

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, JUNE 7, 2005 IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

Present: Fred S. Crittenden, Pinetop District
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

Absent: Michael T. Soberick, County Attorney

CALL TO ORDER

The Chairman, Mr. Crittenden, called the meeting to order at 9:00 A.M.. Mrs. Weber led the group in prayer and Mr. Culley led with the Pledge of Allegiance.

MINUTES

The motion to approve the minutes of the May 3rd and May 17th meetings was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously. As follow-ups, Mr. Culley reported that Mrs. Stephenson had not been able to get the information from the State that she needs in order to make a recommendation regarding rates for the business license; most businesses did not include gross receipts information on their application. Regarding the meals tax, Mr. Culley will be speaking at various community organizations to promote the tax.

DISBURSEMENTS

Mrs. Jones, Assistant Administrator, added a check for approval. This check, numbered 52121 was in the amount of \$5,157.23, the first annual payment for the new truck to be used by the building official, including a \$350.00 document fee. The motion to approve the payment was made by Mr. Miller, seconded by Mr. Jessie and approved by vote of 4 to 1, with Mr. Williams voting against the payment, noting that he was against the purchase of the vehicle. The motion to approve the other disbursements was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously. Checks numbered 51984 through 52119 totaling \$141,096.62 were disbursed as approved.

CONSTITUTIONAL OFFICERS

Treasurer

Mrs. Bray reported that tax collections were good.

Commissioner of Revenue:

Mrs. Stephenson reported that 779 business licenses had been sold. In addition, she reported that she should be receiving state information at any time.

Sheriff

Police Services Agreement:

The motion to approve the Police Services Agreement, with payment of \$44,149.00 from the Town of Urbanna was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

Personnel:

Sheriff Abbott reported that he had removed three deputies from the road for the weekend, but had since met with them and all three were back at work. Regarding petitions that were circulating asking for the removal of Major Kenny Jordan from duty, he had no idea of who had circulated them.

Dispatcher's Report:

Mrs. Weber expressed her concern with the dispatcher making comments in the newspaper, noting that any comments from the Sheriff's Department should be from the Sheriff himself. The Sheriff indicated that he agreed and had corrected the matter.

HIGHWAY MATTERS

Resident Engineer Marcie Parker was present for the meeting.

Mowing: The first cut of secondary roads was beginning, and the second cut of primary roads would be made at the end of the month. Mrs. Parker asked the Board to notify her of any places that need particular attention that cannot wait until the scheduled mowing.

Route 630: The public comment period on this road construction has been rescheduled to June 22nd, from 4:30 – 7:30 at the Elementary School.

Route 686: Repairs/construction to this road should begin at the end of the month.

Route 629: Paving is being done near the dam.

Cedar Point: Mr. Miller requested attention to the road going to Cedar Point subdivision with regard to beavers damming the culvert pipe.

Thank You: Mrs. Weber thanked Mrs. Parker and Assistant Engineer, Sean Trapanni for their work with citizens at Brandon Point Road and North Shore.

Route 652: Mr. Crittenden requested attention to the intersection with Tower Road, where there needed to be grass cut so as not to block the view for the school bus.

Route 631: Mr. Crittenden reported that there was also washing and a beaver problem on Route 631.

Wake Beach: It was confirmed that the Department of Transportation owned the property know as Wake Beach at the end of Route 627, Mill Wharf Road and they would see to it that the grass was cut.

David Ogle: David Ogle, the Fredericksburg District Administrator for VDOT, was present to update the Board on several issues. He advised that the title of Resident Engineer will be changed to Resident Administrator and an Area Engineer will supervise construction projects. Greg Worley has been named as Interim Commissioner, appointed to fill in for Mr. Shucet who is resigning effective July 1st. A new appointment should be made in January 2006.

COMMITTEE REPORTS:

Mr. Miller:

- Planning District Commission – approved budget; announced the regional airport open house.
- VACo/VML – discussed impact of potential removal of the County's ability to tax real estate.

Mr. Williams:

- Maritime Museum – attended summer opening of the Maritime Museum.

Mr. Jessie:

- Social Services Board – have received anonymous letters regarding the performance of the Director; the Social Services Board is ignoring the letters and believes the director to be doing a good job.
- Oyster Festival – a master plan has been approved and will be taken to the Town Council for approval.

- Airport Committee – believe more ultralight aircraft will be moving in as hangar space is closed in Mathews.

Mrs. Weber:

- CPMT – coming in under budget.
- School Board – nothing to report
- Planning Commission – will be reviewing revised language for the Planned Rural Development District at the July meeting.

SCHOOL MATTERS

Survey:

Superintendent, Dr. Oliver Spencer, requested that the Board of Supervisors approve an appropriation request for \$4,000.00 of the \$10,000.00 estimated for assessment of the athletic fields at the high school. The \$4,000.00 would be used to have a survey and topographic plan done of the fields. Mr. Dalton Brownley has agreed to donate \$500.00 worth of his services in preparing the survey. Dr. Shores added that School Board member, Jackie Duke, had told him that there had been a donation of irrigation materials for the football field. Mr. Miller commented that this project should be put on hold until the roof at St. Clare Walker is taken care of; Mr. Crittenden agreed. Mr. Jessie suggested proceeding with having the survey work down now. Mrs. Weber commented that nothing is being maintained and she was embarrassed during a recent event on the High School track, adding that even if the facilities do not meet the standards required for competition, they could still be maintained. Mr. Crittenden and Mr. Williams noted that the School Board should have \$4,000.00 left in its budget at the end of the school year that could be applied to the survey; if not, then the School Board could ask the Board of Supervisors again for the funds. There was no action on the request.

Furnace:

Mr. Crittenden noted that neither he nor Mrs. Weber received notice of a second meeting regarding repairs to the furnace at the High School and he has a problem with the lack of communication. Dr. Shores commented that John LaBrier has been good about getting the word out about upcoming meetings. Mrs. Weber commented that she was expecting a written report. Mr. Labrier is working on the contract that will address and correct the problems with the furnace. Mr. Crittenden requested that the contract outline exactly what they will be doing to repair the problem.

Clerk of Works:

The motion to approve the appropriation of \$15,501.00 to the FY 05/06 school budget was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

Mr. Soberick had reviewed the contract and duties and had a concern about the Clerk being noted as an employee with regard to benefits and liability. Mr. Culley noted that Mr. Fike had asked that taxes be taken out of his pay, which made him an employee rather than a contractor. Mr. Culley was asked to clarify the issue with Mr. Soberick. Mr. Williams thanked the School Board with their patience in the hiring process.

Enrollment:

School enrollment is at 1283, with 72 kids registered for kindergarten to date.

Sewer:

The School Board has written to Food Lion requesting that they consider having the sewer lines run to their property; this would allow Middlesex High School to tap into the system. Mr. Williams noted that only one person turned down connecting to the system; it did not go before the full School Board for a vote.

Sports and Invitations:

Dr. Spencer updated the Board on sports activities and invited them to attend the end of year banquets and ceremonies. Mr. Crittenden mentioned that he had talked with the School Board Chairman about the County being willing to assist with other team expenses.

APPROPRIATIONS

The motion to approve the following appropriations was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously:

Circuit Court Clerk: FROM: 3-1-23080-0030, \$27,517.00 TO: 4-1-21060-7001. Purchase of computer equipment required by the Supreme Court; reimbursed 100% by the Compensation Board. There will be additional funds of \$5,399.69 requested after July 1.

LCAR: FROM: 3-1-24040-0929, \$2,000.00 TO: 4-1-36050-7004 Funds received from the State Department of Emergency Management to update the LCAR (Local Capability Assessment for Readiness).

Insurance Reimbursement: FROM: 3-1-18030-0006, \$36,891.00 TO: 4-1-12190-5300. Reimbursement of insurance money received for lightning damage to the dispatch center on 12-10-04.

REQUESTS TO WAIVE FEES

The motion to waive the building and zoning fees associated with the following projects was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously: Middlesex Volunteer Fire Department – install hip roof over existing flat roof on fire house; Central Middlesex Volunteer Rescue Squad- renovations at “new squad house” to include creation of office space, training room and restrooms; and Habitat for Humanity – modular house to be built at Middlesex High School. Separate permits and request to waive fees must be submitted when the house is ready to be moved to permanent location.

COMMUNITY SERVICES BOARD

Executive Director, Charles (Chuck) Walsh, presented information to the Board regarding the activities of the Middle Peninsula-Northern Neck Community Services Board, which covers a 10-county area. In addition, Mr. Walsh spoke specifically about the services provided to Middlesex County residents compared with the funding provided. Mr. Walsh requested that the Board of Supervisors approve a no-cost lease for the portion of the Puller Center that is used by the CSB. No action was taken at this time; Mr. Culley was asked to prepare a recommendation for the next day Board meeting.

MAINTENANCE AGREEMENT

Mr. Mark Friedrich and Mr. Scott Conley were present to discuss the proposal for a maintenance agreement for heating and air conditioning equipment in the new courthouse. The maintenance agreement for full service including four (4) preventive maintenance visits would cost \$21,120.00. Mr. Conley stated that he was prepared to extend the agreement to a five-year period, with the same cost for the second year and a fixed percentage increase, not to exceed 4% for years three, four and five. The Board requested that this offer be put in writing and the contract documents forwarded to the County Attorney for his review. Mr. Williams noted that the contract also included that any arbitration matters would be handled through courts in Pennsylvania, the corporate headquarters; this would have to be changed. Mr. Friedrich also noted that a \$250.00 rebate on the chiller would be extended through June.

GOLF CARTS IN WATER VIEW

Mr. Jessie presented the Board with copies of a petition he had received requesting the Board to adopt an ordinance allowing for golf carts to be driven on

specified secondary roads in Water View. Mrs. Mattie Smith, of Water View, was present to oppose the request. There was no action taken by the Board at this time. Mrs. Smith was advised that a public hearing would be required before the adoption of an ordinance.

AIRPORT LAYOUT PLAN

No action was taken regarding final approval of the County's Airport Layout Plan. It was requested that representatives of the Airport Committee attend the Board's meeting on July 5th. In addition, Mr. Crittenden requested that the Board be given an update on the hangar proposal.

MARTHA OLIVER

Mrs. Martha Oliver spoke before the Board regarding a piece of property that she owned that she always believed was zoned commercial, it having a "C" designation on the assessment records in the Commissioner of Revenue's records. The "C" really stands for Conservation and was put in the record in error by the assessment firm. The property has had a commercial use on it and it has been taxed because of the commercial use for a number of years. As she prepared to sell the property, it was discovered that the property is zoned Residential. Mrs. Oliver requested that the Board institute a change to have the property zoned for the commercial use that has been made of it since prior to zoning. Planning Director, Matt Higgins, explained that the Comprehensive Plan shows this area as one for planned commercial expansion. The motion to initiate a reclassification of the property to a General Business zone was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. Mrs. Oliver stated that with the sale of the property, she will be putting n deed restrictions to protect her residential uses that abut.

BAY AGING

The motion to approve Bay Aging as the administrative agent for Community Development Block Grant funds to be used for the Indoor Plumbing/Rehabilitation Program was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

APPOINTMENTS

The motion to approve the following re-appointments subject to their acceptance, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously: Social Services Board – Elizabeth Anderson, Planning District Commission – Carlton Revere; Wetlands Board – Archie Brooks; Airport Committee – Maxine Walker and Frank Watson. No action was taken regarding appointments to the Planning Commission, including a replacement for Major George Harris (Pinetop District) and reappointing or replacing Priscilla Davenport (Saluda District).

WASTEWATER TREATMENT PLANT

Mr. Culley advised the Board that Secretary of Natural Resources, W. Tayloe Murphy, Jr., had responded to concerns regarding the County's wastewater treatment plant. According to Secretary Murphy, new regulations being proposed by the State Water Control Board will not apply to the County's system due to its size. The motion to proceed with advertising the project was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

VINYL SIDING AT HEALTH DEPARTMENT

Board members requested that the siding project at the Health Department be advertised in the local newspaper.

NORTH END PROPERTY

Board members requested that a surveyor be contacted to flag off the property owned by the County at North End.

HOLLY POINT PROPERTY

Board members requested that a price be obtained for cleaning out the cut logs and debris near the nature trail.

Mr. Williams presented a request from the Maritime Museum Board that they be allowed to serve wine or champagne at weddings and fund raisers. There was some discussion regarding limiting the number of events and supervision of activities. Mr. Miller was in support of staying with the original agreement for no alcohol. The motion to allow the supervised use of wine and/or champagne at fundraisers or weddings was made by Mr. Williams and seconded by Mr. Jessie. The motion failed by a vote of two in favor (Williams, Jessie) to three opposed (Crittenden, Weber, Miller). It was suggested that the group put together an official proposal for submission to the Board.

BOAT RACES

Mrs. Weber noted that the Coast Guard would be conducting a public meeting on June 29th, at 10:00 A.M. at the Gloucester Library to hear comments regarding the proposed boat races on the Piankatank. Mrs. Weber suggested that the County write a letter to the Coast Guard including the disruption of crab harvests for several days and the infringement on ecology as reasons for opposing the races. Mr. Culley was also asked to attend the meeting.

THANK YOU

Mrs. Weber asked that a letter of thanks from the Board of Supervisors be sent to Superintendent David Harmon for allowing his inmates to clear brush along the property line of the new courthouse.

ADVERTISING POSITIONS

There has been little response to the request for resumes/applications for the Planner and Erosion and Sediment Control/Building Inspector. These positions will be re-advertised in the VACo County Connections and local newspaper.

ANIMAL SHELTER

Mr. Culley advised that the new County Animal Shelter should be completed by fall.

CAPITAL IMPROVEMENT PLAN

Mr. Higgins reported that the first draft of the CIP should be out to the Board of Supervisors by the end of the next week.

CLOSED MEETING

The motion to convene in closed session to discuss matters regarding pending legal matters involving the Courthouse, per Code of Virginia, §2.1-3711.A7, and 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. Miller, 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 §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:

RECESS

The motion to recess the meeting until the regular meeting on June 21, 2005 at 7:30 P.M., or calling a meeting if necessary to meet sooner, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

Fred S. Crittenden, Chairman
Board of Supervisors