

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, FEBRUARY 6, 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  
Frank Jessie, 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**

One correction was made to the minutes of the January 16<sup>th</sup> meeting to correct a typographic error. The motion to approve the minutes as presented for January 3<sup>rd</sup>, 9<sup>th</sup>, and 30<sup>th</sup>, and as corrected for January 16<sup>th</sup> was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously.

**DISBURSEMENTS**

The motion to approve the disbursements as presented was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously. Checks numbered 37657 through 37821 totaling \$402,372.19 were disbursed as approved. Board members reserved questions for the Sheriff regarding fuel purchases made at Exxon.

**PAYROLL**

The motion to approve payroll for the month of January was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously. Checks numbered 37564 through 37664 totaling \$150,075.97 were disbursed as approved.

**COMMITTEE REPORTS**

Mr. Miller: No reports

Mrs. Weber:

- Sports Complex - The Sports Complex committee will be having wiring installed for scoreboards and future lighting at the fields. Donations from the Little League and other sources will provide for the scoreboards.
- Cemetery Committee - Cataloging of cemeteries is almost complete; the Committee is talking with publishing companies and obtaining prices for printing.

Mr. Jessie:

- A report on the Jail Authority will follow later with the Sheriff and representatives of the Jail Authority.

Mr. Crittenden:

- Airport Committee - Several budget items were discussed along with the possibility of updating the Airport Master Plan. Cutting of the trees in the approach slope are underway.

Mr. Williams:

- Planning District Commission - last meeting included adoption of budget and program schedules. Also discussed a program to improve strategies for small business, including lending money. This program received a passing vote from the Commission, although Mr. Williams and Mr. Crittenden voted in opposition, noting that the PDC should not be in the loan business.

### **APPROPRIATION REQUESTS**

The following appropriations were all passed by unanimous vote; names listed are listed for the Board member who made motion to approve, along with the name of the person who seconded the motion.

**Maintenance Service Contract:** Allows for payment in advance for technical support of the AS-400 Computer System, rather than paying 6 months in arrears. FROM: 3-1-41060-0001 (fund balance) \$5,400 TO: 4-1-12200-3005 (Data Processing, Maintenance Service Contracts). Weber/Jessie

**Social Services - Adoption Subsidies:** To fund adoption subsidies for four children previously funded through Foster Children funding; reimbursed at 100% State funding. FROM: 3-1-24010-0002 (Social Services - Public Assistance and Welfare) \$9,060 TO: 4-1-53010-5719 (Social Services - Subsidized Adoption). Miller/Jessie

**Social Services - AFDC - Foster Children:** Current deficit - \$8501, plus \$2616 required to end year; reimbursed at 100% State funding. FROM: 3-1-24010-0002 (Social Services - Public Assistance and Welfare) \$11,117 TO: 4-1-53010-5706 (Social Service - AFDC - Foster Children). Miller/Jessie

**Airport - Runway Repair:** Runway crack repair, seal coating, re-striping; reimbursed with 90% State funds. FROM: 3-1-12080-0007 (Airport-Grants) \$8802 and 3-1-41060-0001 (General fund - Fund Balance) \$978 TO: 4-1-10020-7003 (Airport Grants) \$9780. Miller/Crittenden

**Airport - Taxiway & Turnaround Sealant:** Taxiway & turnaround sealant; reimbursed with 90% State funds. FROM: 3-1-12080-0007 (Airport-Grants) \$2597 and 3-1-41060-0001 (General fund - Fund Balance) \$289 TO: 4-1-10020-7003 (Airport Grants) \$2886. Crittenden/Miller

**Airport - Obstruction Removal Phase I:** Removal of obstructions that were in first survey; possibility of additional trees to be removed is being investigated; reimbursed with 90% State funds. FROM: 3-1-12080-0007 (Airport-Grants) \$6750 and 3-1-41060-0001 (General fund - Fund Balance) \$750 TO: 4-1-10020-7003 (Airport Grants) \$7500. Miller/Crittenden

**Airport - Obstruction Removal Phase II:** Monies for removal of obstructions that may appear in second survey; this expense is an estimated amount and will depend on the number of additional trees that will need to be removed; reimbursed with 90% State funds. FROM: 3-1-12080-0007 (Airport-Grants) \$2250 and 3-1-41060-0001 (General fund - Fund Balance) \$250 TO: 4-1-10020-7003 (Airport Grants) \$2500. Crittenden/Miller

## **CONSTITUTIONAL OFFICERS**

### **Treasurer:**

There were no questions for the Treasurer, Mrs. Bray.

### **Commissioner of Revenue:**

Land Use Tax Ordinance:

Mrs. Ebinger questioned several items that were included in a proposed revision of the land use ordinance for the County. It was noted that no fee would be required for submitting an application, unless the application was submitted after the filing date. Mrs. Ebinger will review the proposed ordinance and present other suggested changes for the Board's consideration prior to advertising the required public hearing. The Ordinance must be adopted by June 30<sup>th</sup>, in order to be effective by January 1<sup>st</sup>.

Resolution in Support of Mrs. Ebinger:

By motion of Mr. Crittenden, second by Mrs. Weber and carried unanimously, the following Resolution was adopted and presented to Mrs. Ebinger:

**RESOLUTION**  
**CERTIFIED COMMISSIONER OF THE REVENUE**

*WHEREAS, Marylou Ebinger was elected by the citizens of Middlesex County to be the County's Commissioner of the Revenue; and*

*WHEREAS, the Weldon Cooper Center for Public Service offers training classes that are beneficial in carrying out the duties of the office of Commissioner; and*

*WHEREAS, Mrs. Ebinger has always excelled in the performance of her duties;*

*NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Middlesex County recognizes the achievements and efforts of Marylou Ebinger in becoming a Certified Commissioner of the Revenue.*

**SHERIFF**

Sheriff Abbott explained that he has set up an additional fleet fueling account through Exxon for use by his deputies when Robin's Texaco station is not convenient to use, or for undercover agents to use at the pump, rather than having to sign the ticket. The Board encouraged the Sheriff to use Robin's Texaco whenever possible, as the County receives a discount from the pump price.

***Appropriation Requests:***

The following appropriations were all passed by unanimous vote; names listed are listed for the Board member who made motion to approve, along with the name of the person who seconded the motion.

Speed Control Grant: Speed Control Grant; reimbursed at 100%. FROM: 3-1-23020-0022 (Sheriff - Speed Control Grant) \$1144 TO: 4-1-31020-5409 (Sheriff - Police Supplies) \$728 and 4-1-31030-5409 (Town Police - Police Supplies) \$416. Miller/Crittenden

Alcohol Grant: Alcohol Grant; reimbursed at 100%. FROM: 3-1-23020-0023 (Sheriff - Alcohol Grant) \$4580 TO: 4-1-31020-1001 (Sheriff - Compensation) Weber/Miller

Occupation Protection Grant: Occupant Protection Grant; reimbursed at 100%. FROM: 3-1-23020-0024 (Sheriff - Occupation Protection Grant) \$1474 TO: 4-1-31020-5409 (Sheriff - Police Supplies) \$1474. Miller/Crittenden

Salaries: Salaries approved by Compensation Board; reimbursed at 100%. FROM: 3-1-23020-0001 (Sheriff) \$33867 TO: 4-1-31020-1001 (Sheriff - Compensation) \$28123; 4-1-31020-1003 (Sheriff - Part time Compensation) \$4048; 4-1-31020-2001. Weber/Miller

Salary Incentive - Boles: Salary incentive given by Board of Supervisors last year, but was left out of this year's budget for Captain Bruce Boles; FROM: 3-1-41060-0001 (Fund Balance) \$6000 TO: 4-1-31020-1001 (Sheriff - Compensation) \$6000. Weber/Miller

Radio Equipment Grant: Radio Equipment Grant; reimbursed at 100%. FROM: 3-1-23020-0001 (Sheriff Revenue) \$23,337 TO: 4-1-31020-7003 (Sheriff - Communications Equipment) \$23,337. Weber/Miller

Telephone Reimbursement: Reimbursement from Verizon Wireless; FROM: 3-1-23020-0001 (Sheriff - Revenue) \$636.50 TO: 4-1-31020-5203 (Sheriff - Telephone) \$636.50. Crittenden/Miller

Alcohol Sensor Grant: Alcohol Sensor Grant; reimbursed 100%. FROM: 3-1-23020-0036 (Sheriff - Alcohol Sensor Grant) \$1141 TO: 4-1-31020-5409 (Sheriff - Police Supplies) \$1141. Crittenden/Miller

Computer Donation: Donations received for purchase of a computer server; FROM: 3-1-23020-0008 (Sheriff - Computer Donation) \$5,700 TO: 4-1-31020-7007 (Sheriff - ADP Equipment) \$5700. Weber/Jessie

***Report from Jail Authority:***

Bill Hefty, Counsel for the Jail Authority and Frank Pleva, Chairman of the Jail Authority, were present to address questions from the Board. Mr. Williams asked for information regarding a proposed land purchase by the Authority. Mr. Hefty confirmed that a contract to purchase a 70-acre tract of land for \$130,000 had been signed between the Authority and Raymond Parrish, an adjoining property owner. A decision on whether or not to complete the purchase would be made at the Authority's February 7<sup>th</sup> meeting. Mr. Hefty explained that this was the only tract of land available for expansion of the facility, although there were no plans for expansion at this time. Mrs. Weber commented that another adjoining property owner had said he had a gentleman's agreement with Parrish for the right of first refusal should Parrish decide to sell. Mr. Hefty stated that Parrish never brought this up during his negotiations.

Mr. Crittenden and Mr. Williams commented that they would like to be kept better informed of the Jail Board's activities.

**Generator:**

Design Electric will be replacing a 350 KW generator at the Jail with a larger unit and has offered \$22,500 for trade-in. The County offered the same amount to purchase the 350 KW unit, which can be used at the new elementary school. The Jail Authority would vote on accepting the County's offer of \$22,500 at their meeting on February 7<sup>th</sup>.

## AIRPORT MASTER PLAN

Airport Committee member, Pete Kucera, presented a request for the Board of Supervisors to authorize the revision of the County's Airport Layout Plan. The current plan was developed by the engineering firm of Talbert and Bright, in 1991. Mr. Kucera presented a proposal from Cornerstone Architects to update the current plan for a minimum fee of \$4,000 not to exceed \$16,000. A motion was made by Mr. Crittenden, seconded by Mrs. Weber, to accept the proposal for revision of the plan. In discussion, Mr. Culley expressed the following comments: the firm should coordinate with the Department of Aviation and it should be included in the contract that the plan will be created so as to be acceptable to VDOA; a digital version of the plan and its data are to be provided to the County; there are to be no copy write restrictions on the new report; the Airport Committee will be the entity to provide the firm with information; a firm price for the project should be provided; because the project was not put out for bids, documentation that other firms have declined to participate or agreed to participate at a higher fee must be provided; and, a plan for the types of facilities and location must be approved by the Board of Supervisors.

Mr. Jonathan Kucera, principal with Cornerstone Architects, stated that he could provide a more definite cost if a definite scope of work is provided. The County Administrator suggested setting a maximum fee and he would proceed with contacting the Department of Aviation to see if an addendum to the current plan would be acceptable. Mr. Crittenden and Mrs. Weber withdrew their motion and second. Mr. Crittenden made a new motion for the Board to consider a list of improvements to be prepared by the Airport Committee, and to negotiate a fee at a maximum of \$10,000, for the firm to produce an addendum to the plan, provided it would be acceptable to the Virginia Department of Aviation. This motion was seconded by Mr. Miller and carried unanimously.

## SCHOOL MATTERS

Mr. Lackey, School Superintendent, updated the Board on various school and academic activities.

**Appropriation Request - Technology Literacy Challenge Grants:** 100% funding received from Technology Literacy Challenge Grants - 2000 & 2001 - to be used in training of teachers for Standards of Learning. FROM: 3-23-33020-0400 (Literacy Challenge Grant) \$\$106,600.00 TO: 4-23-060010-6210 (Instruction) \$106,600.00. Crittenden/Miller

**Appropriation Request - Bond Sale Payment:** Monies for payment of fees to the IDA associated with bond sale FROM: 3-027-24020-3300 (Lottery Funds) \$14,375 TO: 4-023-060010-6311 (Debt Service) \$14,375. Crittenden/Miller

Mr. Crittenden questioned the current attendance. Mr. Lackey responded that he believed the figure to be between 1350 and 1360 students.

**Art Festival:**

Mrs. Weber mentioned the request she had received regarding an art festival to be held in Urbanna. One of the organizers had told Mrs. Weber that Mr. Lackey had been approached, but denied a request to fund the rental of a tent for the event. Mrs. Weber made a motion to fund rental of the tent from the school league activity fund, at a maximum of \$400. The motion was seconded by Mr. Miller and carried unanimously.

**VIRGINIA PENINSULA PUBLIC SERVICE AUTHORITY - COMMERCIAL WASTE COLLECTION**

According to Steve Geissler, Executive Director of VPPSA, Waste Management, the company that provides commercial waste collection, will be increasing their rates by 3.4%, effective April 1<sup>st</sup>. The current contract expires on November 1<sup>st</sup>. Pursuant to the agreement between VPPSA and the County, the Board of Supervisors sets the rates for collection in the County. Mr. Geissler has recommended that the Board set the rates with an increase to commercial customers of 2.4%; the balance to be paid from the County budget. The motion to approve the rate increase of 2.4% was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

Mr. Geissler was asked to contact the Town of Tappahannock to see if they were interested in participating in the collection services. Mr. Geissler noted that he would be requesting new proposals for the next contract. Mr. Geissler will also be submitting a proposal from VPPSA for consideration.

**AUDIT REPORT**

Irvin Farmer, Principal with the accounting firm of Robinson, Farmer Cox Associates presented a review of the County's audit with the Board. Mrs. Weber requested that in the next audit, social services be listed separately for accrued leave. Mr. Farmer noted in the management letter, that by 2004 the County would be required to list fixed assets in the balance sheets and financial statements. Regarding the bond issue from the IDA to the School Board, all bond actions and transactions are to be followed by the Treasurer. The motion to accept the audit report for the year ending June 30, 2000, was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

**BAY TRANSIT**

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

**RESOLUTION**

**PUBLIC TRANSPORTATION STATE AID APPLICATION**

*BE IT RESOLVED by the Middlesex County Board of Supervisors that the Chesapeake Bay Agency on Agency, Inc., is authorized, for and on behalf of Middlesex County, hereafter referred to as the, PUBLIC BODY, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the DEPARTMENT, for a grant of financial assistance in the amount of \$81,700.00 to defray the costs borne by the PUBLIC BODY for public transportation purposes and to accept from the DEPARTMENT grants in such amounts as may be awarded, and to authorize Chesapeake Bay Agency on Aging, Inc., to furnish to the DEPARTMENT such documents and other information as may be required for processing the grant request.*

*The Middlesex County Board of Supervisors certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the PUBLIC BODY will provide funds in the amount of \$4,300.00, which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the PUBLIC BODY may be subject to audit by the DEPARTMENT and by the State Auditor of Public Accounts, and that funds granted to the PUBLIC BODY for defraying the expenses of the PUBLIC BODY shall be used only for such purposes as authorized in the Code of Virginia.*

**VIRGINIA MOTOR SPEEDWAY**

The motion to accept the emergency plan submitted by the Virginia Motor Speedway, as conditioned by approval of their Site Plan Application 2000-12 was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously.

**RESCUE SQUAD TASK FORCE**

Mr. Miller suggested that the task force, created to study recruitment issues and the administration of paid personnel, be dissolved. The Central Middlesex squad no longer had a paid personnel issue and recruitment could be studied as part of the Emergency Services Committee. The Board was in agreement that the Task Force be dissolved and that a letter to that effect should be sent to the Task Force members.

**EDWIN RUARK - HIGH SCHOOL RENOVATIONS**

Mr. Edwin Ruark spoke regarding the recommendations of the school capital improvement steering committee. According to Mr. Ruark, the final report recommended that an addition be built on the west side of the existing high school, with a new cafeteria and classrooms tying in near the media center and auditorium. The old portions of the original high school near the media center would be demolished, except for one classroom near the auditorium, which could be retained and remodeled into a restroom. The west wings would be demolished to establish a parking area. The architects who were hired by the school system were presented with this recommendation. A video was produced and used to generate citizen support. Mr. Ruark has had no other input on the project since 1997. Mr. Ruark noted that both he and Mr. Pitts, the other former Supervisors' member on the Committee,

believed the report recommendations to be better than the plan proposed by the School Board.

Mr. Ruark listed the following concerns:

- Proximity to the highway
- New space dedicated to administration is more than existing, and not required. Existing space is adequate, but needs renovation.
- Recommended west wing addition with predominately academic classrooms with cafeteria/kitchen complex.
- Neither the bus loop proposed, nor the revised bus plan, would not be compatible with the report's recommendation.

Mr. Ruark then offered his personal comments. As a citizen of the County, who had attended a fairly new Middlesex High School in 1954, he believed it to be his turn, and others, to pay whatever it takes to address the current and future needs of students.

Mr. Crittenden thanked Mr. Ruark for presenting his opinions. Mr. Crittenden added that he did not know why the plan had changed from what had been recommended. Mr. Crittenden also stated he believed it was time to get on with building the elementary school, which had received the Board's approval of the site plan, but permits had not been applied for.

### **CLOSED MEETING**

The motion to conduct a closed meeting for the purpose of discussing the Courthouse lawsuit, pursuant to §2.1-344.a7, of the Code of Virginia, was made by Mr. Miller, seconded by Mrs. Weber 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. Mr. Soberick announced that the order for response to the Judges regarding Courthouse facilities had been moved to March 1<sup>st</sup>.

## **CLOSED MEETING**

The motion to conduct a closed meeting for the purpose of consultation with legal counsel and briefings by staff members, 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.

## **SIGNS**

Mrs. Weber questioned the status of a commercial overlay district, for property zoned Low Density Rural, to meet the Department of Transportation's outdoor advertising requirements. Mr. Culley explained that the Planning Department was advised by the Department of Transportation that the establishment of an overlay district for general advertising and off-premises advertising would not meet their permitting regulations. The only way to meet the VDOT signage requirement is to rezone the property to a classification that would allow commercial or industrial uses.

## **COURTHOUSE**

Mr. Soberick questioned if the Board would be having a public input session to assess the public's feeling regarding location of a new courthouse or renovation of the existing building. The response from the Board was negative.

## **BUDGET WORK SESSION**

Following a short recess for lunch, the Board of Supervisors met for a budget work session. Mr. Crittenden requested that \$20,000 be added to the proposed budget to remove sand from the Broad Creek Spoil Site.

## **CABLEVISION**

It was requested that the cablevision company be contacted to see if Fox Network Racing could be added to the local lineup of available cable channels.

**RECESS**

There being no further business, the meeting was recessed until the scheduled budget work session with the School Board on February 7<sup>th</sup>, at 7:30 P.M., at the Cooks Corner Office Complex.

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Kenneth W. Williams, Chairman  
Board of Supervisors