

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, APRIL 4, 2006, 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
Robert A. Crump, Saluda District
Wayne Jessie, Sr., Jamaica District

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

CALL TO ORDER

The meeting was called to order at 9:00 A.M. by Mr. Miller. The meeting was opened with prayer by Mr. Miller and Pledge of Allegiance led by Mr. Culley

MINUTES

The motion to approve the minutes of the March 7th, March 13th, March 20th, and March 21st, as presented was made by Mr. Williams, seconded by Mr. Crump and carried unanimously.

DISBURSEMENTS

The motion to approve the disbursements as presented was made by Mr. Crump seconded by Mr. Jessie and carried unanimously. Checks numbered 54695 through 54792 totaling \$201,201.35 were disbursed as approved.

CONSTITUTIONAL OFFICERS

Sheriff

Deputy Paige Bishop was present to answer questions from the Board of Supervisors. Two appropriations were considered and approved by motion of Mr. Crump, second by Mr. Williams carried unanimously:

Live Scan Equipment: FROM: 3-1-23020-0001, \$11,235.87 TO: 4-1-31020-5409. Appropriation of revenue received to purchase Live Scan Equipment. Funds were received in September 2005.

Cameras: FROM:3-1-23020-0044, \$2,292.00 TO: 4-1-31020-5409. In-and Out appropriation of revenue received for in-car cameras.

Treasurer

There were no questions for the Treasurer.

Commissioner of Revenue:

Mrs. Stephenson reported that she would be reviewing the Bright program information.

HIGHWAY MATTERS

Joyce McGowan and Jessie Neal of the local VDOT officer were present to address Board questions and concerns. David Ogle, Fredericksburg District Administrator, was also present.

Rt. 3/622:

Mr. Crump questioned the status of markings for the pavement at Dirt Bridge Road. According to Mrs. McGowan an independent contractor would be remarking the lines in April.

Rt. 3/33:

A study to determine the need for a traffic signal at the intersection of Routes 3 and 33 at Harmony Village had been initiated.

St. Clare Walker:

Mr. Crittenden questioned the status of the proposal to widen Route 33 at the intersection of Route 620 for school buses. Mr. Ogle stated that the project had been in the Six-Year Primary Road Plan, but it may have changed to a signal rather than widening the intersection because less right of way and less money would be needed.

Route 629, Healy's Mill Pond:

Mr. Ogle presented the opinion of the Department of Transportation and the State that dams belong to private property owners and that although the roadbed was acquired in 1932, the substructure belongs to property owners, associations or county governments. Mr. Ogle explained that the problem is with the dam and not the roadway, and the owner has not accepted responsibility for the damages. Mr. Ogle stated that the Commissioner has agreed to study the issue and come up with a plan and may participate in repairs, but the Board of Supervisors would have to agree to shifting money from current projects in the six-year plan. Also, if VDOT designed the repair, they would expect the owner to complete the repairs.

Mr. Crittenden questioned if there was a signed agreement between the property owner and VDOT that said what VDOT would maintain. Mr. Ogle said that there were only the State Code references that were adopted in 1932. He added that an option used in the past was for the property owner to make the repairs and then petition the General Assembly for a relief bill. When asked about Recreational access funds, such as had been used to construct the road to the Sports Complex, Mr. Ogle stated that he did not believe this case would meet the requirements for use of those funds. Mr. Ogle encouraged the Board to meet with the County Attorney to determine whose responsibility the repair is and get an agreement that lays out who is responsible for the repairs.

Mr. Miller questioned what would happen if the dam washes away. According to Mr. Ogle, typically a bridge or box culvert is installed to allow for drainage. If the owner wants to impound water, then the owner must rebuild the dam. Mr. Williams questioned how it could be the landowner's responsibility if VDOT put the improvements there. Mr. Williams and Mr. Crittenden also wanted something installed to allow temporary access until the problem is fixed.

Mr. Ogle continued that the Commissioner is working on a response to Delegate Morgan regarding the repairs. Cost sharing mechanisms outlined in the Code of Virginia, §3.3-179, generally only applies to wash outs. The Commissioner has the authority to offer repairs, but the owner still has a responsibility. Regarding the temporary passing mechanisms, Mr. Ogle agreed to try and push through a temporary fix as long as there is a permanent fix in the process. The Board of Supervisors would need to work with the property owner.

SCHOOL MATTERS

Dr. Oliver Spencer, Superintendent, and Mr. James Goforth, School Board Chairman, were present. Mr. Goforth stated that the School Board had spent 84% of the energy budget for the school system and have initiated some things to reduce costs. Of the \$503,400.00 budgeted, \$421,370.00 had been spent. Supervisors stated that they did not want any school programs cut; the School Board should ask for additional funds if necessary. Mr. Goforth assured the Board that so far they were just moving funds from other lines. Enrollment was reported as 1267.

EMERGENCY SERVICES

Mrs. Nellie Jane Harrow appeared before the Board to offer suggestions of information that should be made available to the public prior to any disaster situations, to include numbers of who to call for shelter and evacuation information, food sources, etc.

SHERIFF REQUEST

Deputy Bishop was present to relay a request from the Sheriff that he be allowed to order two new police cars that would be funded from the 2007 budget. No action was taken on the request at this time.

COMMITTEE REPORTS:

Mr. Crittenden: Attended the Airport Committee meeting, however there was no quorum. Mr. Crittenden also attended the Jail Board meeting and reported that the Jail Board was not going to proceed with selling timber at this time, however, they were looking into drilling a new well.

Mr. Jessie: Attended the Social Services Board meeting – several positions are being advertised. There was no quorum for the Museum meeting.

Mr. Williams: Attended the Social Services Board meeting; did not attend the Middle Peninsula Planning District Commission meeting.

Mr. Crump: no reports

Mr. Miller: Attended the Planning District Commission meeting with discussions concerning public access. Mr. Miller added that he was glad that the County did not participate.

APPOINTMENTS

No action was taken regarding appointments.

ANIMAL SHELTER

Mr. Culley advised the Board that only one bid had been received for the paving work at the new animal shelter, although several contractors had expressed an interest in the work and had received an invitation to bid. Mr. Culley had not opened the bid when received because he was afraid the Board may reject the price or ask him to re-bid the project, which then might make it harder to get any other prices. Board members opted to open the bid, which was \$52,222.26, submitted by William Wright of WHW, Inc. Deeming this to be a reasonable price for the work involved, the motion to accept the bid and award the contract to WHW, Inc. was made by Mr. Crump and seconded by Mr. Jessie. The motion carried by a vote of four in favor (Crump, Jessie, Miller, Williams) and one abstention (Crittenden).

APPROPRIATION REQUESTS

FROM: 3-1-18030-0006 (Insurance reimbursement) - \$5,846.00; TO: 4-1-12190-5300 (Insurance – Lightning Damage). Appropriation of monies received for lightning damage claim from August 16, 2005. Motion to approve by Mr. Jessie, seconded by Mr. Crump and carried unanimously.

FROM: 3-1-24040-0925 (Homeland Security Grants) - \$51,330.97; TO: 4-1-36050-7003 (Homeland Security Equipment). In and out appropriation of funds received to purchase equipment approved by the Department of Emergency Management and Office of Homeland Security. Motion to approve by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

ART ON THE HALF SHELL

The motion to approve the contribution of \$450.00 to sponsor the Middlesex County Artists tent at the May 13th Art on the Half Shell event in Urbanna was made by Mr. Williams, seconded by Mr. Crump and carried unanimously.

DEPARTMENT OF FORESTRY

Due to extremely dry and windy conditions, the Board of Supervisors had been asked to consider adoption of burn restrictions in addition to those already imposed by the Department of Forestry. The State burn ban only allows burning between 4:00 p.m. and midnight which will expire April 30th. Any additional restrictions imposed by the County would have to be enforced by the Sheriff's Department. Forester Todd Kready indicated that he has not had a problem with people burning with the current restrictions, but has written several tickets for illegal or improper burning. Mr. Soberick advised the Board that the State Code only gives towns and cities the ability to add additional burning restrictions. Board members agreed that the best thing to do would be to encourage people to not burn at all during this dry season.

JAMESTOWN CELEBRATION

Mr. Williams requested that the Board of Supervisors consider funding the Deltaville Maritime boat building project as requested at \$10,000.00, noting that it was part of the 2007 celebration, but would be an ongoing project for years to come. Mr. Williams made the motion to approve an appropriation of \$10,000 for the Maritime Museum and to fund the remaining projects of the Jamestown Committee as requested – approximately \$10,000.00. It was also noted that there were to be no additional funds donated to the Museum for this project. The motion was seconded by Mr. Crittenden and carried unanimously.

ADDITIONAL PARKING

Mr. Culley had been asked to prepare a plan for utilizing the property adjoining the Sheriff's Department for additional County parking. This was the site previously designated for the wastewater treatment plant. Mr. Culley presented two plans, one that designated 36 spaces and another that designated 15 spaces but included a 4,400 square foot addition to the Sheriff's Department. This addition is in the current capital improvements plan. Even if no plan for parking is approved, Mr. Culley noted that something had to be done to the entrance because of an erosion problem.

Mr. Williams and Mr. Crittenden were both opposed to taking on any additional projects. Mr. Crump noted that this project did not have to be started today, but should be planned for in the future. No further action was taken by the Board on this subject.

JOHN FLEET

Mr. John Fleet appeared before the Board to express his concern with the current road closure of Route 629.

Mr. Fleet also advised the Board that the Sports Complex committee was looking at adding lights to the soccer field at the Complex and other improvements.

CLOSED MEETING

The motion to convene in closed session to discuss pending litigation for the Courthouse and Rosegill, pursuant to Code of Virginia §2.2-3711.A7 and potential land acquisition, pursuant to Code of Virginia §2.2-3711.A6 was made by Mr. Jessie, seconded by Mr. Crump and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Crump, seconded by Mr. Crittenden 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.A6 and Code of Virginia §2.2-3711.A7 as identified in the motion by which the Closed Meeting convened were heard, discussed, or considered by the public body.

Action:

There was no action as a result of the Closed Meeting.

SHERIFF'S VEHICLES

The motion to approve the Sheriff ordering two new vehicles to be funded from the 2007 budget was made by Mr. Crump, seconded by Mr. Williams and carried

unanimously. This motion was made with the conditions that these be new, marked, vehicles and that two existing Sheriff's vehicles would be turned in as surplus.

BUDGET WORKSESSION

Following a brief recess for lunch, the Board reconvened to discuss the proposed budget for FY 2007. The motion to advertise the public hearing on the budget for April 18, at 7:30 P.M., with a proposed tax rate of \$0.52 per hundred dollars of real estate value was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously. Adoption of the tax rates and budgets was scheduled for April 25, 2006 at 7:30 P.M.

ROUTE 629

Mr. Gene Ruark, the property owner who the Department of Transportation claims owns the property including the dam at Healy's Mill, was present to discuss the matter with the Board of Supervisors. Mr. Ruark contends that he does not own the property and is willing to go to Court and let a Judge determine who owns the property. Mr. Ruark stated that after Hurricane Floyd in 1999 VDOT put in three new culverts and did not ask his permission as a land owner at that time, which adds to his belief that the State should be maintaining the dam.

Mr. Crittenden suggested that the County Administrator, County Attorney and Mr. Ruark should get together and draft a letter to the Department of Transportation to request a temporary fix. Mr. Ruark requested that a letter be written to the Secretary of Transportation. A meeting would be scheduled between the three parties to send a letter to the Department of Transportation.

ADJOURN

There being no further business, the meeting would adjourn until the next regular meeting scheduled for April 18, 2006, at 7:30 p.m.

John D. Miller, Jr., Chairman
Board of Supervisors