

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, APRIL 6, 2004, 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. Crittenden opened with a prayer; Mr. Culley led the Pledge of Allegiance.

MINUTES

The minutes for the meetings of March 2nd and March 16th were considered with corrections made to both. The motion to approve the minutes as corrected was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

DISBURSEMENTS

The motion to approve the disbursements as presented was made by Mr. Jessie, seconded by Mr. Williams and carried unanimously. Checks numbered 48125 through 48276 totaling \$251,884.40 were disbursed as approved.

PAYROLL

The motion to approve payroll for the month of March was made by Mr. Miller, seconded by Mr. Williams and carried unanimously. Checks numbered 47994 through 48124 totaling \$179,216.01 were disbursed as approved.

CONSTITUTIONAL OFFICERS

Sheriff

Sheriff Abbott was not able to attend the meeting; Major Jordan attended in his place. Major Jordan requested assistance with checking the State Code for regulations that allow for a 35 mile per hour school zone.

Treasurer:

Mrs. Bray reported that there was a land sale on March 19th of nine properties, for delinquent taxes.

Commissioner of Revenue:

Mrs. Ebinger requested the Board's assistance with the lack of parking for County employees. Mrs. Ebinger noted that it is possible that the problem of no extra parking spaces could remain a problem after the construction of the new courthouse is complete, if the Judges decide that County employees cannot park in the lot. Mrs. Weber requested that Mrs. Ebinger, Mr. Miller and Assistant Administrator, Marcia Jones, meet to study the problem and come up with possible solutions.

COMMITTEE REPORTS:

Mr. Miller:

- Tidewater Resource, Conservation and Development – Representatives of the State R. C. & D. will be touring local farms.
- Pride of Middlesex – Attended the Pride of Middlesex dinner honoring Tom Hardin.
- Planning District Commission – Commissioner Pruitt presented a plaque to Mr. Williams; also there were presentations by Bay Aging and Janet Nestlerode, who discussed the Regional All Hazards Plan.
- Library Board – only agendas will be presented to the public; no packets
- Disability Services Board – will meet later in the month.
- VACo – Environmental Steering Committee meeting on May 7

Mr. Williams:

- Planning District Commission – Mr. Miller completed the report.
- VACo – Region 2 meeting scheduled for May 12.
- Little League – Attended opening ceremonies of the Little League Season at the Sports Complex.
- General Assembly – no budget adopted as yet

Mr. Jessie:

- Oyster Festival Foundation – funds were returned to local charities and clubs
- Social Services – would like to have foster care training; there will be no traveling out of the State unless absolutely necessary.
- Museum – no quorum, however, discussed summer programs, including the appraisal show that is planned. Mrs. Weber asked Mr. Jessie to request that the Museum sell Middlesex Flags.

Mr. Crittenden:

- Social Services – Mrs. Robinson-Brown was in attendance if the Board had any questions.

Mrs. Weber:

- School Board – Teachers are not in favor of block scheduling for the High School; the School Board will study it later.
- Jail Board – donated a surplus vehicle to the County; inmates will be working in the flower beds at the Cooks Corner Office Complex.
- Courthouse construction – trying to stay on top of issues.
- VACo – budget committee meeting later in week.
- VIMS – dedication of Kauffman Aquaculture Center is scheduled for April 13th at 1:00.
- Social Services – Volunteer Luncheon at Urbanna Baptist Church on April 16, 11:30.

HIGHWAY MATTERS

Maintenance Supervisor Tommy Purcell was present to represent Resident Engineer Marcie Parker and Assistant Engineer Sean Trapani.

Bus Loop - SCW: The motion to approve the following resolution requesting acceptance of the bus loop at St. Clare Walker School was made by Mr. Williams, seconded by Mr. Miller and carried unanimously:

RESOLUTION

WHEREAS, the road described below provides access for school bus traffic from State Route 620 to Saint Clare Walker Middle School, a public school,

WHEREAS, construction was financed by sources other than those administered by the Virginia Department of Transportation,

WHEREAS, the School Board of Middlesex County and this Board hereby guarantee a right of way of 30 feet and additional drainage and slope easements as necessary for maintenance of the road,

NOW, THEREFORE, BE IT RESOLVED, the School Board of Middlesex County and this Board, pursuant to Section 33.1-68, Code of Virginia, request the following road to be added to the Secondary System of State Highways,

*Name of Road: Saint Clare Walker Bus Loop Length: 0.12 miles
From: State Route 620
To: State Route 620
Plat Recorded, Date: July 5, 1994, Deed Book: 236 Page: 626*

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

Robinson Creek Terrace: The motion to adopt the following resolution requesting that VDOT take Robinson Creek Terrace, a private road in the Cedar Pointe Subdivision into the State System was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously:

RESOLUTION

WHEREAS, Cedar Pointe has recorded a plat at Plat Book 10, Pages 38-42, and Deed Book 182, Page 563, deeding Robinson Creek Terrace in Cedar Pointe Subdivision, Section 1 to the County of Middlesex; and

WHEREAS, the street described in the plat reference above and on the attached Additions Form SR-5, fully incorporated herein by reference, is shown on plats recorded at Plat Book 10, Pages 38-42 in the Clerk's Office of the Circuit Court of Middlesex County, Virginia, and

WHEREAS, the Virginia Department of Transportation has advised this Board that the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Middlesex County does hereby request the Virginia Department of Transportation to add the street described on the attached Additions Form SR-5 to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and;

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

School Zone Speed Limits: Mr. Purcell indicated he would take the question regarding speed limits in the School Zone to Mrs. Parker

Summer Projects: Mr. Purcell commented that VDOT crews were starting summer projects, including trash pickup (the Jail is working well with VDOT on this); cutting brush and dead trees to get ready for mowing; asphalt patches; cleaning out drainage ditches.

Route 709: Will be cutting brush in this area, however, it needs to dry out some.

LARRY LAND – VIRGINIA ASSOCIATION OF COUNTIES

Larry Land, Director of Policy Development for the Virginia Association of Counties, was present to learn about major issues that Middlesex County is currently facing and also gave a brief overview of VACo activities.

OYSTER FESTIVAL ORDINANCE

The motion to advertise the current Oyster Festival Ordinance for renewal with an expiration of one year, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

APPROPRIATION REQUEST

The motion to approve the following appropriation was made by Mr. Jessie, seconded by Mr. Williams and carried unanimously: FROM: 3-1-24010-0002, \$1,231.00 TO: 4-1-53010-5401, \$1,231.00; appropriation of overpayments that were returned to the County.

APPOINTMENTS

All votes on the following appointments were carried unanimously:

Planning Commission: Motion by Mr. Jessie, second by Mr. Miller to appoint Isaac Lincoln to fill Mr. Scott's unexpired term, subject to Mr. Scott's formal resignation; term to end June 30, 2005.

Board of Equalization: Motion by Mr. Williams, second by Mr. Crittenden to recommend David South as the third member of the Board of Equalization. The motion to approve compensation in the amount of \$125.00 per 8-hour day, plus mileage, was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously.

Airport Committee: Motion by Mr. Crittenden, second by Mr. Miller to move Maxine Walker from an at-large position to the Pinetop District seat vacated by Pete Kucera; term will expire August 31, 2005.

Wetlands Board: Motion by Mr. Jessie, second by Mr. Williams to reappoint Miller Smith and Archie Brooks to the Wetlands Board; both terms expire June 30, 2009.

Planning District Commission: Motion by Mr. Miller, second by Mr. Williams to reappoint Calton Revere to this position; term to expire June 30, 2005.

Community College Board: Motion by Mr. Miller, second by Mr. Jessie to reappoint Archie Soucek to the Community College Board

Board of Zoning Appeals: There was no action regarding the term of William Harris due to expire April 30, 2004.

COURTHOUSE CONSTRUCTION

Clerk of the Works

A change order was considered to increase the funds for the Clerk of the Works reimbursement. By this stage of construction it had been anticipated that only part-time supervision would be required. The project has been delayed and additional supervision has been requested to monitor the work. It is proposed that the Clerk remain on the site for approximately six (6) hours per day through the end of May. The cost of the additional hours already worked and those anticipated is \$15,420.00. Mr. Culley commented that the expenses for the Clerk and the architect were budgeted to run out in May with completion of the project, however, the project is not expected to be completed until August. It is anticipated that liquidated damages will be collected from the contractor, which may help to pay for these extra expenses. The motion to approve the additional expense for the Clerk of Works was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

Tree Removal

Prices had been obtained from two local contractors to remove trees that are on the portion of land to be used for the wastewater treatment facility. The quotes were as follows: Quality Tree Service - \$5,200 to cut and remove all trees and grind the

stumps; Robert J. Brown, Jr. - \$3,650.00 to cut and remove the trees and to remove the stumps by pulling them from the ground. Mr. Culley expressed his concern with pulling the stumps from the ground due to there being underground telephone wires running to the dispatch office and also noted that the Quality bid may be lowered now because accessibility to the work area had improved in the two weeks since he provided his original quote. Mr. Culley was instructed to contact both contractors to have them bid removing the trees in the same manner.

SCHOOL MATTERS

Following a brief recess the Board reconvened with School Board member Elizabeth Hurd representing Mrs. Pitts, the Acting Superintendent, who was out of town. Mrs. Hurd provided updates on the following projects:

Fence at Middlesex Elementary: Advised that this project should start in mid-April, with 6-8 weeks to complete the project per the contract.

High School Gymnasium Air Conditioning: The completion date for this project is April 19th. The motion to approve payment of \$634.21 to J. Mosby West for construction document review was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

Roofs: Two RFP's for architectural services for the roof projects at Middlesex Elementary and the High School raised no interest from architects. A Virginia Beach firm has looked at both projects and has suggested three options – a higher pitch with shingles; a pitch to match the existing roof with shingles; or a metal roof, recommending that the second option be considered.

Baseball Field at High School: Mr. LaBrier has been negotiating with Bay Design for design services to repair the ball field. Mrs. Weber suggested that Johnny Fleet would probably help with the design.

Exterior Painting of Gym and Landscaping at Elementary School: Mrs. Weber recommended that these projects be held off until others are completed. Mrs. Weber also reminded Mrs. Hurd that all projects that utilize the remaining construction money require the approval of Mr. Moore, Mr. Culley or Mr. Crittenden.

Fire Wall: The School Board has requested that the Board of Supervisors pay an invoice to SimplexGrinnel in the amount of \$1,849.00 for the fire alarm door holder installed at the High School. Mrs. Hurd indicated that the School Board knew this installation would be required, however, it was not included in the original contract with United Refrigeration. It was noted that the Board of Supervisors had been presented with an amount for the total project of \$43,700, of which the School Board would put up \$25,000, leaving \$28,700 that the Board of Supervisors would pay. It was decided that the Board would table payment of this bill until all bills for the project had been submitted.

Block Scheduling: Block Scheduling is being studied.

Board Comments: Mr. Crittenden commented that enrollment at the high school has not increased from last year when the east wing was not used, but now all the space has been used. Mr. Crittenden added that the School System does not have to offer every subject out there – some classes only have six students. Mr. Culley added that both he and the former Planning Director, Tim Wilson, had told everyone in the planning stages for the new wing that more classrooms were planned to be torn down than were being built. It should have been no surprise that there was not enough room in the new wing.

Attendance: Attendance was reported at 1334. Mr. Culley asked if this was the number that was turned in on March 31, 2004.

BAY AGING

Allyn Gemerek attended the meeting to update the Board on activities of Bay Aging.

Mr. Miller left the meeting during the presentation and did not return.

RAPPAHANNOCK RIVER BASIN COMMISSION

Rob Wittman, Chairman of the Rappahannock River Basin Commission, was present to discuss water supply planning and the plan to create a work group that will get everyone involved up front. Mr. Wittman requested the Board consider adoption of a resolution supporting the intent of the Commission's "Guiding Principles for Water Resource Planning" and encouraging all involved in water resource planning in the Rappahannock basin to endeavor to follow the principles. This item would be put on the Board's agenda for May for further discussion.

HEALTH DEPARTMENT

West Nile Virus:

Dr. Reuben Varghese, Health Director, updated the Board on West Nile Virus and suggested ways to help control breeding mosquitoes and protection against bites. If there were to be an outbreak of West Nile Virus the locality would be responsible for funding spraying. Dr. Varghese suggested people taking more personal protection. With regard to spraying, Franklin City, a 5,000 acre area had three sprayings that cost approximately \$12,000, plus the chemical.

Antenna:

No action was taken regarding a request to install a radio antenna at the Health Department. It would be used in the event of an emergency to allow contact with other health agencies and Emergency Operations Centers. The antenna could be left in a horizontal position when not in use and raised when needed. Mr. Culley expressed some concern about cutting grass around it and suggested that it be put on a cement pad.

ELECTORAL BOARD

Centralized Absentee Voting Precinct:

Mr. Robert Tassone, Chairman of the Electoral Board, was present to request that the Board of Supervisors consider adopting an ordinance to create a centralized absentee voting precinct. Using new voting machines, absentee ballots could be counted during election day. This would reduce errors in counting, as currently the absentee ballots are counted by hand at each precinct at the end of the election process. This would require a space separate from the Registrar that is climate controlled for the computer. Also, an ordinance would be required to establish the precinct, which must be approved by the Justice Department.

Mr. Tassone also requested that the Board of Supervisors consider the appropriation of funds that would allow the Electoral Board to purchase new computerized voting machines that would be used at every precinct. These machines must be in place in time for the November 2006 election. Funds, passed through the State Board of Elections as part of the Help America Vote Act of 2002, are available for the buyout of the County's current mechanical lever machines and for the purchase of fully ADA-compliant voting equipment. If Direct Recording Electronic Equipment is purchased, \$100,096 is allocated; if the new machines are optical scan, the amount of funding is \$55,596. A proposal received from Advanced Voting Solutions proposes that the County purchase 20 machines, including smart cards, headsets, installation, implementation and training for \$71,509.50. The Electoral Board desires to purchase the machines now in order to have machines available for demonstration in each precinct for the November 2004 election, with full conversion by November 2005. This would also allow enough time for adequate training and plenty of installation time.

These machines require storage spaces that a climate controlled and assessable for service.

There was no action taken on the request at this time.

CLOSED MEETING

The motion to convene in closed session to discuss the Victor Morissette suit with legal counsel, per Code of Virginia §2.1-3711.A7, was made by Mr. Jessie, seconded by Mr. Williams and carried unanimously.

Upon reconvening in open session, the following motion was made by Mr. Crittenden, 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 §2.1-3711.A7 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.

RECESS

The Chairperson recessed the meeting for lunch, after which the Board toured the courthouse construction site.

DOG LICENSES

Mr. Williams had questions regarding dog licenses and penalties for not having them. The issue of civil penalties was discussed and the Board authorized the advertisement of an ordinance that would establish civil penalties.

BUDGET

Mr. Culley encouraged the Board to consider setting a tax rate for next year so that the Treasurer could release the first half tax bills which will be due June 5th. The Board agreed that the budget should be based on 3% increases for most agencies, salaries and schools.

Mr. Crittenden favored adoption of a business license ordinance, which if adopted would do away with the merchants' capital tax that is currently collected. Mrs. Weber established the following committee to study the proposal – Mary Lou Ebinger,

Charles Culley, Jimmy Pitts, Jack Hurd, and Sandy Powell. Letters are to be written to each citizen member asking if they would serve.

Board members discussed what tax rate to advertise for public hearing. Because of the increase in values with reassessment, a rate of 47 cents would generate the same revenue as the current rate of 59 cents. The Board agreed to advertise a rate of 48 cents, with the public hearing scheduled for April 27, 2004, at 7:30 P.M.

ADJOURN

The motion to adjourn the meeting was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously.

Lenora O. Weber, Chairperson
Board of Supervisors