

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, FEBRUARY 6, 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
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.

MINUTES

The motion to approve the minutes of the January 4th and January 16th meetings was made by Mr. Williams, seconded by Mr. Crump and carried unanimously. Mr. Culley noted that VACo/VML Finance Department wished to sell the bonds mentioned in the January 4th minutes for a savings to the County of 2.8%. The Board agreed that a minimum 3% savings was to be realized prior to refinancing the bonds.

DISBURSEMENTS

The motion to approve the disbursements as presented was made by Mr. Crump seconded by Mr. Crittenden and carried unanimously. Checks numbered 57543 through 57647 totaling \$249,342.47 were disbursed as approved.

CONSTITUTIONAL OFFICERS

Sheriff

There were no questions for the Sheriff from the Board. Sheriff Abbott commented that he would not be at the Board's meeting on March 6th, as he would be out of state.

Treasurer

Mrs. Bray was present with nothing to report.

Commissioner of Revenue:

Mrs. Stephenson reported that the Board may wish to reconsider an ordinance to allow pro-rating new construction.

VIRGINIA COOPERATIVE EXTENSION

Cynthia Rowles, the new Extension/4-H agent was introduced to the Board. David Moore, Extension Agent, informed the Board that he had been invited to join a group of other Agriculture Agents in South Africa, March 1 – 17, to study agricultural practices. The motion to approve a contribution of \$500.00 toward the trip expenses was made by Mr. Crittenden, seconded by Mr. Crump and carried unanimously.

HIGHWAY MATTERS

Resident Administrator, Marcie Parker, was present representing VDOT.

Primary and Secondary Road Work Session: The secondary roads public hearing is scheduled for February 20th.

Harmony Grove Intersection, Rt. 3/33: The signal is still in the design state.

Norris Bridge: Work on this project should be completed within the next 30 days.

Urbanna Bridge: Work on this project has been delayed due to the extreme weather.

Route 33/628: A new contractor has been selected that should be able to start when the weather makes paving possible.

Outfall Ditches: Two-thirds of the ditches have been inventoried. After the list is completed, the right-of-ways will be checked to see if VDOT can enter the properties to clean the ditches. The Department has cleaned seven of the thirteen that they had on their list. Mr. Crittenden asked that the list be completed and turned over to the Regional Jail for the work crew to clean.

Speed Study: Mr. Norman Hall questioned the purpose of a traffic counter stretched across the end of Route 1102. Mrs. Parker informed the Board that a speed study was being conducted to see if the speed limit could be lowered on this section of the road.

SCHOOL MATTERS

Dr. Shores introduced Harriet Dawson, the interim superintendent for the School Board. Mrs. Dawson informed the Board that the current enrollment is 1304, up from an initial enrollment of 1279. Mr. Miller instructed Dr. Shores to notify Mr. Culley of some possible dates for the two boards to meet to discuss the budget.

Dr. Shores requested the Board appropriate funds to purchase two buses that meet the 2006 EPA standards, at a cost of \$63,219.00 each; there are only 24 buses left in inventory. Newer buses that meet the 2007 standards have been said to cost approximately \$80,000.00. It was noted that there would be a savings over several years if three of the 2006 standard buses were purchased now and only one purchased in FY 09, rather than purchasing two 2007 standard buses in FY 08 and one more in FY 09. Dr. Shores noted that he may still have to come back with a request for an activity bus. The motion to appropriate the funds to purchase three buses at the 2006 standards, for a total of \$189,657.00 was made by Mr. Williams, seconded by Mr. Crump and carried unanimously. FROM: 3-1-41060-0001, \$189,657.00 TO: 4-24-010010-8100.

Mrs. Dawson invited the Board to tour all the schools.

AUDIT

Mr. Paul Lee of Robinson, Farmer, Cox Associates presented the FY 06 audit of the County and informed the Board that the County was in good fiscal shape and it was good that monies had been added to the fund balance in the past year.

Mr. Lee agreed that the County should look into tying the Department of Social Services and the School Board into the County's accounting system.

The motion to accept the Audit for FY 06 was made by Mr. Jessie, seconded by Mr. Crump and carried unanimously.

PLANNING MATTERS – FLOODPLAIN MANAGEMENT

Planning Director, Matthew Higgins, stated that the Virginia Department of Conservation and Recreation had conducted a floodplain management audit to review the County's floodplain ordinance. The County's ordinance was adopted in 1990 and has had no revisions since that time. According to the State, the County's ordinance is not compliant with their standards and amendments would have to be made, especially in the area of new development. The State has a model ordinance available that Mr. Higgins is using to apply to Middlesex. A public hearing on the draft ordinance will be conducted at the Board's meeting on February 20, 2007.

COMMITTEE REPORTS:

Mr. Crittenden: The budget being proposed by the regional jail will include an increase in funds from localities. There has been no news received from the School system regarding projects. An airport obstruction report shows obstructions on both ends of the runway and that the lines were more restrictive than the previous survey. Mr. Crump noted that the lines on the south end became more restrictive because the State is using the Federal safety standards for the instrument approaches. The north

end has several trees that have encroached into the County owned airspace. The south end has the pecan tree on the Miller property and three pines on the Scott property. It would be best to have the air rights on the south end also so that the space can be maintained on a regular basis without continual negotiation. A corner of the Hummel Aviation building is shown as an obstruction; however, it is marked with a red light that is acceptable to the State.

Mr. Jessie: Attended the Social Services meeting; evaluated the director and discussed the budget.

Mr. Williams: Attended the Social Services meeting and spent a lot of time on personnel issues. Attended the VACo meeting and Planning District Commission meeting; a request for endorsement of road improvements through Middlesex to the BFI landfill in King and Queen was defeated.

Mr. Crump: Attended the Emergency Manager's Meeting in Tappahannock; the State is in the planning stages for another exercise.

Mr. Miller: Attended probation and pre-trial services meeting; Gloucester County is the fiscal agent. Attended the Jamestown 2007 meeting and mass singing. The Dragon Run movie is available at the Planning District Commission. Essex County also opposed the construction of a new road through Essex to the BFI landfill. The continuing message from the VACo Legislative Day was that the State had no funds to do anything and counties would be expected to do more.

APPROPRIATION REQUEST

Industrial Development Authority: The motion to approve an appropriation of \$125,000.00 to reimburse the IDA account was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously: FROM: 3-1-41060-0001, \$125,000.00 TO: 4-49-10010-7016.

Groundwater Monitoring: The motion to approve funding for additional testing outside the normal scope of work was made by Mr. Jessie, seconded by Mr. Crump and carried unanimously: FROM: 2-1-41060-0001; \$53,100.00 TO: 4-1-42070-3008. The General Assembly is considering legislation to require the Department of Environmental Quality to come up with new standards for unlined landfills that were closed by DEQ standards. Discharge from these landfills must currently meet drinking water standards.

REQUEST FOR REFUND

Board members were asked to consider a partial building permit refund in the amount of \$183.97. This amount is the difference between a permit fee of \$369.56 paid in April 2006 (Permit #8438-2006) for a residence not built, and a new permit issued in January 2007 for a different structure in the amount of \$185.59. Planning

Director, Matthew Higgins, noted that a notice of violation was issued against the property owner in November, 2006, for a stump dump and there is still a lack of compliance by the owner. No action was taken by the Board on this request for refund.

APPOINTMENTS

Airport Committee

The motion to appoint Mr. John Moffatt as a replacement for Frank Watson on the Airport Committee was made by Mr. Crittenden, seconded by Mr. Crump and carried unanimously. This term will expire August 31, 2009.

Dragon Run Steering Committee

The motion to appoint William J. Bagby to the Dragon Run Steering Committee was made by Mr. Jessie, seconded by Mr. Crump and carried unanimously. This will be a two-year term that will expire December 31, 2009. Mr. Miller will contact Mr. Johnson to see if he is interested in continuing to serve on the Committee.

TRACTOR

The Department of Aviation had given preliminary approval for 50% funding towards a new tractor for the airport. However, because of the obstructions present, this funding will not be approved. The motion to proceed with the purchase of a Massey Ferguson 533 tractor from Fleet Brothers for \$11,495.00 was made by Mr. Crittenden, seconded by Mr. Crump and carried unanimously.

OLD/NEW BUSINESS

Courthouse:

Mr. Culley reported that Judge Margaret Spencer has been appointed to hear the preliminary motions of the Courthouse case on February 23rd.

Dinner:

Jason Bray from the Middlesex Farm Bureau has invited the Board and their spouses to dinner some time in March. The Board suggested that the dinner be at Eckhards Restaurant on March 22nd.

Groundwater Impact:

Norman Hall requested information on population and the number of residential and commercial structures for a report he is preparing on ground water impacts. Mr. Hall was instructed to contact the Weldon Cooper organization for this information. Mr.

Hall could present the report to the County Administrator, who would have copies made for the Board.

CLOSED MEETING

The motion to meet in Closed Session for consultation with legal counsel regarding Healy's Mill, 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.

ADJOURN

There being no further business, the motion to adjourn was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously. The next regular meeting is scheduled for February 20, at 7:30 p.m.

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