

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, AUGUST 5, 2008, IN THE BOARD ROOM OF THE
HISTORIC COURTHOUSE, SALUDA, VIRGINIA:

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

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

CALL TO ORDER

The Chairman, Mr. Williams, called the meeting to order. Mr. Crump led the group in prayer and Mr. Culley led the Pledge of Allegiance

MINUTES

The motion to approve the minutes from the meetings of July 1st and July 15th was made by Mr. Miller, 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 62331 through 62481 totaling \$494,696.05 were disbursed as approved.

CONSTITUTIONAL OFFICERS

Treasurer

Mrs. Bray commented that the delinquent list was available should the Board choose to have it printed in the paper. Collections have been good. Delinquent letters have gone out and those, along with DMV stops and liens, have gotten good responses. The Board agreed not to publish the list at this time.

Commissioner of Revenue

Mrs. Davenport had no information to report.

Sheriff:

Sheriff Abbott informed the Board he would be adding two new vehicles to the road; three have come off of insurance this year. The Sheriff indicated he would check into the State Police Med Flight donation to see if it was related to his use of the State Police helicopter for search and rescue.

The motion to accept the police services agreement with the Town of Urbanna for \$53,759.00 was made by Mr. Miller, seconded by Mr. Crump and carried unanimously.

HIGHWAY MATTERS

Assistant Resident Administrator, Joyce McGowan, was present to represent the Highway Department and reported the following:

Route 648: Traffic engineers reported that this road did not warrant a reduction in speed; can be reinvestigated at a later date.

Fairfield Road: The engineers for the development have submitted a study; a report should be available in a week or so.

Route 652: Mr. Crittenden requested a speed study be made of this road.

Route 33: Board members requested that a speed study be made of the section of Route 33 near the Deltaville Market.

MIDDLESEX VOLUNTEER FIRE DEPARTMENT (MVFD)

Joe Moschetti was present from the MVFD with an update on the Department's activities for the first half of 2008. It was noted that while the number of calls for this period was only 38, and the total for all of 2007 was 57, the fuel costs was already over what was spent in all of 2007. Captain Moschetti reported that all the fire hydrants in Saluda and Urbanna had been inspected and painted.

TOWN OF URBANNA

Mr. Williams recognized Mrs. Beatrice Taylor, the first woman mayor of the Town of Urbanna.

SCHOOL MATTERS

School Board Chairman, Richard Shores, was present. Superintendent Rusty Fairheart was attending a meeting out of town.

Staff Positions: Dr. Shores introduced Mr. Rashard Wright as Assistant Superintendent and Mr. James Lane as the principal at St. Clare Walker. The Assistant Principal at the Elementary School has resigned and a replacement is being sought. This may be a position that is filled from within the division.

High School Roof: Warranties have been provided. Final inspection is scheduled for August 8th, with a project meeting at 8:00 a.m.

Elementary School Erosion: An engineer has designed the project for a 10-year storm, however, local contractors have indicated that they can make repairs for less than the estimate given by the engineer. The School Board is looking for the Board's guidance on how to handle the repair. Mr. Crittenden cautioned Dr. Shores about releasing cost information prior to jobs being put out for bids.

Kidd Building: transition of transportation and technology department is almost complete.

Filters: Mr. Jessie requested that the filters at the middle school be checked. Mr. Jessie has heard that the filters have been bypassed.

COMMUNITY SERVICES BOARD

The motion to approve the performance contract for the Middle Peninsula-Northern Neck Community Services Board was made by Mr. Miller, seconded by Mr. Crump and carried unanimously.

RESOLUTION

APPROVAL OF PERFORMANCE CONTRACT

WHEREAS, §37.1-19 OF THE Code of Virginia [1950] as amended, requires each Community Services Board to submit, to the governing body of each political subdivision that established it, an annual performance contract for community mental health, mental retardation and substance abuse services for its approval prior to submission of the contract to the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, and

WHEREAS, the Middle Peninsula – Northern Neck Community Services Board has put forward its proposed Performance Contract for Fiscal Year 2009, for approval by the Boards of Supervisors of its governing counties of Essex, Gloucester King and Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland;

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Supervisors of Middlesex County, Virginia, that the Performance Contract prepared by the Middle Peninsula-Northern Neck Community Services Board for Fiscal Year 2009 and presented to the Board is hereby approved and may be forwarded to the Department of Mental Health, Mental Retardation and Substance Abuse Services as further required.

JOANNE HARMON

The motion to approve the following resolution recognizing JoAnne Harmon for her assistance with Middlesex County was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

*Middlesex County, Virginia
Board of Supervisors*

Recognizes JoAnne M. Harmon

WHEREAS, Mrs. Harmon began her employment as an officer at the Middle Peninsula Regional Security Center on April 1, 1987; and

WHEREAS, Mrs. Harmon began the Work Release Program in 1990, starting with five workers and growing to as many as ninety; and

WHEREAS, Mrs. Harmon also added the Electronic Incarceration Program; and

WHEREAS, Mrs. Harmon has been instrumental in obtaining thousands of hours of volunteer labor for Middlesex County and many community projects throughout the County; and

WHEREAS, Mrs. Harmon retired from duty with the rank of Lieutenant on August 1, 2008

NOW, THEREFORE, BE IT RESOLVED, that the Middlesex County Board of Supervisors expresses its sincere thanks and appreciation to JoAnne M. Harmon for her years of public service; and

BE IT FURTHER RESOLVED, that the Middlesex County Board of Supervisors showers JoAnne M. Harmon with best wishes for a retirement full of good health and pleasures.

Adopted this 5th day of August, in the two thousand and eight year of our Lord.

EROSION AND SEDIMENT CONTROL ORDINANCE AMENDMENTS

The Planning Director, Matt Walker, recommended that the Board of Supervisors conduct a public hearing at their September 16th meeting to review proposed changes to the County's Erosion and Sediment Control Ordinance. Most changes are with definitions and to clarify State requirements. These changes are a result of a 2007 program review by the Department of Conservation and Recreation. The motion to conduct a public hearing on September 16th was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

VIRGINIA RETIREMENT SYSTEM

The motion to adopt the following resolution was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously:

RESOLUTION

***Affirmation of Authorization to Pick-up the Employee's Contribution to
VRS for MIDDLESEX COUNTY, 55159***

Under §414(h) of the Internal Revenue Code

WHEREAS, the MIDDLESEX COUNTY BOARD OF SUPERVISORS provides its employees with tax deferral pursuant to §414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System (referred to as VRS) by picking up member contributions to VRS; and

WHEREAS, VRS keeps tract of such picked up member contributions, and treats such contributions as employee contributions for all purposes of VRS;

WHEREAS, the Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 1, 2009.

WHEREAS, in order to avail itself of the protection given under Notice 2006-43, the MIDDLESEX COUNTY BOARD OF SUPERVISORS desires to affirm its intention to establish and maintain a pickup arrangement through formal action by its governing body.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the existing member contribution pick-up arrangement is hereby affirmed as it relates to salary reduction elections in effect prior to the date of this Resolution, and it is further

RESOLVED that effective the first pay day on or after July 1, 2008, the MIDDLESEX COUNTY BOARD OF SUPERVISORS shall pick up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by the MIDDLESEX COUNTY BOARD OF SUPERVISORS in lieu of member contributions; and it is further

RESOLVED that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and it is further

RESOLVED that member contributions made by the MIDDLESEX COUNTY BOARD OF SUPERVISORS under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the MIDDLESEX COUNTY BOARD OF SUPERVISORS directly instead of having them paid to VRS; and it is further

RESOLVED that notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of the MIDDLESEX COUNTY BOARD OF SUPERVISORS shall be picked up either through a reduction in the current salary of such employee or as an offset against future salary increases of such employee or as a combination of both at the option of the employer by the MIDDLESEX COUNTY BOARD OF SUPERVISORS on behalf of such employee pursuant to the foregoing resolutions.

Adopted in Saluda, Virginia this 5th day of August, 2008.

Kenneth W. Williams, Chairman
Middlesex County Board of Supervisors

<i>Kenneth W. Williams</i>	<i>aye</i>
<i>Fred S. Crittenden</i>	<i>aye</i>
<i>Robert A. Crump</i>	<i>aye</i>
<i>John D. Miller, Jr.</i>	<i>aye</i>
<i>Wayne H. Jessie</i>	<i>aye</i>

CERTIFICATION

I, Charles M. Culley, Jr., Clerk of the Board of Supervisors of the County of Middlesex, Virginia, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Board of Supervisors of Middlesex County held at Saluda, Virginia, at 9:00 a.m. on August 5, 2008

Charles M. Culley, Jr.

WINGS AND WHEELS

The motion to approve the lease agreement between the County and Evelyn Lawson for use of her property during the Wings and Wheels event was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

BAY AGING REQUEST FOR REAL ESTATE EXEMPTION

The Board of Supervisors considered a request from Bay Aging to exempt Phase II of the Port Town Urbanna project from real estate and personal property taxes. The motion to deny the request was made by Mr. Crump, seconded by Mr. Crittenden and carried unanimously.

APPOINTMENTS

Action on appointments would be tabled to the night meeting.

APPROPRIATION

The motion to approve the following appropriation was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously: FROM: 3-1-41060-0001, \$8,108.58 TO: 4-1-83030-3009, \$8108.58. Appropriation of funds remaining in FY 08 budget; invoice was not received until after June 30, 2008.

AID TO LOCALITIES

Mr. Culley explained that the County has until August 30, 2008 to present a plan for reducing State Aid to the County by \$47,936.00 for FY 09. The State's proposal is a requirement established by the General Assembly to reduce aid by 4.17% in FY 09

and 4.12% in FY 2010. The State has submitted amounts that they will cut from various departments and the county is required to submit a plan for how these reductions will be accomplished. This issue would be discussed later in the Board meeting.

COMMITTEE REPORTS

Board members presented their reports on committee activities. Mr. Crump reported that regional assessment was on the agenda for discussion at the next Planning District Commission meeting. Mr. Culley reported that the storm water management plan for the Hummel Field hangar project has been approved and the contractor is notifying the sub-contractor.

OLD/NEW BUSINESS

Mr. Crittenden reported on a complaint of what appeared to be fresh water running down the road from Crown's Marina.

CLOSED MEETING

The motion to meet in Closed Session to discuss personnel matters pursuant to §2.2-3711.A1, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Crump, seconded by Mr. Miller 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.A1 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 taken as a result of the Closed Meeting.

AID TO LOCALITIES, CONTINUED

Following a recess for lunch, the Board reconvened to continue discussion on the requirement that the County plan for a reduction in State Aid of \$47,936.00 for FY 09. Mr. Culley explained that some counties are writing a check to the State for the amount of the reduction. The other alternative is to tell the State where to cut and to plan on not receiving the funds. County funds would then be used at the end of the year to balance the budget, but in the meantime, the funds would remain in the County's accounts to draw interest.

Board members discussed the potential of a 4-day work week and other cost saving measures. The motion to submit the cuts as proposed to meet the State recommendations and advise County departments of 5% cuts was made by Mr. Crump, seconded by Mr. Miller and carried unanimously. Departments have 60 days to report their plans.

ADJOURN

There being no further business, the motion to adjourn the meeting until August 19, 2008 was made by Mr. Crump, seconded by Mr. Miller and carried unanimously.

Kenneth W. Williams, Chairman
Board of Supervisors