

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, JANUARY 5, 2010, IN THE BOARD ROOM OF THE
HISTORIC COURTHOUSE, SALUDA, VIRGINIA:

Present: Carlton Revere, Pinetop District
Pete Mansfield, 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 the Pledge of Allegiance. Mr. Crittenden led in prayer.

ANNUAL MEETING

Mr. Jessie nominated Mr. Miller to serve as chairman for 2010. Nominations were closed by Mr. Jessie and the vote was unanimous electing Mr. Miller. Mr. Crittenden nominated Mr. Jessie to serve as vice chairman for 2010. Nominations were closed 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. was made by Mr. Revere, seconded by Mr. Mansfield and carried unanimously. All regular meetings will be held in the Board Room of the Historic Courthouse.

MINUTES

The motion to approve the minutes from the meetings of December 1st and December 15th was made by Mr. Revere, seconded by Mr. Jessie and carried unanimously.

CONSTITUTIONAL OFFICERS

Sheriff:

Sheriff Abbott advised the Board that the State is looking into collecting some of the court fees now coming to the county. He will be working with Senator McDougal to have this corrected, but noted that he believed it to be a House proposal.

The Sheriff requested that the Board consider withdrawing the current vehicle repair policy and allow him to use his volunteer to repair vehicles in a private garage. The Sheriff presented an invoice for repair of a light bar that cost \$475.30 compared to his cost to repair the light at \$228.80, because he had no labor, transportation or paid personnel in his cost.

In addition, the Sheriff noted that all of his vehicles have over 100,000 miles on them and he will need to work with the County Administrator with regard to replacement. He suggested leasing several vehicles in order to get back on track with replacement and also requested that he be allowed to continue purchasing his own vehicles.

Mr. Revere requested time to review the current policies before making a decision. Action was tabled until at least the January 19th meeting.

Treasurer

Betty Bray, Treasurer, was present and reported that collections were about normal, between 92-95%. Mrs. Bray advised that there should be enough money in the treasury to cover bills for January and February, however, she advised the Board to consider adopting a line of credit to cover the cash flow problems.

Commissioner of Revenue

Mrs. Davenport reported that prorating new construction brought in an additional \$19,000.00 for the month of December.

HIGHWAY MATTERS

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

Route 619: Rock will be added to low shoulders on Route 619. Additional patching will be done when weather conditions permit.

Stampers Bay: This project is scheduled to start in February.

SCHOOL MATTERS

Superintendent Rusty Fairheart was present to represent the School Board and give an updated report on enrollment. Mr. Fairheart expressed his appreciation to the Health Department for their guidance and assistance with H1N1 vaccinations.

Mr. Crittenden informed Mr. Fairheart that W. D. Edwards, a neighbor to the high school, would like to meet with him rather than the principal to discuss an incident at the high school.

Appropriation: The motion to approve the following appropriation was made by Mr. Mansfield, seconded by Mr. Jessie and carried unanimously: FROM: 3-071-018030-1000, Rebates and Refunds \$1,920.74 TO: 4-071-061100-2823-900-100, ARRA Cobra Payments and FROM: 3-071-018990-9000, Sale of Surplus Property \$1,074.15 TO: 4-071-064200-6007-900, Maintenance Supplies. Appropriation of funds received from IRS for COBRA health insurance payments and funds from sale of surplus property.

PLANNING MATTERS

Chesapeake Bay Act:

David Sacks, Assistant Division Director and Nancy Miller, Senior Planner and Middle Peninsula Liaison, from the Chesapeake Bay Local Assistance Department, were present to discuss the Phase III and Compliance Evaluations required by the Chesapeake Bay Preservation Act. Phases I and II required mapping of Bay Act areas, adoption of management programs into local ordinances and adding Bay Act components into the County's Comprehensive Plan. These have been completed. Phase III will require review and revision of local ordinances and inclusion of specific standards that implement water quality performance criteria, including notations on plats and specific development standards to minimize land disturbance, preserve indigenous vegetation, and minimize impervious cover.

Mr. Sacks explained that the Bay Act was adopted to address non-point source pollutants and impacts of land use. Point source pollutants had already been addressed through other regulatory agencies and actions.

Wetlands Fees and Application Deadlines:

Mr. Walker brought to the Board's attention that the \$25.00 review fee adopted previously by the Board has not been charged for all applications, only for those application not requiring a public hearing by the Wetlands Board. Mr. Walker will implement charging the fee for all applications prior to processing.

In addition, Mr. Walker requested approval to change the deadline for submittal of Wetlands applications to the 3rd of the month, rather than the 10th. This will allow sufficient time for staff review, notices of fees due and collection of fees in order to make the advertisement deadlines. The motion to approve moving the deadline to the 3rd of the month, effective February 1, was made by Mr. Revere, seconded by Mr. Jessie and carried unanimously.

APPOINTMENT

Mr. Miller appointed Mr. Revere to serve as one of the Board's representatives to the Planning District Commission. A citizen appointment will be made at a later date

to fill the position Mr. Revere had previously held on the PDC. The citizen appointment is a one-year term that expires June 30, 2010.

Mr. Miller noted that he would be making other Board appointments at a later date.

COLONIAL GROUP HOME

No action was taken regarding a proposal from the Colonial Group Home Commission for non-secure detention services. The County currently participates with the Commission on an as-needed basis, paying a per diem rate for services. The per diem rate for FY 11 is \$173.00. The Commission has proposed that the County pay a portion of the Commission budget in the amount of \$27,599 for FY 11, which would provide the County with approximately 178 child care days, amounting to a cost of approximately \$155 per day. There is no guarantee that all the days would be available for the County and the County has no idea of whether or not that many days would be needed. The County would not receive a refund for unused days.

It was requested that a history of the previous 10-years financial activity with the group home be compiled for the next meeting.

DISBURSEMENTS

The motion to approve disbursements was made by Mr. Revere, seconded by Mr. Crittenden and carried unanimously. Checks numbered 66577 through 66648 totaling \$162,696.84 were disbursed as approved.

COMMITTEE REPORTS

Board members presented their reports on committee activities. Bids are being obtained for pruning the pecan tree across from the end of the runway.

REQUEST FROM ALL SAINTS ANGLICAN CHURCH

Barry Goodwin, representing All Saints Anglican Church, requested the Board allow the former Centenary Methodist Church to connect to the sewage treatment line. Mr. Goodwin had previously made a similar request that was withdrawn at the Board's September 1, 2009, meeting with no action taken. The motion to advertise for a hearing on January 19, 2010, was made by Mr. Jessie, seconded by Mr. Mansfield, and carried unanimously.

CLOSED MEETING

The motion to convene in closed session to discuss matters pertaining to personnel, pursuant to Code of Virginia, §2.2-3711.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.

OLD/NEW BUSINESS

Mr. Mansfield questioned the status of the Tier III application by the Town of Urbanna and whether or not the Board was going to act on Mr. Thimsen's request to have David Whitehurst from the Department of Environmental Quality attend a Board of Supervisors meeting. It was noted that the public comment period for this application was closed and the application was awaiting a hearing by the State Water Control Board. Mr. Culley noted that he had not spoken in opposition to the Town's application, but merely stated that the Urbanna Creek did not appear similar to other approved Tier III waters. No action was taken at this time.

CONSENT AGENDA

Mr. Miller noted that he would be implementing a consent agenda for the following items – minutes, payroll and disbursements. Board members can direct their questions to staff prior to the meeting and any corrections will be addressed during the meeting.

ADJOURN

There being no further business, the motion to adjourn the meeting until January 19, 2010 was made by Mr. Jessie, seconded by Mr. Revere and carried unanimously.

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