

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS HELD
ON TUESDAY, JULY 20, 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
John D. Miller, Jr., Saluda 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. Mr. Crittenden offered prayer; Mr. Culley led the Pledge of Allegiance.

PUBLIC HEARING – REZONING APPLICATION 2010-002

Matt Walker, Planning Director, presented this application, submitted by William Berkeley Fergusson, to amend previously approved proffers accepted by the Board of Supervisors for Tax Map Parcel 37-39c in May 2009. Since last year, the property has been surveyed and an accurate accounting of acreage recorded as 87.47 acres. Mr. Fergusson requests to amend the proffers as noted in **bold**:

1. The **Hartfield Green** property, **tax map parcel 37-39c**, shall be developed in substantial accordance with the phase 1 layout exhibit prepared by Alistair J. Ramsay L.S., P.C., dated April 14, 2009. The property shall occur over a three to four year period. The **87.47** acres of **the parcel** will be developed into a maximum of 31 residential lots and comply with current open space requirements.
9. The road off of Stormont Road for the subdivision lots shall not connect to any other roads outside the subdivision development.

It was noted that the Planning Commission recommended approval of these two proffer submissions and disapproval of a proposed change to Proffer #2, which was subsequently withdrawn by the applicant on July 12.

The Chairman opened the public hearing for comments. There being no comments, the public portion of the hearing was closed. The motion to approve the request as presented was made by Mr. Crittenden, seconded by Mr. Revere and carried unanimously.

PUBLIC HEARING – CAPITAL IMPROVEMENT PLAN

Mr. Walker presented the proposed Capital Improvement Plan (CIP) as recommended by the Planning Commission after their public hearing held on July 8, 2010. The Planning Commission unanimously recommended approval of the CIP with reprioritization of two projects (the High School East Wing Renovation and the Courthouse Sewer). Both projects were moved up in priority, to third and fourth respectively, from the CIP Committee's recommended priority ranking. It was noted that the east wing project was now ranked higher in priority, although the evaluation score was lower based on the urgency of the department request.

Mr. Miller opened the public hearing for comments. There being no public comment, the public portion of the hearing was closed. Mr. Miller commented that the Board of Supervisors could consider all projects and reprioritize as they desired. Personally, Mr. Miller suggested that the east wing project be moved back down and the sewage treatment system project moved higher. Mr. Mansfield questioned if the schools had submitted any new projects, such as the gym roof. Mr. Walker responded that no new requests were received from the schools, however, all departments would be asked to review and revise their current requests, as some have not been updated since 2006.

Mr. Revere questioned the Public Safety Facility. Mr. Culley noted that this request was from the Sheriff's standpoint of the facility and being accredited, as opposed to the 911 side. There are currently five full time dispatchers funded through the state for law enforcement; the state does not fund for fire and medical dispatchers. The County supplements with grants, power shifts and part-time employees. Regarding the sewage treatment system, Mr. Revere noted the need to have more robust discussions with Hampton Roads Sanitation District and that maybe this project should replace the public safety facility. It was added that something needed to be done before the time on the permit ran out. Mr. Jessie agreed with Mr. Revere's comment. Mr. Mansfield noted his opposition stating that there were too many options and questions regarding the sewage treatment to move the project forward.

Mr. Revere questioned what would be involved with adding the EOC to the basement at the Courthouse. Mr. Culley noted that the renovations would involve adding some walls and wiring to make computer stations along with a conference area and sleeping area. Space would still be available for the Commonwealth Attorney offices and another courtroom if needed.

Mr. Revere made a motion to amend the CIP by moving Priority #4, the Sewer Treatment System to the Priority #2 position. This motion was seconded by Mr. Jessie. The vote that followed approved the motion by a vote of 4-1, with Mr. Mansfield opposed.

DECLARATION OF EMERGENCY - DROUGHT

David Moore, Virginia Cooperative Extension Agent, Crop and Soil Science, estimated the combined loss to corn, soybean, small grain and hay and pasture production along with vegetable production quality and quantity at over \$3,762,000.00. In some cases, above average rainfall for January through March and lack of rainfall and extreme heat in June and July have created losses of up to 70% in production. The motion to adopt the following motion for submission to the Governor was made by Mr. Revere, seconded by Mr. Crittenden and carried unanimously:

Disaster Relief Resolution Middlesex County

WHEREAS, *extreme weather conditions in Middlesex County have severely affected farmers; and*

WHEREAS; *during the growing season of this year, 2010, the County of Middlesex has received excessive rainfall in late winter/early spring and considerably less rain than normal while experiencing extremely high temperatures this summer; and*

WHEREAS; *the Food and Agriculture Council, made up of Virginia Cooperative Extension, the Farm Service Agency, and the Natural Resources Conservation Service has reported that approximately 20,000 acres of farm land has been adversely affected within the County at an estimated loss of \$3,800,000; and*

WHEREAS; *the yields of the principal crops produced in the County of Middlesex including pasture, hay, corn, soybeans, wheat, barley, and vegetables have been seriously reduced;*

NOW, THEREFORE BE IT RESOLVED *by the Middlesex County Board of Supervisors on this the 20th day of July, 2010, that adoption of this resolution by the Middlesex County Board of Supervisors does declare a State of Emergency and requests Governor McDonnell to have Middlesex County designated a disaster area.*

DISASTER ASSISTANCE

Mrs. Jones requested the Board's discussion and action regarding providing ice during a local emergency. Following Hurricane Isabel, the State provided water and ice to localities, however, this policy has changed and only water will be provided. Last year, the Board authorized staff to establish a contract for providing ice; however, this will now take an even more coordinated effort because of lack of manpower. Mr. Revere commented that staff would have their hands full in the event without having to coordinate ice distribution. The motion to not provide ice in an emergency, but agreeing to revisit the issue in the future, was made by Mr. Revere, seconded by Mr. Mansfield and carried unanimously.

STREET NAME REQUEST

The motion to approve the new street name of Revere Landing Lane was made by Mr. Jessie, seconded by Mr. Mansfield and carried unanimously. The street is located off of Wake Road and has four parcels that will be affected.

EMERGENCY BURN BAN

Mr. Culley presented a request from the Urbanna and Hartfield fire chiefs, who requested the Board adopt an emergency ban on burning due to extremely dry conditions, creating dangerous conditions for property and firefighters fighting to save property. The motion to adopt an emergency ban was made by Mr. Revere, seconded by Mr. Mansfield and carried unanimously:

AN EMERGENCY ORDINANCE OF THE COUNTY OF MIDDLESEX, VIRGINIA PROHIBITING OPEN BURNING

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MIDDLESEX COUNTY, VIRGINIA, THAT THE FOLLOWING ORDINANCE IS HEREBY ADOPTED:

WHEREAS, the Board of Supervisors of Middlesex County does hereby find that:

- A. The lack of rainfall, low humidity and high winds has lead to extremely dry conditions which have caused the County of Middlesex to face a dangerous fire condition; and,*
- B. Due to the lack of moisture, a state of extreme peril for life and property necessitates the proclamation of the existence of an emergency;*
- C. There is no appreciable amount of rain forecast for the County of Middlesex;*
- D. On July 20, 2010, the County declared a local fire emergency to protect the citizens and property, including fire fighters in Middlesex County; and*
- E. The volunteer firemen have requested a ban on outdoor burning, which the Department of Forestry has supported;*

WHEREAS, §15.2-1427 of the Code of Virginia permits the County of Middlesex to enact emergency ordinances without the normal public notice.

WHEREAS, §44-146.21 of the Code of Virginia permits the County of Middlesex to enact an ordinance that, when a declared emergency exists, regulates the making of fires on private property.

NOW, THEREFORE, the Board of Supervisors hereby declares a fire emergency and ORDAINS as follows:

- 1. All outdoor burning and all outdoor fires, including camp fires, are prohibited except within a grill or stove designed and used for food preparation which contain fuel and fire within a metal or masonry container.*
- 2. Any violation of this ordinance is a Class 1 misdemeanor.*
- 3. This ordinance shall expire 60 days from the date of enactment unless sooner declared void by the County Administrator upon his determination that a fire emergency no longer exists, or unless lawfully extended by act of the Board of Supervisors.*
- 4. This ordinance shall be published in the Southside Sentinel for the next two consecutive weeks following enactment.*

COMBINED REASSESSMENT PROJECT

Mr. Culley requested the Board's endorsement of combining with Essex County for release of a request for proposals for reassessment services. The Essex Administrator has prepared a proposal based on a regional proposal from the north

western area of the State. It is hoped that a project of this size will allow for a better product. Mr. Culley noted that he would want the firm to gather all new data for Middlesex.

Mr. Revere noted that he would request that door hangars be left with notice that the assessors have been to the property, not just when there are questions and also that appraisers be available for evening hearings with citizens. Mr. Revere also questioned the qualifications for making site visits as data collectors, expressing the desire that they have real estate backgrounds. Mr. Mansfield also noted a desire that the county be involved in the interview process for these employees as they are representing the county.

Mr. Culley noted that these items can be addressed through the interview process by representatives of each county. The urgency of approving a proposal was stressed, as work needs to begin in Essex in January. The Commissioner of the Revenue has been involved with the drafting of this proposal and is in favor of combining with other counties for this process.

The motion to proceed with release of a joint proposal with Essex was made by Mr. Jessie, seconded by Mr. Revere and carried unanimously.

BASEMENT RENOVATION

A floor plan concept (version 5) has been approved by the Commonwealth Attorney for creation of office space in the basement of the courthouse. Quotes were gathered using contractors for those items that could not be handled using County staff. Items to be purchased and/or installed by others included doors and hardware, sprinkler installation, security card access and ceiling grid system. County staff, with some additional labor, would install bathroom fixtures, wiring, lighting, walls and do the finish work. The total estimate for the project is \$79,128.80. It was suggested that this item be tabled until the Board is at least 6 months into the budget, acknowledging that it may be into the next leasing year for rental space. The current lease expires July 31, 2011. Mr. Crittenden suggested that using a general contractor to bid the entire project may be more cost effective.

CONSENT AGENDA

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

Payroll: Checks numbered 68024 through 68081 totaling \$298,771.42 were disbursed as approved.

Disbursements: Checks numbered 68082 through 68125 totaling \$39,143.13 were disbursed as approved.

SCHOOL BUDGET TRANSFER

The motion to approve the following budget transfer for the School Board, that had been tabled from the July 6 meeting, was made by Mr. Mansfield, seconded by Mr. Jessie and carried unanimously: FROM: 4-071-064200-5102-900, Electrical Services (\$24,479.80) and 4-071-061310-9999-900-100, Instruction (\$20,000.00) TO: 4-071-06200-1140-900, Technical Salaries \$20,000.00 and 4-071-063200-6008-900, Vehicle Fuel \$24,479.80 - transfer funds from instruction into technology to cover costs associated with a change of position that occurred and transfer funds from maintenance into transportation to cover fuel costs to close out the school year.

APPROPRIATION REQUESTS

The motion to approve the following appropriation from the FY 2010 budget was made by Mr. Crittenden, seconded by Mr. Revere: FROM: 3-1-24010-0008, Comprehensive Services, \$144,959.00 TO: 4-1-53150-5713, Comprehensive Services Allocation, \$144,959.00. This is an in-and-out transfer; the money has already been spent.

The motion to approve the following appropriation from the FY 2011 budget was made by Mr. Jessie, seconded by Mr. Revere and carried unanimously: FROM: 3-1-41060-0001, Fund Balance, \$750.00 TO: 4-1-21030-3005, Court Services Unit – Non Secure Detention, \$750. This is an appropriation to cover an invoice incurred in FY 10. The Community Connection Program has had to make adjustments in their Daily Charges due to VJCCCA budget cuts. These funds were not spent in the Court Services Unit budget last year.

OLD/NEW BUSINESS

Mr. Revere commented that he had received complaints regarding the recent changes in cablevision and suggested that representatives of the company be invited to a Board meeting. Mrs. Jones has addressed some complaints with Bill Newborg of Metrocast and would schedule him to appear at the August 17th meeting of the Board.

PUBLIC COMMENT

Bob Calves thanked the County Administrator and staff for their quick response to his Freedom of Information requests for information. Mr. Calves warned the Board that the assessment firm had not conformed to the requirements of Code of Virginia Section 15.2-619, therefore opening the County to possible class action suits by aggrieved property owners. Mr. Calves requested an official explanation of what in the law allowed the assessment firm to act as they did.

Purnell Wood continued to question what roads are in worse shape than Healy's Road, when compared with width, pavement conditions and traffic counts. With regard to the census, Middlesex County had an 80% response and Urbanna had a 92% rate, compared to the State's rate of 72%.

Mr. Culley commented in response to Mr. Calves' request for information and comments that the requirements of Code of Virginia Section 15.2-619 had not been followed. This Code section refers to operation under a county manager form of government; Middlesex County does not operate under that management style, therefore, those requirements do not apply.

ADJOURNED

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

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