

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS HELD
ON TUESDAY, JANUARY 19, 2010, IN THE BOARD ROOM OF THE HISTORIC
COURTHOUSE, SALUDA, VIRGINIA:

Present: Carlton S. Revere, Pinetop District
Fred S. Crittenden, Pinetop 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

Absent: John D. Miller, Jr., Saluda District

CALL TO ORDER

In the absence of Mr. Miller, Vice Chairman Jessie called the meeting to order and offered a prayer. Mr. Culley led the Pledge of Allegiance.

PUBLIC HEARING – REQUEST FOR WASTEWATER CONNECTION

Mr. Culley discussed the request from All Saints Anglican Church to connect the former Centenary Methodist Church building to the county's pump and haul system. This building currently has no water or sewer connections. A public hearing had been advertised to receive comments on this request.

Barry Goodwin, on behalf of the Anglican Church, presented the official request for connection. Bob Calves spoke in opposition to the request, noting that this is setting up a precedent for others who may want to connect to the system, adding that too many users would stretch the capacity of the current system and possible encouraging the Board to build a treatment plant. Mr. Calves commented that other options were available and the Church could establish their own pump and haul. Kathleen Goodwin commented that there had been a large public outcry to save the building and that this presented a unique situation in that the pipeline runs directly in front of the building; she did not see an issue with others wanting to connect to the system. There being no further comments, the public portion of the hearing was closed.

Mr. Crittenden suggested the County Administrator put together information about the proposed use and bring it back to the Board for vote at a later time. Mr. Revere commented he believed the details can be worked out between the applicant and Administrator's Office; the applicant has already agreed to pay the infrastructure cost, but would also need to agree to pay the on-going costs. He also noted that each

request for connection would be considered on a case by case basis and this would not set a requirement for allowing future connections. Part of the consideration for allowing this connection is the proposed use. Mr. Mansfield noted that it may be cheaper for the applicant to work out an agreement to purchase water from the adjoining building owner, rather than running both water and sewer pipelines; the county could still charge for the disposal costs. Mr. Jessie agreed that the proposed use of the building has a lot to do with approval of the request.

The motion to authorize working on an agreement between the County and All Saints Anglican Church for a wastewater connection was made by Mr. Mansfield, seconded by Mr. Crittenden and carried unanimously.

PUBLIC HEARING – REZONING APPLICATION 2009-004, CHRIST SCHOOLS IN THE DIOCESE OF VIRGINIA

Mr. Walker presented this application from Christ Schools in the Diocese of Virginia requesting rezoning of a portion of Tax Map 27-158. The entire parcel is in two sections, a total of 81+/- acres, although only the larger portion is being requested for rezoning to Village Community. The applicant desires to use a portion of the property to construct faculty housing and has presented proffers that address water and sewer, landscaping, access and parking, and monetary donations to police, fire and rescue. Additional proffers, including submission of the Christ Church Master Plan of Development, a better defined Area 11 on the Plan, and a statement that the proposed faculty housing would remain in control of Christ Church School by covenants, were added after the Planning Commission meeting. Mr. Walker noted that the entire Christ Church School property already acts as a village and includes its own mix of residential and commercial uses, including a post office, and church.

Mr. Jessie opened the hearing for comment. Tom Gardner expressed continued concerns that were not addressed at the Planning Commission meeting, including the need to further define Area 11 to include a metes and bounds description of the “golf cart path” and more restrictions as to who will own the homes if the school is no longer “in business”. John Byers, Headmaster of Christ Church School, commented that the intent is to build 5 houses on an area near the corner of Hibble Road and Crafton Quarter Road. He noted that the School does not plan to expand beyond their all time high of 240 students. The path is currently marked by a stone marker; however, it can be more formally defined. These houses would be sold to faculty, but would be restricted by covenant so that they could only be sold back to the School and would never be available to the public. This type of arrangement would allow the owner to gain equity in property. There being no further comments, the public portion of the hearing was closed.

Board members had questions for Mr. Byers, including the current capacity of the water treatment facility – current capacity of 40,000 gallons with approximately 7,000 used on a daily basis, and employment – 55 people full time. Mr. Mansfield asked about the proffers and whether more control was necessary to guarantee

against further development by someone other than Christ Church School. Mr. Soberick commented that the proffers are tied to the land, and no matter who owns the land, the restrictions run with it. The motion to approve the rezoning application, with the proffers submitted to the Board of Supervisors, was made by Mr. Crittenden, seconded by Mr. Mansfield, and carried unanimously.

HAMPTON ROADS SANITATION DISTRICT PROPOSAL

Mr. Culley suggested that the Chairman appoint a subcommittee of two Board members to meet along with him and representatives of Hampton Roads Sanitation District (HRSD) to discuss their proposal for continuing studies and services related to the Saluda wastewater treatment plant. Mr. Culley noted that options for wastewater treatment have changed since Dr. Pyne's letter to him in late 2009, as HRSD has been given a contract to operate the plant at the regional jail. Mr. Mansfield suggested that a letter be written to Dr. Pyne to advise him of the proposal to appoint a subcommittee.

REGIONAL REASSESSMENT

Mr. Culley updated the Board on the status of the regional reassessment project being studied by a Committee along with the Planning District Commission. According to Mr. Culley, most representatives on the Committee still feel it is a good idea; however, they want to get through the 2011 budget cycle. In order to be a viable project there needs to be at least four (4) participating localities in the effort with the objective being a better quality product.

BIDS FOR PRUNING TREE

Three bids were received for pruning the pecan tree across Route 33 from the South end of the airport runway; the property owner has agreed to have the tree trimmed but not removed at this time. The bids received were for \$775.00, \$795.00 and \$1,120.00. The motion to accept the bids and award the contract to Whispering Tree Service, in the amount of \$775.00 was made by Mr. Revere, seconded by Mr. Crittenden and carried unanimously. Reimbursement funding has been requested from the Virginia Department of Aviation.

VEHICLE REPAIR AND PURCHASE POLICY

Mr. Culley discussed the proposed revisions made to the County's vehicle repair that would allow repairs to be made outside of a repair shop and to accept an insurance appraisal or three estimates from body shops. Changes are also proposed to the purchase policy that would allow vehicles to be leased, however, the bid process and purchasing must remain with the County Administrator's Office.

Sheriff Abbott requested to be able to continue to use volunteers to repair vehicles and radio equipment, commenting on the money saved by having equipment

repaired "in-house", however, he did not want to have to ask for approval each time something needed to be done. Paige Bishop and Wayne Kidd are two people that volunteer labor; both are deputies, and Mr. Kidd is certified to do the work. Mr. Kidd noted that the Sheriff has a copy of his certification on file. In addition, Mr. Kidd requested that he be allowed to have a gas card, as he picks vehicles up to be repaired from the deputy's home and then returns them refueled. Mr. Kidd also has picked up parts after leaving his home in Richmond and wanted to make sure he could sign for them. Mr. Culley noted that approval only needed to be given to the person once, and not each time a job was performed.

Regarding vehicle purchases, the policy proposes to allow obtaining leased vehicles through the bid process. The Sheriff commented that he did not want the County Administrator telling him what kind of cars he needed to buy. He added that he uses federal, state or local bids to obtain cars and equipment. Mr. Culley commented that the Board is not telling the Sheriff what kind of car or equipment to order, just that the actual order and purchase needs to be made through the County Administrator. Mr. Revere added that this policy is not just for the Sheriff, but for any county vehicle. Mr. Crittenden asked about the savings and where the money went. The Sheriff replied that the County paid the bills for repair and the savings remained with the County.

The Sheriff commented that he did not have any problem with the proposed policies after specific issues were clarified. It was requested that a copy of Mr. Kidd's certification be given to the County Administrator's Office. Mr. Culley noted that invoices needed to be clearly marked as to what vehicle was being repaired so that insurance money could be allocated to cover the expenditure. Any savings from repair of the vehicle in-house would remain in the general fund.

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

POLICY REGARDING MAINTENANCE
AND REPAIR OF COUNTY OWNED
VEHICLES AND EQUIPMENT

The Board of Supervisors of Middlesex County recognizes that regular maintenance and repair of county owned vehicles and equipment by qualified mechanics and individuals is essential to prolonging the useful life of the equipment and vehicles.

The following policy is therefore adopted with regard to maintenance and repair of county owned vehicles and equipment:

1. All collision repairs to county owned vehicles require an appraisal estimate from the County's automobile insurer or at least three (3) estimates.
2. All county owned vehicles shall be repaired at ASE certified local repair shops, authorized factory dealer repair shops, or by otherwise qualified individuals approved in advance by the County Administrator

3. Payment for repairs shall be based on invoices submitted to the County Administrator's Office for all parts and labor.
4. County maintenance staff is authorized to make repairs as necessary to county vehicles with approval of the County Administrator.
5. All vehicle electronic and or communications equipment shall be maintained and repaired by county approved factory authorized service technicians or by qualified individuals approved in advance by the County Administrator.
6. No payment for work performed or repairs made by anyone other than in accordance with this policy shall be made without prior approval by the Board of Supervisors.

PURCHASE POLICY

- All vehicles will be marked patrol cars purchased or leased through the County Administrator's Office through State Contract or bid process, either by Middlesex County or another governmental agency. Non-marked vehicles must be approved in advance by the Board of Supervisors and bid out by the County Administrator's office and purchase or lease approved by the Board of Supervisors. All titles will remain in the County Administrator's office.
- For every new vehicle purchased or leased, one is to be returned to the County for the Board to decide its disposal. Used parts are not to be stripped from vehicles prior to disposal.
- Only vehicles purchased or leased by the Board of Supervisors will be fueled and insured by the County.
- There will be no payments authorized for vehicles purchased outside of these policies.

In other business, the Sheriff requested the Board's support in opposing proposed legislation for the State to take court fees away from the County and to oppose proposed cuts to the Sheriff's budget.

COLONIAL GROUP HOME

Discussion continued regarding the request from the Colonial Group Home Commission to participate in an annual contract for services in the amount of \$27,599.00, rather than paying a per-diem rate of \$173. It was noted that over the past 10 years, the average expense has only been \$12,000. The motion to not participate at this time was made by Mr. Revere, seconded by Mr. Mansfield and carried unanimously.

APPOINTMENTS

Planning District Commission – The motion to appoint Kenneth Williams to serve as the citizen appointee to the Planning District Commission was made by Mr. Crittenden, seconded by Mr. Revere and carried unanimously. This is the one-year term previously held by Mr. Revere that expires June 30, 2010.

Emergency Services – The motion to appoint William Thrift to serve as the at-large appointment on the Emergency Services Committee was made by Mr. Crittenden, seconded by Mr. Revere and carried unanimously. Raymond Burch is now the chief of Middlesex Volunteer Fire Department and will be representing that group.

Committee Appointments – Board members have received their Committee assignments from the chairman.

CONSENT AGENDA

The motion to approve payroll and disbursements was made by Mr. Mansfield, seconded by Mr. Revere and carried unanimously.

Payroll: Checks numbered 66649 through 66710 totaling \$296,849.47 and 66785 through 66787 totaling 644.74 were disbursed as approved.

Disbursements: Checks numbered 66711 through 66784 totaling 240,042.64 and 66788 through 66792 totaling \$550.00 were disbursed as approved.

PUBLIC COMMENT

Bob Calves thanked Mr. Mansfield for attending a recent Town meeting. Mr. Calves recommended that there be more interaction between the Town and County and suggested that Supervisors could rotate attending Town meetings.

OLD/NEW BUSINESS

Cash Flow:

Mr. Revere recommended that Mr. Culley and Mrs. Bray look at historic disbursements during this time frame with regard to cash flow.

Legislation:

Mr. Culley presented several proposed bills for review by the Board and suggested Board action to either support or oppose. The motion to support Senate Bill 280 was made by Mr. Mansfield, seconded by Mr. Revere and carried unanimously. The motion to oppose House Bill 839 was made by Mr. Crittenden, seconded by Mr.

Revere and carried unanimously. The motion to oppose Senate Bill 235 was made by Mr. Mansfield, seconded by Mr. Crittenden and carried unanimously. House Bill 1138, submitted by Delegate Morgan, is similar to Senate Bill 280, although Delegate Morgan will be asked to revise the bill to remove a restriction that a county food and beverage tax be used in place of raising real estate taxes.

RESOLUTION
SUPPORT OF SB 280

WHEREAS the Board of Supervisors of Middlesex County, Virginia, recognizes the need to broaden the existing tax base for the County, and

WHEREAS the County has already implemented most sources of alternative tax revenue; and

WHEREAS without the meals tax revenue the Board's only two choices are to further reduce services and to raise real estate taxes; and

WHEREAS the Board of Supervisors has tried unsuccessfully to pass a referendum to allow collection of a meals tax;

NOW, THEREFORE, BE IT HEREBY PROCLAIMED that the Board of Supervisors of the County of Middlesex, Virginia, supports adoption of Senate Bill 280 as an important source of funds for many years that will help provide additional funds to the schools and the general operations of the County.

Adopted this 19th day of January, 2010.

RESOLUTION
OPPOSITION TO HOUSE BILL 839

WHEREAS House Bill 839 is being considered as a way for the State to collect money for the Literary Fund; and

WHEREAS Middlesex County, in its enforcement of state vehicle laws within the County has been authorized to retain fines; and

WHEREAS Middlesex County potentially could lose between \$50,000.00 and \$100,000.00 in revenue if this Bill is passed; and

WHEREAS the County is already severely limited in its ability to collect revenue;

NOW, THEREFORE, BE IT HEREBY PROCLAIMED that the Board of Supervisors of the County of Middlesex, Virginia, opposes adoption of House Bill 839.

Adopted this 19th day of January, 2010.

RESOLUTION
OPPOSITION TO SENATE BILL 235

WHEREAS Senate Bill 235 is being considered to assess operators or owners of solid waste management facilities a fee of \$2.00 per ton on solid waste treated or deposited in their facilities; and

WHEREAS Middlesex County, a locality of less than 10,000 residents, already pays approximately \$361,000 for hauling and \$312,000 for disposal in a solid waste facility; and

WHEREAS these additional charges would be passed back to the locality, costing us approximately \$26,000 more per year for disposal; and

WHEREAS the County is already severely limited in its ability to collect revenue and is trying to reduce its costs;

NOW, THEREFORE, BE IT HEREBY PROCLAIMED that the Board of Supervisors of the County of Middlesex, Virginia, opposes adoption of Senate Bill 235

Appointment: Mr. Crittenden announced that the Regional Jail Authority has appointed a new superintendent who will start February 1st.

ADJOURNED

Mr. Soberick announced that he would not be present for the next meeting. There being no further business, the meeting was adjourned until February 2, 2010.

Wayne H. Jessie, Sr., Vice Chairman
Board of Supervisors