

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, DECEMBER 2, 2003, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

Present: Lenora O. Weber, Saluda District
Kenneth W. Williams, Pinetop District
Fred S. Crittenden, Pinetop District
Wayne Jessie, Sr., Jamaica District
John D. Miller, Jr., Saluda District

Charles M. Culley, Jr., County Administrator
Michael T. Soberick, County Attorney

CALL TO ORDER

The Chairperson, Mrs. Weber called the meeting to order at 9:00 A.M. Mr. Jessie opened with a prayer; Mr. Culley led the Pledge of Allegiance.

MINUTES

The motion to approve the minutes for the meetings of November 5th and November 18th, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

DISBURSEMENTS

It was noted that payment requests included an extra night's room charges for Mr. Williams and Mrs. Weber made at the Homestead on the credit card issued in Mrs. Weber's name. These members went a day early to the Homestead because they had early morning meetings. Mrs. Weber and Mr. Williams both reimbursed these charges to the County upon their return from the VACo Annual Meeting. The motion to appropriate the reimbursement of \$586.82 toward the VISA payment was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. The Sheriff was reminded that leased vehicles should not include charges for sales tax.

Mr. Williams issued concern for County recovery from high expenditures because of hurricane response and the impact that the hurricane will have on tax revenues. Mr. Williams suggested that all County departments hold back on spending, at least until the full impact is resolved. The motion to approve the disbursements as presented and including a motion that all departments take a "if it is not broken, do not fix it" response was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. Checks numbered 47012 through 47164 totaling \$311,632.60 were disbursed as approved.

PAYROLL

The motion to approve payroll for the month of November was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Checks numbered 46597 through 46698 totaling \$176,316.35 were disbursed as approved.

CONSTITUTIONAL OFFICERS

Treasurer

Mrs. Bray reported that her office would begin processing passport applications in January. Mrs. Bray had earlier proposed that 80% of the collected fee be returned to her office as supplements to her employees that would be doing the additional work, with the remaining 20% be kept by the County. Mr. Crittenden explained that in order to be consistent, he would be opposed to this request because he had also been opposed to the Sheriff's Department using portions of the fees collected from writing tickets. Mr. Williams reminded the Board that having a passport agent here would be a service to the citizens of the County and it was up to the citizen as to whether they pay a fee for it in Middlesex or in another office; people being issued a ticket do not have a choice on whether or not they pay the fee.

Mrs. Bray advised the Board that she had no idea of the time involved or fees that could be generated with the process. It was suggested that the fees be collected and remain in the general fund to see how much is collected over a year. This issue can be reconsidered in the next budget cycle. Mrs. Bray expressed her disappointment and hope that the Board would reconsider the issue, as she believed her employees deserved the supplement for learning the process and doing the extra work involved. The motion that the funds be held in the general fund and reconsidered after a year, was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously.

Sheriff

Sheriff Abbott had nothing to report to the Board members, but invited them all to attend the Sheriff's Department Christmas dinner on December 12th.

Commissioner of Revenue:

Land Use Values:

Mrs. Ebinger requested the Board's comments on setting the values for land use. According to Mrs. Ebinger, these values can only be set during the year of the County's general reassessment, which is this year, and cannot be changed until the next reassessment. The State Land Evaluation and Advisory Committee (SLEAC) has suggested that the value for agricultural land be reduced from \$450 per acre (2003 value) to \$280 per acre; the highest value in the past five years was in 2001 when SLEAC set the value at \$720 per acre. Mrs. Ebinger suggested using an average of

the past five years to come up with the value, which would incorporate good and bad crop years. The average of values from 2000 to 2004 would be \$558.

On the other hand, SLEAC has shown a decline in forest lands since 2000, with the proposed value for 2004 at \$445 per acre (average since 2000 is \$509). Mrs. Ebinger suggested using the SLEAC recommendation on this because of the devastation that has occurred from Hurricane Isabel.

Board members were in agreement with Mrs. Ebinger's recommendations.

Tax Abatement:

In researching tax abatements due to natural disasters, Mrs. Ebinger found that applicants would be required to submit documents to show whether their loss was covered by insurance or other means, settlement papers for the claim and repair bills. For the amount of the potential abatement from three months of taxes, she did not believe it worth the amount of work from the citizen or from the Commissioner's office. In addition, citizens that have not repaired their damage as of January 1st will receive a break on taxes for an entire year.

Mrs. Weber expressed her appreciation for the research that Mrs. Ebinger had done. It was the consensus of the Board not to offer abatements.

COMMITTEE REPORTS:

Mr. Crittenden:

- Social Services – The Social Services Board would have an opportunity to interview the short list of six applicants for the director's position, on December 9th and 11th. The Gloucester County Director of Social Services is assisting in the process.
- Airport Committee – did not attend the regular meeting.

Mr. Jessie:

- Virginia Association of Counties (VACo) Annual Meeting – Attended Hurricane Isabel lessons learned session with Michael Cline, Director of the Department of Emergency Management; attended sludge seminar; attended Rural Planning Caucus seminar with Bill Pennell, Lancaster County Administrator as chairman of the Caucus.
- Museum Board – next project – a book signing on December 6th. Barbara Lovelace is the new president. Mrs. Weber asked that Mr. Jessie try to get the Museum to help sell the County flags.

Mr. Williams:

- VACo Meeting – Attended Hurricane and sludge seminars; also attended Transportation seminar – there is no money available and no idea of how to get money. Mr. Miller was elected as the Region 2 Director and Teresa Altemus has been elected as the Secretary/Treasurer of VACo.
- Planning District Commission – There was an update on the enhancement program, the Dragon Run Management Plan and the legislative program. A Committee has been appointed to draft a contract for the Director. Landfill issues will be discussed at a joint meeting of the Planning District Commission and the Virginia Peninsulas Public Service Authority.

Mr. Miller:

- VACo – State fees increasing is a number one issue with VACo; biosolids – this issue has gotten totally out of control. Mr. Crittenden noted that this issue would not go anywhere as long as the Farm Bureau is pushing it. Board members believed that this is the State's way of getting the localities to take on all monitoring
- Planning District Commission – Dragon Run Management Plan is to leave the Dragon as it is.

Mrs. Weber:

- VACo Meeting – Making taxing powers for counties the same as cities and towns is the number two priority of the VACo legislative agenda. This is an issue to discuss with Delegate Morgan at his meeting with the Board later in the day.

HIGHWAY MATTERS

Resident Engineer Marcie Parker and Assistant Engineer Sean Trapani were present.

Primary Road Pre-Allocation Hearing

Mrs. Parker advised the Board that the rescheduled Primary Road Pre-Allocation Hearing would be held on December 3rd in Caroline County. The pedestrian/bike path project and the cross over project were both in the feasibility phase. The motion to send a letter requesting continued support of these two projects was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously. County staff member, Jimmy Blake and Bob Mannell from Deltaville, will be attending the hearing to present the Board's request.

Route 636 – Tree

Mr. Williams requested VDOT's attention to a tree on private property that is in a dangerous position.

Sydnor – Water Line Improvements

Mr. Trapani was asked to comment on Sydnor's funding request for having to excavate and put in additional material for backfill as recommended by VDOT. Mr. Trapani stated that the material that had come out of the trench, opened so that Sydnor could lay new pipe, was fine and would have worked as backfill material, if Sydnor had covered and then compacted it in a timely manner. According to Mr. Trapani, the trench was left opened for a long time during several rains and when the material was returned it would not compact. Mr. Trapani also noted that VDOT was not going to approve the asphalt patch that Sydnor has put down so far and has threatened to withhold bond funds to have the work done correctly.

Representatives from Sydnor would be present later in the meeting to discuss their request for additional funds.

SCHOOL MATTERS

Acting Superintendent Cynthia Pitts was present to update the Board of Supervisors on several issues:

Enrollment:

Mrs. Pitts presented current enrollment figures: Elementary School – 538, St. Clare Walker – 432, High School – 369, for a total of 1339 (5 above). Mr. Crittenden requested a comparison of these numbers with last year's enrollment for the same period. Mrs. Pitts commented that there is a concern that the 2004 graduating class from the High School will be 84 and that 135 will be coming up from the 8th grade. There is a larger class behind that, at 144.

Fencing:

Jason Perry, Vice Principal at the Elementary School, presented quotes obtained for installing fencing at the elementary school. Prices were obtained from Rosenbaum Fence Company as follows: to enclose the diesel tank - \$1,351.00, to enclose the clean-outs for the septic system - \$1,350.00. Fencing is a 9 gauge fabric with 7 gauge tension wire. If barbed wire was requested it would add an additional \$137.00 to each price. Prices were also obtained for fencing and gates to enclose the entire school. It was noted that the clean-outs are kept locked and should not be a security or safety issue, however, the diesel tank and piping area was the issue; neither of these were included in the school construction plan. Mr. Perry indicated that he would be looking into obtaining other quotes.

Flag Pole at the High School:

Clean-up of the area will be required before any payment is issued to the contractor who constructed the sign walls.

Air Conditioning Project:

Mrs. Pitts commented that ten (10) days were required to complete the project and that the children would be required to be out of the gym at the time. This delay was caused when it was discovered that there were structural interferences that were not shown on the plans. The contract deadline has been extended to March 13, 2004. An official contract for this project would be reviewed by the School Board at their next meeting; the contractor had started his work under a verbal agreement. Dr. Shores later advised the Board that no payments would be made to the contractor until a written contract was in hand that included a retainage.

Firewall:

The apparent low bidder for the firewall project was United General Contractors of Richmond. The contractor has suggested an alternate location that is less invasive, but will still meet the Building Code requirement. The contract for this project must be issued and permits obtained by December 31st.

It is hoped that there will be enough funding remaining from the air conditioning project to complete this project. Any discussion of errors and omissions by the architect which resulted in the delay of the air conditioning project will be handled by the School Board.

Audit:

Mrs. Weber questioned whether Mrs. Pitts had considered requesting an audit of accounts since taking over as Acting Superintendent. Mrs. Pitts indicated that the School Board would take this under consideration.

Budget:

Mrs. Pitts requested that the Board approve the School Board's budget as soon as possible in the spring to allow for recruitment. Mr. Culley noted that the School Board budget is usually approved at the Board's first meeting in April.

Eastern Regional School Board:

School Board member Dr. Richard Shores advised the Board of Supervisors that he was the Chairman of the Eastern Regional School Board and advised the Board that there was discussion of moving School Board's from the Virginia Retirement System, which could increase the County's contribution toward retirement.

PUBLIC HEARING

A public hearing had been scheduled to hear comments regarding a request to grant tax exemption to the Rappahannock Civic Club, Inc.. The organization pays no personal property tax, however, it has land and improvements valued at \$188,500.00 on which it pays real estate tax. Mrs. Weber opened the hearing for comments from the public. Mrs. Joyce Croxton, President, commented that the Club had responded to the questions as required by the Code of Virginia, and requested the Board's approval of their request. There being no further comment, the public period of the hearing was closed.

Board members commented on the good work that this organization does for the entire county. The motion to approve granting tax exemption to the organization and requesting the same by the General Assembly was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

It was noted that this organization used to receive assistance from the Regional Jail for loading and unloading food for distribution, however, that assistance has been cut off. Mr. Williams requested that the Jail Superintendent be contacted regarding this request. According to Mrs. Croxton, between 1000 and 1700 people receive food from this organization each month.

DELEGATE MORGAN

The County's General Assembly representative in the House of Delegates, Harvey Morgan, was present to hear the Board's concerns to be expressed before the House. Delegate Morgan commented on the good job that Mr. Culley had done at a recent hearing expressing the frustrations of local officials with communications during the Hurricane Isabel event.

Delegate Morgan commented that he hoped that there would be a move to phase out the car tax. Mr. Culley commented that localities saw it as a way for the State to get money back from the localities.

Board members discussed a request to grant equal taxing authority to the counties as is given to cities and towns. Delegate Morgan commented that there has been much opposition to this proposal. He suggested that the county look into adopting a charter, noting that counties with charters can make requests before the General Assembly with much less scrutiny.

Mr. Culley requested that the General Assembly continue to study the redistribution of State income tax.

Delegate Morgan advised the Board that it was important to have a presence in Richmond and advised contacting senior members of local government committees with calls and personal visits before the session. Also, Delegate Morgan suggested using VACo to communicate with him and especially the Counties, Cities and Towns

Committee. Mr. Crittenden also requested that Delegate Morgan make contact with the Board of Supervisors if he hears of something happening that will have a direct effect on the County.

Mr. Culley also noted that sludge and lack of any local control continues to be an issue with the County, especially with so many of the farms that are using sludge being located on the Dragon Run. There are no monitoring wells or checks in place to monitor the runoff or effects this will have.

Delegate Morgan also added that he would be trying to have regulations for local pounds made less restrictive.

SYDNOR – WATER LINE UPGRADE

Jesse Royall and Cliff Parker from Sydnor were present to discuss the additional costs being charged to the County for backfill of the waterline trench. According to a letter from Mr. Parker, the agreement between the County and Sydnor states that if suitable soils for backfill are not found at the site, then the County would be charged to replacement them. Mr. Parker stated that suitable soils were not found and an estimate of \$28,444.00 was obtained for backfilling with all stone; this would have been charged to the County per the contract. This price was reduced to \$11,774.62 after an alternate backfill method of adding some stone and a thicker lift of asphalt was discussed and found acceptable by Sean Trapani of VDOT.

Mr. Culley noted that no one had contacted him to let him know that there was a problem with compaction and that a different backfill was required. Also, VDOT had indicated earlier in the meeting that nothing was wrong with the material that was excavated, that the trench was left open too long and filled with water. Mr. Parker stated that that was not correct because it was found that a lime/cement mix had been added to the soils to construct the roadbed, which indicated that the base was not strong enough originally. This material would not compact a second time and therefore had to be removed. Mr. Royall reminded the Board that this work would have cost the Board an additional \$28,000 by the contract; however, they found the alternative method that saved money.

No action was taken on the issue at this time. A meeting of Mrs. Weber, Sydnor representatives, Mr. Culley, Mr. Soberick and Mr. Trapani, from VDOT would be scheduled to further discuss the issue, with action to be taken at the Board's meeting on December 16.

It was noted that a change order in the amount of \$979.37 had been approved to increase a 4" water supply valve to 6" for the building sprinkler supply line at the courthouse site.

YMCA

Mr. Joe Heyman was present to request the Board consider allowing the YMCA to demolish the portion of Wilton School that was in front of the old media center and add gravel to create a parking area. The YMCA would cover the cost of demolition, removal of the debris and creation of the lot.

Board members questioned the value of the portion of building to be destroyed. Mr. Williams commented that he would not vote to destroy something the taxpayers had paid for. Mr. Crittenden noted that either the County should be prepared to spend a lot of money to repair the buildings or the entire complex should be demolished. Mr. Miller suggested putting the parking area where the mobile units were, behind the main building. Mr. Heyman noted that they did not wish to hide the parking area and that the proposed location would be a safer location. He added that the YMCA had been given a great price to do the work and that it probably would be cheaper with the demolition than to change the plan and go behind the buildings. However, if the Board is looking at the current building as being an asset, then it may not be cheaper.

The Board took no action on the request.

APPROPRIATION

The motion to approve the following appropriation request was made by Mr. Miller, seconded by Mr. Williams and carried unanimously:

FROM: 3-1-18030-0006, \$323.00 TO: 4-1-31020-5407, \$323.00. Appropriation of insurance reimbursement to sheriff's account for vehicle repair.

The motion to approve the following appropriation of grant funds was made by Mr. Miller, seconded by Mr. Williams and carried unanimously:

FROM: 3-1-24040-0900, \$10,892.00 TO: 4-1-31020-1009, \$10,892.00. Appropriation of remaining portion of \$30,000 wireless grant that can only be used for dispatch, either for manpower or supplies. If not used, these funds would have to be returned. The other portion, \$19,108.00 is already budgeted per the service agreement for the dispatchers.

REQUEST TO WAIVE WETLANDS FEE

Board members reviewed a request from Mr. John M. Elkin, Jr., to waive the \$150.00 Wetlands fee for an application to rid his waterfront of phragmites. Mr. Culley reminded the Board that this application requires a public hearing, advertisements in the local newspaper, and sending out certified adjoining property owner notification; there is expense by the County. Mr. Miller contended that the citizen was attempting to make improvements that were not required and was being charged to do so. The motion to approve the request to waive the fee was made by Mr. Miller, seconded by

Mr. Williams. The motion failed by a vote of 2 for (Miller, Williams) to 3 opposed (Jessie, Crittenden and Weber). Mr. Soberick suggested that the way to correct the issue was to amend the ordinance.

RADIO STATION

The motion to endorse the resolution in commendation of the management and staff of WRAR radio for 24-hour emergency coverage during and immediately following Hurricane Isabel was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. There is a move within Lancaster County to get national recognition for WRAR through the National Association of Broadcasters.

IN APPRECIATION OF WRAR RADIO

WHEREAS, on September 18, 2003, Hurricane Isabel wreaked devastation on the Commonwealth of Virginia and particularly the Northern Neck and Middle Peninsula; and

WHEREAS, as a result of the winds and tidal surges of Hurricane Isabel, virtually 100% of Northern Neck and Middle Peninsula citizens were without electricity and other services required for normal quality of life; and

WHEREAS, as a result of this loss of electricity, information was difficult to disseminate to the citizens of the Northern Neck and Middlesex Peninsula so that they would know where they could receive emergency assistance to provide for their health, safety and welfare; and

WHEREAS, only one radio station, WRAR, Tappahannock, Virginia, was able to continue broadcasting to the citizens of the Northern Neck and Middle Peninsula during and immediately after Hurricane Isabel; and

WHEREAS, the management and staff of WRAR devoted its resources to providing continuous information to the citizens of the Northern Neck and Middle Peninsula by foregoing commercial interruption and normal broadcasting requirements; and

WHEREAS, the management and staff of WRAR continued 24-hour broadcasting services to the local communities by giving up their own time and ignoring their own storm damage to provide emergency information to its listeners.

NOW THEREFORE BE IT RESOLVED, that the Middlesex County Board of Supervisors commends the management and staff of WRAR radio, Tappahannock, Virginia for its commitment to public service and public safety; and

BE IT FURTHER RESOLVED, that the Middlesex County Board of Supervisors offers its heartfelt gratitude to the management and staff of WRAR radio for their efforts in providing continuous emergency information to the citizens of the Northern Neck and Middle Peninsula.

Adopted: December 2, 2003
Charles M. Culley, Jr.
County Administrator

Attest: _____

CLOSED MEETING

The motion to convene in closed session to discuss matters relating to personnel, per Code of Virginia §2.1-3711.A1, was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

Upon reconvening in open session, the following motion was made by Mr. Miller, seconded by Mr. Williams and carried unanimously:

- To the best of the members' knowledge only public business matters lawfully exempted from open meeting requirements under Code of Virginia §2.1-3711.A1 as 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 taken.

ADJOURN

The motion to adjourn the meeting was made by Mr. Miller, seconded by Mr. Williams and carried unanimously. Board members would be eating lunch at the High School and having a tour of the High School, specifically the area being discussed for the Fire Wall. The next regular meeting was scheduled for December 16, 2003.

Lenora O. Weber, Chairperson
Board of Supervisors