

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, SEPTEMBER 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

The Chairperson, Mrs. Weber called the meeting to order at 9:00 A.M. Mr. Williams opened with a prayer and Mr. Culley led the Pledge of Allegiance.

SCHOOL MATTERS

St. Clare Walker Roof:

Dr. Oliver Spencer, Superintendent and Mr. John LaBrier, Director of Accountability and Special Projects, were present to discuss the latest information received for replacement of the roof at St. Clare Walker. Mr. LaBrier stated that the engineering firm, P.S.I., had presented a proposal of \$15,000 to design and prepare a bid package for the roof repair. The firm has also estimated that an architectural metal roof would cost approximately \$817,630.00. The metal roof would have a life span of 20-30 years, whereas the thermo-plastic would be from 20-35 years. Sarnafil is one type of thermo-plastic design that can be seen on commercial buildings in the Williamsburg and Norfolk areas; none is on schools in the area. P.S.I. originally said that a metal roof could not be installed at the school, however later clarified that a metal roof could be installed, with extra material, such as a membrane, put on areas of low slope.

Board members agreed that the metal roof with membrane where needed should be applied, as it is a tried and true method. Mr. Williams noted that the color must be baked in so that it will not become a maintenance issue in the future. Mr. Crittenden added that he would not be in favor of any other additional appropriations until the roof issue was taken care of. The motion to approve an appropriation of \$15,000 for production of contract documents and proposals was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

Baseball Field:

Mrs. Weber noted that no money would be appropriated for the ball field renovation/repair until the roof issue is taken care of. Mr. LaBrier commented that the proposal has been to push the dirt pile down the field to where it will be needed later, then grade it. A bid of \$1,500.00 had been received to remove the fencing. Board members questioned why a Maryland firm had been used for the design work. Mr. LaBrier commented that the request for proposals was put out and the RBA Group of Maryland was the firm the School Board negotiated with. Board members commented that local sources should be the first choice of contractors.

School Parking:

The Sheriff commented that he had received complaints regarding parking along the side of the road during school hours from neighbors of the school. Further discussion would be addressed to the Department of Transportation.

Information Requested:

Mr. Crittenden commented that he had requested some information from the School Board Office and had received no response. Mr. Crittenden requested to know the number of teachers hired last year and this school year and the total number of employees last year and this year. Dr. Spencer assured Mr. Crittenden that he would obtain the information for him.

CONSTITUTIONAL OFFICERS

Sheriff

Sheriff Abbott informed the Board that his office had been notified that boat races were going to be held on one weekend in August, however the Coast Guard was the permitting agency. His department may have some jurisdiction over the races if the County had a noise ordinance in place. Sheriff Abbott did not believe that a noise ordinance would be that difficult to enforce, as it could be regulated by dates and times as well as decibals. Mr. Soberick will research the draft provided previously by the Sheriff.

Sheriff Abbott noted that his secretary had received overtime pay for working overtime hours and was not paid the extra pay rate for training in dispatch. The Sheriff informed the Board that Sheila Hudson, the former Communications Supervisor, was no longer employed by his department. He would bring up the running of the dispatch center at the next Communications Committee meeting. The Sheriff thanked Mr. Culley for his assistance in keeping systems running in dispatch.

Treasurer:

Mrs. Bray informed the Board that the delinquent lists would be printed in the next newspaper. Mrs. Bray had turned in five (5) properties for seizure by the Sheriff's department; three (3) came forward and paid their taxes and fees; one had not been found.

Commissioner of Revenue:

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

SPORTS COMPLEX

Mr. John Fleet informed the Board that the second phase of the lighting project had been completed. The first phase had been coordinated and paid entirely by donations to the Sports Complex group. A 50% share grant was approved by the State for the second phase and the County had fronted the money for the project. Mr. Fleet presented a check in the amount of \$45,353.28, the portion that would be matched with a like amount from the State to pay for the project. Mr. Fleet recommended that the County not abandon any more school fields, as he did not want there to become an overburden on the Complex fields. The Sports Complex Committee is looking into a "wall of fame" to acknowledge contributors, rather than signs.

HIGHWAY MATTERS

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

Paving: Paving of Route 33, from Cooks Corner to the curb and gutter in Saluda would begin soon.

Route 712: a speed study has been sent to the Commonwealth Transportation Board.

Primary Pre-Allocation Hearing: The hearing would be held on September 29th at the Fredericksburg District Office.

No Parking Signs: If there are problems with parking on the side of the road, VDOT can put up No-Parking signs in the area of the High School at the discretion of the Board of Supervisors and suggested that a time frame of Monday through Friday, 8:30 A.M. – 3:30 P.M. be used. Board members agreed that if there is a problem to the neighbors, something should be done. The motion approving the placement of the signs was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously. Mr. Culley would meet with VDOT representatives regarding the area to be restricted. The Sheriff sent notification that enforcement of the restricted area could be by

ticketing or by ticketing and towing. Board members agreed that the vehicles could be ticketed after a warning was issued.

Thank you: Mrs. Weber thanked VDOT for installation of a temporary sign indicating heavy traffic in the area of the new Lebanon Church during their dedication ceremonies.

Grass Cutting: The contractor will be in the area the week of September 20th; high grass areas that are real sight problems are being handled with local forces.

Route 721: Mr. Crittenden expressed his hope that there would be more guardrail installed in the area of the pond and riprap along Route 721.

DISBURSEMENTS

The motion to approve the disbursements as presented was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. Checks numbered 49504 through 49648 totaling \$342,449.45 were disbursed as approved.

MUSEUM

Mrs. Barbara Lovelace, representing the Middlesex County Museum Board of Directors, was present to request the Board's consideration in allowing the Museum Board and Art Guild to establish a history and cultural arts center in the old courthouse after offices move into the new building. This proposal would require funding by the County but the two entities would apply for grants. Mr. Williams commented that the County does not plan on retiring the building, as it will be necessary to continue to use the courtroom for court overflow and county meetings, and the downstairs may be used by the registrar and storage of county records. Mrs. Lovelace encouraged the Board to consider their request should space become available. She also invited the Board to the living history program being presented on October 2nd.

KEVIN JORDAN

Board members applauded Kevin Jordan, the County's GIS/Mapping Technician, who will be leaving for training at Fort Sill, Oklahoma for six months before being deployed to Iraq with the National Guard for a minimum of 12 months. Board members wished him well.

APPROPRIATIONS

Bay Transit: The motion to approve the appropriation of \$800.00 as the FY04 capital replacement cost for a Bay Transit bus that was included in last year's budget, but was not paid prior to the end of the fiscal year was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. FROM: 3-1-41060-0001 TO: 4-1-53050-5505.

AED Grant: The motion to approve the appropriation of grant funds received in FY 04, but not expended until FY 05 for defibrillators was made by Mr. Jessie, seconded by Mr. Crittenden and carried unanimously. FROM: 3-1-24040-0928 TO: 4-1-36050-7005, \$12,950.00.

Equipment Grants: The motion to approve the appropriation of grant funds received and appropriated in FY 04, with invoices being paid from FY 05 was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. FROM: 3-1-41060-0001, \$25,013.00 TO: 4-1-36050-7003, \$25,013.00

Abandoned Vehicle Program: The motion to approve the appropriation of funds received from DMV for the disposal of abandoned vehicles (92 vehicles) was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. FROM: 3-1-24040-0030, TO: 4-1-81040-5412, \$3,680.00.

Commissioner of the Revenue: The motion to appropriate the funds remaining in the Commissioner's Part-Time Compensation from FY 04 was made by Mr. Jessie, seconded by Mr. Crittenden and carried unanimously. FROM: 3-1-41060-0001 TO: 4-1-12090-1003, \$8,184.00.

LANDFILL ISSUES

Joanne Linder, representing Joyce Engineering, the engineering firm working with the Middle Peninsula landfills, was present to discuss existing landfill issues and the fees established by the Department of Environmental Quality. Delegate Harvey Morgan was also present for the discussion; Senator Bolling had been invited to attend, but was not present.

Ms. Linder informed the Board that her firm had been tracking the groundwater impacts of the landfill and trying to eliminate any problems. There are currently two issues that require the County to enter into a corrective action phase. The Department of Environmental Quality (DEQ) has increased their fees, effective July 1, 2004 and now requires the payment of a review fee of \$22,800, increased from \$3,000, in addition to the cost of installing replacement wells. As Ms. Linder explained, the DEQ's reasoning for substantially increasing the fee is that it will act as a blanket fee and the County will not now be charged for each individual corrective action or review that is implemented. Ms. Linder added that the DEQ also was requesting two additional monitoring wells in areas that are not related to the landfill. Ms. Linder will be asking the DEQ to allow the installation of one well and the closure of one that has tested

clean. A total of seven (7) wells are currently monitored and there is one up gradient well that is not used; four wells were installed when the landfill was closed to the State's specifications.

Mr. Williams stated that he will blame the legislators for giving the DEQ the power to establish such high fees. He added that the landfill was closed to the guidelines that were established by the DEQ and now they are changing the guidelines. Also noted was that these fees were established for commercial, for-profit landfills that make money on disposal and they should not be applied to local landfills that have been closed and never made money. Ms. Linder indicated that overall contaminate levels are better now than two years ago.

The amount of time that DEQ staff will apply to the new phase of corrective action was questioned. Ms. Linder indicated that DEQ staff probably devote 20 hours per year prior to corrective action; after corrective action is in place, the time probably increases to 80 hours per year. The fees increase from \$3,000 to \$22,800.00.

Delegate Morgan commented that in some states the environmental office is called the Department of Environmental Protection, rather than Quality, which in this case is what the State's office is trying to do by requiring the additional corrective action. Delegate Morgan did however, question the extreme increase in fees compared with the workload increase. Delegate Morgan asked if the County had contacted the Virginia Association of Counties with the issue, indicating that this would be a good issue for the Rural Caucus to tackle. Delegate Morgan commented that he would get in touch in Larry Land of VACo and would also discuss the matter with representatives of the DEQ. Board members thanked Delegate Morgan for attending and offering to assist in the matter.

GRANT FOR TREES

Gene Ruark was present to ask the Board to consider applying for a grant that would fund the purchase and planting of pear, crepe myrtle and cherry trees from Cooks Corner to Harmony Grove. Mr. Ruark announced that he would fund any difference that the grant did not fund. The motion to approve the request was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously. Mr. Ruark suggested the County write a letter to VDOT asking that either they or their grass cutting contractors replace any trees that they destroy.

YMCA INVITATION

Mrs. Elizabeth Hoinkes invited Board members to attend a celebration of the YMCA on October 3rd at 1:30 P.M. Board members were also asked to be present for the pumpkin judging during a break in the bands that will be playing.

EASEMENT

Mr. Culley requested that the Board approve easements requested by AquaVirginia for installation of water lines. The first easement allows for the installation of an 8" waterline across County property, which will replace the 6" line that the County was going to have to install and maintain as part of the Courthouse project. AquaVirginia will now maintain the line. The other easement would be 12' wide, running across County property, parallel to Route 618, to allow the installation of new waterlines that would serve Antioch Baptist Church and the Regional Jail. The motion to approve the request for easements was made by Mr. Williams seconded by Mr. Miller and carried unanimously.

PAYROLL

The motion to approve payroll for the month of August was made by Mr. Miller, seconded by Mr. Miller and carried unanimously. Checks numbered 49406 through 49503 totaling \$176,433.68 were disbursed as approved.

MINUTES

The minutes for the meetings of August 3rd and August 17th were reviewed. The motion to approve the minutes as written was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

COMMUNITY SERVICES BOARD

The motion to approve a new lease agreement for a portion of the Puller Center, with a reduction in the annual payment by \$3,910.00, was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously. This reduction equals the amount unfunded from the Community Services Board budget request for the current year. The new annual fee will be \$19,312.40, reduced from \$23,222.40.

The motion to approve the fiscal year 2005 Performance Contract and operating budget was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

COMMITTEE REPORTS:

Mr. Miller:

- Virginia Association of Counties – the Steering Committee on the Environment and Agriculture had adopted a resolution endorsing the introduction of the Chinese Oyster into the public waters of the Commonwealth of Virginia for the purpose of revitalizing the Virginia oyster industry.

Mr. Williams: nothing to report

Mr. Jessie:

- Social Services – Six month evaluation of the new director found her to be above average. The Board questioned when Mrs. Brown would be moving into the County and were told that she is waiting for her husband to retire before looking for a house here or in an adjoining county.
- Oyster Festival Foundation – corporate sponsorships are coming in.

Mr. Crittenden:

- Airport Committee – Agreed at the meeting that some members of the Committee and members from the County government would meet with Oscar Barber. It was agreed that the County should proceed with the self-service tank and getting revised prices. Also, the timber sale should be re-bid so that proceeds of the sale could be applied to airport projects.

Mrs. Weber:

- Comprehensive Services – the Family Assessment and Planning Team reported a good relationship with Bayside Academy.
- Jail Board – The Department of Environmental Quality has accepted the Jail into the Environmental Excellence Program.

OLD/NEW BUSINESS

Whiting Creek: County maintenance workers will look into rebuilding the access to the pier.

Mill Creek: The importance of having the ramp re-opened for public access was stressed. The County will also be working on having the pier repaired.

Maritime Museum: Mr. Crittenden encouraged other Board members to agree with the Deltaville Maritime Museum leasing the property across the creek, which would allow the group to also make repairs as necessary and maintain the property, easing the burden on County maintenance staff. The motion to amend the current lease to include the additional property was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously.

RECESS

The Board recessed for lunch and returned at 1:30 P.M..

WORKSESSION WITH VIRGINIA DEPARTMENT OF TRANSPORTATION

Assistant Resident Engineer, Sean Trapani, was present to discuss other Highway Matters with the Board.

Secondary Road Plan: Mr. Trapani requested that the Board set aside time on the November 2nd agenda for a work session on secondary road improvements with a public hearing on the Six Year Plan to be scheduled for November 16th.

Rural Additions: Mr. Trapani explained the rural addition process, where 5% of secondary road improvement funds are placed into the rural addition fund. This amounts to approximately \$18,000 per year, which can be banked, but must be spent within three (3) years. The last project built was in 2002, the first phase of South Landing Road. Currently, the second phase of South Landing is the first priority to receive funds, however, the road only serves approximately three residents and would cost more than \$150,000 to construct; there is \$86,000 in the fund that must be spent by next year. Mr. Trapani suggested reprioritizing the other projects that have requested improvements and for the Board to consider the costs involved and the number of residents to be served. After discussion, the following priority listing was approved:

1. Roads in Bay Country Estates – estimated cost \$7,000-\$8,000
2. Pipe-n-tree – estimated cost \$60 - \$70,000
3. Raven Road – estimated cost \$60,000; serving approximately 40 residents
4. Bennett Farm Road – estimated cost \$80,000
5. North Shore
6. South Landing, Phase 2

APPOINTMENT

No action was taken regarding the appointment of alternate members to the Wetlands Board.

DELTAVILLE CONVENIENCE CENTER

The motion to authorize a request for bids to pave the Deltaville Convenience Center and install concrete pads for the containers was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously. It was noted that the gravel surface at this site has been difficult to maintain.

REFUND

The White Cove Homeowner's Association had submitted a Wetlands Application fee of \$150.00; the normal fee if a permit is required. The Association received a letter stating that no permit was needed. The motion to refund the

submitted fee was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

USE OF PROPERTY

Board members were in agreement with Mr. Culley that the older buildings at Rappahannock Central Elementary were not to be used by the school system for a sale or for public use as requested for a teen center. Letters would be written to the two groups requesting use of the facilities.

CLOSED MEETING

The motion to convene in closed session to discuss matters relating to personnel per Code of Virginia §2.1-3711.A1 was made by Mr. Miller, 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.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 until September 21, 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