

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, MAY 4, 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. Miller opened with a prayer; Mr. Culley led the Pledge of Allegiance.

**PRESENTATION TO SEYMOUR SCOTT**

Matthew Higgins, Planning Director, and Mrs. Weber presented Seymour Scott with a plaque in honor of his service on the Middlesex County Planning Commission. Mr. Scott recently resigned from the Commission after representing the Jamaica District for 26 years.

**MINUTES**

The minutes for the meetings of April 6<sup>th</sup>, April 20<sup>th</sup> and April 27<sup>th</sup> were considered with a correction made to the April 6<sup>th</sup> set. The motion to approve the minutes as corrected was made by Mr. Miller, seconded by Mr. Crittenden 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 48397 through 48521 totaling \$208,869.04 were disbursed as approved.

**PAYROLL**

The motion to approve payroll for the month of April was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. Checks numbered 48296 through 48396 totaling \$177,529.74 were disbursed as approved.

## **CONSTITUTIONAL OFFICERS**

### **Sheriff**

#### Appropriation Requests:

Sheriff Abbott was present to request approval of two appropriation requests. The motion to approve an appropriation of \$905.78, the amount received from the State as a grant to pay for half the purchase cost of three bullet-proof vests, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

Sheriff Abbott also requested that the Board of Supervisors approve a request to appropriate \$19,744.59 from the local Court Fines Revenue Account to be used to pay off leases for two of his vehicles – a Crown Victoria and the Intrepid. This would leave one vehicle with a lease payment – the Sheriff's Yukon. He still has two first run vehicles with over 100,000 miles on them. The Sheriff commented that paying off the leases would allow him to use money in his vehicle account to buy one vehicle and lease another. Last year the Sheriff had \$15,000 appropriated from fines to his vehicle account to use for purchasing vehicles but was not able to get in on the State contract in time and therefore did not use the funds.

The motion to approve the appropriation of funds FROM: 3-1-14010-0001, \$19,745.00 TO: 4-1-31020-7005 was made by Mr. Jessie, seconded by Mr. Williams and carried unanimously.

#### Budget Request:

Sheriff Abbott encouraged the Board of Supervisors to approve his budget request for a \$3,000 supplement for each of his deputies. As a comparison, Mathews County has approved \$5,000 supplements for their deputies. Sheriff Abbott reminded the Board that the State only funds the number of deputies needed for 10,000 people, although the population doubles in the summer. Mrs. Weber informed the Sheriff that no action would be taken on the budget until after the State had adopted a budget.

### **Treasurer:**

Mrs. Bray reported that tax bills could be out by the end of next week if the Board of Supervisors sets a tax rate. To date, 784 regular dog tags have been sold; 65 kennel tags; 12858 decals have been sold.

Mr. Crittenden commented that the Board should change the policy to allow the Treasurer to keep fees collected for passport applications, since the Board just approved for the Sheriff to use some of the court fees. Mr. Soberick commented that the Treasurer could request, possibly twice a year, for those fees to be appropriated to her department. Once appropriated to her department the Treasurer could use them as she wished.

**Commissioner of Revenue:**

Mrs. Ebinger commented that she was waiting on the tax rate to be set so that she could begin printing the tax bills.

There was some discussion on the impact of the Car Tax on the locality.

**COMMITTEE REPORTS:**

Mr. Crittenden:

- Airport Committee – looking into the possibility of putting in a larger tower and renting spaces.

Mr. Jessie:

- Wings and Wheels – There was a meeting on May 3<sup>rd</sup> to try and come up with a chairman for the event.

Mr. Williams:

- Planning District Commission – Presentation of staff activities
- Legislative Activities – summary of latest budget proposals were indicated in the VACo County Connections publication.

Mr. Miller:

- Probation and Pre-Trial Services Board – heard discussions about “red zones” – areas to be declared off limits to parolees.
- Disability Services Board – missed meeting; no quorum
- Planning District Commission – staff reports included comments about the Town of Urbanna being interested in reverse 911 applications. Mr. Miller reminded the PDC staff that the current 911 system belongs to the County
- VACo – salary increases were proposed at 5%; the executive committee requested that these be lowered. Mr. Miller reminded Board members of the Region 2 meeting scheduled for May 12, at the Piankatank River Golf Club.

Mrs. Weber:

- CPMT – still under budget
- Kauffman Center – Attended dedication

- Social Services – Attended volunteer luncheon
- Construction Meeting – held on 4/28; site work and erosion and sediment control are constant battles. The basement is wet, but hopefully will dry out as the building becomes tighter. Equipment does not fit in the mechanical room; will be an issue for the architects to address.
- School Superintendent – Attended reception for the new School Superintendent.

### **ED RUARK**

Mr. Ed Ruark attend the meeting soliciting the Board's support in trying to get a grocery store reopened in Deltaville; the Town and Country Market was totally destroyed approximately 7 weeks prior. Mr. Ruark stressed that he was not asking for support on behalf of his family, who is trying to reopen the former Amburg Market that had been closed for approximately 9 years, but on behalf of the citizens, many elderly, for whom driving the extra distance for groceries is a major inconvenience and expense. Mr. Ruark also commented about the lost tax revenue and inconvenience to those visiting the County. SuperValue, a division of Richfood whose fees are 4% cheaper than others, has refused to directly sell product to Mr. Ruark, because they wanted to keep their options open for dealing with the owner of the Town and Country business, should he decide to reopen. Mr. Ruark indicated he had been in contact with representatives of Ukrops, a major SuperValue/Richmond purchaser, who will be assisting him with his campaign.

Board members indicated that they would contact SuperValu to encourage them to deal with Mr. Ruark and anyone else who wishes to open a store in the Deltaville area.

### **HIGHWAY MATTERS**

Resident Engineer Marcie Parker was present.

**West Point Bridges:** The West Point bridge project is scheduled to begin by the middle of May. The Lord Delaware Bridge over the Mattaponi should be completed in 2006; the Eltham bridge project should be completed in 2008.

**Rt. 631:** Bids came in too high again for this project; trying to get it awarded

***Paving Projects:*** Paving/resurfacing has started in selected areas of the County.

***Twiggs Ferry Landing:*** Signs indicating a curfew at the old Twiggs Ferry Landing have been ordered and will be put in place. The Sheriff will also be notified to begin patrolling and enforcing the curfew. The Board of Supervisors established the curfew in the late 1980's, however, over the years the signs have disappeared.

## **SCHOOL MATTERS**

Acting Superintendent, Cynthia Pitts, informed the Board that the final school attendance number was 1333, three above the number used for budget purposes. The air conditioning project for the gymnasium has passed structural and mechanical inspections and is now in the testing and training phase. Mrs. Pitts presented the Board with copies of the audits for special accounts handled by individual schools. Contracts have gone out to employees that included language that would allow the school board to adjust increases should there not be enough funds. Mrs. Pitts expressed her concerns with staying competitive.

### ***High School Projects:***

Mr. Crittenden asked about the roof projects for the high school and St. Clare walker. According to Mrs. Pitts, there will be a meeting on May 6 to negotiate for architectural services. It is hoped that the high school project can be completed this summer, with the St. Clare Walker bids requested in mid-June.

Mrs. Weber questioned whether Mr. Moore was being kept involved with projects that are to be funded using the remaining construction/renovation money. According to Mrs. Pitts, Mr. Moore has been contacted requesting his inspection of projects. Mr. Moore has not been asked to participate in the high school roofing project yet, but will be brought into the negotiations.

### ***Audits:***

Regarding the audits, Mrs. Pitts reported that there have never been any questions or concerns brought up with school funds. The School Board is concerned with how moneys are being handled and is working on steps and procedures. Mr. Culley reported that County employees that handle fees are required to sign a responsibility statement. Mrs. Pitts indicated that she would be interested in seeing a copy of the statement.

### ***Fire Wall:***

The School Board has agreed to pay the remaining expenses associated with the fire wall project. The motion to pay the \$28,700.00 agreed to previously was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously.

**Ball Field:**

Mike Hartenbach, a local contractor, will be working to lower the drain lines that are running through the ball field area. John Fleet has agreed to assist with the layout of a new field.

**St. Clare Walker Roof:**

According to School Board Member Dr. Richard Shores, several people, including contractors and engineers, have looked at the roof at St. Clare Walker and all have agreed that a mold inspection should be done to make sure that everything is clear. Dr. Shores recommended the School Board contract with an architectural and engineering firm to design and bid the project out and then award the contract for actual work. Dr. Shores recommended that \$4,000.00 be taken out of the money left in the High School air conditioning account to pay for the mold inspection. Board members requested firm quotes for the inspection before they would approve the use of other funds.

**YMCA**

Joe Heyman and Carl Barrafato, Director, requested that the Board allow the YMCA to use a mobile classroom unit that Charles Revere had donated to the organization. The classroom, which has not been removed from behind Wilton School, had been sold to Mr. Revere as surplus. The YMCA proposes to use the building for after school programs and child care. It was noted that the unit may need to have a separate water supply installed if the current water source is from the old school. The motion to agree to allow use of the building was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

**APPROPRIATION REQUESTS**

**Social Services:** The motion to approve the appropriation of an office supply refund back into their office supply line was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously. FROM: 3-1-18030-0002, \$606.00 TO: 4-1-53010-5401.

**Auditor:** The motion to approve the appropriation of funds to pay for completion of the regular audit and also the development of a General Fixed Asset Account System (GASB-34), was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously. FROM: 3-1-41060-0001, \$27,370.00 TO: 4-1-12080-3002.

**FEMA:** The motion to approve the appropriation of the reimbursement received from FEMA for Hurricane Isabel was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously. FROM: 3-1-24040-0927, \$214,085.00 TO: 4-1-43020-5898.

It was noted that the Schools should have filed an insurance claim due to wind damage to the roof at St. Clare Walker.

## **HURRICANE ISABEL – BUILDING PERMITS**

The Governor has extended the date for reconstruction activities resulting from Hurricane Isabel from June 30, 2004 to June 30, 2005. Based on this executive order and the limited availability of contractors to conduct work in the area, Planning Director, Matthew Higgins has recommended that the Board extend the deadline for individuals to obtain a Building Permit for activities authorized by Hurricane Isabel Repair Permits from June 30, 2004 to June 30, 2005. The motion to approve this extension was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously.

## **DISPATCH SOFTWARE**

The company that the County purchased its' dispatch and civil process reporting software from, United System Solutions, has been bought out by DaPro, a company that has said that they will not be providing service or updates to the current system. DaPro has offered to upgrade the County's system to their package at a considerably reduced price from what a new system would normally cost. The new package, including two licenses would cost \$11,200; a new package that could require new equipment could cost anywhere from \$50,000 - \$100,000. Mr. Williams suggested the County work with the new company to include a reimbursement provision in the contract if this company went out of business or was unable to maintain the new software for at least two years. The motion to approve the purchase of the new software package from DaPro was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

## **ARBITRAGE AGREEMENT**

Mr. Soberick informed the Board that approximately \$300,000 too much was paid toward the refinanced bonds. Adoption of an arbitrage agreement allows the restructuring of an escrow account so that the County can get most of the money returned. The motion to accept the agreement was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

## **HEALTH DEPARTMENT**

Mr. Melvyn Anderson, Office Manager for Three Rivers Health District explained that within the year, the Middlesex Health Department would need to expand, needing approximately 4,000 more square feet, they are at 5,400 square feet now. Funding from the State will depend on what option is given; an addition would require legislation to approve funding. Mr. Anderson would be back to make a presentation to the Board when he knew more details of what would be required.

Mr. Anderson commented that if the Board had no objections, they would put the antenna into a vertical position until all approvals are received from the planning department.

## **TAX RATE SET**

The Tax Rate had been advertised to be set at 48 cents per \$100.00 of value. Mr. Williams commented that he had no problems with setting it at the advertised rate. Mr. Jessie commented that it should have been set higher to have more of a cushion, possibly at 50 cents. The motion to adopt a tax rate of 48 cents per \$100.00 value for 2004/05 was made by Mr. Williams and seconded by Mr. Crittenden. A roll call vote was taken, with the vote being 4-1, Mr. Jessie voting against.

## **RAPPAHANNOCK RIVER BASIN**

It was suggested that action on the request to endorse the Rappahannock River Basin Commission's "Guiding Principals for Water Resource Planning" be tabled until after an upcoming VACo meeting in Richmond.

## **PARKING**

It was recommended that no changes be made in the current parking arrangements for courthouse employees until after new construction is completed.

## **AIRPORT PROJECTS**

***Title Search:*** The Department of Aviation has requested all counties do title searches for easements to control access to airports. Mr. Soberick said that he would assist with finding a firm to work on this project. The motion to proceed was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

***Ground Communication Outlet:*** The Department of Aviation has granted preliminary funding approval for installation of a ground communication outlet at Hummel Field. Funding is available in the amount of \$6,800, with the understanding that sponsor funds would provide a match in the amount of \$1,700.00. The motion to proceed with action to apply for the grant was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously.

## **CLOSED MEETING**

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

Upon reconvening in open session, the following motion was made by Mr. Williams, seconded by Mr. Crittenden 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**

There being no further action, the meeting was adjourned to reconvene on May 18, 2004.

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Lenora O. Weber, Chairperson  
Board of Supervisors