

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, OCTOBER 5 , 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 and Mr. Culley led the Pledge of Allegiance.

OPERATION THANKSGIVING

William Bagby, representing the Bethlehem Star Lodge, was present to update the Board on last year's Operation Thanksgiving activities and to request endorsement of this year's 15th annual event. According to Mr. Bagby, the Lodge donated to 165 families. The motion to endorse the project was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

MINUTES

The Board reviewed the minutes from the September 7th and September 21st meetings. There was one correction to the September 21st minutes, clarifying why Mr. Miller was not present at the opening of the meeting. The motion to approve the minutes as corrected was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

DISBURSEMENTS

Board members requested clarification on several invoices. Mr. Crittenden requested a report on the number of defibrillators that were in County possession and the number of people trained to use them.

Mrs. Weber questioned payment of two invoices totaling \$139.59 on the Sheriff's VISA account, when the total due on the monthly statement was only \$40.69. Assistant Administrator, Marcia Jones, responded that this was the first VISA bill received from the Sheriff for payment by the County in several months, and she had no

record of payments that have been applied to the account. The Sheriff has requested that the two invoices be paid (\$139.59), which would create a credit balance on the account. Board members discussed the need to receive copies of all invoices that have been charged to the account, indicating that the auditor's have supported this request.

Board members suggested removing the card from the Sheriff's position and questioned Mr. Soberick on what should be done. Mr. Soberick stated that the Sheriff should be reminded again of the policy for County credit card use. Mr. Crittenden commented that the Sheriff would be asked to clarify his use of the card later in the meeting.

Because the statement showed a lesser amount due than the amount of the two invoices received, the motion to only pay the amount shown on the statement, \$40.69, and pay all other disbursements as requested was made by Mr. Jessie, seconded by Mr. Crittenden and carried unanimously. Payment of the difference will be considered after all receipts have been received. Checks numbered 49741 through 49968 totaling \$277,004.12 were disbursed as approved.

PAYROLL

Payroll for the month of September was approved by Mr. Williams, seconded by Mr. Jessie and carried unanimously. Checks numbered 49692 through 49790 totaling 178,326.94 were disbursed as approved.

CONSTITUTIONAL OFFICERS

Sheriff

The Sheriff was not present, however, he may be represented later in the meeting by Major Jordan. Mrs. Weber commented that the Sheriff had requested a copy of the meeting tape.

Treasurer:

Mrs. Bray informed the Board that the tax bills would be mailed out around October 20th. Mrs. Weber expressed concern that monies had to be transferred between accounts in order to make payroll and cover disbursements. Mrs. Bray responded that the money flow has been good and will improve as tax payments begin coming in. Regarding the tax sale of the wrong property, Mr. Soberick stated that he has been working with the owner's attorney, Roger Hopper, and a solution has been reached that is awaiting Judge Shaw's approval. There will be no money involved in correcting the issue.

Commissioner of Revenue:

Mrs. Stephenson reported that land use forms are due by November 1st.

COMMITTEE REPORTS:

Mr. Miller:

- Planning District Commission – Alternate Transportation Study presented by Louis Lawrence.
- Resource Conservation and Development Council – Working on projects with farming and economic development. The group is working on showing Heritage Pottery with the Mattaponi tribe and with Luther Welsh for a farm museum. Mrs. Weber requested an attendance record for Middlesex representatives on the Board. It was clarified that Mr. Miller is the County's only representative; James Blake and Cheryl Mennick hold elected positions on the Tidewater Soil and Water Conservation Board.

Mr. Williams:

- Planning District Commission – working to try and get Edward McMahon to make a presentation on growth planning at a meeting on November 30th. The Planning District Commission is partnering with the Middle Peninsula Garden Club to fund this meeting.

Mr. Jessie:

- Social Services – another receptionist has been hired; not a new position.
- Airport Committee – Mr. Soberick is reviewing the minimum standards for Hummel Field, drafted by Bob Crump. They will be sent to the Department of Aviation for review.
- Museum Board – attended the Living History program presented at Christ Church.

Mr. Crittenden:

- Airport Committee – Will be facing some tough decisions down the road, including right of way issues.

Mrs. Weber:

- Attended the Planning District Commission meeting and Museum Program; also the YMCA celebration and Jail Board meeting.

- Planning Committee Sub-Committee on Planned Rural Development – information will be presented to the Planning Commission at their meeting on October 14th.
- Courthouse Construction – work is on-going, however there are still problems. Mrs. Weber expressed her appreciation for all the Mr. Culley is doing to resolve the issues.

HIGHWAY MATTERS

Resident Engineer, Mrs. Marcie Parker was present to update the Board on various projects:

Route 631: This project should be completed before the Holidays. A speed zone study will be conducted after the project is finished. Signage to reduce the speeds from 45 to 35 can be installed if recommended by the study.

Rural Addition: Met with representatives of Bay Country Estates; they are getting their paperwork together.

Paving: Paving will commence as soon as another project is finished.

Oyster Festival: Have completed the review of the traffic plan for the Oyster Festival with the state police.

Six-Year Plan: Work session will be held at the November 2nd meeting, with the public hearing to be held at the November 16th meeting.

Route 618: Curb and gutter should be poured in the next few weeks.

Route 721: Mr. Crittenden thanked VDOT representatives for adding more guardrail in the pond area.

Barrick's Mill Pond: Mr. Williams informed Mrs. Parker that brush has grown over the overflow pipe.

Cross-Over: Mrs. Parker advised that the project to widen the cross-over at Rt. 33 and Rt. 620 should be scoped the end of this year, or next year; funding for the project is due in 2006.

VIRGINIA ASSOCIATION OF COUNTIES

The motion to approve endorsing Mr. Williams as the voting representative of the Board of Supervisors at the upcoming VACo Annual Meeting was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously. Mr. Miller was named as an alternate.

APPROPRIATIONS

Weed Killer: The motion to approve the appropriation of \$960.00 received as a 100% reimbursement from the Department of Aviation was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously. FROM: 3-1-12080-0007 TO: 4-1-10020-5407.

Insurance Reimbursements: The motion to approve two requests to appropriate insurance reimbursements was made by Mr. Jessie, seconded by Mr. Crittenden and carried unanimously. FROM: 3-1-18030-0006 TO: 4-1-11010-5899, \$238.15 and 811.86.

Two-for-Life: The motion to approve the appropriation and disbursement of Two-for-Life Funds received from the State to the two rescue squads was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously. FROM: 3-1-41060-0001, \$5,887.00 TO: 4-1-32030-5604 and 4-1-32030-5605, \$2,943.50 each.

Legal Services: The motion to approve the appropriation of funds to be applied to legal services for the Macey White vs. BZA case was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously. FROM: 3-1-41060-0001, TO: 4-1-12040-3002, \$21,198.00.

COUNTY SIGNS

Marcia Jones, Assistant Administrator, presented a proposal to have new, larger "Welcome to Middlesex County" signs installed at entrances to the County. The face of each sign would be 4' x 5' and would include a portion of the County seal, at \$2,500.00 per sign assembly and installation. Permission would be asked of the Department of Transportation to install a sign in the triangle intersection of the By-pass and Business 17. Colors are yet to be determined. The Board agreed that Mrs. Weber and Mrs. Jones could decide on the color and Mr. Crittenden requested that the other signs be used at less visible entrances to the County. The motion to approve the purchase and installation of the signs and appropriating funds (\$10,000) to do so, was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously.

REQUEST TO WAIVE APPLICATION FEE

Board members considered a request made by Linda Jackson to waive the \$250.00 fee for a special exception application. Mrs. Weber reminded the Board that it has been their policy not to waive application fees. No action was taken on the request.

DICTAPHONE EQUIPMENT

Mr. Culley presented the proposal to lease new Dictaphone equipment at a rate of approximately \$5,900.00 per year for five years, including maintenance. This equipment is computer based and will allow for considerable more storage of data and is much easier to operate and retrieve information from. If the equipment was purchased, rather than leased, the price would be \$25,000, plus an additional annual maintenance fee. The current equipment is five years old and has an annual maintenance contract of \$4,500.00; new call back equipment has been added that has a separate maintenance contract of \$2663.84. A trade-in of \$1,500.00 for the current equipment has been offered. The motion to approve leasing the new equipment was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously. With Kevin Jordan's departure, Mr. Culley is currently the only one trained to use the equipment.

Mr. Williams commented that spending needs to be held, as way too much money is going out for the fund balance that is available.

SCHOOL MATTERS

Appropriation Requests:

The motion to approve two appropriations for insurance reimbursements was made by Mr. Williams, seconded by Mr. Miller and carried unanimously: FROM: 3-23-01803-0006 TO: 4-23-60010-6305, \$4,076.00 for repairs caused by leaking roof; and 3-23-18030-0006 TO: 4-23-60010-6301, \$2,049.21 for repairs to a school bus that was damaged in a bus accident.

The motion to approve an appropriation of funds to be reimbursed 100% by the Middle Peninsula Regional Special Education Program for the regional autism program was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously: FROM: 3-23-28150-1300 TO: 4-23-60010-6210, \$74,501.00.

Other Matters:

Mr. Crittenden thanked Dr. Spencer for submitting the enrollment numbers to him. Mrs. Weber noted that repairs to the High School roof will be put on the Agenda for the November 2nd meeting. As an update to the St. Clare Walker roof repairs, Mr. LaBrier reported that the bid package should be ready in approximately two weeks and that it would be sent to the contractors that have expressed an interest in the project as well as to any that request the package.

Mr. Crittenden asked about the issue of drilling a new well at St. Clare Walker as recommended to eliminate the problem of sand. Mr. LaBrier commented that the report from Bay Design had been given to Mr. Myers and he had never seen it. He knew that treatment and filtering had been approved by the School Board and that the treatment is being done, but could not verify after filtering because he had not been overseeing this project. The estimate provided by the State Health Department to

install a new public water supply was \$75,000, much more than the estimate provided by Bay Design. Dr. Spencer indicated he would check to see if filtering was being done. Mr. Crittenden requested information on the well capacity, which Dr. Spencer agreed to provide.

Total student population was 1310, with the budget based on 1335 students. Dr. Spencer was cautioned to hold spending, as the County would not be making up the difference in lost state revenues. Assistant Superintendent, Cynthia Pitts, presented the following report of the loss of students:

Kindergarten: 13 below estimated enrollment (12 have gone to private schools)

Elementary: 5 have gone to private schools, 12 out-of-state transfers and 17 out-of-County transfers

Middle School: 4 have gone to private schools, 4 out-of-state transfers and 8 out of County transfers;

High School: 6 have gone to private schools, 5 out-of-state transfers and 12 out of County transfers.

There have been a total of 38 students transferring into the Middlesex system.

Video cameras are now being installed on all school buses. These have greatly reduced the potential discipline problems. The remaining cameras were purchased using a grant from Safe and Drug Free Schools.

Dr. Spencer expressed his appreciation for the timely response in having the mold at the School Board offices checked out.

CUMBERLAND COUNTY RESOLUTION

The motion to support a resolution offered by Cumberland County in requesting the Governor and members of the General Assembly to support funding for the operation and maintenance of improvements already approved at the State's parks, was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

HOMELAND SECURITY GRANTS

The motion to authorize Mr. Culley to act as the authorized agent in signing for grants from the Office of Justice Programs (Homeland Security) was made by Mr. Williams, seconded by Mr. Jessie 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 State of Virginia, this application and others of like nature that may follow, and to file them in the appropriate State Office for the purpose of obtaining certain Federal financial assistance under the OJP, National Domestic Preparedness Office Grant Program(s), administered by the Commonwealth of Virginia.

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 Office of Justice Programs (OJP) for all matters pertaining to such Federal financial assistance any and all information pertaining to these Grants as may be requested.

Passed and approved this 5th day of October, 2004:

Middlesex County Board of Supervisors:

Kenneth W. Williams	aye
Fred S. Crittenden	aye
Lenora O. Weber	aye
John D. Miller, Jr.	aye
Wayne H. Jessie, Sr.	aye

COMMUNICATIONS COMMITTEE

Mrs. Weber informed the Board that there was discussion at the last Communications Committee meeting about distributing money in a different manner from what the Board had approved through the Memorandum of Understanding between the County and the Sheriff. Although the Committee approved of the Sheriff's proposal, Mrs. Weber had informed the Sheriff that he had to make his proposal in writing to the Board. The Sheriff informed the County Administrator that he would be holding his request at this time and would address it with the Committee again. Mr. Crittenden commented that he believed the County was to be a part of the decisions with hiring and firing of dispatchers. Mr. Culley advised that the Committee was to be consulted with hiring; a subcommittee had been used at times to interview candidates.

Mr. Culley explained the memorandum to Mr. Jessie, with the set amounts that were to be distributed to the dispatchers and communications supervisor. The Board of Supervisors had approved a supplement of \$5,000 per year to be paid to Bruce Boles. When he left employment, the Board approved that this money could be divided between deputies. The Sheriff has now taken \$2,000 of this money and has added to a dispatcher's salary. Mr. Jessie commented that the Memorandum of Understanding needed to be reviewed to make sure the procedures are being followed.

DELTAVILLE MARITIME MUSEUM

It was noted that the seafood and art festival at Holly Point has been rescheduled to October 9th.

Mr. Crittenden requested the Board consider leasing the remainder of the Holly Point property to the Deltaville Civic Association for use by the Maritime Museum. The motion to approve adding the remainder of the property to the lease, which was extended to a ten-year period at the last meeting, was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously.

OLD BUSINESS

Hilliard's Mill Pond

Mr. Soberick advised the Board that he had contacted Jim Hopper of the Attorney General's Office regarding the possible conflict of interest between the former state inspector going to work for the contractor on the job. According to Mr. Hopper, there was no conflict.

Rosegill

Mr. Culley reported that the Zoning Ordinance requires that a conceptual plan for water and wastewater treatment be submitted with the proposed Rosegill project, however, the developers have not been able to get it prepared. The Hampton Roads Sanitation District requires that the locality issue authorization for discussion with the developers. The motion to authorize the representatives of Hampton Roads Sanitation District to discuss water and wastewater treatment with the Rosegill developers, with the understanding that there have been no commitments or endorsements by the Board of Supervisors, was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously. Mr. Soberick will write the letter to the HRSD.

Courthouse Wastewater Treatment Plant

Mr. Culley advised that the survey work has just been completed for the project and it should be re-bid in December or January.

Animal Shelter

Drawings for the proposed dog pound are due from the architect by October 15th.

Department of Environmental Quality

Mrs. Weber had heard that Delegate Morgan had talked with a representative of the Department of Environmental Quality who indicated that the County would not be

accessed the \$22,800 fee for corrective action. Mr. Culley will verify the fees and discuss the matter further with Joyce Engineering.

Alternate Wetlands Board Member

Mrs. Weber stated that the Board needed to take action to appoint alternates to the Wetlands Board as required by the State Code. Archie Brooks may not be able to attend some of the meetings due to his work schedule and there are times when another member may have to be gone. Mrs. Weber had asked for recommendations from the Wetlands Board Chairman, Miller Smither. Mr. Smither had suggested Mary Ann Willis as a possible candidate and Mrs. Weber had asked Mr. Jessie to suggest at least one more. Mr. Crittenden commented that if a member is unable to attend a meeting, then the notification should be made by that member to the Wetlands Board Chairman, who would then be in charge of calling an alternate. The motion to appoint Mrs. Willis as an alternate, with the requirement that notification be made as stated above, was made by Mr. Jessie and seconded by Mr. Crittenden. The motion carried by a vote of 3 for, 2 opposed (Williams, Miller). Mr. Williams stated that he had no problem with the person appointed to the position, only the concept.

DISABILITY SERVICES BOARD

Mrs. Jones reported that it is a State requirement that the County contribute to a disability services board. At a previous meeting, the Board authorized that the money previously contributed to the DSB be sent to the Hands Across Middlesex program. The motion to appropriate \$2,000 back to the Disability Services Board was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

COOKS CORNER OFFICE COMPLEX

In an effort to find the cause of the humidity and mold problems at the Cooks Corner Office Complex, Mr. Culley requested authorization to work with engineers from Honeywell, who would provide an assessment of the heating and air conditioning systems. The Board was in general agreement that the work should be done. No additional appropriation was requested at this time.

CLOSED MEETING

The motion to convene in closed session to discuss matters relating to consultation with legal counsel and the disposition of public property per Code of Virginia §2.1-3711.A7 and A3 was made by Mr. Jessie, seconded by Mr. Crittenden 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 and A3 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.

INVITATIONS TO CONCERNED CITIZENS EVENTS

Mr. Jessie commented on the invitation he and other Board members had received to attend a meeting of the Concerned Citizens of Middlesex. Mr. Jessie was cautioned against attending any meeting of either the Concern Citizens or developers until after an application has been submitted and a recommendation has been made by the Planning Commission.

ADJOURN

There being no further action, the meeting was adjourned until October 19,, 2004, at 7:30 P.M., in the Board Room, by motion of Mr. Miller, second by Mr. Williams, carried unanimously.

Lenora O. Weber, Chairperson
Board of Supervisors