

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, OCTOBER 3, 2006, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

Present: John D. Miller, Jr., Saluda District
Wayne Jessie, Sr., Jamaica District
Fred S. Crittenden, Pinetop District
Robert A. Crump, Saluda District

Absent: Kenneth W. Williams, Pinetop 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 the Chairman, Mr. Miller and a prayer led by Mr. Crittenden. Mr. Culley led the Pledge of Allegiance. Mr. Miller noted that Mr. Williams was absent.

MINUTES

The motion to approve the minutes of the September 5th and September 19th meetings as presented was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

DISBURSEMENTS

The motion to approve the disbursements as presented was made by Mr. Jessie seconded by Mr. Crump and carried unanimously. Checks numbered 56329 through 56429 totaling \$266,429.37 were disbursed as approved.

CONSTITUTIONAL OFFICERS

Sheriff

Deputy Paige Bishop was present to represent the Sheriff and reported that the Wings and Wheels event had been uneventful. Mr. Miller presented a written request for the Sheriff to present an updated list of his vehicles and their drivers.

Treasurer

Tax bills will be going out the middle of the month. Mrs. Bray reminded the Board that they needed to work on adopting the ordinance for permanent decals.

Commissioner of Revenue:

Mrs. Stephenson had nothing to report.

HIGHWAY MATTERS

Resident Administrator, Marcie Parker, was present representing VDOT.

Pre-Allocation Hearing:

The primary road pre-allocation hearing will be held in Fredericksburg on November 6th. This would be the time to add or promote projects. A regional public hearing will be held in the spring to review the plan based on the input in November.

The only project currently on the plan is the signal for Route 33 at Philpot Road.

Harmony Grove:

Mrs. Parker will be meeting with designers for the signal design at the Route 3/33 intersection.

Secondary Road Public Hearing – Six Year Plan:

The secondary road public hearing will be scheduled in March after the State has approved the budget. A work session can be scheduled in January or February to discuss possible projects.

Route 629:

Mrs. Parker reported that David Ogle is taking the Board's latest response regarding the repair study to Deputy Commissioner Worley. Mrs. Parker commented that the signatures on the previous letter has been requested for the County to acknowledge what would be required if the County went forward with requesting repairs.

Regarding the boards on the spillway, Mrs. Parker said that it is the property owner's responsibility to raise the boards and VDOT contacts them to remind them. Sometimes, if there is no response, VDOT will raise them

Mr. Crittenden requested the latest traffic counts for closed roads that go over dams in King William County.

Stop Light in Saluda:

Mr. Crump requested that the traffic light and lanes in Saluda be adjusted to make room for a right turn only lane.

OPERATION THANKSGIVING

The motion to endorse the Bethlehem Star Lodge Operation Thanksgiving project was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously. This would be the 17th annual event. Last year 170 families were served.

COMMITTEE REPORTS:

Mr. Crump: Nothing to report.

Mr. Jessie: Attended the Social Services Meeting at which Jack Fackler was honored. Attended the Planning District Commission dinner meeting.

Mr. Crittenden: Met with representatives from the School Board to discuss improvements to the ball fields. Suggested that they request funding for a two-phased plan. The Airport Committee has expressed their frustration with how long it is taking to get the automated fuel system up and running. Mr. Crittenden requested that a recent survey by a contractor for the FAA be sent to the Committee. Mr. Crittenden also requested that a letter be sent to the Friends of Hummel Field expressing the Board's congratulations for a good show.

Mr. Miller: Attended the Planning District Commission dinner meeting; attended Wings and Wheels. The Jamestown Committee is planning a reception for October 12th, at 6:00 P.M. to kick off the calendar project created for the Jamestown anniversary celebration.

SCHOOL MATTERS

Superintendent Spencer informed the Board that all schools were fully accredited – one of 63 in the state that had reached this status (132 systems in the State). The budget was based on 1279 students; there is a current enrollment of 1312 and it is expected to grow.

Mrs. Perry will be sending the Board members invitations to attend school for lunch as part of the federal wellness policy.

When questioned about a recent newspaper article regarding homework assigned to elementary students, Dr. Spencer commented that it may not be beneficial. Homework for elementary students may be beneficial if it is directed to core study and graded or gone over.

Regarding having rescue squad personnel on scene for sporting events, Dr. Spencer agreed that they should be at every event, however, trainers should be able to give some emergency treatment.

CHARGER CLUB

Jimmy Walden was present to request that a School Board member, a member of the Board of Supervisors and several citizens create a committee together to work on a plan for athletic fields. Mr. Walden reminded the Board that the track at the high school has not been useable for at least 13 years, and it reflects poorly on the Board, School Board and entire community.

School Board Chairman, James Goforth, stated that he believed the School Board should appoint the Committee, since it would be dealing with School properties. Mr. Goforth requested that Mr. Walden make a presentation to the full School Board at one of their next meetings. Mr. Goforth reminded the Supervisors that the School Board had included monies for planned improvements to the athletic fields in their budget, but the Supervisors chose to put it toward the baseball field. Mr. Crittenden commented that the Board's first priority is to repair the roofs at the high school, after the air conditioning was repaired, and maybe by then the athletic field plan will be in place.

Mr. Goforth noted that the School Board will continue to use the east wing of the high school whether it is renovated or not. The motion was made by Mr. Crittenden, seconded by Mr. Crump and carried unanimously to request the School Board take a look at the High School roofs, separate the east wing and others areas, and submit the proposal to the Board of Supervisors

Mr. Goforth commented that the School Board will work on appointing a committee as suggested by Mr. Walden.

Mr. Crittenden informed the Board that Mr. Goforth and Mrs. Taylor had presented two projects for the athletic fields to him at an earlier meeting. This plan will be considered with the work of the committee.

ELECTORAL BOARD

Precinct Change:

Rev. Chauncey Mann, Secretary of the Electoral Board, requested the Board proceed with changes to the Immanuel Precinct and polling site, to change the location of the polling site from the Dragon Run Inn to Hermitage Baptist Church and to change the name to Church View Precinct. The motion to initiate the changes after the November election was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

Bailout Program:

Board members reviewed information from J. Gerald Hebert, an attorney contacted by the Electoral Board, who represents jurisdictions that have applied for "bailout" from the special provisions of the Voter Rights Act. Mr. Hebert has divided his

proposal into three (3) phases: Phase 1: review of records to determine eligibility; Phase 2: presentation of information to Department of Justice officials, representing County at DOJ independent on-site review, conducting a public hearing; Phase 3: preparation of necessary legal papers for filing in the special federal court in Washington D.C. Total time estimated for all three phases is 25 hours, provided that local election officials gather the necessary information and documents required for Phase 1. Mr. Hebert proposes to discount his normal fee rate of \$350 per hour to \$200 per hour, for a total cost estimate of \$5,000.00, plus an estimated \$500.00 for his legal assistant.

Mr. Soberick noted that he was not sure if approval of the "bailout" would eliminate filings for redistricting. If it did cover redistricting, then it would definitely be worth the cost. The motion to approve initiation of Phase 1 and to make the Registrar, Mrs. Howard the contact person, was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

APPROPRIATION REQUESTS

Fire Program: The motion to approve the appropriation of fire program funds received from the State was made by Mr. Jessie, seconded by Mr. Crittenden and carried unanimously. Funds for 05//06 totaled \$21,272.00 and for 06/07, \$22,773.00, which are divided between the Upper Middlesex Fire Department, Hartfield Fire Department and Lower Middlesex Fire Department.

FROM: 3-1-24040-0010 - \$44,045.00; TO: 4-1-32010-5605, \$14,681.67; 4-1-32010-5606, \$14,681.67; and 4-1-32010-5607, \$14,681.66.

Insurance Reimbursement: The motion to approve the appropriation of an insurance reimbursement received on a 2006 Dodge Charger was made by Mr. Crump, seconded by Mr. Crittenden and carried unanimously: FROM: 3-1-18030-0006, \$822.75 TO: 4-1-31020-5407.

SEPTIC TANK PUMPOUT

Planning Director, Matthew Higgins, informed the Board that staff had discussed the methods for implementing the septic tank pump-out requirements of the Chesapeake Bay Local Assistance Department. Mr. Higgins explained that the assessment data base could be used to create a data base of properties with primary structures built after 1993. Mr. Higgins can also create forms for Middlesex using forms from Gloucester and Richmond Counties as guides. Mr. Culley voiced his opposition to the County having to enforce permits issued by a State agency. Mr. Higgins noted that the County will have to be more technical and critical with people and their applications for Resource Protection Area and Resource Management Area applications. Mr. Jessie noted that the department should point out the benefit of regular septic tank pump-out. The motion to proceed with sending out notices of the required pump-out was made by Mr. Crittenden and seconded by Mr. Jessie. This

motion was carried by a vote of three (3) in favor (Crittenden, Crump and Jessie) to one (1) opposed (Miller).

Mr. Higgins also advised the Board of Supervisors that the Chesapeake Bay Local Assistance Department is saying that they have jurisdiction over wetlands and citizens will have to get a Resource Protection Area permit for wetlands applications.

HANGAR PROJECT

Mr. Culley advised the Board that only one bid had been received for the hangar project at the airport, this being from Delaware Corporation at \$330,000, with an additional \$175,000 for paving. Prices for additives, sidewall panels (\$2,160.00), standing seam metal roof (\$38,951.00) and paint upgrade (\$5,182) were also given. Mr. Crump has been in contact with Delaware Corporation, who feels they could build the project cheaper if some changes are made. Mr. Soberick noted that if the scope of the project changes significantly it would have to be re-bid and too much involvement by Delaware Corporation could eliminate them as a bidder.

It was suggested that eliminating some of the paving would be a cost saver. It was also suggested that the County could look into a land lease for someone else to build the hangar on. These proposals along with the bid received would be taken to the Airport Committee for their discussion and recommendation.

OTHER BUSINESS

High School Yearbook:

Mr. Crittenden made a motion that the Board of Supervisors pay for a full page ad in the high school yearbook. This motion was seconded by Mr. Crump and carried unanimously. The ad costs \$575.00.

Rosegill:

Mr. Soberick advised the Board that the hearing on Rosegill is scheduled to begin on November 13th. The petitioners have until October 13th to submit a written request for a continuance; the Judge has said "no" to their verbal request.

CLOSED MEETING

The motion to meet in Closed Session to discuss the Healy's dam project, pursuant to §2.2-3711.A7, was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Crump, 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.A7 as identified in the motion by which the Closed Meeting convened were heard, discussed, or considered by the public body.

There was no action as a result of the closed session discussion.

LANDFILL ISSUES

No action has been taken by Mr. Thacker regarding the request to place a sentinel well on his property adjoining the landfill. Mr. Thacker has also requested that he be notified prior to any future discussions regarding his property.

ADJOURN

There being no further business, the motion to adjourn was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously. The next regular meeting is scheduled for October 17, 2006, at 7:30 p.m.

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