

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, FEBRUARY 7, 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
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. Crump and Pledge of Allegiance led by Mr. Culley

MINUTES

Several corrections were made to the minutes as presented. The motion to approve the minutes of the January 3rd and January 17th meetings as corrected was made by Mr. Williams seconded by Mr. Crump and carried unanimously.

DISBURSEMENTS

The Sheriff was not present to discuss his department's expenditures or the request for approval of a contract with DaPro for software to connect the LiveScan fingerprinting system with the incident based reporting system already provided by DaPro. The cost of the software improvements was \$3,750.00. No action was taken on this request at this time. Board members questioned several invoices. After clarification, the motion to approve the disbursements as presented was made by Mr. Crittenden seconded by Mr. Jessie and carried unanimously. Checks numbered 54222 through 54331 totaling \$264,681.09 were disbursed as approved.

EASEMENT

The motion to accept the easement presented by the School Board, which will allow the County access to the new animal shelter from the private road leading to the Puller Center, was made by Mr. Jessie, seconded by Mr. Crump and carried unanimously.

SURPLUS PROPERTY SALE

The motion authorizing the Chairman to sign the deed, which conveys the surplus property to the Mercers, was made by Mr. Crump, seconded by Mr. Williams and carried unanimously.

INTRODUCTION

Assistant Administrator, Marcia Jones, introduced the new interim director for the Department of Social Services, Mr. E. William Geniesse.

CONSTITUTIONAL OFFICERS

Treasurer

Mrs. Bray reported that it would cost approximately \$7,500.00 to implement the permanent personal property decals.

Commissioner of Revenue:

Mrs. Stephenson reported that 173 business licenses had been issued in January for revenue in the amount of \$28,386.34. Personal property forms would be mailed this month. The roll-back tax being billed for the rezoning of the portion of Rosegill property is \$75,086.54.

HIGHWAY MATTERS

Resident Engineer, Marcie Parker was present for the meeting. The Montgomery Cove Road paving project should begin in the spring. Right of way acquisitions along the Stampers Bay Road seem to be going fine. The main streets in Saluda will be paved at night during this spring/summer.

SOFTWARE

After further discussion, the motion to approve the appropriation of \$3,750.00 and the contract for the purchase of the software from DaPro allowing for connection with the LiveScan equipment in the Sheriff's Department was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously. It was noted that the money for the LiveScan equipment was collected by grants and through State Compensation Board funding. FROM: 3-1-23020-0050 \$3,750.00 TO: 4-1-31020-5409. It was also noted that additional costs associated with the LiveScan equipment, such as supplies, will be covered by a \$10.00 fee per use collected from agencies or employers requesting background checks.

COMMITTEE REPORTS:

Mr. Crump: Attended the Emergency Communications Committee; the concern was expressed regarding the ability to retain good dispatchers due to low salaries when compared to neighboring localities. The Committee has requested that the current supplement of \$1,500.00 to each dispatcher be increased.

Mr. Williams: Attended several Social Services Board meetings; attended Middle Peninsula Planning District Commission meeting – annual reports were presented.

Mr. Jessie: Also attended several Social Services Board meetings; interviews have been scheduled for the permanent director's position. Attended the Oyster Festival Foundation meeting where the Foundation is addressing the parade route, which will include barricades to keep the streets open. The Sports Complex Committee is looking into lighting the last field, currently used for soccer, and may have to purchase a new mower.

Mr. Crittenden: Regarding the roof project at St. Clare Walker, Dr. Spencer should be able to update the Board. The Airport Committee is anxious to have trees adjoining the Perkinson property trimmed.

Mr. Culley: The Comprehensive Services line in the budget may need an additional appropriation before the end of the year. In response to the County's appeal of a Chesapeake Bay Local Assistance Department (CBLAD) policy, the Department has requested a meeting with County representatives and the Health Department. Mr. Miller and Mr. Williams agreed to join Mr. Culley and Planning Director, Matthew Higgins, in meeting with the other agencies.

Mr. Miller: Mr. Miller commented that he had scheduled a joint meeting of all groups separately planning Jamestown Anniversary events in order to coordinate activities and get estimates of expenses so that the County can budget for funding assistance. Mr. Miller noted that he had attended the Workforce Investment Board meeting as Rev. Mann's alternate. The main focus of the agency seems to be mainstreaming former inmates back into the workforce.

SCHOOL MATTERS

Dr. Oliver Spencer, Superintendent, reported that the Clerk of the Works on the roof project would be performing one more walk-through to check for punch list items before releasing the project. A 20-year warranty is in effect.

Dr. Spencer requested a meeting of the School Board and Board of Supervisors to discuss the school budget. Enrollment is currently at 1271 students.

Mr. Crittenden requested to know the number of students and number of teachers that live outside of the County and attend or work at the County schools.

When asked the status of property negotiations with the Sibley's, Dr. Spencer reported that he did not know the status, but would look in to the issue.

VICTIM/WITNESS ASSISTNACE PROGRAM

Commonwealth's Attorney, James Ward, and Program Director, Kelli Parr, were present to discuss a request for additional funding in the 06/07 budget.. According to Mr. Ward, a 10% increase in funding has been requested from each participating locality to fund a budget shortfall, due to increases in the cost of state benefits. It has been requested that Mathews County and Middlesex County split the amount required, as both localities share in the position. The cost to each of the counties would be \$5,034.00. The program and this request have received the endorsement of both Judges Atlee and Long. The motion to include the additional funding in the proposed budget was made by Mr. Crump, seconded by Mr. Williams and carried unanimously.

CLOSED MEETING

The motion to convene in closed session to interview applicants for a possible position on the Tidewater Soil and Water Conservation Board, pursuant Code of Virginia §2.1-3711.A1 was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Williams, seconded by Mr. Crump 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 as identified in the motion by which the Closed Meeting convened were heard, discussed, or considered by the public body.

Action:

The motion to recommend Mr. Jason Bray to the seat currently vacant representing Middlesex County, and to recommend Mr. Scott Rae to the currently vacant at-large seat was made by Mr. Crump, seconded by Mr. Williams and carried unanimously.

APPROPRIATION

The motion to approve the appropriation of \$19,503.00 received as part of the lightning damage claim from August 16, 2005, was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously. FROM: 3-1-18030-0006, \$19,503.00 TO: 4-1-12190-5300.

AUDIT

Mr. Paul Lee, representing the accounting firm of Robinson, Farmer, Cox Associates, presented the audit report of FY05 to the Board. Mr. Lee reported that the County was in very good fiscal shape and at 100% for collections, when combining current year collections with delinquent collections. Also, a total of \$730,000.00 was added to the fund balance. The motion to accept the report was made by Mr. Crittenden, seconded by Mr. Crump and carried unanimously.

REQUEST TO WAIVE FEES

The Board considered the request to waive the building department fees associated with the improvements being made by the Hands Across Middlesex Housing Rehabilitation Program to the home of Bertha Taylor. The motion to permanently waive the fees on all projects, after review and approval of Mr. Culley, was made by Mr. Crump, seconded by Mr. Williams and carried unanimously.

CLOSED MEETING

The motion to convene in closed session to discuss land acquisition pursuant Code of Virginia §2.1-3711.A6 was made by Mr. Crump, seconded by Mr. Crittenden and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Williams, seconded by Mr. Crump 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.A6 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 Session.

DELTAVILLE MARITIME MUSEUM

Mrs. Raynell Smith was present to renew her request for the County to match \$10,000.00 raised by the Deltaville Maritime Museum as part of their Jamestown Anniversary Celebration project. This project is to construct a replica of the John Smith boat to the planking stage. The total cost of the project is estimated at \$85,000.00. According to Mrs. Smith, the Board's commitment to the project would greatly aid in their requests for additional funding from grants and donations.

Mr. Miller reminded Mrs. Smith of the joint meeting scheduled for February 13th at which time all projects and estimated funding costs would be presented. Mrs. Smith

indicated that their Museum meeting was scheduled for the same night and time, but she would attempt to have the information to Mr. Miller in time for the meeting.

PLANNING DEPARTMENT ISSUES

Wetlands Mitigation:

Wetlands Board Chairman Miller Smither and Planning Director Matthew Higgins were present to request the Board's consideration of setting an "in-lieu of" fee for wetlands mitigation. According to Mr. Higgins, the Virginia Marine Resources Commission will not allow any more displacement of wetlands without mitigation, either from paying an in-lieu of fee for future replacement elsewhere, a wetlands bank, or replacement on site. The wetlands bank is currently not an alternative for Middlesex citizens, because replacement wetlands have to be within the same watershed. The Wetlands Board has recommended that the Board of Supervisors adopt an in lieu of fee in the amount of \$12.00 per square foot of displaced wetlands. This money would be collected in a separate account and used in the future for replenishment of wetlands in the Rappahannock River watershed. Mr. Smither stated that this gives property owners an option and keeps the improvements to wetlands here in Middlesex. If nothing is approved, the Wetlands Board cannot approve any applications that reduce the amount of existing wetlands.

It was noted by Mr. Miller that the Virginia Institute of Marine Science is looking at discontinuing the funding for their advisory program. The Wetlands Board utilizes the reports from this agency in determining the current effects of a wetlands application. Board members suggested turning the program back over to the VMRC to regulate. Mr. Smither commented that VMRC would probably deny every permit.

Mr. Smither reminded the Board that this is the only option available for citizens if they have to remove any wetlands. Mathews County is thinking about establishing an \$8.00 fee. Amy Easterbrook, Wetlands Planner, responded that there were two methods that could be used to calculate the fee, one established by VMRC and the other by VIMS. The VIMS method was used, which calculates the fee at a rate of five times the value of the marsh. Ms. Easterbrook also noted that approvals to remove existing wetlands are only given when there are no other options for locating the structures. If there is no fee established, then the Wetlands Board will have no choice but to deny permits.

After much discussion, Mr. Jessie made the motion to hold a public hearing for the in-lieu of fee at a \$12.00 fee, as it gives the property owner an option and seems to be a reasonable amount. There was no second to the motion. The vote that followed was one in favor (Jessie), one opposed (Miller) and three with no vote. Mr. Williams voiced his opposition to this being another State mandate. Mr. Crittenden reminded the Board that they could go to public hearing with an advertised maximum fee of \$12.00 and lower it if they deemed necessary. In another vote, Mr. Crittenden

seconded the earlier motion to advertise for a public hearing with a \$12.00 fee; the motion carried unanimously.

PRESENTATION TO THE WEBER FAMILY

Mr. Miller presented the family of Lenora Weber a framed copy of the resolution adopted by the Board of Supervisors following her death in September.

PLANNING ISSUES CONTINUED

Fees:

Mr. Higgins requested that the Board of Supervisors establish a fee for a Certification Letter, an official letter from the County that states a property's zoning, address or other land use information. The majority of these requests have come from parties that are not County homeowners or property owners, including attorneys, home insurance companies, auto insurance companies, real estate brokers/investors, banks and other financial institutions. Mr. Higgins recommended establishing a fee of \$5.00 per Certification Letter, but also recommended that Middlesex homeowners or property owners be exempt from the fee if they are requesting information about their own property.

In a survey of other localities, fees for such a letter ranged from \$25.00 to \$175.00. The motion to advertise for a public hearing to set the fee at \$25.00 per letter was made by Mr. Crump, seconded by Mr. Crittenden and carried unanimously.

Comprehensive Plan:

Three proposals were received by the Planning Commission from qualified applicants to conduct the regular five-year update of the County's Comprehensive Plan. Interviews were conducted with each applicant and the Commission selected the firm of Marsh Witt Associates as the most qualified applicant. Marsh Witt Associates was also the lowest in terms of the cost of the three bids received, at \$74,920.00. The highest was \$97,387. Other counties that have updated their plans within the past year have spent from \$70,000.00 to \$126,000.00. The proposal submitted by Marsh Witt Associates includes meeting with public in each district for public input along with a training session from Mike Chandler for the citizen's committee that will be working on the plan. Mr. Higgins requested the Board's approval to contract with Marsh Witt Associates and to approve the additional funding necessary for the contract; an additional \$25,000.00 was needed above the amount available in the budget.

Board members questioned ways of reducing the cost, suggesting that Mr. Chandler be canceled from the training session and only having one public input session. Although Mr. Culley suggested it would be better to have an independent facilitator run the public session, Mr. Crittenden stated that he would rather have County staff handle it. Mr. Crump agreed, but believed that more meetings might take

too much time from the staff. Mr. Culley suggested that the public may have more input and trust in an independent facilitator rather than using anyone associated with the County. Mr. Higgins was requested to contact the company to see if they would reduce their price if the County does the facilitating.

Cash Proffer Policy:

The Planning Department has completed the development of a cash proffer policy for the County that is based on the FY 2007-2011 County Capital improvements Plan. The policy sets forth the standards and procedures for the acceptance of cash proffers by the Board and establishes the maximum cash proffer for residential rezoning cases at \$4,980 per dwelling unit. This proposed amount takes into account a credit for property taxes to be paid to the County. Maximum cash proffer amounts in other localities were compared and ranged from \$1,490 to \$37,600 per single-family dwellings. Gloucester and Mathews Counties both have ordinances allowing the acceptance of cash proffers, but have not established a maximum cash proffer rate.

The motion to adopt the policy as presented was made by Mr. Crump and seconded by Mr. Jessie. The motion did not carry, but ended in a tie, with two voting in favor (Crump, Jessie) to two opposed (Miller, Williams) and one abstention (Crittenden).

COMMITTEE APPOINTMENTS

Each member had received a list of Committee Appointments assigned by Mr. Miller. There being no objection, the appointments would stand as follows:

Mr. Crittenden: School Capital Projects Liaison, Airport Committee, Middle Peninsula Regional Jail Authority.

Mr. Miller: Dragon Run Steering Committee, Legislative Liaison (alternate), Planning District Commission, Tidewater Resource Conservation and Development, Planning Commission, 2007 Jamestown Celebration Committee, Workforce Investment Board (alternate).

Mr. Williams: Planning District Commission, Legislative Liaison, Virginia Association of Counties, Middle Peninsula Regional Jail Board (alternate), Social Services Board.

Mr. Jessie: Social Services Board, health Department Liaison, Museum Board, Sports Complex Commission, Oyster Festival Foundation, Courthouse Construction.

Mr. Crump: Community Policy and Management Team, Middle Peninsula Community Criminal Justice Board, Disability Services Board, Director of Emergency Services, Communications Committee.

CLOSED MEETING

The motion to convene in closed session to discuss pending litigation pursuant to Code of Virginia §2.1-3711.A7 was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Williams, seconded by Mr. Crump 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 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 Session.

PRIDE OF MIDDLESEX DINNER

Assistant Administrator, Marcia Jones, announced that the Rotary Club would be honoring Hands Across Middlesex at the annual Pride of Middlesex dinner on March 11th. The Board agreed to purchase two tables of tickets at a cost of \$240.00 per table.

ADJOURN

As there was no further business, the meeting was adjourned by motion of Mr. Williams, seconded by Mr. Crump and carried unanimously. The next meeting was scheduled for February 21, 2006, in the Board Room.

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