSED MEETING

The motion to conduct a closed meeting for the purpose of having a consultation with legal counsel regarding the decisions made by the Board of Zoning Appeals at their last meeting, pursuant to §2.1-344.a7 of the Code of Virginia, was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Miller, seconded by Mr. Crittenden 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.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

Chairman Williams recessed the meeting until 1:30 p.m. Prior to the Board leaving, Mr. Macey White questioned what the Board was trying to control with the proposed shooting ordinance and what the next step would be. Mr. Soberick informed Mr. White that he would be drafting a new ordinance after reviewing ordinances from across the country.

COURTHOUSE PROJECT

Representatives from the architectural firm, Wiley and Wilson, presented a proposal for the renovation of Rappahannock Central Elementary School into a court facility. The design included separate courtrooms and offices for circuit and general district courts, judges and clerks. Juvenile court, magistrate offices and offices for the Commonwealth's Attorney were not included in the design, however, could be added in undesignated spaces. The designers believed previous problems with drainage could be handled by design; berms were proposed to help prevent flooding and work on the retention basin should alleviate problems. The architects noted that the sewage picture looks better, and could possibly be handled on site rather than pumping it to a off site location not yet determined.

Mr. Soberick stressed that a private hearing room for video conferencing by the juvenile judge will be required; the juvenile judge could also share the general district court room if necessary. This would be addressed in the revised drawing with estimates due back to the County in the following week.

Mrs. Weber commented that the County should not spend too much money on something that she did not think would pass the referendum stage. Mr. Crittenden noted that the County's job is to sell the proposed plan, which incorporates what is necessary now and has plenty of room for expansion.

Mr. John Coe questioned the next step if the referendum does not pass. Mr. Soberick answered that a new design would be required. Mr. Jessie commented that it was very important to have room for future expansion.

The architectural firm will prepare cost estimates for renovation of the school and will present them to the Board for discussion at the Board's August 21st meeting. Mr. Soberick indicated he would deliver copies of the proposal to the required parties in response to the Judge's order by August 15th.

E-911 SIGNS

The motion to let bids for the manufacture, installation and maintenance of the county's street signs was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously.

OTHER BUSINESS

Fuel Tank Removal: Mrs. Weber questioned the status of abandoned underground fuel tanks at property adjoining the airport. The Department of Environmental Quality would be contacted to request removal of the tanks.

Rights of Way Fee: Mrs. Weber questioned when a rights of way fee of sixty-three cents had been adopted by the State. Revenue collected will go to the Department of Transportation unless the locality had a local road maintenance department.

ADJOURN

There being no further business, the meeting was adjourned until the regular scheduled meeting on August 21, 2001.

Kenneth W. Williams, Chairman
Board of Supervisors