

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON THURSDAY, AUGUST 5, 2004, IN THE BOARD ROOM OF THE  
WOODWARD BUILDING, SALUDA, VIRGINIA:

Present: 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

Absent: Lenora O. Weber, Saluda District

**CALL TO ORDER**

The Vice Chairman, Mr. Crittenden called the meeting to order at 9:00 A.M. Mr. Crittenden announced that Mrs. Weber would not be at the meeting due to a recent surgery. Mr. Crittenden opened with a prayer and Mr. Culley led the Pledge of Allegiance.

**PRESENTATION OF PROCLAMATION**

Mrs. Ellen Allen, Manager of the Middlesex County office of the River Counties Chapter of the Red Cross, was present to accept the proclamation adopted by the Board of Supervisors that declared August as Red Cross Volunteer Appreciation Month.

**MINUTES**

The minutes for the meetings of July 6<sup>th</sup> and July 20<sup>th</sup> were reviewed. The motion to approve the minutes as written was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

**DISBURSEMENTS**

The motion to approve the disbursements as presented was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. Checks approved included a \$265.00 check to a dispatcher whose time had been omitted from the monthly payroll. Her paycheck will be adjusted at the end of the month to reflect this payment. Checks numbered 49231 through 49355 totaling \$279,671.54 were disbursed as approved.

## **PAYROLL**

The motion to approve payroll for the month of July was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Checks numbered 49130 through 49229 totaling \$190,310.35 were disbursed as approved. Mr. Crittenden said that Mrs. Weber had asked him to question the pay rate listed for Peggy Macy as a dispatcher for time worked on May 21<sup>st</sup>. Major Jordan from the Sheriff's Department was present and said that he did not know the rate of pay for the position. Mr. Crittenden asked Major Jordan to research the question and provide a response for the next meeting.

## **CONSTITUTIONAL OFFICERS**

### **Sheriff**

Major Jordan reported that he was looking into a program through Verizon Wireless that would allow deputies to call into the dispatchers by dialing \* and a number without a charge against their cell phone. In other counties where this is in place, signs are placed around the county notifying citizens that they can use the same number to contact the dispatcher's office.

Mr. Miller questioned what had been done regarding illegal activity by some of the people using the landing at Whitings Creek. Major Jordan reported that the deputies had stepped up patrols of the area. The County will discuss the placement of curfew signs at the landing with VDOT.

### **Treasurer:**

The Treasurer presented the Board with copies of the delinquent lists of personal property and real estate owners. The motion to authorize printing the lists in the local paper was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

### **Commissioner of Revenue:**

Mrs. Stephenson had no comments and there were no questions from the Board.

## **COMMITTEE REPORTS:**

Mr. Miller:

- Planning District Commission – discussed tributary strategies and cost allocation plan.

- Local Government Official's Conference – major discussion regarding the Chesapeake Bay Foundation and the Department of Environmental Quality regarding water quality. Mr. Miller warned that counties will be expected to pay a whole lot of money for implementation of programs. Also, there is movement afoot to request the General Assembly remove the regulatory authority for biosolids from the Health Department.

Mr. Williams:

- LGOC– More western counties are getting involved in the issues of biosolids. Federal government mandates, such as the Clean Water Act, will be passing costs on to the localities. Personal Property Tax Relief Act (PPTRA) will be a fiscal nightmare for localities. It may require additional personnel in the commissioner and treasurer's offices to handle the additional work.

Mr. Jessie:

- Social Services – Looking into merit increases and compensation packages.
- LGOC – Bay Restoration and water quality were big topics. Be looking for more information on Senior Navigator, a one-source web-site for all types of information that might be of use to senior citizens. Rural Caucus – discussed rapid growth control, unfunded mandates, costs of growth, possibility of consolidating boards, representation at VACo, rural conservation.

Mr. Crittenden:

- Airport Committee – Board members should have read a copy of the letter extra use of the Unicom frequency by outside parties. The Committee is still interested in building T-hangars and has requested the Board of Supervisors to renew thought about their construction.

## **HIGHWAY MATTERS**

Resident Engineer, Marcie Parker and Assistant Resident Engineer Sean Trapani were present to represent the Department.

***Rustic Road Project:*** Mrs. Parker informed the Board that she had met with citizens on Montgomery Cove Lane who agreed that they did not want the road to be widened or ditches dug out. They agreed that it would be better to fix spots and repave the current road surface. Mrs. Parker will send a letter to all adjoining property owners and then individual letters in spots where drainage may be an issue. Drainage issues will be worked out, then another meeting scheduled with everyone.

***Route 651:*** Contractor hopes to have the project finished by the end of the year. Mr. Crittenden commented that he had hoped to have the speed limit lowered in the area. Mrs. Parker advised that they were able to put up speed limit advisory signs.

***Whiting Creek:*** Mr. Miller commented that new curfew signs would need to be put up at the Whiting Creek Landing.

***Maintenance:*** Mr. Williams thanked the maintenance crew for tree removal.

### **REQUEST FOR REFUND**

The motion to approve a refund in the amount of \$192.98 (\$222.98 less \$30.00 for plan review) to Tre-Suz-Ann Development for a building permit issued, but no longer necessary, was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously.

### **POULTRY CLAIM**

The motion to approve the reimbursement of \$110.00 for eleven chickens killed by stray dogs was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

### **PUBLIC ADDRESS SYSTEM**

Mr. Culley advised that at the request of several Board members he had researched the purchase of portable public address system that could be transported to public meeting sites and could plug into the new tape system for recording. The system would cost \$1,970.94. Mr. Miller made a motion to purchase the system as proposed, which was seconded by Mr. Jessie. Mr. Crittenden suggested increasing the number of table microphones to five, one for each board member. Mr. Miller amended the motion to increase the number to five (5) with one (1) additional microphone for the public. Mr. Jessie seconded the motion, which was carried unanimously.

## **SURPLUS PROPERTY**

Mr. Culley presented the one (1) bid received for purchase of a 0.4784 portion of property which has been subdivided off from property on which the Puller Center is located, at Tax Map 27-9-B. Mr. James D. Kidd submitted a bid of \$1,000 for the property which abuts his property. Mr. Kidd had originally approached the Board regarding the possible purchase of the land because his house is very close to the County's wooded property, and he sustained damage from fallen trees during the hurricane last year. The County has spent \$1,410.00 in survey costs; Board members expressed a desire to recoup that cost. Mr. Soberick will contact Mr. Kidd to report the Board's desires and will report back at the Board's August 17<sup>th</sup> meeting.

## **APPOINTMENTS**

The motion to reappoint James Barnhardt, III, Scott Kauffman and Monica Sanders, all at-large positions, to the Airport Committee subject to their approval was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. The new four year terms will begin September 1, 2004.

## **INSURANCE REIMBURSEMENT**

The motion to appropriate an insurance reimbursement received for damage to a police vehicle was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. FROM: 3-1-18030-0006, \$579.00 TO: 4-1-31020-5407, \$579.00.

## **SCHOOL MATTERS**

Dr. Oliver Spencer and John LaBrier were present to represent the School System.

### ***School Roof Projects:***

Mr. LaBrier reported that there were three (3) major leaks discovered in the roof – in the valley connecting the 6<sup>th</sup> and 7<sup>th</sup> grade pods and in the mechanical room. Rotted joints, wet insulation and wet ceiling tiles have been discovered. Sheathing has been replaced and shingles installed as a temporary measure until a permanent fix can be made and so the mold can be abated; also drainpipes have been put into the valley to help divert the water off the roof. The final report, along with recommendations for repair, will be completed by August 16<sup>th</sup>. Mr. Crittenden questioned why the same company that will be hired to do the final repairs could not remove the mold. He also noted that he would not be satisfied with replacing damaged shingles with more shingles.

According to Mr. LaBrier, the preliminary report has indicated that the shingle damage was caused by an insulation installation problem – there was no ventilation

under the roof. Other Board members were in agreement that the temporary fix was necessary and mold should be removed now to stop ruining more.

Mr. LaBrier reported that the final report on the High School roof is also due on August 16<sup>th</sup>. The study at this roof required that core samples be taken to determine if there was asbestos present.

***Air Conditioning – High School:***

The system is still being checked and worked on. According to Mr. LaBrier, Delaware Mechanical installed the system as designed; however, there were things wrong with the plan. So far, the company is making changes without additional charges to the School Board. The School Board is still holding a 5% retainer.

**BAYSIDE ACADEMY**

Mr. John Cannington, Maintenance Supervisor with St. Joseph's Villa estimates growth at the Bayside Academy to 40 students this year. The Academy operates from the media wing of the former Rappahannock Central Elementary School. Mr. Cannington proposes to put up partition walls to divide some of the former classroom space into smaller rooms. This would also require moving some lighting fixtures and redirecting the HVAC vents. This work would not involve county staff. The motion to approve the renovations was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Mr. Jessie clarified that if the County required it, the Academy would have to restore the building to its original condition when the Academy no longer rented the facility.

**OLD/NEW BUSINESS**

***Whitings Creek:*** Mr. Miller reminded the Board that repairs needed to be made at the Whitings Creek Landing, including repair to the dock and posting of curfew signs. Other landing locations will be checked regarding their curfew hours.

***Landfill:*** Mr. Culley informed the Board that representatives from Joyce Engineering would be attending the September 7<sup>th</sup> meeting to discuss requirements for the landfill. Mr. Miller commented that the new posture from the state is to go to the furthest extreme in testing so that no one can ever reach complete closure satisfaction. Mr. Culley noted that new, large fees have been implemented for revising permits. Board members requested that Delegate Morgan and Senator Bolling be invited to attend the meeting to see first hand the impact the Department of Environmental Quality changes have on local governments.

**Tax Committee:** Mrs. Jones reported that she and Mr. Culley had attended a meeting of the tax committee because the members had questions regarding trash disposal. The Committee is interested in charging a flat fee - \$50 to \$100 for businesses to be able to dispose of trash in the County. Mr. Crittenden commented that it was his understanding that the Committee was to look at different ways of increasing taxes without increasing the real estate taxes, and would generate a report of their findings, then the Board would take it from there. Mr. Crittenden Mr. Miller and Mr. Jessie all agreed that it was their personal opinions that the garbage issue should be left alone.

### **CLOSED MEETING**

The motion to convene in closed session to discuss matters relating to pending litigation involving the Wetlands Board, Board of Supervisors and Board of Zoning Appeals, per Code of Virginia §2.1-3711.A7 was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

Upon reconvening in open session, the following motion was made by Mr. Williams, 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, Mr. Soberick recommended that the Board of Supervisors hire council to represent the Board of Zoning Appeals in the Macey White appeal. The motion to hire council from the firm of Kaufman and Canoles to represent the Board of Zoning Appeals was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

### **COURTHOUSE PROJECT**

Mr. Culley informed the Board that there have been many special meetings to try and determine the cause and solution for the basement dampness. At the last regular construction meeting, it was agreed that the contractor would uncover the drainage medium to determine if the medium was installed correctly. The waterline has gravel and sand in it and needed to be flushed prior to connecting it to the building. The Specifications required the line be flushed for 24 hours; however, it drained the water storage tank after only a few hours. A short section of sewage line will be installed in the next week so that water can be turned on to the building. The sewer plant project will be going out to bid in the next coming weeks.

Pay requests have been coming in monthly, and the County is withholding some pay and not accepting work that is not first quality. The County Attorney has been

involved in reviewing correspondence. Mr. Crittenden added that at the last construction meeting he stressed that the County was not going to be paying for any corrections to make sure that the basement did not leak.

**ADJOURN**

There being no further action, the meeting was adjourned until August 17, 2004, at 7:30 P.M., in the Board Room, by motion of Mr. Miller, second by Mr. Jessie, carried unanimously.

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Lenora O. Weber, Chairperson  
Board of Supervisors