

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, MAY 7, 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

Chairman Williams called the meeting to order at 9:00 A.M. and opened with a prayer.

MINUTES

The motion to approve the minutes of meetings and work sessions held on April 2nd, April 16th, and April 23rd was made by Mrs. Weber, seconded by Mr. Crittenden and carried unanimously.

DISBURSEMENTS

The motion to approve the disbursements as presented was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously. Checks numbered 41699 through 41833 totaling \$277,577.85 were disbursed as approved.

PAYROLL

The motion to approve payroll for the month of April was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously. Checks numbered 41598 through 41697 totaling \$151,772.12 were disbursed as approved.

COMMITTEE REPORTS:

Mr. Miller:

- Virginia Association of Counties – requested information on the county's landfill closure to take to a meeting.

Mrs. Weber:

- Sports Complex – Opening day was a success. Mrs. Weber made a motion that the Board purchase a paver as part of the Sports Complex fund raiser. Mr. Williams suggested that five (5) pavers be purchased at \$100 each, one for each Board member. Mrs. Weber amended her motion to purchase 5 pavers, seconded by Mr. Crittenden and carried unanimously.
- Jail Board – It is proposed that the magistrates be put in the old jail.

Mr. Jessie:

- Social Services – New debit cards are being used which should prevent fraud with food stamps.
- Museum Board – Antique road show was held on April 23 in Mathews.

Mr. Crittenden:

- Social Services – Board agreed that if proper notice is given to the County Attorney requesting representation and he was not available, then Mrs. Fitchett could sub-contract with an outside attorney.
- Airport Committee – Sub-committee is working on a T-hangar project; there has been good attendance at Committee meetings. Mrs. Weber noted that there needed to be some control and record keeping with regard to cars being left overnight or for extended periods of time.

Mr. Williams:

- Trash Bills – Contacted delegate with opposition about the proposed legislation of additional tipping fees.

CONSTITUTIONAL OFFICERS

Sheriff

Mrs. Weber questioned if each Sheriff's vehicle was equipped with a defibulator; Mrs. Shepard would check and get back with Mrs. Weber.

Treasurer

Tax bills were mailed on May 3rd with due dates of June 5th.

Commissioner of Revenue:

At Mr. Miller's request, Mrs. Ebinger had prepared a list of County owned properties.

There was a taxable increase in real estate values of \$21,000,000.

HIGHWAY MATTERS

Resident Engineer, Marcie Parker and Assistant Resident Engineer, Sean Trapani, were present for the meeting:

Paving Projects: Paving projects will be starting in the next few weeks: Route 17 Southbound approaching the Dragon Run, sections of Route 33 near Hartfield, 602, 616 and 676.

Extension of Route 645, Jackson Farm Road: Questions had been received about improvements to these private roads; improvements by VDOT could only come in the form of improvements to meet State standards under the rural addition program. The County should form a priority listing for roads to receive these funds.

Route 620: A resolution previously adopted included the wrong language. The motion to adopt the following resolution was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously:

RESOLUTION

WHEREAS the Virginia Department of Transportation has provided this Board with a sketch dated July 27, 1999 depicting the abandonment required in the secondary system of highways, as a result of Project 033-059-V06, C-505, which sketch is hereby incorporated herein by reference.

WHEREAS, the portions of the old road identified to be abandoned are deemed to no longer serve the public convenience warranting maintenance at public expense, and

WHEREAS, the new road serves the same citizens as those portions of the old road identified to be abandoned and those segments no longer serve a public need, and

NOW, THEREFORE, BE IT RESOLVED, this Board concurs with the abandonment as part of the primary system of highways, those portions of road identified by the sketch to be abandoned, pursuant to Section 33.1-144.

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

<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, Sr.</i>	<i>aye</i>

Water View Cul-de-Sac: Mr. Culley explained the County's position regarding the right of way at the end of Route 640. The existing road is not in the platted VDOT right of way, however, has been maintained in the current location for more than 20 years. Mr. Benton, the property owner, has requested that the right of way be shifted back, moving the cul-de-sac approximately 100 feet away from the current location and removing the public access to the waterfront. In previous meetings with the property owner, the County agreed to going down the existing State right of way to a turnaround point as close to the river as what is currently there and shifting east, taking some of the private property to get the 50 foot cul-de-sac and keeping the 30 foot right of way that goes down to the water. The Board has agreed that it would not pull back away from the river or abandon that right of way to the river. Mr. Culley reminded everyone that Mr. Benton bought the property knowing that the location of the road. Mrs. Parker will have the end of state maintenance sign put back in the original location.

Courthouse: Architects for the Courthouse project had met with representatives of VDOT concerning highway improvements for the proposed Courthouse; VDOT representatives have recommended curb and gutter installation, sidewalks and only one entrance, adding approximately \$71,000 to the cost of the project. Mrs. Parker noted that traffic will be increasing on Route 674 and improvements need to be made there to accommodate it. A cross walk should be installed to accommodate the additional pedestrian traffic; sidewalks are not required, but are suggested. After some discussion it was clarified that only one entrance off Route 674 was preferred, however, two would be allowed. Mr. Culley noted that traffic flow within the parking areas would be improved with the two entrances; a third entrance off Route 618 would be restricted.

Hilliard's Mill Pond/Route 602: According to Mrs. Parker, VDOT contends that the dam breaking on April 19th did not occur as a result of work by the contractor placing riprap downstream. The spillway failed two days after work was done by the contractor and was coincidental. Mr. Jessie commented that he believed that the riprap falling on the connecting cement, caused vibrations which had an impact on the spillway. Mr. Jessie suggested that the insurance company for Intercoastal Divers, the contractor, should be contacted regarding the incident.

Mr. Charles Heater, property owner on the pond, stated that he had contacted several government and VDOT officials after the pond started draining and saw no one respond to the scene. Mr. Heater shared pictures of the spillway and equipment used by the contractor and old maps of the area and contended that it was VDOT's responsibility to replace the spillway. Mr. Williams agreed that it believed it to be VDOT's responsibility, especially since the roadway originally went over the spillway.

According to Mrs. Parker, VDOT did not build the original dam or bridge, it was taken into the State system with the Byrd Act, and then abandoned to the property owners in 1954.

Mr. Donald Hixon believed that VDOT rebuilt the dam in the 1930's after it was damaged by a hurricane. Mr. Howard Hunt stated that the contractor also used a suction pump that may have contributed to the damage.

Mr. Joseph Longton commented that it is not a question of whether or not VDOT has an easement where the spillway was, but that the repairs made by the contractor contributed to the problem. Mr. Jerry Sours recommended that VDOT come up with a plan to fix the damage. Mrs. Hitchens stated that she is positive that it was the contractor's fault and spoke to the historical properties of the pond and dam.

Mr. Jessie concluded that VDOT is responsible. Mr. Crittenden believed that it was obvious that the contractor and vibration was responsible for the damage. Mr. Crittenden noted that this would be a good opportunity for VDOT to accept the responsibility for the problem and step forward and repair the damage or to prove to the public that they did not do this. Mr. Williams agreed that he did not think VDOT should walk away from this responsibility. The motion to draft a letter to the Commissioner and legislators regarding this problem was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

Grass Cutting: According to Mrs. Parker, contractors have begun grass cutting on the primary highways. Mr. Crittenden requested special attention at intersections that have blind spots.

Sports Complex Signs: Mrs. Parker would be back in touch with Mrs. Weber regarding the directional signs for the Sports Complex.

REQUEST FOR FISCAL AGENT

Patty Hall and Barbara Gillian requested that the Treasurer be permitted to establish and manage a fund for playground equipment revenues. The motion was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously to allow the Treasurer to be the fiscal agent.

AIRPORT MATTERS

Scott Kauffman and Jamie Barnhardt, representing the Airport Committee, presented a proposal for the construction of a 10-unit T-hanger, storage unit and asphalt, total cost estimated at \$250,000 for the airport. The Committee estimated that hangar rental generating approximately \$27,900 in annual income combined with a projected increase of \$6,125.00 in annual personal property taxes would cover annual expenditures of \$28,318.20 (hangar cost amortized over 15 years at 6% plus maintenance and insurance). The Committee requested the Board's endorsement and funding of the project.

The motion to conduct a public hearing to add an estimated \$250,000 to the County FY 03 budget was made by Mr. Crittenden seconded by Mr. Miller and carried unanimously.

9-11 MAP BOOKS

The endorsed the sale of E-911 Map books at a cost of \$20.00 each; the last books cost \$9.00 each to be printed.

WORKFORCE INVESTMENT BOARD

The motion to nominate Chauncey Mann, Allyn Gemerek, and Kim Taylor as continuing representatives on the Workforce Investment Board was made by Mrs. Weber, seconded by Mr. Crittenden and carried unanimously.

APPOINTMENTS

Planning Commission:

There was no action regarding appointments to the Planning Commission; Mr. Miller expressed a desire to reduce the number of commissioners and Mrs. Weber noted that there have been difficulties in the past of obtaining a quorum for meetings.

Social Services Board:

The motion to reappoint Mr. Fackler to the Social Services Board was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously.

Board of Zoning Appeals:

The motion to recommend Mrs. Carolyn Moss be reappointed to the Board of Zoning Appeals was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

Courthouse Interior Design:

The motion to approve Judge Atlee, Mrs. Weber and Mrs. Betty Paige Bristow to serve as members of a Courthouse Interior Design Committee was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

APPROPRIATIONS

The motion to approve the following appropriations was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously:

Alcohol Grant: FROM: 3-1-23020-0023, \$3,000.00, Sheriff – Alcohol Grant TO: 4-1-31020-1002, Sheriff – Overtime; appropriation of grant funds.

Defibulators: FROM: 3-1-23020-0042, \$13,676.00, Sheriff – Defibulators TO: 4-1-31020-7008. Appropriation of revenue received for defibulators

Reserve Deputy: FROM: 3-1-23020-0035, \$1,236.00, Sheriff – Reserve Deputy Fund TO: 4-1-31020-1007. Appropriation of revenue received for reserve deputies.

Court Fines: FROM: 3-1-14010-0001, \$10,379.00, Sheriff – Court Fines & Forfeitures – Local Fine TO: 4-1-31020-1003. Appropriation of local fine collected for court cases.

STATEWIDE MUTUAL AID

The motion to approve participation in the Statewide Mutual Aid Program was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously.

PROPOSAL – ORDINANCE ASSESSING FINES FOR COURTHOUSE SECURITY

Mr. Soberick presented a proposed ordinance which if adopted would assess a fine of \$10.00 on every court case to be put into a separate fund and used for courthouse security. The motion to advertise the proposed ordinance for public hearing was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously.

DEMOLITION OF HOUSE

Bids were received from WHW, Inc. for \$3,000 and Middle Peninsula Construction for \$4,900 to demolish a house on property purchased by the County adjoining the Sheriff's Department. The motion to award the contract for demolition to WHW was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

COUNTY FLAG

Board members viewed the design for a County flag. The motion to order 100 8-color, 4' x 6' silk screen dyed flags for approximately \$62.00 each, to be sold for \$75.00 was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously.

CIVIL PENALTIES – ANIMAL CONTROL

Assistant Administrator, Marcia Jones, discussed a proposal to initiate civil penalties for some violations of the County's Animal Control Ordinance. Civil penalties would allow violators to pay fines to the Treasurer's Office rather than facing a court appearance. The motion to authorize advertisement for a public hearing was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

HOLLY POINT /MARINER'S MUSEUM

Mr. Soberick prepared a draft lease agreement that could be considered by the Board and the Deltaville Civic Association if the Board elected to proceed with the proposal for the Holly Point property to be used as a mariner's museum. Mr. Williams requested that a committee of Mr. Miller and Mr. Crittenden representing the Board, and Mrs. Smith and Mr. Koedel representing the DCA, and Mr. Soberick meet to discuss the issue. Mrs. Weber noted her opposition to the DCA assuming that the idea was approved without any financial information given. Mr. Williams noted that the Committee could request any information the Board desired.

WATERMELON CONTEST

David Moore, Extension Agent, advised the Board of a competition being sponsored by the Extension Office for the largest watermelon, and requested use of the Courthouse lawn for the judging and other activities on August 25th. The Board endorsed the project and use of the grounds.

PUBLIC MEETING ON BIOSOLIDS APPLICATIONS

The Board was reminded that the public meeting on biosolids applications was to be held on Thursday, May 23rd, at 5:30 P.M., at the St. Clare Walker School Auditorium.

CLOSED MEETING

The motion to convene in closed session to discuss personnel issues pursuant to §2.1-3711.A1 and §2.1-3711.A7, probably litigation was made by Mr. Miller, seconded by Mr. Jessie 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 §2.2-3711. A.1 and §2.1-3711.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 to report.

ADJOURN

As there was no further business, the meeting was adjourned until the next regular meeting scheduled for May 21, 2002.

Kenneth W. Williams, Chairman
Board of Supervisors