

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, MARCH 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 February 1<sup>st</sup> and February 15<sup>th</sup> meetings was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

### **DISBURSEMENTS**

The motion to approve the disbursements as presented was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously. Checks numbered 51326 through 51439 totaling \$227,542.09 were disbursed as approved.

### **CONSTITUTIONAL OFFICERS**

#### **Treasurer**

Mrs. Bray reported that decal sales are up. She has also reported that sales of dog tags is up from last year. Last year total sales were 643; this year to date, 700 have been sold.

#### **Commissioner of Revenue:**

Mrs. Stephenson requested that a 60-day grace period be allowed for those applying for a business license; the original deadline was March 1. The motion to extend the deadline to apply for a business license without penalty for 60 days was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously. Mr. Crittenden noted that Roger Anglin, who was on the original tax committee, had volunteered to

write weekly articles for the newspaper as a way to educate the people. Mr. Crittenden has asked him to meet with Mr. Culley and Mrs. Stephenson to share his information, then do the article.

Mrs. Stephenson also requested that she be allowed to advertise for a full-time position, someone that could be trained and kept on-board. She reported that not having a person to assist with business licenses takes away from her time in assessing new construction, personal property and doing real estate transfers and mapping. The motion to allow advertisement for a full time position was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously.

### Sheriff

No one was present to represent the Sheriff. Assistant Administrator Marcia Jones reported that she had supplied the Sheriff with information for applying for a grant funded school resource officer position.

### **HIGHWAY MATTERS**

Resident Engineer Marcie Parker was present for the meeting and reported that her department was trying to keep up with routine maintenance and pothole repair. Repaving will begin the end of March. She also reported that the entire road system in the County would be re-striped.

Mr. Crittenden questioned whether reflectors could be added to Route 33. Mrs. Parker reported that reflectors would be replaced when repaving is done, but no new ones are scheduled.

### ***Rural Addition – Roads in Pipe-n-Tree Subdivision:***

T. G. McMurtrie, Jr., President of the Pipe-n-Tree Homeowners Association, requested that the Board of Supervisors accept the petitions and revised application submitted to have the roads of the Pipe-n-Tree Subdivision taken into secondary system as a rural addition. Mr. McMurtrie stated that the original request went back to 1993. There was unanimous support from the owners of the 44 lots in the development. Mrs. Parker stated that there was \$44,000 left in the fund after making improvements to the Bay Country Estates roads. This project may have to wait until after July for any improvements, with paving in the fall, however, the Department would maintain the roads in the meantime. The motion to approve the following resolution was made by Mr. Williams, seconded by Mr. Miller and carried unanimously:

#### RESOLUTION

*RURAL ADDITION PER §33.1-72.1(D)  
TREE LANE, PIPE LANE, PIPE-N-TREE LANE  
PART OF PIPE-N-TREE SUBDIVISION*

*WHEREAS, the streets described below were established 1998, and*

WHEREAS, the Virginia Department of Transportation has deemed this county's current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to §33.1-72.1, Code of Virginia, and

WHEREAS, after examining the ownership of all property abutting this street, this Board finds that speculative interest does not exist,

NOW, THEREFORE BE IT RESOLVED this Board requests the following streets be added to the secondary system of state highways, pursuant to §33.1-72.1(D), Code of Virginia:

Name of Street: Pipe Lane                      Length: 0.16 miles  
From: Intersection Route 725 Point Anne Drive  
To: 0.16 miles East Route 725 (cul de sac)  
Guaranteed Right-of-Way Width: 40 feet  
Plat Recorded: Plat Book, at Pages; Deed Book: 169, Page: 34

Name of Street: Tree Lane                      Length: 0.09 miles  
From: Intersection Route 725 Point Anne Drive  
To: 0.09 miles west Route 725 Point Anne Drive (cul de sac)  
Guaranteed Right-of-Way Width: 40 feet  
Plat Recorded: Plat Book, at Pages; Deed Book: 171, Page: 674

Name of Street: Pipe-n-Tree Lane                      Length: 0.61 miles  
From: Intersection Route 725 Point Anne Drive  
To: 0.61 miles East Route 725 Point Anne Drive (cul de sac)  
Guaranteed Right-of-Way Width: 50 feet  
Plat Recorded: Plat Book, at Pages; Deed Book: 169, Page: 34

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding and improvements pursuant to §33.1-72.1(D), Code of Virginia, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

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

## **SCHOOL MATTERS**

### **School Roof:**

Superintendent, Dr. Spencer and School Board member, Dr. Shores, were present to request the Board's approval of an appropriation of \$568,575.00 for the roof repair contract at St. Clare Walker, and an additional \$3,215.00 for construction administration. Dr. Spencer added that June 15 has been given as the start date, with the job to be completed in six (6) months. Mr. Culley noted that additional funds had

been set aside for change orders, which would be charged on a per unit bases, to include flashing, plywood, replacing rotted wood, etc. Any additional work would require approval by the clerk of works. The School Board was advised to keep an accounting of expenses and to keep the Board of Supervisors apprised.

Mr. Soberick suggested that a provision for liquidated damages in the amount of \$200 or \$250 per day be included in the contract. A copy of the complete contract is to be sent to Mr. Soberick for review prior to signature.

The motion to approve the appropriation of 571,790.00 for the contract and administration was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

Mr. Riley had been called to install some patching; at this time there was no leaking. Mrs. Weber asked if an advertisement had been made for the clerk of works. Dr. Shores advised that the School Board was waiting for approval of the appropriation prior to advertising.

***Superintendent's Contract:***

School Board member Elliott Reed advised the Board that the only change to Dr. Spencer's contract was an extension of time, until June 20<sup>th</sup>, to become a permanent resident of Middlesex County. According to Mr. Reed, the School Board has given him time to take care of issues; there will be no monetary adjustment for not fulfilling the original contract obligation.

***Enrollment:***

There were no enrollment figures presented.

**COMMITTEE REPORTS:**

Mr. Miller:

- Middle Peninsula Planning District Commission – There have been 73 applicants for funding from the septic fund – 33 for repairs and 40 new system; \$400,000 in grants/loans. It is unknown at this time whether the loans are being repaid.
- Dragon Run Steering Committee - Advised the PDC that County planning staff could attend Dragon Run Steering Committee meetings, however there would be no compensation for them to attend. Advised the Committee that when all concerns are addressed with the Plan, Middlesex County would address it.
- Dept. of Criminal Justice Services, Local Board – looking for a new staff person that works with local probation services

Mr. Williams:

- Planning District Commission – looking at the budget and program design for next year. Adopted the community development block grant program.

Mr. Jessie:

- Social Services Board – Went over the budget proposal for the next year.
- Airport Committee – Committee is against approving a discount to Dr. Nichols (to be considered later in the meeting).

Mrs. Weber:

- Comprehensive Services – same officers elected; staying in budget.
- Construction Meeting – some problems are being addressed. New completion date is end of March. Letter received from the Judge regarding installation of carpet can be addressed with a local contractor. It was noted that tile was approved previously by the Judge's architect, and is an esthetic issue rather than a functional issue. Mr. Williams and Mr. Crittenden both commented that they respect the judges and their opinions, but money has already been spent on the tile. Mr. Culley and Mrs. Weber were asked to meet with the Judge and report at the next regular meeting.

Mr. Crittenden:

- Airport Committee – Committee is interested in developing hangar space and the possibility of the IDA loaning money; representatives will also be meeting with Mr. Barber.
- Jail Board – there will be no increase in the budget for next year; there was no representation from the Sheriff's Department.

## **AIRPORT MATTERS**

**Temporary Hangar:** Mr. Ed Oliver and Mr. Al Carpenter requested the ability to move a portable hangar to Mr. Barnhardt's property adjoining the airport. This property is currently leased by the Board of Supervisors for tie-down space. Mr. Carpenter plans to rent hangar space from the county when it becomes available, and agreed to pay a fee for rental of the proposed space. The motion to rent the space for the normal tie-down fee of \$30.00 per month was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously

**Fuel Discount:** The Board considered a request from Dr. David Nichols, who requested a discount on each purchase of fuel because he is currently one of the larger fuel purchasers. The Board currently has a fuel discount policy in place based on the gallons purchased per month. The Airport Committee recommended against offering a discount. There was no action taken by the Board to change their position.

## **APPOINTMENTS**

**Bay Aging:** The motion to appoint Diana Pitts to serve on the Bay Aging Board of Directors, to fill a position vacated by Dr. Chris Massengill, was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously. This position will expire on September 03, 2006.

**Communications Committee:** The motion to appoint the following citizens to the County Communications' Committee was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously:

Department	Member
Upper Middlesex Vol. Fire Dept.	George Longest
Middlesex Vol. Fire Dept.	Bill Thrift
Hartfield Vol. Fire Dept.	Sonny Revere
Deltaville Vol. Fire Dept.	Bobby Faulkner
Central Middlesex Vol. Rescue Squad	G. Lewis Filling
Middlesex Vol. Rescue Squad	Lee Rosser
Emergency Services Director	Lee Weber
Emergency Services Coordinator	Charles M. Culley, Jr.
Sheriff	Guy Abbott

## **BUILDING DEPARTMENT VEHICLE**

Mr. Culley presented the Board with options for purchasing a new pickup truck off State Contract for the Building Official to replace the current 1999 Dodge Dakota that has approximately 109,000 miles and soon in need of major mechanical work. Three (3) vehicles are on the State Contract that would meet the needs of the Building

Official: Chevrolet Colorado, \$15,851.00; Chevrolet Silverado, \$16,309.00; Ford F-150, \$17,574.26. Mr. Culley recommended the County enter a lease/purchase arrangement for the Ford for a 4-year period, at \$4,928.33 per year. The motion to approve the lease/purchase of the Ford was made by Mr. Jessie, seconded by Mr. Miller. The motion carried by a vote of 4-1, with Mr. Williams opposing.

### **STREET NAME APPLICATION**

The Street Naming Ordinance requires that there be three dwelling units on a private road before it can receive its own street name. The name "Bayton Place" has been submitted as the first choice for a private road off of Marcella B. Lane in Amburg that now meets this requirement. The motion to approve the request was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

### **SPECIAL EXCEPTION 2004-14 and SPECIAL EXCEPTION 2004-15**

Action had been continued from the Board's January 18<sup>th</sup> meeting regarding this application. A zoning ordinance amendment adopted in February allowed for replacement manufactured homes in the Village Community District to be the same size or greater. Mrs. Weber continued to express her opposition to changing the ordinance for certain people, especially when the requirement for single-wides to be replaced with double-wides was changed 10 years ago. The Planning Director, Matt Higgins, added that a State Code change adopted in July requires counties to allow replacement homes of the same size, therefore, the County's Zoning Ordinance will have to be changed. The motion to approve the application as follows was made by Mr. Miller, seconded by Mr. Williams and carried by vote of 4-1, Mrs. Weber opposed:

1. The replacement manufactured home shall be equal width or greater and an equal age or newer than the current home and placed on a permanent foundation.
2. The manufactured home shall be replaced within six (6) months of the Board of Supervisors approval.
3. Surety of \$500.00 shall be collected for the replacement of the manufactured home prior to the issuance of a Building and Zoning Permit.

The motion to approve Special Exception Application #2004-15 with the same above conditions was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

### **TREES AT AIRPORT**

John McGruder of Three Rivers Forestry has negotiated an offer of approximately \$54,000 for the sale of trees on property adjoining the airport. The

motion to accept the offer, as long as there is a buffer zone provided, was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

### **COOKS CORNER OFFICE COMPLEX REPAIRS**

Marcia Jones, Assistant Administrator, advised the Board of work being done at the Cooks Corner Office Complex to repair termite damage. Dependable Pest Control has agreed to pay \$1,000 toward the repair. They have been given an estimate of \$3,500 to repair the damage. Mrs. Jones has contacted another contractor who believes the work can be done for less.

### **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 and the Board of Zoning Appeals 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.

### **OLD/NEW BUSINESS**

#### ***Boat Racing:***

The motion to write a letter to the East Coast Boat Racing Club of New Jersey opposing the racing of boats on the Piankatank scheduled for July 24 was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously.

#### ***Business License Tax:***

Mr. Crittenden mentioned that Roger Anglin, from the committee that researched alternative revenue sources, was willing to meet with Mr. Culley and Mrs. Stephenson to discuss the business tax and to write informational letters to the newspaper. Mr. Culley suggested that Mrs. Stephenson approve any articles Mr. Anglin writes before being published. The Board agreed with this procedure.

**BUDGET WORK SESSION**

The Board held a work session to review budget requests submitted for the next year.

**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 March 15, 2005, at 7:30 P.M.

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Fred S. Crittenden, Chairman  
Board of Supervisors