

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, AUGUST 3, 2010, IN THE BOARD ROOM OF THE
HISTORIC COURTHOUSE, SALUDA, VIRGINIA:

Present: John D. Miller, Jr., Saluda District
Pete Mansfield, Saluda District
Wayne Jessie, Sr., Jamaica District
Fred S. Crittenden, Pinetop District
Carlton Revere, Pinetop 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 led the group in prayer. Mr. Culley led the Pledge of Allegiance.

CONSENT AGENDA

The motion to approve the July 6th and July 20th minutes as written and disbursements was made by Mr. Mansfield, seconded by Mr. Jessie and carried unanimously. Disbursements numbered 68126 through 68200 totaling \$114,543.65 were disbursed as approved.

CONSTITUTIONAL OFFICERS

Treasurer, Commissioner of Revenue, Sheriff

Mrs. Thrift, representing the Treasurer's Office, had nothing to report.

Mrs. Davenport reported that personal property records are complete and ready to send to the Treasurer. The deadline for completion of the records is September 1st.

In response to Mr. Revere's question, the Sheriff stated that his department keeps track of expenses by vehicle.

Circuit Court Clerk

Mrs. Walton suggested the Board consider adopting an inheritance tax ordinance allowing the collection of a tax on wills put to record in the County. Mrs. Walton estimated that the County could have collected \$3,574.26 in tax revenue for the estates totaling over 10 million dollars in 2009. With an average estate value of \$374,000.00, the tax would be \$124.83. Mrs. Walton noted that while it is not much of

a total, it was the only way her department had to raise revenue for the county. No action was taken by the Board; the matter was tabled to the next day meeting. Mr. Crittenden suggested that the Board should be careful about putting on too many taxes, especially when citizens would be considering the meals tax referendum in November.

HIGHWAY MATTERS

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

Mowing: Secondary roads will be mowed in mid-August; a second mowing of primary roads will occur in mid-September.

Stampers Bay Road: This road is open now with a current speed limit of 45 mph. A new speed study will be done. The through truck restriction signs will remain in place for now, but will have to be removed if the Board does not pursue the restriction again.

Burning Ban Signs: Mr. Revere thanked VDOT for putting up the sign boards for the announcing the burn ban.

Route 612: Mr. Jessie thanked VDOT for repair of the pothole on this road.

Marsh Pungo Speed Study/Golf Carts: A petition has been received from citizens desiring the Board to adopt an ordinance allowing golf carts on a portion of Route 634 Marsh Pungo Road. This road is currently not posted for speed, however, there is a curve warning sign with a suggested speed of 15 mph from the Whiting Creek cul-de-sac. One of the requirements prior to adopting an ordinance for golf carts is a 25 mph speed limit. Board members requested that a speed study be initiated for the section of Marsh Pungo Road from Whiting Cove Road to the end.

Public Comment: Lewis Briggs presented pictures of other roads in the County that have had improvements made since his request for assistance and paving on Healy's Road. Mr. Briggs commented that the citizens on Healy's Road are not getting fair treatment. Mrs. Parker commented that paving on one referenced road, Fishing Bay Road, had been scheduled since last year, when the paving schedule was made up and contracts let. Healy's Road is on the pavement schedule for next spring; the projects will be advertised around November.

SCHOOL MATTERS

Mr. Fairheart updated the Board on school population and noted that final results for SOLs should be available in the next two weeks. Board members were invited to attend Convocation at St. Clair Walker on August 24th, including lunch.

DELTAVILLE MARITIME MUSEUM

Bob Kates and Bob LeBoeuf, Treasurer, were present to represent the Deltaville Maritime Museum at Holly Point Park. Mr. Kates requested the Board consider leasing the Holly Point property to the Deltaville Community Association for a period of 99 years. The current lease is for 10 years, with an opportunity to renew for 10 years. The Maritime Museum is one arm of DCA. Mr. Kates indicated that a long term lease arrangement would give a sense of permanence and hopefully encourage large donations or bequests. The Museum has a 10-year plan for improvements at the property which will take a lot of money. The Museum/Park is now seen as an economic contributor and destination spot for the area. Mr. Kates explained that the Museum is in the process of applying for its own tax exempt, 501.C.3 status, separating itself from the DCA.

There was much discussion between Board members of whether a 99 year lease was too long and whether a 25 year lease (as approved in 2006 for the YMCA) would suffice. Mr. Revere made a motion and seconded by Mr. Mansfield to table action on the lease until such time as the 501.C.3 is obtained and then consider a 99 year lease at that time. This motion was later withdrawn as there was more debate between members. A consensus was reached that a 50 year lease with opportunity for a 50 year extension would be acceptable; however, no motion was made at this time.

Debate then continued regarding the use of alcohol at the site. A policy approved in 2005 allows for the serving of alcohol to members and invited guests up to twelve (12) times per year on special occasions in connection with public relations and fundraising events; ABC approval is required and the Museum Board must notify the County Administrator prior to an event. Mr. Kates indicated that the Museum Board did not wish to be limited on the number of events and also wanted more flexibility with who to and how alcohol could be sold. Neither Mr. Culley nor the Board of Supervisors wanted the responsibility of regulating or approving the use of alcohol at specific events.

Mr. Soberick suggested that action be tabled to allow him an opportunity to meet with a representative of the DCA/Maritime Museum and come back with a new lease proposal for the Board. Mr. Revere noted that the issue of subleasing in the original lease needed to be addressed.

ELECTORAL BOARD

Mr. Robert Tassone, chairman of the Electoral Board requested the Board's consideration of changing the polling site for the Harmony Grove Precinct from the Pilot House Restaurant to the Cryer Center. It was noted that the Cryer Center was better suited for handicap accessibility, lighting and roominess. The Code of Virginia requires that precinct changes be made no later than 60 days prior to an election. In order to meet the requirements for the November election, changes would have to be adopted by September 3, requiring a special meeting of the Board in order to have a public

hearing. The other option would be to wait until after the November election and conduct a public hearing at a later date, to take effect in 2011. The Board noted that it was important not to confuse voters, when active participation in the meals tax voter referendum was necessary. The motion to wait until after the November election to advertise proposed changes was made by Mr. Mansfield, seconded by Mr. Crittenden and carried unanimously.

AIRPORT COMMITTEE

Runway Sealing and Remarketing: The motion to request bids for resealing and remarketing the runway at the airport was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously. It was noted that remarketing the runway was a condition of licensure from the Department of Aviation and resealing would be needed in the near future and should be done prior to remarketing. Reimbursement of 80% of costs should be available from the Department of Aviation.

Wings and Wheels Grant: The motion to accept the promotion grant from the Department of Aviation was made by Mr. Revere, seconded by Mr. Jessie and carried unanimously. The Department will reimburse 50% of eligible Wings and Wheels expenses up to \$3,937.50.

Appointment: The motion to appoint Phillip Loftis to fill the at-large position previously held by John Waldrop was made by Mr. Mansfield, seconded by Mr. Jessie and carried unanimously. This term will expire August 31, 2011.

EMERGENCY SERVICES

Community Services Board:

The motion to enter into a memorandum of agreement with the Community Services Board to incorporate the CSB and County's emergency plans for use in the time of an emergency or disaster situation was made by Mr. Revere, seconded by Mr. Jessie and carried unanimously.

VDFP Assessment:

Mr. Revere explained that the Department of Fire Programs, upon request from the Board of Supervisors and approval of the Fire Services Board, would undertake a comprehensive assessment of the county's fire and rescue services. There is no cost to the county other than providing meals and transportation for committee members. The County Emergency Services Committee has recommended the Board's participation in this study. The motion to request a study by the Department of Fire Programs was made by Mr. Jessie, seconded by Mr. Mansfield and carried unanimously.

PENEX 10:

Mr. Revere informed the Board that the County would be participating with other localities in the Middle Peninsula and Northern Neck in an emergency exercise being designed to test the functionality and capabilities of the County's emergency operations center. The exercise will take place on October 20, 2010.

CAPITAL IMPROVEMENT PLAN

Mr. Walker requested clarification regarding the approval given at the July 20th meeting of the Capital Improvement Plan. Mr. Walker noted that approval was given to move the wastewater treatment plant up in priority, however, no mention was made of whether the funding side would also change. The Board agreed that no changes would be made to the funding distribution. Mr. Walker reminded the Board that all projects and descriptions would be addressed with the next update, possibly starting in January, 2011, as they had not been addressed since 2005.

Mr. Revere noted that Gloucester County has been very pleased with the work of the Virginia Institute of Government in analyzing their capital improvement plans.

COMMITTEE REPORTS

Mr. Mansfield: No report

Mr. Revere: The Regional All Hazard Mitigation is almost complete; a public hearing on the plan will be held in Gloucester. Also, funding has been received to enable the PDC to offer low interest loans for failing septic system replacement. Mr. Revere requested that information on this project be added to the County's website.

Mr. Crittenden: At the July Jail Board meeting, Superintendent Doss presented proposals for the suggested expenditure of \$435,000.00 in unspent funds from the FY 10 budget. Mr. Crittenden has heard that Mr. Doss will be revising his proposals for presentation at a later meeting, noting that the ending balance may not have been as much as originally thought. Mr. Crittenden also noted that none of the other counties of the Jail Authority seem to be as concerned or questioning about expenditures. Mr. Crittenden will continue to keep this board advised.

Mr. Jessie: No report

Mr. Miller: attended the meeting with Senator Warner hosted by Mathews School Board.

OLD/NEW BUSINESS

Mrs. Jones reported that the Landfill Monitoring Contract has been prepared between the Virginia Peninsulas Public Service Authority (VPPSA) and Joyce Engineering (Joyce) and each locality requiring landfill monitoring is being asked to sign an agreement between themselves and VPPSA. VPPSA had issued the RFP for services and a panel including county representatives had interviewed the responding companies.

Mr. Mansfield noted that while he was pleased with the services performed by Joyce Engineering in the past, he wanted to make sure the contract was clear and reflective of the work required. Mr. Mansfield expressed several concerns, including that no copy of the contract between VPPSA and Joyce was included, and there was no description of what was included in "baseline services". Board members and Mr. Soberick agreed that the agreements for each participating locality should describe what baseline services were included. Mr. Mansfield also questioned the amount of the administrative fee and noted that the fee amount should be a part of the agreement. Mr. Culley noted that the administrative fee is set by the Executive Board of VPPSA and it is the same fee for each participating locality. The VPPSA Board has two sets of fees, one for administration of contracts where work is performed by others and a separate fee if VPPSA employees are actually performing services, such as operation of the transfer center.

The agreements between individual localities and VPPSA had been prepared by the VPPSA legal counsel. Mr. Soberick stated that he had no problem with the contract with the exception of the need to include the description of baseline services. He added that VPPSA was representing the localities and if the County was not happy with the services they perform or fees charged, then the way to handle it is to not be a participant in the Authority.

The motion to accept the agreement with an amendment including a description of baseline services, was made by Mr. Revere, seconded by Mr. Jessie and carried unanimously.

PUBLIC COMMENT

Harold Muller had comments regarding the proposed transient lodging tax ordinance (public hearing scheduled for August 17). Mr. Muller disagreed with the definition of "transient" noting that the proposed ordinance would not include those campers with "permanent" units, even if the units were occupied for less than 30 consecutive days. Mr. Culley and Mr. Soberick commented that those units are taxed as personal property and that the ordinance is meant to address those that pull units in and out of campgrounds, requiring that they check in with each arrival. Boaters staying on their boats in marinas would not be required to pay the tax, as the Code of Virginia does not authorize the tax on marinas.

Mr. Muller also questioned the amount proposed to be charged, noting that the lowest percentage was being proposed, where other localities were charging more. Mr. Soberick responded that the Code of Virginia specifies that the maximum that can be charged is 2% unless the locality has a tourism function to which an additional 3% could be charged and applied. The General Assembly has approved legislation allowing several other localities to charge an additional fee.

Mr. Muller also requested that Board members and staff speak up so that they can be heard in the audience.

CLOSED SESSION

The motion to convene in Closed Session, pursuant to Code of Virginia Section 2.2-3711.A7, to discuss a letter of complaint filed against the Board of Supervisors and Social Services Board was made by Mr. Jessie seconded by Mr. Revere 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.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.

ADJOURN

There being no further business, the meeting was adjourned until the next regular meeting on August 17, 2010.

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