

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, SEPTEMBER 6, 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
Wayne Jessie, Sr., Jamaica District

Charles M. Culley, Jr., County Administrator

Absent: Lenora O. Weber, Saluda District
Michael T. Soberick, County Attorney

CALL TO ORDER

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

NEW EMPLOYEE

Mr. Higgins introduced Richard Bridge, who has been employed as the County's Building and Erosion and Sediment Control Inspector.

MINUTES

The motion to approve the minutes of the August 2nd and August 16th meetings was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

DISBURSEMENTS

The motion to approve disbursements was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously. Checks numbered 52782 through 52906 totaling \$173,299.95 were disbursed as approved.

CONSTITUTIONAL OFFICERS

Sheriff

Sheriff Abbott requested the appropriation of grant funds received for purchase of LiveScan equipment. The following appropriation was made by Mr. Williams, seconded by Mr. Miller and carried unanimously: FROM: 3-1-41060-0001, \$11,752.00 TO: 4-1-31020-5409.

HIGHWAY MATTERS

Assistant Resident Engineer Sean Trapani was present for the meeting.

Route 650: This project will be started soon.

Secondary Improvement Budget: There have been State cuts to funding; maintenance projects may be cut because contractors prices have gone up.

Johnson Grass: Mr. Crittenden questioned the spraying schedule for Johnson grass, noting that there were some hot spots on secondary roads that did not appear to have been sprayed.

CONSTITUTIONAL OFFICERS CON'T

Treasurer

Mrs. Bray informed the Board that the advertisement for delinquent taxes would run this week.

Commissioner of Revenue:

Mrs. Stephenson reported that the personal property book is ready for bills to be printed. There is an increase in value of \$108,776 from last year.

Mrs. Stephenson commented that different companies have requested copies of files. While the data is available as a matter of public record, Mrs. Stephenson was reluctant to release it because of the personal information that was with it. Mr. Culley was asked to contact Delegate Morgan regarding a possible change in legislation to disallow the release of the information.

Mrs. Stephenson reminded the Board that a PPTRA ordinance must be passed by the Board by January 1, 2006.

Regarding the Business License Tax Ordinance, Mrs. Stephenson presented the Board with details of her work to implement the business license tax. Mr. Crittenden and Mr. Miller both noted that the ordinance needs to be fair and equitable. Mrs. Stephenson had some suggestions for revisions to the ordinance, especially regarding peddlers and the raceway. Board members suggested that Mrs. Stephenson and Mr. Culley work together to come up with suggested rates and revisions to the ordinance for 2006. Mr. Culley was also asked to prepare articles soliciting adoption of the meals tax.

COMMITTEE REPORTS:

Mr. Miller:

- Reported on the Dragon Run Steering Committee, Virginia Association of Counties meeting and Jamestown Committee; attended School Convocation.

Mr. Williams:

- Reported that he would be attending a called meeting of the Social Services Board. Attended School Convocation.

Mr. Jessie:

- Did not attend any meetings in August. Thanked Mr. Williams for attending St. Paul Baptist Church ground breaking.

Mr. Crittenden:

- Nothing to report.

Mr. Culley:

- Gave an update on the St. Clare Walker roof project. Trying to get wing finished; estimating a November 1 completion, weather permitting. Sheetrock has been replaced and no leaks reported. An inspection by the manufacturer's representative was good. There will be investigation into moving the vent pipes.

COLEMAN BRIDGE TOLLS

The motion to support opposition to raising the tolls on the Coleman Bridge was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

DRAGON RUN STEERING COMMITTEE

The Planning District Commission has voted to include a member of each locality's Planning Commission as a member of the Dragon Run Steering Committee. Mr. Miller commented that he had no problem with a volunteer from the Commission going, but did not wish this person to be compensated for going. The Planning Commission would be sent notice that they could recommend one of their members for the position.

APPROPRIATION

The motion to approve the appropriation of \$34,000 to correct an error made in the final budget, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. It was noted that when the final budget was approved, several line items had negative rather than positive amounts showing, totaling -\$17,000, where it should

have been \$17,000.00. In order to restore funds to the department, the appropriated amount had to be doubled. FROM: 3-1-41060-0001, \$34,000.00 TO: 4-1-31020-1005, \$4,000; 4-1-31020-5409, \$16,000; 4-1-31020-5410, \$14,000.

ELEVATOR MAINTENANCE CONTRACT

Board members considered approval of the maintenance contract for three elevators in the new Courthouse and one elevator at the Courthouse. Mr. Culley had requested that the units be grouped together as a cost savings measure. Inspections and maintenance would begin immediately on the High School Elevator, at a cost of \$180.55 per month. Maintenance and inspections of the Courthouse elevators would begin July 15, 2006, after the warranty period, at a cost of \$541.65 per month. The motion to approve the contract to include all four elevators was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

SCHOOL MATTERS

Dr. Spencer reported that projected enrollment was 1277; there were 1269 students currently enrolled; he hoped to have a more definite count at the next meeting.

Regarding roof repair at St. Clare Walker, so far it does not seem to be disruptive to classroom activities.

Mr. Miller commented that the teacher retention rate seems good, with the lowest number of new teachers reporting in a long time.

COMMUNITY SERVICES BOARD

Mr. Chuck Walsh requested the Board's approval of the performance contract with the Middle Peninsula – Northern Neck Community Services Board, totaling approximately \$16 million. Budget highlights include: sixteen new staff hired; a 4% increase for some employees has been included; and there has been an 18% cut in State revenue. The motion to approve the contract was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously:

RESOLUTION APPROVAL OF PERFORMANCE CONTRACT

WHEREAS, §37.1-19 OF THE Code of Virginia [1950] as amended, requires each Community Services Board to submit, to the governing body of each political subdivision that established it, an annual performance contract for community mental health, mental retardation and substance abuse services for its approval prior to submission of the contract to the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, and

WHEREAS, the Middle Peninsula – Northern Neck Community Services Board has put forward its proposed Performance Contract for Fiscal Year 2006, for approval by the Boards of Supervisors of its governing counties of Essex, Gloucester King and Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland;

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Supervisors of Middlesex County, Virginia, that the Performance Contract prepared by the Middle Peninsula-Northern Neck Community Services Board for Fiscal Year 2006 and presented to the Board is hereby approved and may be forwarded to the Department of Mental Health, Mental Retardation and Substance Abuse Services as further required.

AIRPORT ISSUES

Concert Parking:

Mrs. Bonnie Glascock requested that she and Hummel Aviation, the other sponsor, be allowed to park cars on the grass landing area of Hummel Field, for a concert on September 24th. Parking would begin at 3:00, with music to begin at 5:00, after the Wings and Wheels event. Hartfield Volunteer Fire Department would park the cars and receive the parking donation. Mrs. Glascock stated that they would provide a certificate of insurance and would sign a waiver of liability if necessary. Jamie Barnhardt, speaking on behalf of the Wings and Wheels event, commented that the parking and concert should not interfere with Wings and Wheels.

The motion to approve the request to park cars on county property in conjunction with the concert, pending the receipt of insurance coverage and liability form was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Mr. Barnhardt suggested that the Friends of Hummel Field also be required to sign the waiver; they have already provided insurance coverage for the event.

Fuel Sales:

Mr. Culley suggested that he be given the authority to raise or lower the price of fuel at the airport in accordance with either weekly or bi-weekly pricing from the fuel company. It is anticipated that the next load of fuel will cost over \$3.50, mostly because of the impact of Hurricane Katrina (the fuel on sale now cost the County \$2.45 per gallon). Once the new load is delivered, the price will be set at the purchase cost plus the \$0.50 markup for the County. Unless the Board agrees to change the price, it will remain at that rate until the next load is bought. Mr. Culley expressed his fear that the County would not be able to sell the next load of fuel because the price will remain high. The motion to allow Mr. Culley to change the pricing was made by Mr. Jessie and seconded by Mr. Miller. After further discussion, Mr. Williams disagreed with the proposed policy; the motion was withdrawn.

In other action, the motion to adopt a policy that there would be no fuel sold for the purposes of re-sale, was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

BUSINESS LICENSE TAX

Mr. Robert Henkel was present to address the Board along with several representatives of the former tax committee. Mr. Charles Revere and Mr. Roger Anglin presented pros and cons of the gross receipts tax. They urged the County to adopt a graduated scale with a cap for 2006. Board members noted that their decision to adopt the business license tax last December was based on some false information, adding that the ordinance needs to be looked at and tailored for the County. Mr. Anglin added that the rates should be structured to fit what businesses the County has, but cautioned that maximum rates could run some people off.

Other observations by the former committee: revenues should be reviewed to insure correct amounts are being collected; ordinances should be reviewed to make sure they are in compliance; there was a lack of ownership in promotion of the business license tax and its adoption. Regarding these points, Board members noted that they receive reports of revenue that are discussed with the Commissioner of Revenue and Treasurer; regarding the business licenses – Mr. Crittenden noted that the Board of Supervisors felt pushed into adopting the ordinance, and the Board was not interested in being pushed to set the rates. Mr. Williams noted that issues that the committee had brought up, the Board of Supervisors has either looked at before or is looking into now. The committee was charged with a job and they have completed their part.

Trash disposal was another issue that the committee had discussed. Mr. Crittenden noted that the current system is working fine – businesses pay to rent a dumpster container and the County pays the tipping fee. The County would have to pay the tipping fee if a business hauled their trash to the transfer station.

Mr. John (Buddy) Moore questioned the issue of the telephone tax, and noted that based on the phone bills from committee members, the County is not receiving all the revenue that it is entitled to. Mr. Culley commented that based on the number of landlines that the County has for E-911 the County is receiving the correct amount. Mr. Soberick noted that even the attorney hired to research the issue did not find anything of importance.

Mr. Henkel expressed his desire that the committee become a standing committee, one to which a Board member could be appointed. Mr. Crittenden stated that the previous chairperson had appointed the committee to serve until a recommendation was made, which the committee has done. The Board will decide later whether to reappoint the committee or to contact individual members for assistance.

MAPPING FEES

The motion to approve the following fees for mapping services was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously: E-911 map books - \$24.00; wall maps - \$5.00; Tax Map Page - \$20.00; Tax Map Book (115 pages) - \$2,300.00.

CHAINSAW REPLACEMENT

Prices for replacement chainsaws for the fire departments were listed at \$314.46 each, with chains for \$19.60. Mr. Culley was asked to check with other companies to compare prices. The approval to purchase a total of eight saws and chains at the lowest price was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

JAMESTOWN COMMITTEE APPOINTMENT

Mr. Miller appointed Pam Kurz to serve as a representative on the Jamestown Anniversary Committee.

CLOSED MEETING

The motion to convene in closed session to discuss matters regarding pending legal matters involving the Courthouse per Code of Virginia, §2.2-3711.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. 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 §2.2-3711.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

The motion to recess the meeting until the regular meeting on September 20, 2005 at 7:30 P.M., was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

Fred S. Crittenden, Chairman
Board of Supervisors