

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, APRIL 7, 2009, IN THE BOARD ROOM OF THE
HISTORIC COURTHOUSE, SALUDA, VIRGINIA:

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

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

CALL TO ORDER

The Chairman, Mr. Crump, called the meeting to order and 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, 17th, 26th and April 2nd was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. It was noted that the Board adjourned the meeting on April 2nd.

CONSTITUTIONAL OFFICERS

Sheriff:

The Sheriff reported that he has already overspent his fuel money and would need an additional appropriation. He noted that his department is now responsible for prisoner transport from the jail and has had to make several long trips to extradite prisoners.

Treasurer

Betty Bray, Treasurer, reported that her office is showing \$334,052 in real estate delinquents (over a 20-year period) and \$482,401 in personal property delinquents (over a 5-year period). So far this year, \$58,000 has been collected in delinquent real estate and \$82,000 in personal property delinquents. Mrs. Bray commented that she takes all the legal steps she can to collect delinquent taxes without having to sell or seize the property, such as DMV stops, state tax refund stops, and garnishing wages. Many times the property is not worth the cost of trying to sell it.

Commissioner of Revenue

Mrs. Davenport reported that she is ready to send out tax bills as soon as the tax rate is set.

HIGHWAY MATTERS

Marcie Parker was present from the Highway Department.

Commonwealth Transportation Board: Mrs. Parker reported that the County's representative on the Commonwealth Transportation Board, Mary Lee Carter, was in the County last week and visited some of the sites proposed for funding.

Secondary Street Regulations: The secondary street acceptance regulations have been updated; seminars are being conducted around the state to update planners on the new regulations.

Brandon Point Road: Work on these road improvements should start today.

Norris Bridge: A meeting is tentatively scheduled for April 15, from 6:00 – 8:00 p.m. at the Kilmarnock Library to discuss pending projects on the Norris Bridge, including painting, deck replacement and structural steel repairs.

Mattaponi Bridge: Mrs. Parker commented to a question about the Mattaponi Bridge project. Studies are being performed to plan corrective action for the portion that is sinking.

Bike Path Project: Mr. Crittenden questioned the amount of funding remaining in the Bike Path Project for Deltaville. According to Mrs. Parker, of the \$953,000 that had been in the fund, \$417,000 was moved to a Gloucester Point construction project. Mrs. Parker was asked to find out who made the decision to move the funds.

Through Truck Restriction: A new hearing had been re-advertised to include the alternate routes available to trucks if the restriction was approved for Regent Road. Mr. Crump opened the hearing for comments. There being no comments, the public portion of the hearing was closed. The motion to adopt the resolution requesting a through truck restriction on Regent Road was made by Mr. Williams, seconded by Mr. Miller and carried unanimously:

RESOLUTION

WHEREAS, the Board of Supervisors has received complaints concerning truck traffic on rural routes in Middlesex County, between Route 33 and Route 3; and

WHEREAS, the Board of Supervisors desires to restrict the flow of traffic on Dirt Bridge Road, Route 622 and portions of Regent Road, Routes 623, 624 and 626, to achieve safer driving conditions; and

WHEREAS, alternative routes for safe travel are available along the primary roads, Route 33 and Route 3; and

WHEREAS, the Middlesex County Board of Supervisors conducted a public hearing at their meeting on August 19, 2008, regarding the proposed restriction of traffic on Routes 622, 623, 624 and 626; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Middlesex County does hereby request the Virginia Department of Transportation restrict through traffic on Regent Road - Routes 626, 624 and 623, from its intersection at Route 33 - General Puller Highway, northeast to its intersection with Dirt Bridge Road - Route 622; and Dirt Bridge Road, Route 622, in its entirety to its intersection with Route 3 - Greys Point Road, to vehicles other than tractor, truck, semi-trailer combinations.

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board is requested to endorse this restriction; and

BE IT FURTHER RESOLVED, that if endorsed by the Commonwealth Transportation Board, the Middlesex County Sheriff's Department will enforce this restriction.

Watch for Children Signs: The Mariners Woods Homeowners Association has requested that the County assist them with their application to have Watch for Children Signs erected along Mariners Woods Road. The motion to adopt the following resolution was made by Mr. Williams, and carried unanimously:

**RESOLUTION
VIRGINIA DEPARTMENT OF TRANSPORTATION
WATCH FOR CHILDREN SIGNS – MARINERS WOODS DRIVE**

WHEREAS, the Code of Virginia, §33.1-210.2 allows counties to submit requests for installation and maintenance of signs alerting motorists that children may be at play nearby; and

WHEREAS, the Mariners Woods Homeowners Association has requested that "Watch for Children" signs be installed to alert motorists of children playing nearby;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Middlesex County, Virginia, hereby requests that "Watch for Children" signs be installed at the following locations: approximately 75 yards from the intersection of Mariners Woods Drive and Twiggs Ferry Road on the Western side of Mariners Woods Drive (right side entering the neighborhood), and approximately 20 yards from the intersection of Mariners Woods Drive and Schooner Point Drive on the eastern side of the road (right side exiting the neighborhood); and

BE IT FURTHER RESOLVED that funding for the installation of these signs should come from the secondary system construction allocation for Middlesex County and that maintenance of such sign shall be paid out of the secondary system maintenance allocation to the County.

SCHOOL MATTERS

Mr. Fairheart reviewed his report. It was noted that the school population was down five (5) students from last month. The deadline to submit applications for high school principal closed last Friday. Mr. Fairheart hopes to identify a candidate by the middle of May.

ELECTORAL BOARD

Rev. Chauncey Mann, of the Electoral Board, requested the Board's endorsement to purchase electronic poll books. These computers are not mandated yet, however, they can be purchased for \$200 each now, versus \$2,000 each by 2010. The Electoral Board would have to purchase at least three per precinct (there are 7), plus one (1) for the Central Area Precinct. Funding is in the budget to cover the expense as proposed.

TIDEWATER SOIL AND WATER CONSERVATION

Staci Merkt was present to update the Board on activities of the Tidewater Soil and Water Conservation group.

APPROPRIATION REQUESTS

The following appropriation requests were all approved unanimously:

Mini-Grant: \$1,000 FROM: 3-1-24040-0012, Fire Program Mini-Grant TO: 4-1-32010-5611, MVFD Mini-Grant; motion by Mr. Miller, seconded by Mr. Jessie.

Insurance Reimbursement: \$9,967.00 FROM: 3-1-23020-0048, Sheriff's Reimbursement TO: 4-1-31020-5407, Sheriff's Vehicle Repair; (total reimbursement \$10,524.25); motion by Mr. Williams, seconded by Mr. Miller.

Refund: \$2,664.00 FROM: 3-1-23020-0048, Sheriff's Reimbursement TO: 4-1-31020-8001, Lease/Rent of Equipment; motion by Mr. Miller, seconded by Mr. Jessie.

Selective Enforcement: \$8,600.00 FROM: 3-1-23020-0009, Selective Enforcement Grant TO: 4-1-31020-1004, Selective Enforcement Grant; motion by Mr. Jessie, seconded by Mr. Miller.

APPOINTMENTS

The motion to appoint Mr. Richard Urban to fill a vacancy on the Airport Committee was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously. This appointment will expire August 31, 2012; Mr. Urban will hold an at-large position.

AIRPORT MATTERS

The motion to adopt the By-Laws and Guidelines proposed by the Airport Committee was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously.

CITIZEN COMPLAINT

Mr. Ed Ruark complained to the Board that there were too many ordinances for people to follow and that officials just needed to use common sense to address situations. Mr. Ruark was specifically complaining about a large tract of land that he owns that is divided by a state maintained road. The property has one tax identification number and the Commissioner will not assign the two halves separate numbers unless there is an actually recorded subdivision of the property. If Mr. Ruark chose to subdivide the property, there are several requirements that must be met, including minimum lot size, access, and septic provisions. Another option would allow a family exemption which carried less restrictive requirements. The family exemption provided an option of either having a perk site established or recording a plat with a statement saying that the property would not be used for residential purposes.

According to Mr. Walker, Planning Director, there are an estimated 200 remnant parcels that have been left not meeting ordinance requirements, a lot as a result of road construction. Some language to address these remnant pieces was suggested, such as "suitability of this property for residential purposes has not been determined" in addition to establishing minimum requirements for residual lots. Mr. Walker will work on language for proposal to the Board.

CITIZEN COMPLAINT

Mr. W. D. Edwards was present to suggest that the Board and County cut expenses, including if necessary, cutting employees.

COMMITTEE REPORTS

Board members presented their reports on committee activities.

DISBURSEMENTS

The motion to approve the disbursements as presented was made by Mr. Miller seconded by Mr. Jessie and carried unanimously. Checks numbered 64355 through 64533 totaling \$176,932.23 were disbursed as approved.

CLOSED SESSION

The motion to convene in closed session to discuss matters pertaining to personnel, pursuant to Code of Virginia, §2.2-3711.A1, and pending litigation, pursuant to Code of Virginia, §2.2-3711.A7 was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Miller, 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.A1 and .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 taken as a result of the Closed Meeting.

BUDGET WORKSESSION

Following a recess for lunch, the Board reconvened to discuss the proposed budget. Mr. Culley suggested that the Board first decide what the maximum tax rate would be. The motion to go to public hearing with no tax increase was made by Mr. Miller, seconded by Mr. Williams and carried unanimously. The public hearing on the budget will be held at the Board's meeting on April 21st.

Mr. Culley presented clarification of several budget issues. In the current year budget, the shortfall is being reduced by cuts in spending and by using funds originally budgeted for capital projects.

The FY 10 budget has built in reductions in revenue – 10% from state, 10% from bi-monthly state and 25% from miscellaneous County revenue. The overall budget shows a 6.71% reduction in expense, with \$414,000.00 being used from the fund balance. Mr. Culley explained that by keeping track of actual expenses and revenues and keeping a running balance of what is on hand, the cash flow should be okay.

Regarding the police services agreement, the Town has voted to pay \$47,802 of the \$56,302.00 budget. According to the Town Manager, the Sheriff has informed the Town that he will make up the difference of \$8,500.00 through his budget, however, Mr. Culley does not know how he proposes to do that.

A 5% reduction in local operation money for schools is proposed, however it is recommended that \$35,000 in capital improvement funds remains to be used toward repairs to the septic system at St. Clare Walker.

ADJOURN

There being no further business, the motion to adjourn the meeting until April 21, 2009 was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

Robert A. Crump, Chairman
Board of Supervisors