

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, APRIL 5, 2005 IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

Present: Kenneth W. Williams, Pinetop District
John D. Miller, Jr., Saluda District
Lenora O. Weber, Saluda District
Wayne Jessie, Sr., Jamaica District

Charles M. Culley, Jr., County Administrator
Michael T. Soberick, County Attorney

Absent: Fred S. Crittenden, Pinetop District

CALL TO ORDER

The Vice Chairman, Mr. Jessie, called the meeting to order at 9:00 A.M., with an announcement that Chairman Crittenden would be absent from the meeting due to health issues. Mr. Williams led the group in prayer and Mr. Culley led with the Pledge of Allegiance.

MINUTES

The motion to approve the minutes of the meetings from March 1st, March 15th and March 24th was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously.

DISBURSEMENTS

The motion to approve the disbursements as corrected was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously. Checks numbered 51539 through 51670 totaling \$248,261.88 were disbursed as approved.

CONSTITUTIONAL OFFICERS

Sheriff

The Sheriff reported that certain line items within his budget would be overrun by the end of the year, and requested that additional funds be appropriated to the following lines: fuel, maintenance/service agreements, vehicle repair and maintenance and phones. The Sheriff also reported that because of the work by his department, over \$74,000.00 in fines had been added to the County's revenue. Board members requested that the Sheriff put his request in writing for consideration later in the meeting.

Treasurer

Mrs. Bray reported that decal sales are increased from last year, especially trailer sales, which had increased by 90% from last year. Mrs. Bray attributed the increase to pre-mailing notices of personal property taxes due.

Commissioner of Revenue:

Mrs. Stephenson reported that Joe Edwards had been employed on a part-time basis to assess repairs made to waterfront properties following Hurricane Isabel, such as replacement piers.

Mrs. Stephenson reported that 591 business licenses had been sold.

The Board considered the request for additional funds for the Commissioner's department. The motion to approve the following appropriation was made by Mr. Miller, seconded by Mr. Williams and carried unanimously. FROM: 3-1-41060-0001, \$6,500.00 TO: 4-1-12090 Line Items: 1003-\$3,000.00; 3002-\$1,100.00; 3006-\$200.00; 3007-\$100.00; 5203-\$400.00; 5401-\$750.00; 5501-\$950.00

HIGHWAY MATTERS

Resident Engineer Marcie Parker was present for the meeting and reminded the Board of the Primary Road Pre-Allocation hearings being held by the State. Mrs. Parker suggested that the Board may wish to go on record in support of funding for improvements on Route 33, including widening at Route 620, left turn lanes at Route 630, and widening for the bike path in the Deltaville area. Mrs. Parker suggested that writing a letter in support of the projects would be just as effective as attending the video conference in Fredericksburg. Left turn lanes proposed for other areas of the County have been put on hold because construction bids came back high.

Route 702: Mr. Williams requested that the speed limit on Route 702 be lowered. Mrs. Parker indicated she would request a speed study to see if lowering the limit could be approved.

Route 630: Public comments on improvements to this road will be received at a hearing scheduled for May 5th, 4:30 P.M. - 7:30 P.M., at St. Clare Walker School.

Striping: Striping in the area of the Courthouse, on Routes 618 and 675 would be done in the near future. Mrs. Weber expressed her appreciation to the Highway Department for their improvements to Route 618 between the Courthouse and the Jail.

Route 602: Mr. Jessie reported that a drainage pipe was stopped up causing flooding on this road.

Rural Addition Request: Mr. Miller requested that someone from the VDOT contact Carol Guthrie regarding her request that the roads in the Deere Chase subdivision be considered for rural addition funding. Mrs. Parker said that her office was already reviewing the request, but there may be difficulty in approving the request if pursued because the Board of Supervisors had approved abandonment of a portion of the road several years ago.

Route 640: Mrs. Weber commented that she had been contacted by Mattie Smith of Water View who reported that plantings had been installed in the cul-de-sac area at the end of Route 640. Mrs. Parker was requested to check the area to see if the right-of-way was being blocked.

COMMITTEE REPORTS:

Mr. Miller:

- Criminal Justice, Local Board - Hope Brooks has been named as the Interim Director of this department.
- VACo – Ellen Davenport has resigned.
- Planning District Commission – as an update to the loan program for septic projects, Mr. Miller reported that only two cases had been taken to court for failure to repay the loans. Also, the Dragon Run Steering Committee had been expanded to allow inclusion of a Planning Commissioner from each County.

Mrs. Weber:

- Construction Meeting – the Contractor has now estimated that construction will be substantially completed by the end of April. Mrs. Weber and Mr. Culley would be meeting with the Circuit Court Judge tomorrow to discuss the additional carpeting that has been requested.

Mr. Jessie:

- Social Services Board – the Social Services Board had evaluated the Director; she received an average rating.
- Airport Committee – representatives from the Committee would be meeting with Oscar Barber to discuss fuel sales.

CLOSED MEETING

The motion to convene in closed session to discuss matters regarding legal matters involving the courthouse construction 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. Miller, seconded by Mr. Williams 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.

SCHOOL MATTERS

School Roof:

Superintendent, Dr. Spencer and Director of Operations, John LaBrier were present. Mr. LaBrier reported that the position of Clerk of Works had been advertised and there had been questions asked regarding the salary for the position. The motion to set the salary for the position at \$16.50 per hour, with no reimbursement for travel expenses, was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

Athletic Fields and Fleet Vehicles:

Dr. Spencer reported that work on the athletic fields and purchase of fleet vehicles do not meet the criteria for the County's proposed capital improvement plan, which is proposed for adoption in 2007. Dr. Spencer noted that the School Board wished to do a full scale needs study for all sports programs. Mrs. Weber commented that she did not believe it to be a problem for the School system to continue using Sports Complex fields on a limited basis, as long as the School Board continued working on a plan and did not see the Complex fields as a permanent solution to their current problems. Mr. LaBrier noted that the septic fields are currently in the way for developing fields at the High School and the School Board would be contacting Food Lion and the adjoining property owner to see if there was interest in installing a septic line connected to the County's proposed system, that would allow the High School to connect. At the time the system was being developed, there was no interest from the developer who owns the property adjoining Food Lion, nor from the former School Board chairman. Mrs. Weber commented that the Department of Health had approved the ball field going where the septic system currently is located and that is why there was no need to move the fields and no need to hook onto the central system.

Dr. Spencer was advised to continue to include fleet vehicles in the regular school budget request.

Enrollment:

Enrollment was reported at 1288.

WASTEWATER TREATMENT SYSTEM

Mr. Roger Hart of R. Stuart Royer & Associates, was present to update the Board on the status of plans for the wastewater treatment system that would serve the Courthouse Complex and business development on properties to the east of Saluda. According to Mr. Hart, the revised plans are complete and ready to advertise for construction, however the Department of Environment Quality (DEQ) has proposed certain nutrient discharge requirements that take treatments to the limits of technology. These regulations are still in the public hearing phase, with there being no definitive date for adoption. Any systems, both on-line now and also those newly installed would be required to update to the new criteria, which in the County's case would require a completely new design. Board members decided that it would be best to wait at least a few months to see if a decision is made on the regulations. The motion to contact legislators, including Governor Warner, Delegate Morgan, Senator Bolling, and Secretary of Natural Resources, Tayloe Murphy to explain the hardship that was being placed on the County by having to wait for regulations, was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

The Board approved payment of an additional \$30,000.00 in expenses incurred by R. Stuart Royer for an initial redesign of the wastewater treatment system. More costs will be incurred to bid out the project as currently designed and even more if the project has to be redesigned to meet new standards.

911 ADDRESSING

Mr. Bennie Ward of Butylo was present to request that the Board readdress his home and two other homes with street names and numbers that matched what had previously been assigned by Essex County. These homes are both reached by going into Essex County and following the road, which leads to a private road in Middlesex County. In 2001, when Essex brought their E-911 system on line, these houses were made a part of the Essex system, with numbers that corresponded with numbers from the main, secondary road. When the Middlesex E-911 system was brought on-line in 2001, the street was renamed with a Middlesex assigned name and the houses were renumbered beginning from the private road that leads to them. Mr. Ward wished to remain connected with Essex County emergency services, as the Essex fire department had a station within ten minutes of his home; the Water View station that would cover his home from Middlesex is located approximately twenty minutes away. Rescue services would be dispatched from Urbanna.

Mr. Culley and Matt Higgins, the Planning Director, explained to the Board that once the Board adopted its 911 ordinance in 2001 all properties in the County which met the requirements were required to be addressed and to have the addresses

displayed. There was some confusion in that a separate name, Overlook Court, was given to a private road leading to more than one home, but was really a driveway. Mr. Higgins explained that the numbers would be corrected to correspond with a distance from Pirates Bluff, rather than Overlook Court.

Although Mr. Ward continued his argument to be tied to Essex County, the Board explained that because he was a resident of Middlesex County his address and emergency services would continue to be provided by Middlesex County. If deemed necessary by emergency volunteers from Middlesex, mutual aid can be requested from Essex County.

APPOINTMENTS

Planning Commission: The motion to appoint Melvin Beverley to serve on the Planning Commission was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously. Mr. Beverley will assume the Jamaica District position previously held by Isaac Lincoln. This term was originally due to expire June 30, 2005, however, it was decided to appoint Mr. Beverley to a full four (4) year term, expiring June 30, 2009.

No action was taken regarding an appointment to the position previously held by George Harris, Pinetop District.

Communication Committee: The motion to add Keith Billings as a citizen representative on the County's Communication Committee.

AWNING

The motion to approve the replacement of the awning at the Cooks Corner Office Complex, for a price of \$5,300.00 from Norvell, of Richmond, was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously.

MEALS TAX

The motion to adopt the following resolution, requesting the Circuit Court Judge to sign an order placing a meals tax referendum on the November ballot, was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously. It was requested that a copy of the proposed ordinance already drafted by Mr. Soberick be presented to the Commissioner for comments. Board members commented that they would have to do a good job of "selling" the proposal.

AT A REGULAR MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS, HELD ON TUESDAY, APRIL 5, 2005, AT 9:00 A.M. IN THE BOARD ROOM IN THE WOODARD BUILDING, SALUDA, VIRGINIA: ON A MOTION DULY MADE BY LENORA O. WEBER, AND SECONDED BY KENNETH W. WILLIAMS, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE:

FRED S. CRITTENDEN, Chairman	(Absent)
LENORA O. WEBER	Yes
KENNETH W. WILLIAMS	Yes
JOHN D. MILLER, JR.	Yes
WAYNE JESSIE	Yes

WHEREAS, the Middlesex County Board of Supervisors has discussed and considered the enactment of a Food and Beverage Tax within the county, pursuant to the authority of Section 58.1-3833 of the code of Virginia, 1950, as amended; and

WHEREAS, the said Board has determined that a referendum of the County's electorate should be conducted at the General Election of November 8, 2005, on the question of whether or not such a tax should be imposed within the County.

NOW, THEREFORE, BE IT RESOLVED: By the Middlesex County Board of Supervisors that a referendum shall be conducted of the electorate of said County on November 8, 2005, to determine whether or not said electorate would favor the imposition of a Food and Beverage Tax, as hereinabove described, within the County;
And

BE IT FURTHER RESOLVED: That the County Attorney is hereby authorized and directed to prepare and file, on behalf of said Board, the necessary documents with the Circuit Court of said County to cause the aforesaid referendum on November 8, 2005, and in conjunction with the County Administrator, to do all things which may be required to bring about said referendum.

A Copy Teste:

Charles M. Culley, Jr., County Administrator

DOG TAGS

No action was taken regarding a proposal to increase the price of dog tags.

WHITE GOODS COLLECTION SITE

Mr. Culley presented a proposal from the Virginia Peninsulas Public Service Authority (VPPSA) to establish a white goods collection site at the landfill. This site would serve a collection site for Mathews and Essex, rather than transporting them to Essex for the recycler to pick up from there. This should amount to a fuel and manpower savings by not having to run trucks to Essex. The motion to approve the request was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

APPROPRIATION

Fire Programs Fund: The motion to approve the appropriation of funds received from the State Fire Programs Fund was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously: FROM: 3-1-24040-0010 \$32,499.85 TO: 4-1-32010-5605, \$10,833.29; 4-1-32010-5606, \$10,833.29; and 4-1-32010-5607, \$10,833.27.

Sheriff: The motion to approve the appropriation of \$27,000.00 as requested by the Sheriff earlier in the meeting was made by Mr. Miller, seconded by Mr. Williams and carried unanimously. FROM: 4-1-41060-0001 \$27,000.00 TO: 4-1-31020-5408, \$15,000.00; 4-1-31020-3005, \$2,000.00; 4-1-31020-5407, \$6,000.00; 4-1-31020-5203, \$4,000.00

TREE CUTTING

The motion to approve the tree-cutting contract between the County and Potomac Supply Corporation for a total of \$54,000.00 with \$5,400.00 of the total being paid to John MaGruder, was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously. The Board agreed to leave a 30 buffer along Route 663, although the company had offered an additional \$1,000.00.

APPOINTMENT

The motion to appoint "Skitch" Colaw to the Disability Services Board was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

PLANNING COMMISSION VOTING

Mr. Soberick presented a policy statement that the Board of Supervisors could adopt regarding voting by the Board's representative on the Planning Commission. Mr. Miller made a motion that the Board's representative should only vote as a tie-breaker on any issue coming before the Commission; there was no second to this motion. The motion to adopt the following policy was made by Mrs. Weber, seconded by Mr. Williams and carried by a vote of three in favor and one opposed (Miller): "On all matters that shall ultimately be reviewed by the Board of Supervisors, it shall be a policy of the Board of Supervisors that unless there is a tie vote, the Planning Commission member who is also a Board of Supervisors member shall not vote on matters before the Planning Commission."

GENERATOR

Mr. Culley presented two proposals to the Board for a 350-kilowatt generator for the new courthouse facility. The first was for Dominion Virginia Power to perform all engineering and installation of the unit for a cost of \$206,150.11. The second was for

an engineering firm (Baskervill) to perform the engineering and prepare the proposal for bids (15,325.00), estimated cost to purchase and install the unit (143,700.00), and additional work to be performed by Dominion Virginia Power (\$30,000.00), for a total cost of approximately \$189,025.00. The motion to put the project out to bid was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

PHONE TAX

Mrs. Weber expressed concern that all monies that are supposed to be collected by Verizon and Verizon Wireless for utility and 911 taxes were not being collected and returned to the County. Mrs. Jones commented that she has been working with a representative from Verizon Wirelss to correct problems involving the 23149 zip code and from other customers who were not charged correctly.

BUDGET WORK SESSION

Board members met following a recess for lunch to meet and discuss the proposed budget for FY 06.

RECESS

The motion to continue the meeting until April 11, 2005 at 1:30 P.M. was made by Mr. Williams, seconded by Mrs. Weber and carried unanimously.

Wayne H. Jessie, Vice Chairman
Board of Supervisors