

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, MARCH 19, 2002, 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

Mr. Williams called the meeting to order. The meeting was opened with a prayer.

PUBLIC HEARING – ZONING ORDINANCE AMENDMENT APPLICATION – MULTI-FAMILY DWELLING AS SPECIAL EXCEPTION IN GENERAL BUSINESS DISTRICT

Mr. Culley explained that the original application, submitted by the Chesapeake Agency on Aging, Inc. was to amend Article 11-4 of the Zoning Ordinance to permit “dwelling, multi-family” in the General Business District by Special Exception. The Planning Commission has conducted a public hearing on the request, however, has made no recommendation to the Board. The Commission is considering whether or not this is a proper use in the General Business zone. Currently, there are special criteria within the General Business zone to buffer between residential uses and business uses. The Planning Commission adopted a motion indicating strong willingness to support the rezoning of property or to amend the zoning ordinance in order for the Agency’s project to proceed at its proposed location. The Commission however, does not wish to change the ordinance just for this individual application.

Mr. Williams opened the hearing for comments. Kathy Vestly noted the Agency’s desire to protect the interest of everyone. Mrs. Vestly requested the Board’s adoption of a supportive non-binding resolution for submittal with a grant application to the Department of Housing and Urban Development. John England, Planning Commission Chairman, indicated the Commission would be working on the request at their meeting in April. There being no further comment, the public portion of the hearing was closed.

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

RESOLUTION
AGENCY ON AGING

Section 202 – Elderly Apartments

WHEREAS, the Chesapeake Bay Agency on Aging is submitting an application for funding to the U. S. Department of Housing and Urban Development Section 202 Program for the purpose of building apartments in Middlesex County, Virginia, for persons 62 years of age and older; and

WHEREAS, studies have substantiated the need for such housing in Middlesex County; and

WHEREAS, housing of this type will have a substantial positive impact upon the housing needs of the community; and

WHEREAS, it is a goal of the Middlesex County Board of Supervisors to assure an adequate supply of affordable, appropriate housing for all citizens of the County.

NOW, THEREFORE BE IT RESOLVED that the Middlesex County Board of Supervisors hereby endorses the application of the Chesapeake Bay Agency on Aging for funding through the U. S. Department of Housing and Urban Development Section 202 Program.

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

JOINT POWERS ASSOCIATION AGREEMENT AND ORDINANCE

Mr. Williams opened the public hearing for comments. There being no comments, the public portion of the hearing was closed. The motion to adopt the following resolution was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously:

Ordinance
Approving Joint Powers Association Agreement

WHEREAS, the VML/VACo Virginia Power Steering Committee (the “Committee”), composed of representatives of the Middlesex County and other local governments and political subdivisions of the Commonwealth, has for over several decades negotiated on behalf of such governmental units a standard form contract for their purchase of electricity supply and delivery service from Virginia Electric and Power Company (“Virginia Power”) as a sole source provider; and

WHEREAS, political subdivisions of the Commonwealth of Virginia are authorized under Virginia law to exercise jointly powers that they otherwise are authorized to exercise independently, and the terms and conditions of such authorization are currently set forth in Sections 15.2-1300, et seq. of the Virginia Code (the “Joint Powers Act”); and

WHEREAS, the Virginia Electric Utility Restructuring Act (the “Restructuring Act”) further authorizes municipalities and other political subdivisions in the Commonwealth to aggregate their electricity supply requirements for the purpose of their joint purchase of such requirements from licensed suppliers, and the Restructuring Act provides that such aggregation shall not require licensure; and

WHEREAS, the Virginia Public Procurement Act (the "Procurement Act") exempts from its competitive sealed bidding and competitive negotiation requirements (the "Requirements") the joint procurement by public bodies, utilizing competitive principles, of electric utility services purchased through member associations under the conditions set forth in the Procurement Act; and

WHEREAS, the Committee recommends that the aggregation and procurement of electric supply, electric delivery, and other energy-related services ("Energy Services") be effectuated as provided in the Joint Powers Association Agreement, a copy of which is attached to and made part of this Ordinance (the "Joint Powers Agreement"), in accordance with applicable provisions of the Procurement Act, such as the utilization of competitive principles pursuant to an exemption from the Requirements; and

WHEREAS, the Committee also recommends that the other services provided by the Committee to its members be effectuated as provided in the Joint Powers Agreement, with such services consisting of (i) assistance in implementing standard form contracts for the purchase of services from incumbent electricity utilities, (ii) education of members regarding electricity procurement issues, (iii) monitoring of legal and regulatory developments affecting the provision of electricity service to local governments, and (iv) hiring of consultants and legal counsel to assist in its provisions of the foregoing services ("Steering Committee Services").

WHEREAS, it appearing to the Board of Supervisors of Middlesex County that the joint procurement of the Energy Services pursuant to the Joint Powers Agreement and the provision of Steering Committee Services pursuant to the Joint Powers Agreement is otherwise in the best interests of Middlesex County

NOW, THEREFORE, BE IT HEREBY ORDAINED that:

(1) Competitive sealed bidding and competitive negotiation for the procurement of Energy Services are not fiscally advantageous to the public because the procurement process for Energy Services must be flexible enough to respond to quickly changing market conditions in which energy prices can fluctuate considerably on a daily or even hourly basis.

(2) The aggregation and joint procurement of the Energy Services pursuant to the Joint Powers Agreement is hereby approved.

(3) The provision of Steering Committee Services pursuant to the Joint Powers Agreement is hereby approved.

(4) The Joint Powers Agreement and the performance of the terms and conditions thereof on behalf of Middlesex County are hereby authorized and approved.

(5) The Middlesex County Administrator is hereby authorized and directed to execute and deliver the Joint Powers Agreement on behalf of the Middlesex County Board of Supervisors in substantially the form presented to this meeting.

(6) The payment obligations of Middlesex County pursuant to the provisions hereof and the Joint Powers Agreement shall be subject to annual appropriation of requisite funds therefor by the Middlesex County Board of Supervisors

(7) This Ordinance shall take effect immediately upon its adoption or passage.

Adopted by the Board of Supervisors of Middlesex County, Virginia, as follows:

	YEA	NAY
Kenneth W. Williams	yea	
Fred S. Crittenden	yea	
John D. Miller, Jr.	yea	
Lenora O. Weber	yea	
Wayne H. Jessie, Sr.	yea	

REQUEST TO WAIVE FEE

The motion to waive the building permit fee of \$83.83 for the Woman's Club roof replacement was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

SPORTS COMPLEX

The motion to approve a right of way agreement with Dominion Virginia Power at the Sports Complex was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously. The power company will be installing underground and overhead lines to light the fields and scoreboard.

CITIZEN CONCERNS

Bill Powell, representing himself and Jimmy Walden, as building contractors, spoke in support of the Board replacing staff in the community development department. Mr. Powell noted that as a contractor he is trying to improve real estate as quickly as possible and delays in trying to obtain permits or getting inspections could hinder that. Mercer Major commented that as a tax payer he supported expanding the tax base quickly. Charles Miller questioned if the position of Building/Erosion and Sediment Control Inspector was going to be filled.

David Selph, Building Official reported that there had been a 20% increase in the number of permits issued since last year and a 94% increase in the number of inspections. Field inspections have been limited to ten per day to allow him time to inspect, do paperwork and have some time in the office to review plans and answer questions from the public. Mr. Selph voiced his concern with the possibility of overlooking a potential problem because of the lack of time he had to spend on each inspection. The inspector that had worked with him had assisted in building inspections, issued land-disturbing permits and inspected those job sites and helped with day-to-day office operations.

Mr. Selph advised that a minimum of two years experience in building trades was required to assist with inspections and there was a time limit to receive actual certification. Mr. Selph suggested that with the workload it would be preferable to have someone already certified in the position, rather than going through the training process again. Mr. Williams commented that he had received no complaints from contractors or citizens experiencing delays in the permitting or inspection process. Mr. Crittenden suggested advertising for the position to see what kind of response was received, then decide whether or not to budget for the position. Mr. Jessie commented that the money is there and someone with experience is needed to be hired.

DISBURSEMENTS

There was much discussion regarding an interest payment for the Sheriff's credit card. Assistant Administrator, Marcia Jones, explained that the interest was due on a previous balance that had since been paid. The motion to approve disbursements numbered 41367 – 41368, totaling \$382.23 was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously.

CLOSED MEETING

The motion to meet in closed session with representatives from the architectural/engineering for Wiley and Wilson, to discuss contracts pursuant to §2.2-3711.A6, was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously. Upon reconvening 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 §2.2-3711. A.6 and identified in the motion by which the Closed Meeting convened were heard, discussed, or considered by the public body.

Action:

The motion to contract with the architectural firm, Wiley and Wilson to design a courthouse at a fee of \$451,572, plus \$15,000 for interior design, and accepting the following schedule was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously:

1. Notice to proceed from Middlesex County to A/E..... March 18, 2002
2. Design Development March 18 – May 10 (8 weeks)
3. Middlesex County & Judges Review May 13 – May 24 (2 weeks)
4. Construction Document Production May 27 – August 2(10 weeks)
5. Bidding August 5 – August 30 (4 weeks)
6. ContractsSeptember 2 – September 30 (4 weeks)
7. Notice to proceed to contractor..... September 30
8. Building Construction..... October 1 – November 28, 2003 (14 months)
9. Building Ready for Occupancy December 1, 2003

CLOSED MEETING

The motion to conduct a closed meeting with representatives of the Industrial Development Meeting pursuant to §2.2-377.A6 to discuss the potential investing of public funds was made by Mr. Miller, seconded by Mr. Jessie 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 §2.2-3711. A.6 and identified in the motion by which the Closed Meeting convened were heard, discussed, or considered by the public body.

Action:

There was no action taken as a result of the closed meeting.

BUDGET WORK SESSION

Mr. Culley presented the latest budget proposal. According to Mr. Culley, eight departments were proposed to increase in funding – debt service for courthouse construction, reassessment, circuit court clerk, juvenile and domestic court, sheriff, animal control, emergency services and school debt service; twenty-three departments were showing decreases and there were 40 with no change.

RECESS MEETING

Mr. Williams scheduled a budget work session to be held on Monday, March 25th at 7:30 P.M. in the Board Room and the meeting was recessed until that time.

Kenneth W. Williams, Chairman
Board of Supervisors