

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, APRIL 3, 2007, 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. Mr. Crump led the group in prayer; Mr. Culley led the Pledge of Allegiance.

MINUTES

The motion to approve the minutes from the meetings of March 3rd, March 20th and March 22nd was made by Mr. Jessie, seconded by Mr. Crump and carried unanimously. One correction was made to the draft minutes.

DISBURSEMENTS

The motion to approve the disbursements as presented was made by Mr. Crump seconded by Mr. Crittenden and carried unanimously. Checks numbered 58034 through 58120 totaling \$87,930.18 were disbursed as approved.

CONSTITUTIONAL OFFICERS

Sheriff

Sheriff Abbott reported that his department would be adopting a written policy on response speeds. Sheriff Abbott presented the Board with an updated vehicle report that shows current mileage on his vehicles. Of his 16 officers, three have no vehicles issued to them and seven vehicles have over 100,000 miles. The Sheriff reminded the Board that when he took office his department responded to 3,000 calls in the first year; they are now responding to up to 14,000 calls.

Appropriation Requests: Each appropriation was carried by unanimous vote:

Homeland Security Terrorism Grant – This is an in-and-out grant FROM: 3-1-23020-0050, TO: 4-1-31020-7004. Motion to approve by Mr. Crump, seconded by Mr. Jessie.

Finger Printing Reimbursement - \$220.00 FROM: 3-1-23020-0050 TO: 4-1-31020-5412. Motion to approve by Mr. Jessie, seconded by Mr. Crump.

School Activities Fund – Appropriation of funds paid by the School System to reimburse extra pay to deputies – \$993.61 FROM: 3-1-23020-0043 TO: 4-1-31020-1006. Motion to approve by Mr. Crump, seconded by Mr. Crittenden.

DUI Grant – Appropriation of addition grant funds received - \$5,100.00 FROM: 3-1-23020-0009 TO: 4-1-31020-1004. Motion to approve by Mr. Crittenden, seconded by Mr. Crump.

Treasurer

Mrs. Bray, Treasurer, was present. Mrs. Bray informed the Board that delinquent tax letters had been mailed.

Commissioner of Revenue:

Mrs. Stephenson reported that a test land book had been run which showed values increased for new construction by \$38,000,000. The increase in revenue at the present rate would be \$197,737.80.

HIGHWAY MATTERS

Resident Administrator, Marcie Parker, was present representing VDOT.

Norris Bridge: Work on this project has been completed ahead of schedule.

Urbanna Bridge: Work on this project is due to be completed by August, however, it is not to interfere with the Art on the Half Shell festival.

Signal – Routes 3/33: Should be turned on in about 4 weeks.

Paving: Will begin soon paving with latex in Urbanna and shoulder work on 33. Surface treatments should begin soon. Mrs. Parker was asked to provide Mr. Culley with a list of roads to be treated.

Speed Limit: The increased speed limit from just outside Saluda to Port Royal went into effect on March 6.

Guardrail: The guardrail has been estimated to cost \$10,000.00. Board members commented that it would be less expensive to move the fencing then to add a guardrail.

Healy's Mill: Mr. Crump asked the status for stabilizing washed out areas of Route 629. Mrs. Parker indicated that the contract is being re-done and she was hopeful that the work would be done in May.

COMMITTEE REPORTS

Mr. Crump – Attended the PDC dinner meeting.

Mr. Jessie – Attended the PDC dinner meeting and the Social Services Board meeting.

Mr. Crittenden – Mr. Crittenden reported for the Airport Committee. The Committee is looking into changing the location for the proposed hangar. An update on the tree obstructions was given; bids for this project are due on April 12th. Mr. Crittenden attended the Comprehensive Plan meeting held at the DCA building; over 50 people were present.

Mr. Miller – attended the Farm Bureau meeting; heard a presentation on Bio-Fuel.

SCHOOL MATTERS

Mrs. Dawson was present representing the School Board. Enrollment is currently at 1300 with a budget based on 1279. Mr. Culley requested the number used for the March 31st ADM (Average Daily Membership).

Mrs. Dawson expressed her appreciation for being able to meet individually with Board members to discuss the proposed school budget. Mr. Crittenden stated that information regarding Dr. Spencer's contract and any buy-out needed to be made public; also the new superintendent's contract should be public information.

Mrs. Dawson indicated that the School Board would be meeting to discuss using the Bright System software that the County now uses. The School Board would have to either replace the computer server that they had used for their accounting software, or they would have to connect to the County's system. Lancaster County is about to do the same thing and BAI (Bright and Associates) has estimated the cost for training at \$10,000.00. The motion to appropriate an amount not to exceed \$10,000.00 to pay for training accounting personnel on the Bright system software was made by Mr. Crittenden, seconded by Mr. Crump and carried unanimously. FROM: 3-1-41060-0001, \$10,000.00 TO: 4-1-12200-3002.

VIRGINIA COOPERATIVE EXTENSION

David Moore was present to thank the Board of Supervisors for their support of his recent trip to Africa. Mr. Moore also invited the Board to attend a dinner on April 17th for volunteer recognition.

WASTEWATER TREATMENT

Roger Hart from R. Stuart Royer and Associates was present to discuss options for a new wastewater treatment system for the courthouse area. The following options were presented: Option 1: \$4.15 million – runs the line past the high school to include the business area near the intersection of Business 17 and the 17 By-pass. Option 2: \$3.83 million – runs the line to the high school only. Option 3: \$4.9 million – the same option as Option 1, but with gravity collected sewage rather than pumps. Option 4: \$4.6 million – same as Option 2, but with gravity collected sewage.

At present there is a deadline of January 31, 2010 when all sewage treatment plants must meet Department of Environmental Quality requirements. If these requirements are not met, the County will lose the gallon credits they have for discharge. According to the timeline presented, the Board of Supervisors must decide within the next month which option to proceed with. No action was taken at this time.

REASSESSMENT

Mr. Bill Coalson was present to update the Board on the current sales study which was indicating that the local market sales are matching out of town sales. An updated sales study will be presented in six months.

HEALY'S MILL ISSUES

David Milby, representing the Healy's Mill Homeowner's Association, requested the Board's assistance with seeing that the dam and spillway are repaired and fortified; that the work is done correctly and with compatible materials; and that access to the spillway is given to the Association to protect the pond and dam from future damage. Mr. Milby commented that the dam is over 200 years old, holding back 27,000 gallons of water. With one (1) inch of rain, approximately 51 million gallons of water could enter the pond from the 1900 acre watershed that drains into it.

Dan Downs and Julie Colby requested the Board's assistance. Mary Ann Willis commented that the dam needs immediate fortification and reminded the Board that this also affects Pipe and Tree property owners because they are in the Flood Plain area of the pond.

Mr. Culley updated the citizens and Board members on the last meeting that was held with VDOT representatives, Senator McDougal and Delegate Morgan. At that

meeting VDOT agreed that they would fix the washouts as other work, including resetting pipes, adding fill and rip rap to stabilize. Mr. Culley thought it would be beneficial to lower the pond level to the culvert level to take pressure off at the spillway and to make room for rain expansion. Mr. Milby stated that VDOT would have to move the cement barricades before the gates could be opened to lower the level. The State representatives indicated their support to begin bridge construction which is in the extended plan for construction. Mr. Soberick was asked to draft a resolution that the Board will send VDOT to consider expediting the bridge project with deficit funding.

REFUND REQUESTS

The motion to approve a refund of \$25.44 to Washington's Electrical Service, Inc., for an electrical permit for a generator that was not installed was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

No action was taken on a request for refund of a \$50.00 application fee for a Resource Protection Area permit.

Mrs. Cynthia Beverley requested a refund of the \$250.00 application fee she paid for her special exception application heard March 20th. According to Mrs. Beverley, her application was for an in-home daycare that was permitted by right, not a day care facility. Mr. Higgins stated that Mrs. Beverley would be caring for more than 12 children, which required the special exception. This application required that advertisements be run and letters sent to adjoining property owners, so there were expenses as part of the application process. Mr. Higgins was asked to write a letter of explanation to Mrs. Beverley; there was no action to refund the fee.

REGIONAL WATER STUDY

The motion to participate in the regional water study by the Middle Peninsula Planning District Commission was made by Mr. Crump, seconded by Mr. Crittenden and carried unanimously:

RESOLUTION

A Resolution Regarding Regional Water Supply Planning and Application for a FY08 Water Supply Planning Grant

Whereas the Virginia General Assembly has mandated the development of local and regional water supply plans throughout the Commonwealth and the State Water Control Board has developed regulations to implement this planning process; and

Whereas, based upon these regulations, Middlesex County is required to complete a water supply plan that fulfills the regulations by deadlines based on population, specifically:
November 2, 2010 for local governments with populations 15,000 or less; and

Whereas, local governments may elect to join one or more other local governments to develop a regional water supply plan for which a deadline of November 2, 2011 has been established.

Whereas, the following elements must be included in all local or regional water supply programs:

- A description of existing water sources in accordance with 9 VAC 25-780-70;
- A description of existing water use in accordance with the requirements of 9 VAC 25-780-80;
- A description of existing water resource conditions in accordance with the requirements of 9 VAC 25-780-90;
- An assessment of projected water demand in accordance with the requirements of 9 VAC 25-780-100;
- A description of water management actions in accordance with the requirements of 9 VAC 25-780-110 and 9 VAC 780-120;
- A statement of need in accordance with the requirements of 9 VAC 25-780-130;
- An alternatives analysis that identifies potential alternatives to address projected deficits in water supplies in accordance with the requirements of 9 VAC 25-780-130;
- A map or maps identifying important elements of the program that may include existing environmental resources, existing water sources, significant existing water uses, and proposed new sources;
- A copy of the adopted program documents including any local plans or ordinances or amendments that incorporate the local program elements required by this chapter;
- A resolution approving the plan from each local government that is party to the plan; and
- A record of the local public hearing, a copy of all written comments and the submitter's response to all written comments received, and

Whereas, it is reasonable and prudent for the counties and towns located in the Middle Peninsula Planning District to coordinate and collaborate in the development of a regional water supply plan; and

Whereas, the Virginia Department of Environmental Quality has announced the availability of grant funds to assist localities offset some of the costs related to the development of these plans and are encouraging localities to submit applications for grant funds using regional water supply plans; and

Whereas, regional water supply planning is a sensible approach to developing a water supply plan since watershed boundaries do not follow political boundaries and since there will likely be cost savings to all jurisdictions participating; and

Whereas, for purposes of this DEQ water supply grant fund program, Middlesex County intends to participate within a water supply region consisting of the participating counties and towns located within the Middle Peninsula Planning District; and

Whereas, the Middle Peninsula Planning District Commission has previously managed the development of successful regional water supply plans and other regional plans and is a logical entity to organize and manage a regional water supply planning process; and

Whereas, the Middle Peninsula Planning District Commission desires to manage and develop a regional water supply plan for the region, and participating localities in the region agree with this approach, and

Whereas, the region, through the Middle Peninsula Planning District Commission wishes to apply for and secure DEQ grant funds to help offset the cost of the plan development.

NOW, THEREFORE BE IT RESOLVED that Middlesex County agrees to participate with the other participating counties in the Middle Peninsula Planning District in the development of a regional water supply plan and authorizes the Middle Peninsula Planning District Commission to manage and develop said regional water supply plan that will comply with mandated regulations; and

BE IT FURTHER RESOLVED that the Middle Peninsula Planning District Commission is authorized to develop an application for water supply planning grant funds to offset to the extent feasible the cost of developing said regional water supply plan; and

BE IT FURTHER RESOLVED that Dan Kavanagh, Executive Director, Middle Peninsula Planning District Commission, is authorized to sign the DEQ grant contract and other appropriate documents related to the source water planning grant and the regional source water supply plan, and

BE IT FURTHER RESOLVED that County of Middlesex intends to provide up to \$6,000.00 in cash matching funds for the project for work performed within the organization to meet the requirements of the regional water supply planning effort, and

BE IT FURTHER RESOLVED that the County of Middlesex will participate financially for the costs of the regional water supply plan that is not covered by the DEQ grant in an amount not to exceed \$6,000.00.

BE IT FINALLY RESOLVED that the State Water Control Board and the Department of Environmental Quality should consider this resolution from each of the participating localities their Letters of Intent to participate in a regional water supply plan with a completion due date of November 2, 2011, in accordance with 9 VAC 25-780-50.B.4.

Upon the Motion of Mr. Crump and second by Mr. Crittenden, this RESOLUTION is hereby approved on this the 3rd day of April, 2007.

APPROPRIATION REQUEST

Jamestown: The motion to approve the reappropriation of funds approved in the FY 06 budget for Jamestown Projects was made by Mr. Jessie, seconded by Mr. Crump, and carried unanimously: FROM: 3-1-41060-0001 \$10,000.00 TO: 4-1-81070-5604.

Donation – Jamestown Project: The motion to approve the appropriation of \$525.00 received as donations for the Jamestown Projects was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously: FROM: 3-1-24040-1000; \$525.00 TO: 4-1-81070-5604.

OLD/NEW BUSINESS

Holly Point Property:

Mr. Higgins informed the Board that he had received complaints about boats being stored on County property that is being leased by the Deltaville Maritime Museum. Board members agreed that the property was not to be used for that purpose and that Mr. Higgins should write a letter to the Museum reminding them of the lease agreement.

North End:

Mr. Higgins stated that the public area at North End (end of State Route 631) could be cleared for public access. Mr. Crittenden and Mr. Williams both suggested that Mr. Culley proceed with having the area cleared.

Refund Request:

The Board reconsidered the request to refund the RPA Application fee for a permit not issued. There was no work by County staff on this application; the applicant had made application for doing work at this property at the same time that he submitted applications for adjoining property owners. The property owner did not agree for any work to be done. The motion to refund the \$50.00 fee was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

RECESS

There being no further business, the motion to recess until the budget hearing scheduled for April 26th was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

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