

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS HELD
ON TUESDAY, APRIL 20, 2010, IN THE BOARD ROOM OF THE HISTORIC
COURTHOUSE, SALUDA, VIRGINIA:

Present: Carlton S. Revere, Pinetop District
Fred S. Crittenden, Pinetop District
John D. Miller, Jr., Saluda District
Pete W. Mansfield, Saluda District
Wayne Jessie, Sr., Jamaica District

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

CALL TO ORDER

The Chairman, Mr. Miller, called the meeting to order and offered a prayer. Mr. Culley led the Pledge of Allegiance.

PUBLIC HEARING – VDOT SECONDARY TRANSPORTATION PLAN AND BUDGET

Marcie Parker, Resident Administrator, presented the 2011-2016 secondary transportation plan and budget for FY 2011. Mrs. Parker explained that last year there were four (4) projects on the plan. Two of the projects, Route 669, Brandon Point Road, and Route T1027, Parkview Lane, were complete, with \$32,330 left over and available to be applied to another unpaved road project with a traffic count of 50 or above. The Route 630 project is currently under construction and has been fully funded. The Route 629, Stomont Road project must be removed from the plan because the cost of the project is over 5 million dollars and there are no major construction funds available. The FY 11 budget has \$35,955 and FY 12-16, has \$35,674 in each year. A total of \$297,639 is available for projects over the next six years. There are a total of 14 unpaved secondary roads, totaling 6.65 miles, in the county. The remaining \$32,330 from the Parkview Lane project could be applied to six of the 14 unpaved roads.

Mr. Miller opened the hearing for comments from the public. Lewis Briggs spoke in favor of improvements to Route 619, noting that there had been no improvements to the road since its construction and the traffic counts were much higher now. There being no additional comments, the public portion of the hearing was closed.

Mrs. Parker was asked about the cost for improving a road. She noted that it varies, however, the cost for the Stampers Bay Road project, including acquisition of right of way has been approximately 3 million for one mile. There is only money to do

small projects, such as rural rustic road construction, which is basically a pave in place plan. These roads must meet specific criteria, including limited average daily traffic. The average daily count on Route 619 is 200-300 vehicles per day. The Stampers Bay project was too far along in the process to stop by FY 09. Once a project has reached a certain phase, it must be constructed, or the locality may be required to refund monies expended for right of way and engineering.

No action was taken regarding which projects would be added to the plan. It was noted that if the Route 629 right of way was abandoned or discontinued, a portion of the funding would be used to construct permanent turnarounds on each side of the dam.

PUBLIC HEARING – ANNUAL REVIEW: CHAPTER IX – PLAN IMPLEMENTATION SCHEDULE AND FUTURE LAND USE MAP UPDATE

Mr. Walker presented a proposed action plan, including general time frames, for implementation of action steps included in Chapter VIII of the Comprehensive Plan. The plan includes various ordinances and plans to be reviewed and studies to be made and time frames for them to be done. The Planning Commission will oversee the process and the schedule will be reviewed annually between January and March to track progress. The Planning Commission recommends adoption of this Implementation Schedule.

In addition, Mr. Walker presented a request for an update to the Future Land Use Map, as submitted by Mr. Oscar Barber. Mr. Barber has requested that his properties, listed as Tax Map Parcel 37-4 and 4a, located at 7962 General Puller Highway in Topping, be changed from Agricultural Conservation Areas to Commercial. The property is currently zoned Low Density Rural and the use of the property is commercial in nature. The current future land use map shows High Density Residential and Commercial land uses on adjoining parcels with Commercial and Agricultural Conservation across the highway. If granted, the Harmony Village future development “node” would be solidified with respect to the removal of the gap between more intense land use designations. The Planning Commission recommended approval of this request. It was noted that if approved, a rezoning application would have to be applied for and approved to change the actual zoning of the property to commercial.

Mr. Miller opened the public hearing for comments. There being no comments, the public portion of the hearing was closed. Mr. Walker explained that the Planning Commission subcommittees, Ordinance Review, Technical Review and Landscape, were already working on some of the reviews. The motion to approve the implementation schedule and the update to the future land use map requested by Mr. Barber was made by Mr. Mansfield, seconded by Mr. Jessie and carried unanimously.

SCHOOL MATTERS

Appropriations: The motion to approve the following appropriation was made by Mr. Crittenden, seconded by Mr. Revere and carried unanimously: FROM: 3-071-018991-0001, \$2,726.46, Insurance Recoveries Refund TO: 4-071-064200-3000-900, Repair and Maintenance Supplies. In and out appropriation of funds received from insurance claim for damage to school zone flashing lights.

The motion to approve the following appropriation of additional stimulus funding received was made by Mr. Jessie, seconded by Mr. Mansfield and carried unanimously: FROM: 3-071-038438-9000, \$187,788.21, Title I ARRA Funds and 0371-038439-1000, \$290,192.00, IDEA – ARRA Funds TO: various lines in the Title I ARRA Grant and IDEA – ARRA Grant. Additional funding received for Title I and IDEA under the American Recovery and Reinvestment Act of 2009. Funds not spent this fiscal year will be carried over into FY 2011 and must be used under the guidelines designated for their respective grants.

Capital Projects:

Mr. Fairheart requested to apply \$13,201.09 remaining from two capital projects (thru-wall flashing at MHS and septic covers at SCW) to complete three additional projects proposed in his FY 2011 capital improvement request: ridge vent and apron flashing at MHS gym (\$7,550) and security fence and gates (\$8,091). The motion to approve the use of \$7,550 toward the roof projects was made by Mr. Jessie, seconded by Mr. Revere. Mr. Fairheart indicated that water was been leaking in the gym and damaging ceiling tiles and that the entire roof was in need of repair and suggested that if the Board did not approve the fencing project then he would like to apply the remaining funds to additional repair of the roof. The motion to amend the original motion and move that the entire remaining funds, \$13,201.09, be used to rehabilitate the roof was made by Mr. Jessie, seconded by Mr. Revere and carried unanimously.

EVB DAY

The motion to adopt the following proclamation was made by Mr. Revere, seconded by Mr. Mansfield and carried unanimously:

Middlesex County, Virginia
Board of Supervisors
PROCLAMATION

WHEREAS, EVB was founded in 1910, and has since grown to encompass 25 branches with a current employment of over 300 Eastern Virginians; and

WHEREAS, EVB has three branches in Middlesex County – Deltaville which opened in 1997 and Hartfield and Urbanna which opened in 1988; and

WHEREAS, EVB is a local community bank dedicated to helping its customers achieve their financial dreams, and has done so over the decades by working on a personal level with families and local businesses; and

WHEREAS, EVB continues to strive for excellence by continually innovating with new products and services, while staying true to its community values and trusted relationships; and

WHEREAS, EVB has made it a priority to perform charitable work in the local Middlesex County community. EVB and its employees willingly donate their time and money in support of many Middlesex County community efforts such as volunteer fire and rescue squads, the public library and museums, Masonic lodge functions, Kiwanis Club, Urbanna Business Association, and the Business Development Partnership; and

WHEREAS, EVB is a local business celebrating a century of community banking this year; and will continue to seek to foster a vibrant, prosperous Eastern Virginia for its employees and their families.

NOW THEREFORE, BE IT RESOLVED BY THE MIDDLESEX COUNTY BOARD OF SUPERVISORS that this board, for and on behalf of the citizens of Middlesex County, does hereby recognize EVB for its steadfast dedication to economic growth and community service.

BE IT FURTHER RESOLVED that May 1, 2010, is hereby proclaimed to be “**EVB Day**” in Middlesex County.

Adopted this 20th day of April, in the two thousand and ten year of our Lord.

ROUTE 629 – HEALY’S MILL POND

Several citizens living in the area of Healy’s Mill expressed their concern with the inevitable failure of the dam and what could be done to help lessen the impact. Mary Ann Willis expressed concern with the damage to be done downstream, to properties and the possibility of it breaking while people are in the water. In her conversations with the Department of Conservation and Recreation, the regulatory agency for dam safety, their recommendation would be to lower the water level. She noted that if the Board of Supervisors could also help support the lowering of the water, it would help in their efforts to preserve the dam. Oscar Barber commented that the Board of Supervisors needed to consider the property tax loss from losing waterfront housing. He added that the spillway would not be difficult to repair, however, he still favored keeping the road closed to through traffic. Dan Downs favored lowering the water level and also for discontinuance rather than abandonment of the right of way. Patty Griffin commented that the environment needed to be preserved for the wildlife and there needed to be more done to prevent people from crossing the barricades. Richard Willis stated that it was not necessary for the Board to do anything formal, however, the citizens would appreciate their general support.

Mr. Soberick advised the Board that this is a private dispute between property owners and he cautioned the Board against any involvement. However, he noted that the Board of Supervisors has already gone on record to maintain or preserve the road/dam with their previous actions.

COLLECTIVE BARGAINING

The motion to oppose proposed mandatory collective bargaining legislation for public safety employees and to send this opposition to legislators was made by Mr. Revere, seconded by Mr. Crittenden and carried unanimously.

CONSENT AGENDA

Mrs. Jones noted that there were four invoices charged to the Sheriff's Department, totaling \$2,531.70, which would overrun his budget for repair. Mrs. Jones added that the Sheriff needed to request additional funds for repair and for fuel. The motion to approve payroll and disbursements was made by Mr. Jessie, seconded by Mr. Mansfield and carried unanimously.

Payroll: Checks numbered 67194 through 67268 totaling \$122,147.46 were disbursed as approved.

Disbursements: Checks numbered 67330 through 67394 totaling 74,060.70 were disbursed as approved.

OLD/NEW BUSINESS

Inmate Labor

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

RESOLUTION

WHEREAS, the Middle Peninsula Regional Jail Authority (the "Authority") has recently adopted a new policy regarding the use of inmates for work on state, county or town property or property owned by tax exempt non-profit organizations; and

WHEREAS, that policy includes a requirement for a Court order to be signed allowing inmates to work on such property in the County; and

WHEREAS, the policy also requires a resolution of the Board of Supervisors of the County agreeing that the inmates may be assigned to work on such property and designating who will be responsible for paying for the supervision of and other charges for such inmates;

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of Middlesex County that the Board authorizes inmates from the Middle Peninsula Regional Jail who are qualified by Section 53.1-129 of the Code of Virginia to work on state, county or town property or property owned by tax exempt non-profit organization or otherwise as set forth in the Authority's policy on Use of Inmates for Community Services; and

BE IT FURTHER RESOLVED that the Board of Supervisors agrees to pay for the supervision of and other charges for such inmates as set forth in the policy for their work on County property only, subject to the Court granting an Order authorizing such activity and approval of each use by the jail

superintendent, the sheriff and the County Administrator. Any other tax exempt, non-profit organization would be responsible for any costs they incur in using inmate labor.

Meals Tax:

Mr. Revere requested that the Board reconsider proceeding with a Meals Tax at the next regular meeting.

PUBLIC COMMENT

Purnell Wood updated the Board regarding the census project.

Bob Calves expressed his opposition to VDOT's policy for cleaning bridges. He noted that he had observed VDOT workers pushing sand and salt debris into the water and onto boats below. In addition, the street cleaner that cleaned the streets in Urbanna came during a heavy rain, so the equipment was not able to lift the sand off the streets.

CLOSED SESSION

The motion to convene in closed session to discuss a personnel issue pursuant to the Code of Virginia, §2.1-3711.a1, was made by Mr. Jessie seconded by Mr. Crittenden and carried unanimously. Upon reconvening in open session, the following motion was read by Mr. Soberick 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.

RECESSED

There being no further business, the Chairman recessed the meeting until the public hearing on the budget, scheduled for April 22, 2010 at 7:00 p.m..

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