

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, JUNE 5, 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. Mr. Williams welcomed Mrs. Weber back following her recent illness.

MINUTES

Mrs. Weber requested additional information on the recent appointment to the Industrial Development Authority. The wording in the description of the Saluda Election District was also discussed. The motion to approve the minutes as presented for May 1st and May 15th was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

DISBURSEMENTS

The Sheriff was present and responded to questions from the Board of Supervisors. The motion to approve the disbursements as presented was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously. Checks numbered 38757 through 38893 totaling \$250,367.54 were disbursed as approved. Mr. Crittenden requested the Sheriff provide the Board with a list of his reserve deputies. It was also requested that the problems at Canoe House Landing be corrected as soon as possible.

PAYROLL

The motion to approve payroll for the month of May was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously. Checks numbered 38654 through 38756 totaling \$157,321.63 were disbursed as approved.

COMMITTEE REPORTS

Mr. Miller: No reports

Mr. Jessie:

- Social Services - An air quality study performed at the request of the Social Services Board did not reveal anything abnormal.

Mr. Crittenden:

- Airport Committee - considering a request from WINDY 105 Radio for use of airport property for a car show.

Mr. Williams:

- Rappahannock River Basin - discussions are continuing on actions that may impact upriver counties.

Mrs. Weber: no reports

CONSTITUTIONAL OFFICERS

Treasurer: Of \$2.4 million in tax bills distributed, approximately \$1.8 million had been collected as of June 4th. All monies have been accounted for in the SNAP account. The status of the audit on this account was questioned. Mr. Wilson would be contacted to obtain an update.

Commissioner of Revenue: Land Use - Mrs. Ebinger advised the Board of her concerns with the proposed "Land Preservation Ordinance". The proposed ordinance was drafted using Lancaster County's Ordinance as a template because it had included a late filing fee. This item, along with the filing deadline, had previously been discussed with the Board. Other items were changed from the existing ordinance to reflect changes in the State Code. Because of the confusion in what is actually being proposed it was recommended that the hearing be cancelled at this time. The motion to cancel the public hearing on the proposed ordinance, scheduled for June 19th, was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously. It was suggested that the County's current ordinance be used as a template for proposed changes, rather than the Lancaster County ordinance.

Sheriff: The motion to approve an appropriation of \$4,000 to compensate for increased fuel prices was made by Mr. Crittenden, seconded by Mrs. Weber and carried unanimously. FROM:3-1-41060-0001 (Fund Balance), \$4,000; to 4-1-31020-5408 (Vehicle Supplies)

HIGHWAY MATTERS

Bridges at West Point:

Ty Bland, representing the Town of West Point, requested the Board's reconsideration and support of a limited access, 2-lane bypass around the Town of West Point. The motion to support the following resolution was made by Mr. Miller, second by Mr. Jessie and carried unanimously:

RESOLUTION **WEST POINT BYPASS PROJECT**

WHEREAS, the West Point Bridges Replacement Project will have a profound effect on the future growth and prosperity of the County of King William, the Town of West Point, the County of King and Queen, the County of New Kent, as well as, the surrounding region, and,

WHEREAS, the selected location and design of the proposed project must address the long-term transportation and economic development needs of the impacted localities and region; and,

WHEREAS, Alternative A (the "Northern Bypass") with bridges over both the Mattaponi River (Lord Delaware Bridge) and the Pamunkey River (Eltham Bridge), best complies with local, regional, state and national surface and water transportation enhancement and economic development goals and objectives; and,

WHEREAS, the aforementioned transportation improvements provide the best overall, long-term regional solution for the safe and efficient management of local traffic and major destination traffic traveling between interstate 64 and the Middle Peninsula and Northern Neck; and,

WHEREAS, the aforementioned transportation improvements ensure both sound surface and water transportation systems which are essential for the future economic development of the region and the state; and,

NOW THEREFORE BE IT RESOLVED, that the Middlesex County Board of Supervisors supports and requests that the Commonwealth Transportation Board consider a fair reassessment of, and support of the northern bypass, better known as Alternative "A", that includes a bridge over the existing railroad and Route 30 and be a limited access by-pass with no stop lights.

BE IT FURTHER RESOLVED, that copies of this resolution are forwarded to the West Point Town Council, the Virginia Department of Transportation and the Commonwealth Transportation Board of Virginia.

Route 3: The report on the speed study for Route 3 to the area at Route 621 had not been received.

Route 629: Looking at July completion date for bridge.

Route 612: Still working on right-of-way easement.

Pre-Allocation Hearing: Mrs. Parker advised the Board to make sure their report emphasized traffic counts at the intersection of Route 620 and Route 33.

Locust Hill: Mrs. Parker was requested to investigate a dry-pond in the Locust Hill area that appears not to be working and is allowing run-off to undermine the foundation of an adjoining house.

SCHOOL MATTERS

There was no one present from the School System.

CEMETERY COMMITTEE

Mrs. Pat Perkinson, Chairwoman of the Cemetery Committee, an offshoot of the Middlesex County Anniversary Committee, requested that the Board appropriate funds for the publication of an inventory of cemeteries in the County. It has been suggested that the Middlesex County Museum, Inc., be the distributing organization for the books. The motion to approve the appropriation of \$10,000 to fund the publication was made by Mr. Crittenden, seconded by Mrs. Weber and carried unanimously. Mrs. Weber was requested to meet with the Museum Board regarding working out an agreement for reimbursement of the County funds from the sale of the books.

APPROPRIATIONS

Motions were made and seconded by the members listed; all votes were carried unanimously.

Board of Zoning Appeals Legal Counsel: To pay for legal counsel in upcoming appeals case - for FY 02; FROM: 3-1-41060-0001 (Fund Balance) \$2,000.00 TO: 4-1-12040-3002 (Legal Services - Professional Services) \$2,000; Weber/Crittenden.

Peninsula Emergency Management Services: To refund one-half of training funds returned to the County from PEMS to the Middlesex Volunteer Rescue Squad. Central Middlesex Volunteer Rescue Squad is entitled to the other half of the funds with the submittal of reimbursement documents. FROM: 3-1-41060-0001 (Fund Balance) \$9507.16 TO: 4-1-32030-5605 (Emergency Services - Middlesex Volunteer Rescue Squad) \$9507.16; Crittenden/Miller

Class Action Suit: Appropriation of funds received for participation in class action suit against Toshiba. FROM: 3-1-18030-0001 (Miscellaneous refunds) \$365.40 TO: 4-1-12200-7007 (Data processing - ADP equipment) \$365.40; Crittenden/Weber.

Tidewater Resource Conservation & Development: Funds omitted during budget preparation. FROM: 3-1-41060-0001 (Fund Balance) \$600.00 TO: 4-1-42030-5605 (Tidewater R C & D) \$600; Crittenden/Weber

Industrial Development Authority: Requested funds for meeting stipend. Board agreed to fund meeting stipend of \$50.00 per meeting attended. Funds to be rolled over from current budget. FROM: 3-1-41060-0001 (Fund Balance) \$15,485 TO: 4-1-81050-3002 (Industrial Development Authority - Professional Services) Crittenden/Miller

REQUEST FOR REFUND

The motion to approve the refund of an \$11.00 subdivision fee paid by Craig Hall was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously. Upon review of his application, it was determined that the request was for property within the Town of Urbanna, and not under the zoning jurisdiction of Middlesex County.

AIRPORT MATTERS

Airport Engineering Services:

Mr. Culley advised that two firms met the response requirements of the County's Request for Proposals for Airport Engineering Services. These firms were interviewed on May 24th, and the firm, LPA Group, was selected as the firm that best meets the needs. The motion to authorize entering into a contract retaining the LPA Group for engineering services, and authorizing negotiation of a price for the Airport Layout Plan update was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

Lease of Property:

The motion to renew the lease with Evelyn Lawson for \$400 per year was made by Mr. Crittenden, seconded by Mrs. Weber and carried unanimously.

There was no action taken regarding the lease of property from Joseph Fears. The Board requested additional information on costs involved with placement of a culvert pipe, entrance road, and clearing trees for an entrance.

APPOINTMENTS

Building Code Appeals Board: No action was taken to appoint members to the Building Code Appeals Board.

Social Services Board: The motion to appoint Mrs. Elizabeth Anderson to a full term was made by Mr. Jessie, seconded by Mrs. Weber and carried unanimously. This term will expire on June 30, 2005.

Tidewater Soil & Water Conservation District: The motion to recommend that Mathew Fleet be appointed as Director was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

Planning Commission: No action was taken regarding the replacement/reappointment of Bonnie Davenport (S) or Seymour Scott (J)

Planning District Commission: No action was taken regarding an appointment to the Planning District Commission. Mr. Curtis Jones' appointment expires June 30, 2001.

Airport Committee: The motion to reappoint Bob Evans (Saluda District) and Pete Kucera (Pinetop District) to terms expiring August 31, 2001, was made by Mr. Crittenden, seconded by Mrs. Weber and carried unanimously.

Dragon Run Steering Committee: No action was taken regarding reappointment or replacement of Robert Major and Cathy Wilson. These terms expire December 31, 2001.

Wetlands Board: The motion to accept the resignation of Elliott Reed from the Wetlands Board was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously. Mr. Reed resigned from the Wetlands Board to accept a position on the School Board. His term expires June 30, 2004. No action was taken regarding a replacement for Mr. Reed or the replacement/reappointment of Dale Taylor (S).

OLD BUSINESS/NEW BUSINESS

Complaint Form: The motion to adopt the use of a complaint form requiring a signature by the filer was made by Mr. Miller and seconded by Mrs. Weber. After further discussion, the motion was amended that the form would not require a signature to be processed, but noted that a name and contact information would be required. The motion passed by a vote of four for (Williams, Miller, Weber, Jessie) to one opposed (Crittenden).

Dog Pound: Mr. Culley reminded the Board of Supervisors of new requirements for dog pounds that will be effective July 1. There is a possibility that a grace period will be enacted, however, there is a \$1,000 fine if requirements are not met. The County's pound will never meet the requirements; the private veterinarian is not interested in working with the County to have a pound at his establishment. Mr. Culley advised that he is proceeding with a regional approach, meeting with King and Queen and King William County to see if they are interested in working together. It was also suggested that Mr. Culley contact Lancaster County to see if they were interested in working together.

Newman Dedication: Dedication of the Beryl Newman Memorial Highway and Bridge has been scheduled for July 17, 2001, at 10:00 a.m.

Virginia Aviation Board: The Virginia Aviation Board will be visiting Hummel Field and returning to the Woodward Building for a brief work session on June 12th.

Grading: The motion to approve and appropriate funding for grading of 37 acres at the airport by WHW, Inc., for \$2,460, was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

Waiving Fee: The motion to waive the building and zoning fees of \$218.92 for the construction of a pavilion by the Upper Middlesex Volunteer Fire Department was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

Jamaica Convenience Center: The Board agreed that American Tower could access the tower compound through the Convenience Center. The Board asked that the County keep keys to the compound along with a log of who enters.

Cleanup Needed: Mrs. Weber requested that efforts be continued to require the owner to clean up the property housing the Wave Rider business, which adjoins the airport.

Chairs: Board members requested prices for replacement of the chairs for the Board table and public seating.

CLOSED MEETING

The motion to conduct a closed meeting for the purpose of discussing a personnel issue, pursuant to §2.1-344.a1 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. Crittenden, seconded by Mr. Miller 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 Meeting, there was no action taken.

ADJOURN

There being no further business, the meeting was adjourned until the regular scheduled meeting on June 19, 2001. It was noted that public hearings scheduled for June 19th have been advertised for the Courthouse. The Board of Supervisors will open their meeting in the Woodward Building and reconvene in the Courtroom.

Kenneth W. Williams, Chairman
Board of Supervisors