

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, JANUARY 6, 2009, 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 County Administrator, Charles Culley, called the meeting to order and led the group in prayer and the Pledge of Allegiance.

**ANNUAL MEETING**

Mr. Jessie nominated Mr. Crump to serve as chairman for 2009. Nominations were closed by Mr. Miller and the vote was unanimous electing Mr. Crump. Mr. Crump nominated Mr. Jessie to serve as vice chairman for 2009. Nominations were closed by Mr. Miller and the vote was unanimous electing Mr. Jessie.

The motion to continue meeting on the first Tuesday of each month at 9:00 a.m. and the third Tuesday of each month at 7:30 p.m., with the exception that the November day meeting would be held on Wednesday, November 4, 2009, was made by Mr. Williams, seconded by Mr. Crump and carried unanimously. All regular meetings would be held in the Board Room of the Historic Courthouse.

**MINUTES**

The motion to approve the minutes from the meetings of December 2<sup>nd</sup> and December 16<sup>th</sup> was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

**DISBURSEMENTS**

The motion to approve the disbursements as presented was made by Mr. Jessie seconded by Mr. Miller and carried unanimously. Checks numbered 63691 through 63782 totaling \$162,337.11 were disbursed as approved.

Mr. Crittenden questioned the status of site clearing for the wastewater treatment plant. Mr. Culley informed the Board that a clearing plan has been prepared; clearing of the site will be bid separately from the other construction to give local contractors an opportunity to do the work.

## **CONSTITUTIONAL OFFICERS**

### **Sheriff:**

Sheriff Abbott reported that 944 warrants had been issued in 2008 and his department had responded to over 14,000 calls; possibly as many as 16,000. The sheriff would present a final total to the County Administrator at a later date. The Sheriff noted that when he first took office the call number was only approximately 3,000.

The Sheriff requested that the Board reconsider his use of an adjoining lot as a parking area, especially since there was a recent accident involving a police car backing out of the current lot.

The Sheriff also thanked VDOT for their assistance with traffic control during several recent structure fires.

### **Treasurer**

Betty Bray, Treasurer, was present. Mrs. Bray reported that tax collections due December 5 have been average; some money is still being collected and applied to those bills.

### **Commissioner of Revenue**

Mrs. Davenport reported that she has begun working on revenue estimates for FY 10.

## **HIGHWAY MATTERS**

Resident Administrator, Marcie Parker, was present to represent the Highway Department.

***Primary Road Six-Year Plan:*** The public hearing on the six-year plan for primary road funding will be held on January 12<sup>th</sup> in Fredericksburg. The only project currently receiving funding is the widening and traffic light at Route 33/Route 620, due to start construction in June. The other project listed on the plan is the Bikepath project, which did not receive any funding in the current year and is not proposed for funding in any of the next six years. If no funding is put into the FY 10 budget, Mrs. Parker stated that the Commonwealth Transportation Board may pull all previously committed funds to use on other projects.

**Budget:** There has been a 12% cut in maintenance funding for the Saluda residency, with a 5-6% cut in Middlesex. There is a 30% reduction in residency offices across the state. News will be out next week as to what offices will be closing.

**Secondary Street Improvements Regulations:** New regulations became effective January 1.

## **SCHOOL MATTERS**

Superintendent Rusty Fairheart was present to represent the School Board and gave an updated report. Funding from the state has been further reduced by \$445,000.00 in addition to a school construction grant of \$108,303.00 that was used to pay debt service.

A response has been received from the attorney representing PSI regarding a recent claim that the company had design errors in the high school roof project. The motion to convene in closed session for consultation with legal counsel, pursuant to Code of Virginia, §2.2-3711.A7, was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Jessie, 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.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.

**Appropriation:** The motion to approve the following appropriation was made by Mr. Miller, seconded by Mr. Williams and carried unanimously: FROM: 3-071-018991-0001, Insurance Recoveries Refunds \$1,708.00 TO: 4-071-063200-3000-900, Purchased Services, \$1,708.00.

## **TRANSFER OF CONTRACT**

Matt Walker, Planning Director, reported that TMH Associates was purchasing the planning division of Marsh Witt, the firm that has been working on the County's Comprehensive Plan. Terry Harrington, the planner working on the plan would remain the same. The motion to approve transfer of the contract, with no other changes, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Mr. Walker reported that the final draft is in preparation, with hopes to go to public hearing in May or June.

## **CLOSED MEETING**

The motion to convene in closed session with Jo Ann Wilson-Harfst, Director of Social Services, to discuss matters pertaining to personnel, pursuant to Code of Virginia, §2.2-3711.A1, was made by Mr. Miller, seconded by Mr. Williams 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 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.

## **VACo RESOLUTION**

The motion to adopt the following resolution regarding the State's budget shortfall was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously:

### ***VACo RESOLUTION REGARDING THE COMMONWEALTH'S FY 2009-2010 BUDGET SHORTFALL***

*WHEREAS, Middlesex County is committed to ensuring fiscal sustainability at the local and state levels of government because fiscal sustainability enables the Commonwealth and its local governments to provide high quality, cost effective, core public services that benefit Virginians today and for generations to come; and*

*WHEREAS, the current difficult economic and financial times require government, at all levels, to evaluate service delivery responsibilities and to determine the continued importance of programs meeting critical needs; and*

*WHEREAS, the Commonwealth must resolve an estimated 2009 and 2010 biennial revenue shortfall approaching \$3 billion that may in fact continue to escalate in the near term; and*

*WHEREAS, Middlesex County must resolve significant local revenue shortfalls for these periods as well; and*

*WHEREAS, the Commonwealth's General Fund supports most critical core government services including public education, health and human resources, including the Comprehensive Services Act, public safety, natural resources and environmental services by dedicating almost 50 percent of the state's General Fund to local governments (with 74 percent of this funding supporting K-12 public education); and*

*WHEREAS, if one level of government establishes and ensures a priority, it is then incumbent upon that level of government to adequately fund the services necessary to meet that priority; and*

*WHEREAS, the current economic environment threatens the sustainability of these critical core public services if the Commonwealth is required to reduce its contribution to the financial partnership between the state and its local governments including Middlesex County; and*

*WHEREAS, specific and necessary state budget reductions may impact a wide array of core public services, including but not limited to public education, the Comprehensive Service Act, and public safety, and many local governments, including Middlesex County, will absorb significant state reductions in 2009 and may be compelled to increase real property taxes to help ensure the continuation of vital core public services; and*

*WHEREAS, Middlesex County stands ready to partner with the Commonwealth to make the difficult budgetary decisions required, including thoroughly evaluating programs and working together to maintain a structural balance between revenues and expenditures that promotes the long-term viability of our Commonwealth.*

*THEREFORE BE IT RESOLVED, that the Board of Supervisors of Middlesex County respectfully offers the following budget and revenue recommendations for the 2009 legislative session to the Governor and Virginia General Assembly including Middlesex County's Delegates and Senators:*

- Budget and appropriate sufficient withdrawals from the state's Revenue Stabilization Fund ("Rainy Day Fund") to help offset necessary state budget reductions. Global and national financial markets are imbalanced; consequently, Virginia is one of many states facing a significant state revenue shortfall. The Commonwealth is required to replenish the Fund when economic conditions improve, and Middlesex County supports recapitalizing the Fund in better economic times.*
- Before budgeting and appropriating necessary state budget reductions, revisit recent state tax exemptions. Since the late 1990s the state has enacted more than \$1.8 billion in net biennial tax reductions and specific General Fund transfers.*
- Oppose the enactment of new unfunded and under-funded state mandates that will impose new costs on local governments. Additionally, consider repealing specific, unfunded and under-funded state mandates. In the area of public education, the Governor and Virginia General Assembly should consider providing localities and school districts maximum flexibility to i) suspend specific mandates and ii) manage specific public education reductions.*
- Enact a law authorizing equal taxing authority for counties. Counties should be enabled, like cities and towns, to institute specific taxes, including a meals tax without a referendum. The new sources of revenue would be tailored to the needs of a jurisdiction and could help local governments protect adequate funding for the core government services including K-12 public education, and reduce county dependence on property taxes.*
- Consider additional possibilities for mitigating the impact of state cuts on local governments. Local governments will have to make significant cuts in services because of flat or decreasing real estate revenues. Permit local governments, at their option, to implement a one-half percent increase in the sales tax as a way to minimize the potential burden passed on to homeowners through increased real property taxes.*

*BE IT FURTHER RESOLVED, Middlesex County offers these recommendations in the spirit of compromise and partnership to the Governor and Virginia General Assembly including Middlesex County's Delegates and Senators.*

*Adopted by unanimous vote of the Middlesex County Board of Supervisors at their meeting held on Tuesday, January 6, 2009.*

## **HEALTH DEPARTMENT**

Board members reviewed a letter from Dr. Thomas Irungu regarding state budget reductions that have resulted in an over appropriation of \$2,971.00. The Board has the option of either requesting the local agreement be amended to reduce the required contribution or the funds can be remain with the Department to off-set a current deficit of \$47,869.56. The motion to request amendment of the local agreement and reduce the billing was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

## **APPROPRIATIONS**

The motion to approve the appropriation of funds from the drink machine fund was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously: FROM: 3-1-18990-0001, \$1,060.00 TO: 4-1-43020-5403, \$1,060.00; appropriating a portion of the drink machine revenue for the County Christmas dinner.

The motion to approve the appropriation of \$433.00 was made by Mr. Williams, seconded by Mr. Miller and carried unanimously: FROM: 3-1-23020-0048, Sheriff's Reimbursement TO: 4-1-31020-5503, Travel – Subsistance & Lodging – reimbursement of car rental overpayment.

## **RESOLUTION – REGIONAL REASSESSMENT**

The motion to approve the adoption of the following resolution was made by Mr. Jessie, seconded by Mr. Williams and carried unanimously:

### ***RESOLUTION***

### ***REGIONAL REASSESSMENT***

*WHEREAS, all county governments are required to reassess property every six years; and*

*WHEREAS, the Board of Supervisors believes that a more consistent product could be attained by participating with other counties in a regional reassessment program;*

*THEREFORE BE IT RESOLVED, that the Board of Supervisors supports the creation of a regional reassessment program established by the Middle Peninsula Planning District Commission.*

*BE IT FURTHER RESOLVED, the Board would encourage the other counties in the Commission to support a regional reassessment program and make its creation a priority for the next year.*

### **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 January 6, 2009.*

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*Charles M. Culley, Jr., Clerk*

It was noted that at least three of the six counties in the Planning District Commission needed to participate for the program to be successful.

### **BROAD CREEK**

The motion to approve submission of a letter to Elizabeth Waring, Army Corps of Engineers, requesting that Broad Creek be considered for designation as a critical harbor of refuge. Mr. Culley noted that even if the creek is given this designation, there is no guarantee that additional federal funding will be forthcoming. Current funding has been used for design and environmental permitting from the Department of Environmental Quality. Mr. Crittenden requested an update on the amount of funding that is remaining in the account.

### **APPOINTMENTS**

The motion to appoint Mr. Gordon White to fill the vacated position of Claude Boyd on the Industrial Development Authority, subject to his acceptance, was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously. This is a 3-year term that will expire January 31, 2011.

The motion to appoint Mr. John D. "Jack" Miller, Jr., to fill the position on the Community Services Board previously held by David Harmon was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously. This is a 3-year term that will expire December 31, 2011.

No action was taken to fill the other position on the IDA or the Airport Committee.

### **COMMITTEE REPORTS**

Board members presented their reports on committee activities.

### **NEW BUSINESS**

Mr. Miller questioned how long the pollution credits would be available or whether there was a chance they would be lost. Regarding the Department of Environmental Quality hearing on the County's wastewater treatment system, Mr.

Culley stated that he assumed there would be no comments by DEQ at the meeting, other than possibly giving their current recommendations.

**ADJOURN**

There being no further business, the motion to adjourn the meeting until January 20, 2009 was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

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Robert A. Crump, Chairman  
Board of Supervisors