

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, FEBRUARY 1, 2005, IN THE BOARD ROOM OF THE  
WOODWARD BUILDING, SALUDA, VIRGINIA:

Present: Kenneth W. Williams, Pinetop District  
Fred S. Crittenden, 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

**CALL TO ORDER**

The Chairman, Mr. Crittenden, called the meeting to order at 9:00 A.M. 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 January 4<sup>th</sup>, January 18<sup>th</sup> and January 20<sup>th</sup> meetings as corrected was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

**DISBURSEMENTS**

Mr. Culley reported that Ritchie-Curbow would be back-charged for mold tests that did not pass. Board members requested that the disbursements report include the vehicle number when invoices for repairs are submitted. The motion to approve the disbursements as presented was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously. Checks numbered 51113 through 51228 totaling \$154,887.22 were disbursed as approved.

**CONSTITUTIONAL OFFICERS**

**Treasurer**

Mrs. Bray reported that 450 shots were given at the January rabies clinic – 428 to dogs and 22 to cats.

**Commissioner of Revenue:**

Mrs. Stephenson commented that she needed someone to help in her office with business licenses and requested the Board approve a full time person to assist

her. Board members agreed that a part-time person could be put in place at this time. Mr. Culley is to meet with Mrs. Stephenson to discuss the position. Mrs. Stephenson reported that she has been getting many questions regarding the proposed rates for the business tax. She has been informing the public that the Board would address the issue after they find out how many businesses fall into each category. She also suggested seriously looking at the ordinance to make it fit Middlesex County better. She noted, for example, that the racetrack would be charged a license tax for each event conducted, rather than the season of races. Only thirty (30) licenses have been sold to date.

It was suggested that some informational meetings would be helpful to the business community.

Mrs. Weber noted that the Board needed to keep in mind that the reason the tax was initiated was to relieve the real estate owners of increased taxes.

### Sheriff

Sheriff Abbott commented that the noise ordinance has been working out good and in some instances has given his department probable cause for further investigations. The Sheriff reported that the School Superintendent has agreed to contact the Sheriff's Department for road conditions during inclement weather.

## **HIGHWAY MATTERS**

Assistant Resident Engineer, Sean Trapani was present for the meeting. Mr. Trapani reported that the State Code changed in April 2004 regarding subdivisions and rural additions. It is now possible to accumulate funds for rural additions for five years rather than the previous three. Another change that was adopted involved subdivision roads. The Virginia Department of Transportation is now requiring that roads in a more than two (2) lot subdivision be built to State standards. The County Subdivision Ordinance requires that a subdivision with more than 6-lots have roads built to State standards.

## **DEPARTMENT OF SOCIAL SERVICES**

Mrs. Deniece Brown, Director of the Department of Social Services, introduced three (3) of the Department's newest employees. Mrs. Brown added that she looks forward to working with Mr. Williams as a member of her board.

## **COMMITTEE REPORTS:**

Mr. Miller:

- Disability Services Board – missed the meeting.

- Middle Peninsula Planning District Commission – there is a proposal to expand the Dragon Run Steering Committee to include a planning department member. Janet Nestlerode is working on the district's hazard mitigation plan. PDC staff is collecting data regarding on-site disposal systems. Mr. Crittenden requested an update on the loan service provided by the PDC for plumbing/septic repairs.
- Chesapeake Bay Foundation is pushing the “flush” tax.
- Tidewater Resource, Conservation and Development – Prue Davis has been elected Chairperson.

Mr. Williams:

- Legislative Issues – will be trying to stay on top of VACo and legislative issues.

Mr. Jessie:

- Social Services Board – John Fackler has been elected as Chairman, with Joan Harris, Vice Chair. They are working on the Department budget request.
- Sports Complex – looking at fundraising events; still selling bricks. Letters have gone to the School Superintendent regarding use of the Complex fields by athletic departments.
- Airport Committee – Committee recommended appointment of Jim Snider.
- Courthouse – met with Mrs. Weber and architects; architects were requested to prepare a change order to fix the column pockets.
- Oyster Festival – problems with the parade route changing directions; will continue to work on.

Mrs. Weber:

- Jail Board – the proposed budget will be the same as last year.
- Construction Meeting – Giving the contractor until Tuesday to work out problems.
- School Board – discussions regarding construction of a baseball field at the elementary or middle school; nothing mentioned about restoring a field at the high school.

Mr. Crittenden:

- Sports Complex – was informed that Mr. Fleet had written a letter to the School System regarding the fields and that it took four (4) months to receive a response.
- Social Services – hope the Director continues to make progress.
- Airport Committee – will vote on recommendation later in the meeting; the nominee is not a pilot

Mr. Culley:

- Sewage Treatment Plant – Mr. Culley explained that the Department of Environmental Quality and the General Assembly may be changing the limits for nitrogen and phosphorus loading from 10-10-10 to 3-3-3. If the new limits go in, the County's plant will have to be redesigned to meet the new criteria. Mr. Culley informed the Board that the County's engineering firm was at first told that the plant, because it is less than 40,000 gallons per day, would be exempt; then it was told that it would not be exempt from the new proposed regulations. The new plant will not be put out to bids until the General Assembly makes a decision on the proposed limits.

## **SCHOOL MATTERS**

Dr. Spencer, School Superintendent, was present.

***Appropriation Request:*** The motion to approve the following appropriation was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously: FROM: 3-23-01803-0006, Insurance Recoveries, \$7,555.00 TO: 4-23-60010-6210, Instruction. Appropriation of insurance claim check into the instructional budget to replace football uniforms that were ruined during a diesel leak at the high school.

***Strategic Plan:*** Dr. Spencer reported that a committee is working on a five year strategic plan, including capital improvement plan, for the school system.

**Enrollment:** Enrollment is at 1300, with 506 students at the elementary school, 362 at the middle school and 432 at the high school. Mr. Crittenden encouraged the School Board to contact parents to find out why their children are not attending Middlesex schools.

**Ice:** Dr. Spencer noted his appreciation to parents bringing their children to school on a day when there was still ice on the road. Mrs. Weber commented that it was fortunate that there were no injuries, especially since sidewalks and entries were still covered with ice. Dr. Spencer asked that calls concerning school closings be channeled to his office.

**Correspondence:** Mr. Crittenden commented that the response from an assistant principal to a parent did not look official, as it was sent out on plain paper rather than letterhead.

**School Board Office Closing:** Mrs. Weber asked about the policy for closing the school board office during school holidays. Dr. Spencer responded that some employees took annual leave, however, there were others who were on duty.

**Waive Fees - St. Clare Walker Roof:** Construction bids are due Friday, February 4<sup>th</sup>. The motion to waive the building permit fee for replacement of the roof was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

#### **TIDEWATER SOIL AND WATER CONSERVATION and TIDEWATER RESOURCE, CONSERVATION AND DEVELOPMENT**

Mr. William Roberts from the Tidewater Soil and Water Conservation and Pat Terrell from the Tidewater Resource, Conservation and Development office were present to advise the Board on the services their offices provide.

#### **WINGS AND WHEELS**

Ann Smith and Jamie Barnhardt were present to inform the Board that plans were proceeding for a September 24<sup>th</sup> Wings and Wheels event and asked Board members for any ideas of how to make the event better. Board members requested more military vehicles and planes and also more antique planes. The group is considering waiving the registration fee for antique planes so that they will park where people can see them.

#### **AUDIT**

Irvin Farmer, a principal with the auditing firm, Robinson, Farmer Cox, presented the audit of the County's financial status as of June 30, 2004. Mr. Farmer suggested that the County is close to its limits and should not take on any more long term debt. Refinancing of some bonds has helped and will save \$400,000 over the life of the

loans. Regarding surplus property, Mr. Farmer advised that if the property has turned into a liability, the Board should maybe get rid of it.

## **APPROPRIATIONS**

***Insurance Reimbursement:*** The motion to approve appropriation of an insurance reimbursement to the Sheriff's Department, in the amount of \$249.40, was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously. FROM: 3-1-18030-0006 TO: 4-1-31020-5407.

***Audit:*** The motion to approve appropriation of funds to fund the remaining costs of the 2004 audit was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. FROM: 3-1-41060-0001, \$5,550.00, TO: 4-1-12080-3002.

***Insurance Reimbursement:*** The motion to approve the appropriation of a portion of the insurance money received for lightning damage in May was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously. FROM: 3-1-18030-0006, \$6,007.00 TO: 4-1-12190-5300.

***Extension Office:*** The motion to approve the appropriation of funds received from Gloucester and Mathews County to cover an expense made by the local extension office was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. FROM: 3-1-18030-0001, \$222.96 TO: 4-1-83030-5412.

***E-911:*** The motion to approve the appropriation of a portion of the E-911 wireless grant funds received was made by Mr. Jessie, seconded by Mr. Miller and carried by vote of 3-2 (Weber, Crittenden opposed). This portion can only be used for dispatch, either for manpower or supplies. If not used, these funds must be returned. The other portion, \$19,108.00, is already budgeted as salary supplements per the service agreement for dispatchers.

***Christmas Party Donation:*** The motion to approve the appropriation of a \$500.00 donation received was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously: FROM: 3-1-23020-0040, \$500.00 TO: 4-1-31020-5401.

## **APPOINTMENTS**

***Airport Committee:*** The motion to appoint Jim Snider to represent the Airport Committee in an at-large position to expire on August 31, 2006, was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

**Board of Zoning Appeals:** The motion to recommend Henry Easton for reappointment to the Board of Zoning Appeals for a five-year term beginning May 1, 2005, was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

### **STORAGE SPACE FOR VOTING MACHINES**

The Electoral Board has negotiated a month-to-month lease in the amount of \$350.00 per month with Rexford Cherryman for a room to be used for storing new voting machines. The State has ordered the machines, which may arrive in March. This lease can be canceled after renovations are completed in the old courthouse and the machines can be moved. The motion to approve the lease was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously.

### **NATIONAL INCIDENT MANAGEMENT SYSTEM**

The motion to approve the following resolution was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously. This resolution is only one part of the Department of Homeland Security's requirements that all local governments implement the National Incident Management System by October 1, 2006.

#### **MIDDLESEX COUNTY RESOLUTION FOR THE ADOPTION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM**

*AT A MEETING OF THE BOARD OF SUPERVISORS OF MIDDLESEX COUNTY, VIRGINIA,  
HELD AT 9:00 A.M., ON TUESDAY, FEBRUARY 1, 2005:*

*WHEREAS, the Board of Supervisors of the County of Middlesex, Virginia, does hereby find as follows:*

*WHEREAS, the President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, and local governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity;*

*WHEREAS, the collective input and guidance from all Federal, State, and local homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS;*

*WHEREAS, it is necessary and desirable that all Federal, State, and local emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management;*

*WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, and local organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising,*

*comprehensive resource management, and designated incident facilities during emergencies or disasters;*

*WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the county's ability to utilize federal funding to enhance local agency readiness, maintain first responder safety, and streamline incident management processes,*

*WHEREAS, the Incident Command System components of NIMS are already an integral part of various city/county incident management activities, including current emergency management training programs; and*

*WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System.*

*NOW, THEREFORE, BE IT HEREBY PROCLAIMED by the Board of Supervisors of the County of Middlesex, Virginia, that the National Incident Management System (NIMS) is established as the County standard for incident management.*

*Dated: February 1, 2005  
Board of Supervisors, County of  
Middlesex*

## **PERSONAL PROPERTY FORMS**

Board members discussed whether or not to proceed with an ordinance that would allow the collection of a late fee for not filing personal property forms on time. There was no action on this issue at this time.

## **EXTENSION SERVICE**

David Moore, Agriculture and Natural Resources Extension Agent, was in attendance to present a proposal by the District Extension Office. Currently, there are three positions for extension agents to serve Planning District (PD) 18, which includes the counties of Essex, Gloucester, King and Queen, King William, Mathews and Middlesex. Two of the positions are filled with Agriculture and Natural Resources agents like Mr. Moore, who provide expertise in crop and soil sciences. According to Ms. Board, Northeast Extension District Director, the demands of the Planning District have indicated a need for an Extension resource to provide education for a range of Horticulture related interests/needs. Local funding for the agricultural positions is divided into percentages based on farming operations within the localities. It is proposed that the funding for the horticultural position be divided equally among the counties, at approximately \$2,518.63 per year. This would be an increase of \$1,126.46 for Middlesex.

Board members questioned why the funding level changed. According to Mr. Moore, the decision to reapportion was made higher up in the Extension system, but he believed that the need for horticultural services was also more evenly spread throughout the counties. Mrs. Weber commented that this should be an item to

discuss with the upcoming budget. Mr. Williams was not in agreement with changing percentages of payment. It was also requested that a county representative be on the hiring committee since it is being proposed that the County be an equal funding partner.

No action was taken on the issue at this time.

### **CLOSED MEETING**

The motion to convene in closed session to discuss matters regarding personnel, per Code of Virginia §2.1-3711.A1 and legal matters involving the courthouse construction, per Code of Virginia §2.1-3711.A7, 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. Miller 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 and §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**

As there was no further business, the meeting was adjourned by motion of Mr. Miller, second by Mr. Williams, carried unanimously. The next meeting was scheduled for February 15, 2005, at 7:30 P.M.

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Fred S. Crittenden, Chairman  
Board of Supervisors