

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, SEPTEMBER 4, 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

Absent: 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 minor change was made to the minutes of August 7. The motion to approve the minutes as corrected and to approve the minutes of August 21st was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

DISBURSEMENTS

The motion to approve the disbursements as presented was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously. Checks numbered 39598 through 39730 totaling \$143,146.87 were disbursed as approved. It was noted that payment to the Gloucester-Mathews Humane Society was included. This organization is currently working with the County to take as many animals as possible. Mrs. Jones will be getting a report of the number of animals the Humane Society has accepted from Middlesex citizens.

PAYROLL

The motion to approve payroll for the month of August was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Checks numbered 39498 through 39595 totaling \$157,947.38 were disbursed as approved.

COMMITTEE REPORTS

Mr. Miller:

- Local Government Officials Conference - there was heated debate regarding the dumping of bio-solids and concern about metals.
- Flag Memorial - attended the flag memorial service in honor of Mr. Frank Jessie.

Mrs. Weber:

- Sports Complex Committee - did not get lighting project grant; fundraising committee will continue work on raising funds to light two fields.
- Rappahannock River Basin Commission - Rob Whitman has been elected Chairman

Mr. Jessie:

- Social Services - A representative of the VIEW program was late attending, but arrived later to the last meeting to explain the VIEW program and the training that was necessary. Because Virginia is behind in implementing this federal program there is no longer training available in Virginia. Mr. Crittenden added that the Social Services Board had voted unanimously for an employee not to go to out of state training. Mrs. Fitchett requested a pole of members be taken by phone after it was confirmed that the funds for training would be reimbursed; Mr. Soberick advised that this procedure was not allowed. Mr. Crittenden has also requested that the meetings be tape recorded and used to prepare the minutes. Crittenden added that items needed to be brought to the Board for approval before they happen and that good business principals needed to be applied no matter where the money was coming from.

Mr. Crittenden:

- Airport Committee - The Committee voted unanimously not to approve a proposal from Oscar Barber to rent property from the County for building hangers.

Mr. Williams:

- Planning District Commission - There was no meeting of the P.D.C. in August.

CONSTITUTIONAL OFFICERS

Treasurer: Delinquent tax payer lists will be published in the next week's paper. Mrs. Bray hoped to be distributing tax bills by the first week of October.

Commissioner of Revenue: The Commissioner has certified the tax records to the Treasurer. The assessed value of personal property has increased by 6-1/2%.

Sheriff: The motion to approve the appropriation of donated funds to be used for car repair was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously. FROM: 3-1-23020-0039 \$6500, TO: 4-1-31020-5406

HIGHWAY MATTERS

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

Route 33: Paving should be completed by the following week; installation of road reflectors had been added to the contract.

Sidewalk Maintenance: Mr. Crittenden expressed his hope that sidewalk maintenance be included in the spray plan; encouraged Mrs. Parker to attend a DCA meeting.

Route 636: Parker did not see a drainage problem during her site visit; was advised to contact Mr. Batley and he could point out the problem area.

Route 631: Scheduled for August 2002.

Route 630: Restricting of 6-wheeled vehicles for through traffic on any highway requires a public hearing by Board. Mrs. Parker will provide policy and procedure to the County Administrator

Route 612: Negotiations with property owner have failed; offer has been refused. Once certification of condemnation has been filed, VDOT can start work.

Grass Cutting: Grass cutting contractor has one more cutting left.

VIRGINIA COOPERATIVE EXTENSION

The motion to approve a \$100 donation to sponsor a hole at the Tri-County 4-H Golf Tournament scheduled for October was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

APPROPRIATIONS

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

Communications Building Addition: Roll-over from last year; FROM: 3-1-41060-0001 (General Fund) \$10637.00 TO: 4-60-10010-7000 (Sheriff's Office - Addition) \$10637.00; Miller/Weber

E-911 Furniture: Donation received for furniture from the Deltaville Fire Department; returned to the Urbanna Fire Department for distribution; FROM: 3-1-41060-0001 \$300 (General Fund) TO: 4-1-36090-7002 (E-911 Furniture) \$300; Weber/Jessie

Airport Grading: Roll-over of funds appropriated June 5, 2001 for grading work at airport; FROM: 3-1-41060-0001 (General Fund) \$2460.00 TO: 4-1-10020-3011 (Airport - Contracted Grounds Maintenance) Crittenden/Miller

SCHOOL MATTERS

School Board member John (Buddy) Moore was present to update the Board on the building projects. According to Moore, the High School project is going well; bids are due to let on September 23rd, with bid opening scheduled for October 23. There have been some additional questions from the Health Department regarding the septic system. The gym walls are up at the elementary school project and plumbing is being installed.

Mr. Moore commented that the subcontractor finally stopped hauling away topsoil after Mr. Moore provided a written request for it to stop. To his knowledge, the topsoil in excess of the 5,000 that the School Board authorized the subcontractor to remove has not been declared surplus in accordance with the contract and should not be removed from the site. The main contractor, KBS, sent a response saying that any costs passed on to them from the subcontractor because of this change would be passed on to the County. The engineering firm had proposed for 1400 cubic yards of topsoil from the elementary site be used at the high school.

Mr. Culley commented that before it was approved for the subcontractor to remove 5000 cubic yards of topsoil that much and more had probably already been removed. According to Mr. Moore, no one knows how much has been removed from the site. Wolf Constructing Company, the subcontractor, first estimated the amount of topsoil present to be 18,000 cubic yards; now they are saying that they were in error and the amount is not that much. Wolf has estimated that only 2500 cubic yards has been removed. Mr. Crittenden, after relating the value of the topsoil, stated that Dr. Shores, School Board Chairman, had assured him that no more topsoil would be removed.

Mr. Crittenden suggested having the County Attorney look at the contract to see what the recourse would be on the subcontractor removing the topsoil without it being declared excess.

REQUEST FOR NO-WAKE ORDINANCE

Citizens in the area of Healy's Mill Run requested that the Board of Supervisors adopt a No-Wake Ordinance for Healy's Mill Run, a small body of water connecting Healy's Mill Pond and the Piankatank River. The motion to advertise for a public

hearing on an ordinance was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously

SALARY SURVEY, COMPENSATION AND CLASSIFICATION STUDY

Maximus, the company that took over David Griffith and Associates, the firm that completed the salary survey, compensation and classification study for the County in 1995, has submitted a proposal to update the plan for \$6,500. The consensus of the Board was that prices should be obtained from other companies to perform the task. Mrs. Weber commented that the merit system should be enacted.

SUBMISSION OF PROFFERS

The Board discussed the proffers submitted by James H. Ward, representing James Fitzgerald, that had received preliminary approval at the Board's July 17th meeting. The typed, submitted version submitted by Mr. Ward, includes additional language over what was presented at the night meeting and which has been adopted as part of the Board's minutes for that meeting. There was no action taken by the Board. It was noted that the minutes of the Board meeting would have to be amended should the Board vote to adopt the proffers as typed and submitted by Mr. Ward. Mrs. Weber noted that there should be a time limit for an applicant to submit proffers.

WILLIAM PEARCE - COMPLAINT

Mr. William Pearce, a resident who lives on the street behind the Sheriff's Office, issued a complaint to the Board regarding the new communications tower that had been erected in Saluda. According to Mr. Pearce, construction of the tower was not disclosed to him and his wife when they signed a contract to purchase a house on Forrer Street. Mr. Pearce invited Board members to look at the view of the tower from his home and requested the Board give consideration to the purchase and planting of a 20-foot or more evergreen tree. There was no action by the Board.

AIRPORT MATTERS

Virginia Aviation Conference: Bob Crump, representing the Airport Committee, presented a report on his recent attendance at the Virginia Aviation Conference.

Airport Committee: Mr. Crump also advised the Board that a new subcommittee of the Airport Committee had been created to study the possibility of the County developing hangar sites for lease at the airport.

Wings and Wheels: Mr. Crump, at the request of Joe Fears, requested that the Board approve the lease of Mr. Fear's property for only a one-year period. The motion to change the lease to one year rather than three, was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

Bird Problem: Mr. Crump advised the Board of a problem with Canadian geese at the airport. The birds appear tame and will not leave the runway area, making it a dangerous situation for pilots taking off and landing. According to Mr. Crump, the birds were in season now. The County would look into the price of a propane cannon.

MIDDLE PENINSULA - NORTHERN NECK COMMUNITY SERVICES BOARD

Mr. Frank Tetrick, Executive Director, and Mr. Lee Savidge, Board member, were in attendance to present the CSB Fiscal Year 2002 Performance Contract. According to Mr. Tetrick, the CSB has an operating budget of 12.2 million and 285 employees. The motion to approve the contract was made by Mrs. Weber, seconded by Mr. Crittenden and carried unanimously.

OLD/NEW BUSINESS

Violations:

Mrs. Weber requested that Mr. Wilson provide the Board with updates on several Planning Department violations, including Mr. Bunch, the Redmon property near Topping Post Office, and the Wave Rider business at the airport.

Meeting Stipends:

Mr. Williams suggested that the Board of Supervisors change the policy recently adopted requiring that committee members attend the business meeting in order to receive their allotted meeting stipend. Mr. Williams felt that Wetland's Board members should receive compensation for making site visits, even if the meeting is not attended. Mrs. Weber noted that other committees make site visits and are not compensated, and in fact, the Wetlands Board is the only body that makes group site visits and has access to a County vehicle for driving. Mr. Crittenden suggested that a written report could be filed if the member made a site visit, but could not attend the meeting. Further discussion was tabled until the Board's meeting on October 2nd.

Courthouse Presentations:

Mr. Culley was requested to obtain a price from the architectural firm to make three presentations of the latest courthouse plan in the County - one in the Water View area, one at St. Clare Walker School and one in Deltaville.

Social Security Administration:

Mr. Miller asked that the Social Security Administration be contacted regarding having a representative come to Middlesex County.

CLOSED MEETING

The motion to conduct a closed meeting for the purpose of having a consultation with legal counsel regarding current litigation, 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.

ADJOURN

There being no further business, the meeting was adjourned until the regular scheduled meeting on September 18, 2001.

Kenneth W. Williams, Chairman
Board of Supervisors