

**AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, SEPTEMBER 3, 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 (absent for portions of meeting)
Wayne Jessie, Sr., Jamaica District

Charles M. Culley, Jr., County Administrator
Michael T. Soberick, County Attorney (absent for portions of meeting)

CALL TO ORDER

Chairman Williams called the meeting to order at 9:00 A.M. and opened with a prayer. It was noted that Mrs. Weber was not present at the time, but was expected later.

MINUTES

The motion to approve the minutes of the August 6th and August 20th meetings as corrected was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

DISBURSEMENTS

Mr. Culley requested Board action to deny payment of an invoice from an advertisement firm. Although not approved, the County was being billed to advertise the County Building Department for a three (3) year period. The motion to deny payment of the invoice was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Mr. Crittenden questioned the cost being paid for dog food and it was requested that the prices be checked to see if a cheaper brand could be purchased. The motion to approve the disbursements as presented, was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously. Checks numbered 42741 through 42901 totaling \$142,899.71 were disbursed as approved.

The motion authorizing the Treasurer to pay two bills from Bond proceeds for the courthouse was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

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 42643 through 42740 totaling \$168,666.51 were disbursed as approved.

CONSTITUTIONAL OFFICERS

Treasurer and **Commissioner of Revenue**:

Mrs. Ebinger advised the Board of re-classifications given to the Chief Deputies for the Treasurer's and Commissioner's Offices by the State Compensation Board. Each deputy was approved for a salary increase of \$3,887.00, 50% of which was to be matched by the locality, taking their salary from \$19,961 to \$23,848. After September 16th, there will be no State share and the increase becomes 100% local. It was noted that this was the first increase by the State for these positions since 1996. Board members expressed their disapproval with the State making these requirements of the County. The motion to approve the increase in funds was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

Sheriff

Peggy Macy was present representing the Sheriff. Mr. Crittenden expressed the outrage of citizens in the Pinetop area because of recent break-ins and suggested that there could be more night patrol in the Deltaville area rather than radar enforcement on 17 and suggested shifting coverage times.

Paige Bishop, volunteer with the Security Patrol, invited Board members to attend the Day in the County with a Friend event scheduled for September 14th at Hartfield Volunteer Fire Department.

COMMITTEE REPORTS:

Mr. Miller: there were no reports from Mr. Miller

Mr. Jessie:

- Social Services – program with debit cards for food stamps seems to be working well.

Mr. Crittenden:

- Airport Committee – no quorum at the last meeting, but Committee is still interested in constructing the hangars.

Mr. Williams:

- Local Government Official's Conference – budget constraints seemed to be the biggest topic.

HIGHWAY MATTERS

Mr. Soberick arrived and was present for the remainder of the meeting.

Assistant Resident Engineer, Sean Trapanni was present for the meeting:

Hilliard's Mill Pond: Mr. Trapanni requested the Board's action on a draft agreement between the State Department of Transportation, County and the Hilliard's Mill Pond Homeowner's Association regarding assistance with rebuilding the dam at Hilliard's Pond. As explained in the agreement, the State funding for the project would come from the County's secondary improvement budget and would require a readjustment in priorities in the six-year plan. The State is committing to paying 50% with a cap of \$40,000. The motion to agree to the proposal was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

Route 620: Errors in previous resolutions adopted for Route 620 have been pointed out and a new resolution drafted by the district office. 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 on a section of Route 620 in the secondary system of highways, as a result of Project 0033-059-V06, C-505, which sketch is hereby incorporated herein by reference; and

WHEREAS, the new road serves the same citizens as that portion of the old road identified to be abandoned and that segment no longer serves a public need; and

WHEREAS, by resolution dated March 5, 2002, this Board requested the Virginia Department of Transportation to add to the secondary system of state highways the section of new road identified to be added, pursuant to §33.1-229; and

WHEREAS, the resolution dated May 7, 2002 passed by this Board is to be rescinded, as it did not accomplish the legal and proper abandonment of the portion of the old road so identified.

NOW, THEREFORE, BE IT RESOLVED, this Board hereby rescinds said resolution and

BE IT FURTHER RESOLVED, this Board hereby orders abandoned as part of the Secondary System of State Highways, pursuant to §33.1-155, Code of Virginia, that portion of Route 620 identified by the sketch to be abandoned.

Kenneth W. Williams	aye
Fred S. Crittenden	aye
Lenora O. Weber	absent
John D. Miller, Jr.	aye
Wayne H. Jessie	aye

Maintenance Supervisor: Tommy Purcell has been named the new maintenance supervisor for the Saluda residency.

Bus Loops: Resolutions from the School Board and Board of Supervisors are required for abandonment of the bus loops at Wilton and Rappahannock Central Elementary Schools.

Federal Grants: Federal grants have been approved to all left turn lanes at Route 625, 626 and 623, at the intersections with Route 33.

Route 604: Scheduled to finish the project on September 9th.

Mowing: There will be one more mowing on primary and secondary roads.

Six-Year Secondary Improvement Plan: The Board of Supervisors authorized scheduling a work session on the six-year plan for October 1st, with the public hearing to be held on October 15th.

APPROPRIATIONS

The following appropriations were approved by a unanimous vote of those present (Weber absent):

Painting at CCOC: FROM: 3-1-41060-0001 \$4300.00 TO: 4-1-43020-3004, for painting roof at the Cooks Corner Office Complex, project approved 6-4-02; motion by Miller, seconded by Jessie.

Sheriff, Additional Part-time Money: FROM: 3-1-23020-0001 \$4527.00 TO: 4-1-31020-1003, for increase in revenue received for part-time compensation board positions; Mr. Miller, seconded by Mr. Jessie.

Memorandum of Understanding – Dispatchers: FROM: 3-1-41060-0001 \$19,108.00 TO: 4-1-31020-1009 \$17,750; 4-1-31020-2001 \$1358.00, for funding approved per Memorandum of Understanding with Sheriff (approved 12-01) motion by Mr. Miller, seconded by Mr. Jessie

ANIMAL SHELTER

Board members discussed the proposed agreement for joint construction and operation of an animal shelter with King William and King and Queen Counties. Board members expressed their reluctance to approving an agreement for construction without a cap and requested that Mr. Culley contact the other administrator's regarding setting a cap. There was no further action.

SCHOOL MATTERS

Mrs. Weber arrived at the meeting.

School Board member, John Moore, reported that all schools had opened as scheduled. Division Superintendent, Mike Myers showed a video presentation prepared by the technology students at the middle school.

COMMUNITY SERVICES BOARD

Mr. Frank Tetrick, Director and Mr. William Savidge, member of the board, presented the request for approval of the CSB performance contract and budget for the next year. Mr. Tetrick would be submitting a proposal to the state in anticipation of cuts in state funding which would result in a cap in services, reduction in programs available and possible waiting lists. The CSB is looking at possibly increasing client fees for services; 63% of the budget is covered through fees. The motion to adopt the performance contract and budget as presented was made by Mr. Jessie, seconded by Mr. Crittenden and carried by vote of 4-0-1 (Mrs. Weber was absent from the table).

RESOLUTION

APPROVAL OF PERFORMANCE CONTRACT

WHEREAS, §37.1-198 OF THE Code of Virginia [1950] as amended, requires each Community Services Board to submit, to the governing body of each political subdivision that established it, an annual performance contract for community mental health, mental retardation and substance abuse services for its approval prior to submission of the contract to the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, and

WHEREAS, the Middle Peninsula – Northern Neck Community Services Board has put forward its proposed Performance Contract for Fiscal Year 2003, for approval by the Boards of Supervisors of its governing counties of Essex, Gloucester King and Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland;

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Supervisors of Middlesex County, Virginia, that the Performance Contract prepared by the Middle Peninsula-Northern Neck Community Services Board for Fiscal Year 2003 and presented to the Board is hereby approved and may be forwarded to the Department of Mental Health, Mental Retardation and Substance Abuse Services as further required.

PUBLIC HEARING – AMENDMENT REQUEST FOR COURTHOUSE SEWER PROJECT

Chauncey Mann, Chairman of the Industrial Development Authority, introduced Bob Gary and Claude Boyd, two members of the IDA who had been working on the proposed sewer project. As Mr. Gary explained, the IDA can issue 10 million dollars per year in bonds. The IDA collects a fee of 1/8 of 1% on the outstanding balance for the life of the loans and uses these funds for other projects; there are no budget funds from the County for the IDA. The courthouse sewer project is the first project that these funds are being used for; preliminary discussion of the project had been held at the Board's August 20th meeting.

Mr. Boyd explained that the IDA was directed by the Board of Supervisors to study the sewer issue for the Saluda area. The IDA hired the firm of R. Stuart Royer to study whether it would better to have a stand-alone system for the County Courthouse

or a system for the Courthouse and the Saluda area with hopes that economic development would be spawned by the availability of sewer. Sixteen businesses were initially contacted with twelve expressing definite interest. The IDA saw the benefits to the County as follows: reduction in County plant and operating and maintenance costs; more efficient plant operation; provide for commercial development; increase tax revenue as much as \$75,000 - \$100,000 per year. The IDA would contribute the connection fee for the Courthouse Complex (\$130,277) and the High School (\$89,000). The following action was requested from the Board of Supervisors: accept the preliminary engineering report (PER); commit \$400,000 for the plant; authorize the IDA to promote the PER and costs to potential users; get commitments from potential users (would require development of County ordinance); authorize the engineer to proceed with wastewater treatment design and permitting.

Mr. Williams opened the hearing for discussion. Mike Anderberg questioned whether residential customers would be allowed. It was explained that the system was for commercial users only, however, residential users could pay to connect to the system if their systems were deemed to have failed and they had no alternative location to put a new system.

School Board member, John Moore, commented that the High School could be removed from the proposal because the School Board was paying money now to upgrade it's septic lines.

Questions were expressed about right-of-way acquisition for the piping. It was explained that this had been considered and estimates included.

Charles Bristow questioned when the system would reach its peak load. Mr. Boyd explained that peak flows should be reached in several years. The system would be a County system, financed through the IDA. A system for monitoring usage would be established along with a guide for adjusting fees.

John England commended the IDA for the work they had done and encouraged the Board to participate. Work by the Planning and Development department was also encouraged to get ahead of the curve. As this will be a commercial system, commercial development would also come and ordinances would need to be revised, and some new ones created and the pressure will be on the County for development of systems in other areas of the County.

County Attorney, Michael Soberick, added that the Planning Commission would have to review the project for consistency with the Comprehensive Plan. Mr. Anderberg reiterated that the impact to the Saluda area must be studied, but the County-wide impact must also be studied. Mr. Williams noted that systems for water and sewer in the Deltaville area had already been studied but were not deemed economically feasible.

There being no further comments from the public, the public portin of the hearing was closed. Mr. Miller noted that provisions for sewer for the Courthouse had to be

made and this was a great opportunity for businesses in Saluda. Mrs. Weber questioned why the piping was not proposed to extend to the Hardees at Route 17. Mr. Boyd indicated that the owners of the Hardees had been contacted, however with their own system already in place, they were not interested. Mrs. Weber added that the Board had no choice but to support the project because of the Courthouse. Mr. Jessie noted that this could be the opportunity necessary for businesses to expand adjoining the Food Lion. Mr. Crittenden added that the IDA would be working to get more businesses on the system; this would further lower costs. Mr. Williams thanked citizens for their comments. The following motion was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously: approve the commitment of \$400,000 as the County's portion for construction of the system, authorize the IDA to proceed with gathering potential users, and authorize R. Stuart Royer to proceed with the design phase and to make applications to authorizing agencies for permits.

LOWER UNITED METHODIST CHURCH

Mr. John Fleet requested the Board allow the Lower United Methodist Church to let the trailers they purchased as surplus from the School Board remain on the Wilton School property until they could prepare a site for them. The Church would pay the utilities for their units and provide whatever insurance was required. The motion to approve the request was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

PATRIOT'S DAY

The Board agreed to endorse September 11, 2003, as Patriot's Day and requested that a copy of the following resolution, which had been adopted in reference to September 11, 2002, be printed in the Southside Sentinel:

RESOLUTION
of the
MIDDLESEX COUNTY BOARD OF SUPERVISORS

TERRORISM ACTIVITIES

Whereas, on September 11, 2001, America was suddenly and brutally attacked by foreign terrorists, and;

Whereas, these terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, one into the Pentagon outside Washington, DC, and one being crashed outside of Pittsburg, and;

Whereas, thousands of innocent Americans were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders, and;

Whereas, these cowardly acts were by far the deadliest terrorist attacks ever launched against the United States, and, by targeting symbols of American strength and success, clearly were intended to intimidate our nation and weaken its resolve, and;

Whereas, these horrific events have affected all Americans it is important that we carry on with the regular activities of our lives. Terrorism cannot be allowed to break the spirit of the American people, and the best way to show these cowards that they have truly failed is for the people of the United States and their counties to stand tall and proud,

Therefore be it resolved, that the governing body of Middlesex County condemns the cowardly and deadly actions of these terrorists, and;

Be it further resolved, that the governing body of Middlesex County supports the President of the United States, as he works with his national security team to defend against additional attacks, and find the perpetrators to bring them to justice, and;

Be it still further resolved, that the governing body of Middlesex County recommends to its citizens to support relief efforts by giving blood at the nearest available blood donation center.

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

ANIMAL CONTROL VEHICLE

It was reported that the State contracts on vehicles had just been released and a 2003 Ford F150 could be obtained for \$12,257.71, or leased for a 3-year period with quarterly payments of approximately \$1,209.71. The motion to appropriate the funds and purchase the F150 for \$12,257.71 was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously. Mrs. Weber requested a copy of the regulations that covered animal control transport vehicles.

AIRPORT HANGARS

Mr. Williams announced there would be no action on the request to amend the budget by adding \$250,000 for the construction of hangars at the airport.

COURTHOUSE PROJECT

Architects for the Courthouse project have estimated that the changes suggested by the judge's attorney would add approximately \$10,000 to the project cost, with the highest expense being for an additional bathroom for the District Court Clerk at \$7,000. The motion to accept all proposed changes except the Clerk's bathroom was made by Mrs. Weber, seconded by Mr. Crittenden and carried unanimously.

CLOSED MEETING

The motion to convene in closed session pursuant to Code of Virginia §2.2-3711. A.7 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. Jessie 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.7 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 Session, the County Administrator was authorized to have the obstructions surveyed on the South end of the runway.

ADJOURN

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

Kenneth W. Williams, Chairman
Board of Supervisors