

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON WEDNESDAY, NOVEMBER 5, 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. Mrs. Weber opened with a prayer; Mr. Culley led the Pledge of Allegiance. Mrs. Weber extended congratulations to Mr. Crittenden, Mr. Jessie, and Mr. Miller for being elected to new terms as supervisors.

MINUTES

The motion to approve the minutes for the meetings of October 1st as corrected and October 7th and October 21st, 2003, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

DISBURSEMENTS

It was noted that representatives from R. Stuart Royer, the engineering firm working on the wastewater treatment system would be at the Board's November 18, 2003, meeting. A payment of \$1,500.00 was included in the disbursements for Middlesex County's part of an advertisement of the Middle Peninsula in the Virginia Is For Lovers magazine. The motion to approve the disbursements as presented was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously. Checks numbered 46702 through 76893 totaling \$151,079.71 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 46597 through 46698 totaling \$180,515.80 were disbursed as approved.

CONSTITUTIONAL OFFICERS

Treasurer

Mrs. Bray reported that tax bills had gone out and payments were being received.

Commissioner of Revenue:

Mrs. Ebinger requested the Board's comments regarding land use values for forest land and agricultural land. This will be placed on the Board's agenda for December 2nd.

Sheriff

Sheriff Abbott reported that arrests at the Oyster Festival were down and traffic details were able to end ahead of schedule. The Sheriff could not make any comments on a recent homicide that was under investigation by the State Police.

COMMITTEE REPORTS:

Mr. Crittenden:

- Airport Committee – The Airport Committee is desirous of dividing up the double-wide trailer for use as a terminal building and possible rental office space. Mr. Culley noted that the maintenance department had a plan in place and had already ordered doors and windows and were waiting for the grass cutting season to end in order to begin work on the project. Mr. Culley had advised Mr. Crump that if any extra improvements were to be made, then a contractor would have to be hired to make them. Mrs. Weber stated that the plan had been for the County to use its own maintenance people rather than spending money with a private contractor. The Board of Supervisors was in agreement that no additional money was to be spent on the project and that Mr. Culley could proceed as planned. There was some question about gas payments being held before being deposited. Mrs. Jones commented that payments are picked up weekly from the Airport for processing. The Committee is interested in pursuing the site preparation work for hangers although the project has been denied funding by the State. Mr. Culley commented that the Board had never taken action on whether they wanted to proceed with that project with County funding. Mr. Williams commented that the current airport facilities serve the community well.

Mr. Williams suggested having someone look at the timber to see if it should be thinned.

- School Projects – Mr. Crittenden reported that the architect and the contractor appear to be having problems, however, it is not the Board's

problem. Mr. Soberick agreed that it is not the Board's issue, however, maybe a letter from the Chairperson should be written asking that the matters be taken care of before it becomes an embarrassment to the entire County. Mr. Williams suggested that the Chairperson meet with the School Board Chairman or write a letter to see if the issue can be resolved; Mr. Crittenden agreed that a letter would be appropriate and noted that the Board of Supervisors does have the right to know the proposed plans for addressing the issues.

Mr. Jessie:

- Social Services – Mrs. Fitchett will be retiring in December; there will be a retirement party planned for January.

Mr. Williams:

- Planning District Commission – Mr. Williams commented that the PDC would be working on an All Hazard Mitigation Plan, a requirement of the Virginia Department of Emergency Management and Federal Emergency Management Agency in order to continue to receive federal funding.
- Department of Natural Resources – There was discussion regarding a recent article in the Virginia Association of County's newsletter, *County Connections*, regarding the user fees that the Department of Natural Resources is planning to charge. The Department has indicated that the fees will be applied to environmental issues; however, according to the article the fees are not matching the programs the Department has said they want to help. The Board indicated that this would be an issue to discuss with the Delegate Morgan and Senator Bolling if they come to the December Board of Supervisors meeting.

Mr. Miller:

- Regional Ground Water Survey – The State is looking at requiring localities to perform regional ground water surveys.
- Disability Services Board – Susan Payne, Director of Disabilities, was present to discuss a "roadmap to services" which is being prepared; this will be a single resource that has links to other services. There will be a meeting in Mathews County of a special "brain injury support group". Jack Fackler is working with the DSB regarding portable handicap ramps. The County gets many benefits for the \$2,000 contribution that is made.
- Biosolids – Real push at VACo to address concerns with biosolids.
- Department of Environmental Quality – Karen Sizemore, DEQ, will be attending a PDC meeting to address landfill issues.

Mrs. Weber:

- No reports
- Urbanna Christmas Parade – The Urbanna Christmas Parade will be held on December 5th, at 7:00 P.M. All Board members have been asked to participate in the parade; Mrs. Weber requested commitments from the members in order to respond to the organizer.

HIGHWAY MATTERS

Maintenance Supervisor Tommy Purcell was present to represent the Highway department. He reported that the third and final primary road cut was underway. The Department is gearing up for winter and is finishing with debris clean-up from the Hurricane. Mr. Williams reported that there were logs in the ditch on Pocahontas Road that needed attention.

SCHOOL MATTERS

Superintendent Michael Myers was present to update the Board of Supervisors on several issues:

School Projects:

The contractor, Ritchie-Curbow, and the architect, Mosley, Harris, McClintock, have been going over the warranties and punch lists; the School Board has voted not to complete the payment of remaining \$132,000 retainage until everything has been documented. The School Board is waiting for the two groups to get together and anticipates some further action within ten days.

Gymnasium:

The air conditioning project for the gymnasium should be completed by November 15th, before basketball season begins.

Elementary School:

Roof leaks continue to occur at the elementary school. The air conditioning company has agreed to do some things to see if they will help.

Mrs. Pitts will be handling the warranty issues of all projects.

Fencing:

Mrs. Weber requested an update on fencing off the above ground oil lines at the elementary school. Mr. Myers stated that he would check into it.

Well at St. Clare Walker:

In working with an official at the State Department of Water Programs, it was suggested that the water be tested to determine levels of materials present that could damage the boiler system. These tests revealed that the water is not the problem. It has been suggested that sand could have been present at the initial firing of the boiler, which later caused the problem. There is currently no flow problem. The latest suggestion is to have the boiler tested to see if there is sand present. The State has recommended designing a system to hook in with what is currently in place and suggested that \$10,000.00 may not be enough to replace the well.

Sign at High School:

Mrs. Weber questioned when construction would be completed on the sign at the High School. Mr. Myers commented that the sign was under construction by a volunteer and he hoped it would be finished soon.

Firewall:

Bids are due in again on November 14th. Mr. Myers indicated that he was nervous that the money issue with the High School construction project could have a negative impact on the bids.

Fuel Pump:

The fuel pump to the gymnasium issue has not been worked on much due to other issues.

Mr. Myers Resignation:

Mr. Myers commented that he would be going to work with the Department of Education on a project involving a three-tier licensure program.

Luncheon:

Assistant Superintendent, Cynthia Pitts, invited the Board to attend a December 8th luncheon at the schools; a more formal invitation will forthcoming.

BAY AGING

Bay Aging has requested permission to make improvements and to use the greenhouse wing at the Puller Center. The motion to approve their request, as long as

it does not cost anything to the County and that County maintenance people are not involved, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

REFUND FEES

The motion to refund two Wetland Board application fees in the amount of \$150.00 each was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously. These fees will be refunded to: Robert Newell and E. Bryan and Linda J. Bowles due to the need for waterfront structures being removed due to Hurricane Isabel.

REPAIR/REPLACEMENT BUILDING PERMITS

Board members discussed the deadline for reporting damages to structures as a result of the hurricane and also the imposition of a deadline for obtaining building permits. The original deadline to report had been established as October 31, 2003, and it was recommended that building permits be obtained by March 31, 2004. The motion to extend the deadline to report damages to December 31, 2003 and to obtain building permits by June 1, 2004, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

APPROPRIATION

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

FROM: 3-1-41060-0001, \$6,851.00 TO: 4-1-36050-7004. Rolling over the funds received in FY 03 for the All Hazards Emergency Planning Grant.

REQUEST TO EXEMPT FROM TAXES

Mr. Crittenden presented a request on behalf of the Rappahannock Civic Club for them be exempted from taxes that they pay to the County and State, as currently in effect for the rescue squads and fire departments. Mr. Soberick advised that a public hearing was required and it was also required that the Club address several questions found in the State Code. In order for the item to be considered by the State Legislature, the public hearing would have to be conducted at the December 2nd meeting. There was a consensus that the hearing be advertised.

HOLIDAY SCHEDULE

Board members were asked to consider the holiday schedule adopted by the Governor with regard to additional holidays for County employees. The motion to adopt the same holiday schedule for County employees as approved for State

employees was made by Mr. Jessie, seconded by Mr. Crittenden. This motion failed by a vote of 2 to 3 (Williams, Miller and Weber opposed). After some discussion, the motion to present the same holiday schedule, with the exception of closing at noon on November 26, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. The additional days off granted to County employees are as follows: closing at noon on December 24; closed all day December 26 and closed all day January 2.

EMPLOYEE HEALTH INSURANCE

Employees had been given the opportunity to meet with Dan Gore, representing Rutherford Insurance, who explained the options being considered for health insurance. It was requested that the Board of Supervisors offer the Virginia Value PPO \$20/\$35/30% plan and also the Virginia Value PPO \$15/\$25/20% plans and to continue to pay the employee cost of the lower value plan, which will increase \$25.24 per month, per employee participating, to \$291.81; additional funds would be required to carry through the current fiscal year, as no increase had been included in the budget. The motion to proceed as requested approving the additional funds was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously.

COURTHOUSE CONSTRUCTION

Mr. Culley explained a request for change orders totaling \$42,517.00, which was mainly for items dealing with security hardware, but also included changes made at the request of Judge Shaw to add receptacles, computer and microphone jacks. Mr. Culley noted that the County has to pay for equipment that should have been put into the original plan, but was omitted by the architect; however, the County is not responsible for any other changes as a result. There is no charge against errors and omissions because this is equipment that should have been in the original plan and the County would have been responsible for paying for it. If construction had proceeded and changes had to be made to correct the error of putting the equipment in, then the County would have a claim; there are no damages to the County as a result of the error.

There was still some discussion by Board members who desired to submit a claim. The motion to approve the change order in the amount of \$42,517.00 was made by Mr. Jessie, seconded by Mr. Miller. The motion carried by a vote of 3-2 (Crittenden and Williams opposed). It was requested that the County still submit an errors and omissions claim to the architects insurance company.

YMCA

Joe Heyman and Carolyn Schmalenberger were present to discussed proposed plans to renovate the former media center of Wilton Elementary, which included creating two handicap accessible bathrooms, eliminating some walls, adding a wall/partition and adding shower and locker room areas. Mr. Heyman noted that the

Health Department has indicated that they would not deny a permit for this use, adding that the current septic system was not designed to handle the stress placed on it by the former elementary school. For comparison, Mathews County YMCA has approximately 600 users per week, with about 60 shower users per week. The motion to accept the changes and to initiate the lease agreement was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously.

HURRICANE ISABEL UPDATES:

Landfill Disposal Cut-Off:

Assistant Administrator, Marcia Jones, advised the Board that they needed to establish a cut-off date that the County would stop paying for disposal of Hurricane debris at the Waste Management Landfill. Representatives of FEMA have suggested November 17th as the cut-off, which would allow time for all bills to be generated for submission to FEMA for reimbursement. The motion to agree that November 17th would be the cut-off was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

Authorized Agent for Application:

The motion to adopt the following resolution which names Mr. Culley as the authorized agent to make applications for FEMA reimbursement was made by Mr. Williams, seconded by Mr. Miller and carried unanimously:

DESIGNATION OF APPLICANTS AGENT

RESOLUTION

BE IT RESOLVED BY the Board of Supervisors of Middlesex County that Charles M. Culley, Jr., County Administrator, is hereby authorized to execute for and in behalf of Middlesex County, a public entity established under the laws of the Commonwealth of Virginia, this application and to file it in the appropriate State Office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288, 93rd Congress) or otherwise available from the President's Disaster Relief Fund.

That, Middlesex County, a public entity established under the laws of the Commonwealth of Virginia, hereby authorizes its agent to provide to the Commonwealth and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster assistance the assurances and agreements printed on the reverse side hereof.

Passed and approved this 5th day of November, 2003:

Middlesex County Board of Supervisors:

<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>

ENDORSEMENTS

Board members discussed the requests for endorsements that had been received for VACo representation and also Theresa Altemus' request for endorsement to the VACo Executive Committee. The motion to endorse Ms. Altemus for the position on the VACo Executive Committee and adding that if any Board of Supervisor members desire to run for and/or accepts a VACo position it is at his/her own expense, was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously.

REGIONAL REASSESSMENT

Mrs. Jones brought forth a request that the Board of Supervisors consider participating in bidding out to contract for a regional assessment firm. A quote received from Tri-County Appraisal was in the amount of \$69,000 per year, including new construction. This was an unsolicited bid and the project must be advertised for competitive bids. It was noted that Gloucester is the key county and without their participation, the proposal cannot pass. It was decided that this would be discussed further at the Board's November 18th meeting.

CLOSED MEETING

The motion to convene in closed session to discuss matters relating to personnel, per Code of Virginia §2.1-3711.A1, and consultation with legal counsel, per Code of Virginia §2.1-3711.A7 to discuss Water View Landing, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

Upon reconvening in open session, the following motion was made by Mr. Jessie, 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.7 and §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

As there was no further business, the meeting was adjourned. The next regular meeting was scheduled for November 21, 2003.

Lee O. Weber, Chairperson
Board of Supervisors