

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, DECEMBER 7, 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

Absent: Michael T. Soberick, County Attorney

CALL TO ORDER

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

CONSENT AGENDA

The motion to approve the Consent Agenda, approving the minutes of November 2nd and November 16th and the December 7th disbursements was made by Mr. Jessie, seconded by Mr. Revere and carried unanimously. Disbursements numbered 68908 through 69063 totaling \$319,557.77 were disbursed as approved.

CONSTITUTIONAL OFFICERS

[Treasurer, Commissioner of Revenue, Sheriff](#)

Mrs. Bray, Treasurer, was present and reported that tax revenue was being received.

Mrs. Davenport, Commissioner of the Revenue, was present and informed the Board that the reassessment firm started yesterday working on the sale study. Mrs. Davenport requested that the Board reconsider the issue of land use applications, and revalidating them at four-year intervals rather than every six. Mrs. Davenport clarified that everyone currently receiving land use submits for revalidation at the same time; renewal applications are not based on when the initial application is made and are not staggered as the Board previously understood. The issue of land use applications would be discussed by the Board at the January meeting.

Sheriff Abbott reported that 29 arrests were made during the Oyster Festival. The Chief Magistrate came to the Sheriff's Office during the event and saw firsthand

the issues the Sheriff had previously discussed. The magistrate has assured the county administrator this matter would be worked out before next year's event.

The motion to approve the following appropriation was made by Mr. Revere, seconded by Mr. Crittenden and carried unanimously: FROM: 3-1-23020-0050, Finger Roll Live Scan, \$454.00, TO: 4-1-31020-5412, Live Scan, \$454.00; appropriation of fees collected.

HIGHWAY MATTERS

There was no one present to represent the Department of Transportation. Mr. Revere questioned whether the Board should reprioritize its road projects since the County may be receiving more funding. Mr. Culley noted that VDOT has never said how much of the State surplus will be coming to the local office.

SCHOOL MATTERS

Mr. Fairheart reported that the system has a school population of 1200 as of December 2, built on a membership of 1200 and updated the Board on school activities. The gym roof project received five proposals with the School Board selecting Melvin T. Morgan as the contractor. The School Board is now looking for someone to hire as the Clerk of Works for the project.

LANDFILL MATTERS

Jenny Johnson from Joyce Engineering was present to inform the Board of the response from the Department of Environmental Quality with regard to the proposed consent order. Mrs. Johnson noted that there were several points that DEQ would not bend on, including notification requirements and the ability to terminate the agreement if the County paid the corrective action fee. Mr. Culley noted that the language required by DEQ for notification was the same as for active sewage treatment plants and should not be applied to a closed landfill. It was noted that the County had implemented the required corrective action in September. The consent order is being required by DEQ in lieu of paying the review fee.

It was noted that the fee was established in 2004 by DEQ for worse case scenarios; the County's landfill does not fit in that category. Delegate Morgan has been able to twice intercede on the County's behalf to have the fee requirement overlooked. Mr. Revere suggested contacting Delegate Morgan again to advise him of the current status and our fear that the next step will be the County being demanded to sign the order or pay the fee. Mr. Mansfield noted that he did not believe DEQ would ever be lowering the fee from what is currently being required and he also did not believe that DEQ would penalize the County if there was a violation of their notification requirements. Mrs. Johnson noted that the Plan may have to be in effect for 10, 15, 20 years, it is an unknown.

Mr. Mansfield questioned Mrs. Johnson regarding current levels of chemicals that have exceeded DEQ allowable levels. Mrs. Johnson explained that the contamination is not moving; rather that DEQ is changing the allowable levels. If necessary, aggressive treatment to reduce the contaminate level will be required. Regarding vinyl chloride, this is not only a direct product, but it is also a by-product of degradation.

Mr. Revere noted that the County understands and respects the responsibility of DEQ, however, we believe that any fee is better served in actually solving the problem. It was the consensus of the Board that a letter be sent to Delegate Morgan.

NO DISCHARGE ZONES

Margaret Smigo with the Department of Environmental Quality gave a presentation on No Discharge Zones (NDZ) and the impact of regulations on the ability to discharge treated sewage from Type I and Type II marine sanitation devices. In Middlesex, Broad Creek and Jackson Creek/Fishing Bay received approval as No Discharge Zones in 2009. It was noted that in Jackson Creek the number of transient pump outs increased from 5,000 to 7,500 after implementation of the NDZ. Mr. Revere suggested that a regional approach for implementation seems like a better approach. Mr. Revere and Mr. Jessie would take this issue to the Planning District Commission for consideration.

INFORMATION FROM MATHEWS COUNTY

Janine Burns, a Mathews County Board member had presented information to the Planning District Commission regarding her opinions on total maximum daily loads (TMDLs) and suggested that the Virginia Association of Counties (VACo) should take a stance representing rural localities. Mr. Mansfield noted that he was opposed to some of Mrs. Burns' statements, however, she is on the VACo environmental committee and can certainly present her views.

COLONIAL GROUP HOME COMMISSION

The Board considered an option to prepay \$21,000.00 for 174 days from the Colonial Group Home Commission. Last year, and to date this year, the County has not had to use any days at the Crossroads Group Home. If the County entered the contract, it would have to pay the \$21,000.00 whether the days were used or not. The motion to not accept the proposal was made by Mr. Mansfield, seconded by Mr. Revere and carried unanimously.

REQUEST TO WAIVE FEES

The motion to approve waiving the building permit fee of \$306.00 for a roof project at the YMCA was made by Mr. Crittenden, seconded by Mr. Revere and carried unanimously.

REDISTRICTING

Mr. Culley explained that he had been contacted by several citizens interested in participating on a redistricting committee to propose options for the re-division of voting districts based on the 2010 census information. Mr. Culley showed the information used with the 2000 census and how there really were only two options for creating the districts. Mr. Culley does not expect there to be many options available this year; in other words, no work for a committee. By consensus, the Board agreed that the census block information and work to create voting districts could be handled by staff, however, they encouraged citizens to meet with Mr. Culley if interested in seeing how the process was handled.

APPROPRIATION REQUEST

The motion to approve the following appropriation request was made by Mr. Revere, seconded by Mr. Jessie and carried unanimously: FROM: 3-1-18030-0006, \$10,881.61, Insurance Reimbursement TO: 4-1-12190-5300, \$10,881.61, Equipment Reimbursed. This was the insurance reimbursement received for the lightning damage claim from July 19, 2010.

HEALYS MILL UPDATE

Matt Walker, Planning Director, commented that both he and Mr. Soberick, the County Attorney, share the opinion the County does have an interest in the application submitted by Mr. Ruark for draining Healy's Mill Pond to create a wetlands mitigation bank. According to Mr. Walker, there are many deed covenants concerning the regulation and use of the two lakes/ponds that are to be enforced by the homeowners association and neighbors. Several proffers submitted to the County with the 2004/05 rezoning application also referred to use of ponds/lakes, including reference to use as a reservoir. These proffers were voluntary on behalf of the applicant; any change in the proffers would require a public hearing and approval by the Board of Supervisors.

Mr. Walker has drafted a letter to Adrian Jennings, Army Corps of Engineers, regarding these proffers and the use of the pond as a future water source and recreational use by adjoining property owners. Mr. Miller noted that it seems many of the proffers refer to the lakes and there may be some requirement to maintain the lake/pond. It was a consensus of the Board for Mr. Walker to send the letter.

AIRPORT SEALING PROJECT

The Board reviewed the information on the product to be used for sealing the runway and the need to have temperatures above 50° for application. The motion to extend the project completion date to June 1 and to add \$500.00 for an additional runway marking was made by Mr. Revere, seconded by Mr. Mansfield and carried unanimously. The total project will cost \$16,060.00.

JOHNSON GRASS ORDINANCE

The motion to advertise a public hearing on a proposed ordinance regulating the prevention of Johnson Grass was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

COASTAL PRIMARY SAND DUNE ORDINANCE

Mr. Miller clarified that an advertising fee could be charge separately to applicants. Mr. Walker explained the area of jurisdiction with the proposed ordinance. The motion to advertise a public hearing on a proposed Coastal Primary Sand Dune Ordinance was made by Mr. Mansfield, seconded by Mr. Revere and carried unanimously.

RESPONSE TO HRSD

With one revision, the motion to send the letter prepared in response to HRSD's request for commitment was made by Mr. Mansfield, seconded by Mr. Jessie and carried unanimously. The letter states the Board's inability to commit to specific proposals from HRSD at this time.

REASSESSMENT PROPOSAL

The motion to approve the contract between the County and Wampler-Eanes for the 2012 reassessment was made by Mr. Jessie, seconded by Mr. Crittenden and carried unanimously.

COMMITTEE REPORTS

Board members reported on activities of their various committees and special meetings. Mr. Crittenden requested that a survey be made of the north end trees to see if they are encroaching into airspace. Mr. Culley informed the Board that the fueling system is currently down for repairs. Mr. Revere noted that the PDC has voted to fund the local share of the Army Corps of Engineers survey allowing us documentation for low draft, shallow water projects and the ability to contact federal

legislators for funding. The Corps is also working concurrently with representatives from Jackson Creek regarding a problem with the channel.

Mansfield – no discussion of costs or firm options of how to reduce pollutants; shifting nutrient requirements does not fix the problem. Mr. Mansfield requested that the Board read and endorse his promotion of land application. Mr. Mansfield added that this may not be the fix, but at least it is an attempt, rather than just throwing money at it.

OLD/NEW BUSINESS

VPPSA Convenience Center: Mr. Mansfield requested that the rules for the VPPSA Convenience Center be posted at the site as well as on the County's web-site. Mrs. Jones reported that the signs are being made. VPPSA is also working on proposals for a chipping option as well as direct hauling to the material recycling facility in Yorktown.

Budget Requests: Mr. Revere requested that county departments be asked to submit their budget requests with 2, 4, and 6% decreases.

ADJOURN

There being no further business, the motion to adjourn was made by Mr. Revere, seconded by Mr. Mansfield and carried unanimously.

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