

**AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, NOVEMBER 5, 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.

**PRESENTATION TO GILBERT FAMILY**

The family of Mr. Thomas Gilbert was present to receive the resolution adopted by the Board at their October 1<sup>st</sup> meeting.

**MINUTES**

The motion to approve the minutes of the October 1<sup>st</sup>, October 15<sup>th</sup> and October 23<sup>rd</sup> meetings, noting one correction to those of October 23<sup>rd</sup> was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

**DISBURSEMENTS**

Mr. Culley was asked if the payments to Wiley and Wilson were meeting the schedule. The motion to approve the disbursements as presented was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Checks numbered 43379 through 43557 totaling \$393,292.16 were disbursed as approved.

**PAYROLL**

The motion to approve payroll for the month of October was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Checks numbered 43170 through 43374 totaling \$164,336.52 were disbursed as approved. It was noted that a new part time maintenance employee had been hired to fill in for other vacationing employees; total hours for the department will not be exceeded. Mr. Culley advised that some

payments to part time employees would be made from E911 funds because they will be installing and maintaining street signs.

## **CONSTITUTIONAL OFFICERS**

### **Treasurer** and **Commissioner of Revenue**:

Commissioner of Revenue, Mrs. Ebinger, discussed a memo that was sent to the Board members regarding tax changes impacting rental vehicles and expressed her concern that the State may begin a similar program with manufactured housing.

### **Sheriff**

#### ***Appropriations:***

##### Deltaville Surveillance:

Discussion continued from the October 1<sup>st</sup> meeting regarding a request to appropriate funds from revenue collected in fines to fund extra surveillance in Deltaville. Mr. Crittenden suggested that this appropriation be made from the General Fund rather than from Court fines and forfeitures because it gave the appearance that the more tickets that were written, the more fund the sheriff could use. The motion to approve the request was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously. FROM 3-1-14010-0001, \$2,353.00 TO: 4-1-31020-1002, \$1,177.00 and 4-1-31020-5804, \$1176.00.

##### Alcohol Grant:

FROM: 3-1-23020-0023, Alcohol Grant, \$1500.00 TO: 4-1-31020-1008, Special Events, \$1500. Motion by Mr. Miller, seconded by Mr. Crittenden, carried unanimously.

##### Insurance Reimbursement:

FROM: 3-1-18030-0005, Refunds – Insurance Reimbursement, \$582.00 TO: 4-1-31020-5408, Sheriff – Vehicle Supply, \$582.00. Motion by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

##### Reserve Deputy – Defibrillators:

FROM: 3-1-23020-0035, Sheriff – Reserve Deputy Revenue, \$2409.00 TO: 4-1-31020-1007, Sheriff – Reserve Deputy, \$2409.00. Motion by Mr. Miller, seconded by Mr. Jessie; carried unanimously.

Defibrillators:

FROM: 3-1-23020-0042, Sheriff – Heart Defibrillators, \$4629.00 TO: 4-1-31020-7008, Sheriff – AED Equipment, \$4629.00. Motion by Mr. Miller, seconded by Mr. Crittenden and carried unanimously.

***Oyster Festival:***

Sheriff Abbott was praised for his work in keeping it an uneventful Oyster Festival. The Sheriff reported that there were 19 arrests made on Friday and only 2 on Saturday.

**COMMITTEE REPORTS:**

Mr. Miller:

- VACo Region 2 meeting – Mrs. Weber, Mr. Williams, Mr. Jessie and Mr. Culley all attended the meeting.

Mrs. Weber:

- Sports Complex – John Fleet was elected chairman; Jackie Taylor has been elected to the Board and will take over Treasurer's position; Tammy Putney, as Little League President, has been appointed to the Board. The Committee will be proceeding with the second phase of the lighting grant.
- Comprehensive Services – Rules and regulations appear to be overlapping forcing County to spend more money to meet state requirements even though some things are redundant.
- E-911 – Kevin Jordan had sent out a memo regarding the request for Verizon to proceed with the installation of trunk lines necessary for the enhanced 911 feature.
- VACo Region 2 meeting – no State legislators representing Middlesex County were in attendance. Mrs. Weber commented on the lack of response to a VACo/VML survey regarding State mandates.
- Courthouse project – a list of furniture is being prepared.

Mr. Jessie:

- Social Services – The debit card system has become a very good system.
- Museum – gearing up for a membership drive.

Mr. Crittenden:

- Planning District Commission – an issue will be discussed in Closed Session.

Mr. Williams:

- VACo Region 2 meeting – there will be in no increase in State taxes.
- Planning District Commission – information on the mitigation-planning requirement was presented to the PDC.

### **SOCIAL SERVICES VAN**

Mr. Culley advised the Board that there had been complaints about the condition of the van that was normally kept at the Cooks Corner Office Complex for the Department of Social Services. It had been suggested that the van be kept at the Courthouse Complex to allow maintenance by County employees. The motion to keep the van at the Courthouse was made by Mrs. Weber seconded by Mr. Miller and carried unanimously.

### **HIGHWAY MATTERS**

Resident Engineer, Marcie Parker was present for the meeting and introduced Tommy Purcell and Brown Croxton of the maintenance department.

**Route 604:** Project is complete.

**Gayle's Road:** Trimmed tree where they could; would have to get professional tree trimmer to the site.

### **SCHOOL MATTERS**

Mr. Myers presented enrollment figures of 1348 and noted that the budget was based on 1292.

Mr. Myers presented a resolution to the Board declaring Wilton Elementary School as surplus property. A resolution declaring Rappahannock Central Elementary School as surplus should be brought to the Board of Supervisors in December.

Mr. Myers also presented a hold harmless agreement in which the School Board takes full responsibility for the fiber optic line that was buried on the sports complex property, including it's repair if any damage is done when new lighting is installed for the Complex. Mrs. Weber requested that language be included that states the School System had the line installed without permission and also a drawing included that shows an estimated location of the line.

***Appropriation:***

The motion to approve the appropriation of funds to cover the demolition of concrete slab under the existing school canopy was made by Mrs. Weber, seconded by Mr. Crittenden and carried unanimously; FROM: 3-1-41060-0001, General Fund \$1,299.00 TO: 4-1-12090-3004

The high school building project is on schedule, with construction to be completed in mid-February and movement into the addition in March. Demolition on the east wing is planned for January.

***Budget:***

Mr. Myers noted that he is withholding 25% from the school system, but enrollment is up over the budget figures which will help.

***Band Uniforms:***

The pants for the high school band uniforms were purchased new; the tops and hats were purchased from Powhatan.

***Janitorial Services:***

Mr. Myers noted that the school system is looking at the possibility of hiring another janitor to help take care of the floors at the new school; maintenance of an additional one-half mile of hallway has been added with the new school, plus there will be additional hallway space in the new high school wing. Some of this was taken into consideration in budget preparation. The School Board also recognized that the cost of heating and utilities would increase, but did not know what to put into the budget. These items may be addressed within the current budget, but may take up the 15% that the school systems have been asked to cut.

***Surplus Property:***

The Board was advised of the surplus property sale scheduled to be held at Rappahannock Elementary. It was noted that the Upper Middlesex Volunteer Fire Department Auxiliary wished to purchase or be given some of the kitchen equipment. According to Mr. Soberick, the School Board could negotiate with the volunteer organization.

**MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY**

Lewis Lawrence, representing the Middle Peninsula Planning District Commission, made a presentation to the Board. As Mr. Lawrence explained, the General Assembly has empowered local governments to form the Middle Peninsula Chesapeake Bay Public Access Authority, an entity created with the only function of addressing local and regional public access issues. This authority was developed at

the request of the Planning District Commission and local governments on the Middle Peninsula to enable the preservation of public access sites. Representatives of the local governments would serve as the authority directors who would develop an annual work program and work on public access projects they deem important. Other possible duties include: identification of land, either owned by the Commonwealth or private holdings that can be secured for use by the general public as a public access site; determining appropriate public use levels of identified sites; developing appropriate mechanisms for transferring title of holdings to the Authority; developing acquisition and site management plans; determining what holdings should be sold to advance the mission of the Authority; and other duties established by the authority.

Project costs would be borne by the localities. Current administrative costs would be handled with the Planning District Commission's coastal program grant.

Mrs. Weber commented that this was not the time for the County to be getting into anything. Action was tabled until the December 3<sup>rd</sup> meeting.

### **AIRPORT MATTERS**

Mr. Bob Crump presented the Airport Committee's recommendations to the Board regarding the tree obstruction, which included the County proceeding with cutting the tree without any state reimbursement. Removal of this obstruction would make the County eligible for funding and a permanent easement can be worked out later.

In addition, the Airport Committee has been working on an application for use of the airport property (fields) by other groups. This will be forwarded to the Supervisors for their review.

### **APPOINTMENTS**

There was no action taken on requested appointments and reappointments.

### **AFTER-THE-FACT FEES – COMMUNITY DEVELOPMENT DEPARTMENT**

Mr. Culley presented a request from the Planning Director, Matthew Higgins, for the Board of Supervisors to consider the establishment of "After-the-Fact" fees for Land Disturbing and Chesapeake Bay Development Permits and establishing a fee for Resource Protection Area Development Permits, which are currently free. According to Mr. Higgins, not only has the total number of permits issued increased, but the number of after-the-fact permits has also increased, he believes because there is no incentive for individuals to obtain the permits prior to land clearance and disturbance. The motion to proceed with the public hearing process to establish the fees was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously.

## **REASSESSMENT**

A committee of Mrs. Weber, Mr. Culley and Commissioner of the Revenue, Mrs. Ebinger, recently met with representatives of the three firms that had submitted proposals to perform the County's next reassessment. These firms were: Tri-County Appraisal, Blue Ridge Appraisal and Pearson Appraisal. The Committee recommended unanimously that the Board negotiate a contract with Tri-County Appraisal, who had submitted a proposal to perform the reassessment at a cost of \$13.00 per parcel, \$161,200.00. The motion to negotiate a contract, including extra time at night for assessment hearings was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously.

## **HOLLY POINT PROPERTY**

There was some comment regarding a suggestion that the County sell the 4.57 acres of Holly Point property and the house on the east side of Mill Creek. Mr. Crittenden commented that it was wrong to sell the property and that it would only grow in value. There was no further action.

## **ST JOSEPH'S VILLA**

The Board of Supervisors considered a proposal from St. Joseph's Villa to establish a regional special education day academy in the multi-purpose building of Rappahannock Central. The group proposed to rent the facility for a period of six (6) months, from December 15<sup>th</sup> to June 15<sup>th</sup> and pay rent in the amount of \$2,000 per month. Craig Hedley estimated a return to the County, (in rent and reduced educational and transportation costs) if four (4) County students were placed in the program, of \$30,600. It is unknown at this time what the cost of utilities would be. Mr. Culley was asked to recommend that the group include payment of the utilities in their proposal.

## **PURCHASE OF PROPERTY**

The motion to accept the deed for the purchase of an 80' x 118' strip of land from Archie Soucek and Charles Revere, at a cost of \$16,426.00 and to request payment of the cost, title insurance at \$227.50, and grantor's tax of \$16.50 from the bond proceeds was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously. Mr. Soberick made a disclosure that he was part owner of the title insurance company used to perform the title search and provide the insurance.

## **COURTHOUSE PROJECT**

Mr. Culley informed the Board that Judge Long had again requested that the Clerk for the General District Court be provided with a private restroom, since this employee is usually working in the office alone. There was no action taken to change

the plans. Mr. Soberick advised that no additional action was required as this request had already been denied.

### **CLOSED MEETING**

Upon reconvening from a lunch recess, the motion to convene in closed session pursuant to Code of Virginia §2.2-3711. A.1 to discuss personnel issues and §2.2-3711.A.7 to discuss pending litigation was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously. Upon reconvening in open session, the following motion was made by Mrs. Weber, 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 §2.2-3711. A.1 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 Session, there was no action.

### **ADJOURN**

As there was no further business, the motion to adjourn was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

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Kenneth W. Williams, Chairman  
Board of Supervisors