

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, DECEMBER 7, 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**

Mrs. Weber called the meeting to order at 9:00 A.M. Mr. Miller led the group in prayer followed by Mr. Culley leading in the Pledge of Allegiance.

**MINUTES**

The motion to approve the minutes of the November 2<sup>nd</sup> and November 16<sup>th</sup> meetings as corrected was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

**DISBURSEMENTS**

Lt. Terry Davidson was present to represent the Sheriff's Department and to answer any questions regarding repairs necessary to the vehicle he drives. This vehicle required engine work after Lt. Davidson responded at high speed to assist a Gloucester deputy. Board members requested that the Sheriff provide an updated list of employees. Board members also expressed disapproval with the Sheriff renting vehicles to be driven to meetings and credit card receipts that were not signed. Lt. Davidson informed the Board that the courses were offered by private companies and had to deal with Homeland Security issues. The credit card receipts had not been signed to indicate approval by the Sheriff. In light of other concerns that the Board has had with the credit card issued to the Sheriff, the motion was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously to have the account closed and the card withdrawn.

The Board also expressed disapproval with the payment of mileage to County employees when there are vehicles available for their use. The Board also questioned an invoice received from Atlantic Metal. The motion to approve the disbursements, withholding payment to Atlantic Metal until it was determined whether or not the invoice included a charge for two gates, was made by Mr. Jessie, seconded by Mr. Miller and

carried unanimously. Checks numbered 50511 through 50701, totaling \$137,291.06 would be disbursed as approved.

## **PAYROLL**

The motion to approve payroll in the amount of 184,946.26 for the month of November, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. Checks numbered 50703 through 50800 had been distributed.

## **CONSTITUTIONAL OFFICERS**

### **Sheriff**

Lt. Davidson, speaking on behalf of the Sheriff with regard to the proposed Noise Ordinance, requested that an exception be included for the race track and other sporting events and that the times be moved for the ordinance to be in effect beginning at midnight on Sunday nights and at 1:00 A.M. on Friday and Saturday nights, rather than 10:00 P.M. as proposed. The public hearing will be held on December 21<sup>st</sup>.

### **Treasurer:**

Due to a power outage on December 6<sup>th</sup>, the payment deadline has been extended to December 7<sup>th</sup> without penalty.

### **Commissioner of Revenue:**

Mrs. Stephenson requested clarification regarding payment for mileage. It was clarified that the policy of paying mileage for attending meetings only applied to County employees; employees from her department would continue to receive payment for using their personal vehicles.

Mrs. Stephenson advised the Board that there were other ways that additional revenue could be generated, including pro-rating new construction or attaching a penalty for failure to file personal property forms. The Board requested that Mr. Culley work with Mrs. Stephenson.

## **HIGHWAY MATTERS**

### ***Culvert Entrances***

Mr. Trapani, Assistant Resident Engineer, commented that the Department needed to maintain control of entrances and that it usually costs more to go back and fix them if the owner installed drainage pipe at the entrance rather than the owner just providing the pipe for VDOT to install. If pipe installation is removed from the budget, then there

needs to be some notification placed on building permits that a private entrance permit is required by VDOT.

### **SCHOOL MATTERS**

Dr. Spencer thanked the Board and Mr. Culley for the efforts made with mold remediation so that the School Board staff could get back into the building.

***Appropriations:*** The motion to approve the appropriation of \$12,000 to add a paraprofessional at the elementary school level, with an estimated start date of January 1, 2005, was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously. These funds would be reimbursed from the Regional Autism Program. FROM: 3-23-28150-1300, \$12, 154.00 TO: 4-23-60010-6210.

The motion to approve the appropriation of \$95,704.00 to be received from federal grant reimbursements that must be used with the special education population was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously. It was added that these funds would also be used to help off-set the shortages experienced with the lower average daily membership. All moneys are from revenue fund and department 3-23-33020; lines are as follows: 0301 - \$60,749 (Title VI); 1903 - \$4,698.00 (Title VI-B); 0200 - \$25,000.00 (Chapter I); 9200 - \$5,257.00 (Chapter IV). TO: 4-23-60010-6201, \$95, 704.00.

***Membership:*** Dr. Spencer reported that the membership is at 1300 students, 35 short of projections. Mr. Crittenden encouraged finding out why the students are leaving and correcting the problem. Dr. Spencer indicated that he did not believe the problem to be with the school system, rather that they are moving away due to circumstances beyond their control. School Board Chairman, Elliott Reed commented that many of the children not attending are in the categories of home schooled and religions exemptions.

***Disbursements:*** Mrs. Lucas presented the list of disbursements that had been approved by the School Board since July 1. The Board of Supervisors has requested that these be presented on a monthly basis.

**St. Clare Walker Roof:** Mr. Steve Hentz, engineer with PSI, was present to answer questions from the Board of Supervisors regarding the St. Clare Walker Roof project. According to Mr. Hentz, the roof design has been completed and is ready to be put out to bid in January, after the holidays. It was asked whether the PSI firm had errors and omissions insurance and the amount of the deductible. Mr. Hentz responded that the firm had the coverage, however, he did not know the deductible. The project includes requests for proposals for two alternates – single ply Snarfil and a metal roof. Change orders may be required as the framing damage is unknown. Board members asked who would be in charge of over-seeing the project: According to Mr. Hentz, the School Board can appoint a representative to be on site all the time; the representative would report to him and then to the School Board. County representatives can attend construction meetings by invitation only. Mr. Reed stated that the School Board wanted someone that is certified and qualified to inspect the work and has requested \$33,600 be appropriated for construction administration services by the PSI firm. When asked the number of years with the company, Mr. Hentz reported that he had only been with this company for a short time, however, he had 15 years experience with roof design. Mr. Crittenden questioned the start date. Mr. Hentz reported that bids could be back by the end of June; late April and May would be used to order materials with the project starting in June.

Mr. Crittenden questioned whether or not any patches have been made. Dr. Spencer stated that a person has been identified who will do the repair patch; Mr. LaBrier added that quotes have been negotiated over the past three weeks. Mr. Crittenden commented that the ceilings have been pulled apart since August and nothing has been done. The School Board needs to push the repair of this project and stay on top of it.

Dr. Spencer appealed to the Board of Supervisors to consider the School Board request to hire a certified person. Dr. Spencer stated, however, that a separate \$1,100 was requested for appropriation now to allow for advertising and document preparation to start. Mr. Crittenden stated that the School Board should have enough money to get the project started.

Mr. Williams commented that the current roof problem is not the fault of any of the current School Board members. All groups want the roof fixed, but he believed the County should control the work to be done. Mr. Miller and Mr. Jessie commented that school maintenance staff should have been able to do something to temporarily seal off the areas from getting more water damage. Mrs. Weber had suggested earlier in the meeting that the Board members visit the site to see the current conditions. The motion to recess the meeting to visit the school site was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously. The Board recessed the meeting and convened at St. Clare Walker Middle School where they visited the conference room off the main office that had plastic sheeting over the television and tables, a classroom in the 6<sup>th</sup> grade wing with water leaking into a light fixture and the mechanical room, which showed evidence of leaking. Board members returned to the Board Room.

## **DELEGATE HARVEY MORGAN**

Delegate Harvey Morgan met with the Supervisors to discuss upcoming legislative issues. Delegate Morgan stated that he wanted to guard against spending the surplus, approaching one billion dollars, on any programs that will require on-going funding. The Speaker has appointed a non-profit, private corporation to look at duplicates in services and overall spending.

Mr. Miller spoke in opposition to the "flush tax" and governmental agencies fighting with each other for grant funding. According to Delegate Morgan, the Chesapeake Bay Foundation has got to do something now to clean up the Bay or by 2010, the Environmental Protection Agency will do it and it will cost billions of dollars.

With regard to the landfill, King William has received a letter from DEQ stating that a fee will be charged; Delegate Morgan will look into this because he was assured that the State would not be charging this fee to localities. Legislative action may be required to correct it. A form letter may be received stating the amount of fee being charged, but then a supplemental letter should also be received stating that the fee does not apply to the locality. Mr. Culley stated that the County is still being treated as if the landfill had been run as a "for profit" business.

With regard to Comprehensive Services, Mr. Culley stated that the County is not getting support from the State and that the state is dictating without knowing the impact on localities. Delegate Morgan stated that he believed the coordination is improving, however more is needed. Agency heads are supposed to attend State level policy meetings, not their designees; this has not been the case.

With regard to Business Professional and Occupational Licenses, Delegate Morgan reported that he saw it as highly unlikely that it would be withdrawn at the State level.

Board members thanked Delegate Morgan for attending. Delegate Morgan commented that he saw his role as one to bring parties together and intervening when necessary.

## **SCHOOL MATTERS CONTINUED**

Discussion continued with Dr. Spencer regarding the St. Clare Walker roof project. Mr. Crittenden suggested that the School Board could find the \$1,135 requested for bid procurement, noting that the School Board had spent over \$100,000.00 more in administration with a pupil enrollment that was less. Dr. Spencer commented that the School System could not absorb the additional costs; the money could be found, but would have to be taken from something else. Mrs. Weber stated that she did not want to hear that school supplies have been cut and that she did not believe that the system did not have the funds without taking from something else. Mrs. Weber added that money had been found to increase car allowances. Mr. Crittenden also commented about the extra money the County had to pay for mold

remediation at the School Board Offices, some of which may not have been necessary if the situation had not been blown out of proportion by school board staff. Mr. Crittenden expressed his opposition to Mr. LaBrier being in charge of the roof project.

There was no action by the Board to approve the requested funds.

### **RESOURCE, CONSERVATION AND DEVELOPMENT COUNCIL**

Mrs. Pat Tyrell, Resource Consultant, Dr. John Barber, Chairman of the Forestry Committee and David Milby, Regional Forester, were at the meeting to present statistics regarding forestry and forest preservation in the county.

### **WINGS AND WHEELS**

Following a recess for lunch, the Board met with Jamie Barnhardt of the Wings and Wheels Committee regarding two outstanding invoices being held by the County from the Wings and Wheels event in September. According to Mr. Barnhardt, the Pilot House invoice of \$1,008.00 was mainly for rooms Friday and Saturday of the show for the air show team, meals for them and refreshments for a follow-up meeting. The air show team came on Friday to set up PA equipment. An invoice of \$260.00 to David's Last Chance was for bag lunches for inmates and volunteers that helped with set up, and officers that were present for crowd control. Mr. Barnhardt explained that there have been problems getting enough volunteers to assist with the event.

Regarding invoices from Ann Smith, who chaired the event, Mr. Barnhardt explained that he had approached Mrs. Smith with the possibility of taking the project on, but did not get formal approval from the Board of Supervisors to contract with her. The Friends of Hummel Field can pay her invoices if the County would reimbursement the group for the payments they made for the air show team (\$2,050) and golf cart rental (\$400.00).

Board members agreed that they did not wish to pay to have someone chair this event. As Mrs. Weber noted, other groups could start requesting payment for the chairs of their events and no one would ever want to do it for free. The motion to pay the Pilot House and David's Last Chance invoices and requesting the group resubmit the air show and rental invoices was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. Mrs. Weber suggested that something be done to attract more planes.

## **ENHANCED 911**

***New Road Name:*** The motion to approve the name "Port Town Lane" for a new access road created for the Bay Aging housing project outside of Urbanna, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

***Violations:*** Mr. Culley requested the Board's authorization to send notices to property owners who are not displaying their 911 numbers properly. The motion to approve this was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

***Duplicate Street Names:*** There are currently approximately 21 sets of street names that are either duplicated or close in name. In November there was an emergency call that was dispatched to a location outside of Urbanna, however, the emergency was really in the Hartfield area. The Board opted to take no action on changing the names at this time.

## **APPOINTMENTS**

***Tri-River ASAP:*** The motion to reappoint Robert Brooks to serve another three-year term, beginning January 1, 2005 was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously.

***Dragon Run Steering Committee:*** The motion to reappoint R. D. Johnson and Davis Wilson to serve two-year terms beginning January 1, 2005, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

***Airport:*** There was no action regarding appointments to fill two at-large positions that expire August 31, 2006.

***Wetlands Board:*** There was no action regarding appointment of a second alternate to the Wetlands Board.

## **HISTORICAL MARKER**

The motion to approve a contribution of \$100.00 toward the Middlesex County Woman's Club purchase of a historical marker for the old courthouse building in Urbanna, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

## **TIE-DOWN AGREEMENT**

The motion to approve the agreement to lease tie-down spaces from Jamie Barnhardt in exchange for grass cutting, was made by Mr. Jessie, seconded by Mr. Crittenden and carried unanimously.

## **ROSEGILL**

Hampton Roads Sanitation has requested that the County appoint a liaison for discussions between HRSD and the Rosegill developers. According to Mrs. Weber, HRSD does not want to have direct negotiations with Rosegill or any other developer; the County has to be involved. In talking with James Pyne, the director of the Small Communities Division, he indicated that there would need to be one to three meetings over a two to three month period. The motion to appoint Mr. Culley as the liaison was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously. Mr. Ken Thompson, representing the Rosegill developers asked that confidentiality be implemented with the discussions. Mr. Soberick stated that anything reported to the Board of Supervisors in open session is subject to public review.

## **COMMITTEE REPORTS:**

Mr. Jessie:

- Museum Board – may do a series on the Brown v Board of Education in February.
- Social Services – Will be talking to Mr. Culley about storage
- VACo – Rural Caucus – not in favor of a “flush” tax; favor equal taxing authority for counties and towns.

Mr. Crittenden:

- Airport Committee – John Waldrop is acting chairman. Requested a fuel sales report.

Mrs. Weber:

- Met with Jail Board, Comprehensive Services Board and VACo.

## **OLD/NEW BUSINESS**

### ***Gymnastics Equipment:***

Paula Chandler has contacted all Board members regarding the condition of gymnastics mats that are stored at the Tom Carter Gymnasium. According to Ms. Chandler, the mats are being mishandled by other groups and are in disrepair. Ms. Chandler has also requested that more equipment be purchased for use by the gymnastics program. Mr. Williams has instructed her to make a request to the Parks and Recreation Department for inclusion in the requested budget for next year. Mr. Culley was asked to look into purchasing a lock box or something to keep equipment secure.

**CCOC:**

Mr. Culley requested authorization to have glass replaced in the public meeting room at the Cooks Corner Office Complex with bronzed insulated glass, for a cost of \$6,001.72. Also, the seal is gone between insulated glass panels in the entrance hallway. The cost to repair this is \$1,338.07. The motion to approve the repairs was made by Mr. Miller, seconded by Mr. Jessie and carried by a vote of four to one, with Mr. Williams opposing.

**Wetlands Board:**

Planning Director, Matt Higgins, advised the Board of proposals that are being made by the Department of Environmental Quality, the Department of Conservation and Recreation, and the Department of Health, to get the County more involved in cleaning up Rappahannock River tributaries. According to Mr. Higgins, the Federal Environmental Protection Agency is requiring the State to clean up the tributaries. The State has identified LaGrange Creek and Robinson Creek as two that are great need of clean-up. A two-step plan is being devised by the State, one that will study the problem to determine the contaminate and then devise a plan for clean-up. The state will be wanting the county to become involved with mandating septic tank pump-outs and keeping livestock away from tributaries. According to Mr. Higgins, DEQ is asking for County input now. The Board instructed that letters of concern for this potentially unfunded mandate be sent to the State.

**CLOSED MEETING**

The motion to convene in closed session to discuss matters relating to consultation with legal counsel regarding probable litigation with the Courthouse project, per Code of Virginia §2.1-3711.A7, 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. 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.

**ADJOURN**

There being no further action, the meeting was adjourned by motion of Mr. Williams, second by Mr. Crittenden, carried unanimously, until December 21, 2004, at 7:30 P.M..

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Lenora O. Weber, Chairperson  
Board of Supervisors