

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, MAY 4, 2010, IN THE BOARD ROOM OF THE HISTORIC
COURTHOUSE, SALUDA, VIRGINIA:

Present: John D. Miller, Jr., Saluda District
Carlton Revere, Pinetop District
Pete Mansfield, 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 Chairman, Mr. Miller, called the meeting to order. Mr. Jessie led the group in prayer; Mr. Culley led the Pledge of Allegiance.

CONSENT AGENDA

The motion to approve the following items on a consent agenda was made by Mr. Jessie, seconded by Mr. Mansfield and carried unanimously: April 6, April 20, April 22, 2010 minutes and disbursements. Disbursements numbered 67395 through 67459 totaling \$116,567.04 were disbursed as approved.

CONSTITUTIONAL OFFICERS

Treasurer

Mrs. Bray indicated that there should be enough in the fund balance to make it through May without borrowing, although it will be close.

Commissioner of Revenue

There were no questions for Mrs. Davenport. Mr. Culley wanted to make it clear that the Commissioner did not make an error in the amount she billed in December, 2009. This amount was not twice the amount of the June billing because abatements and credits had been deducted. Research is still being conducted to find why there was a difference in the FY 09 billing amount from the values initially given by the assessing firm. Mr. Culley believes the assessors made adjustments to the tables used for calculating values prior to the data being available to the County.

For the FY 11 budget Mr. Culley has proposed budgeting with a penny generating \$218,000, or 92% of the total \$230,000.00 to be billed out. Receipts from delinquent billing will help make up the difference.

Mr. Revere requested information on the potential revenue to be generated from a food and beverage tax.

Sheriff:

Sheriff Abbott requested an additional appropriation to fund his fuel and repair purchases through the end of the fiscal year. The Sheriff indicated that the higher costs for parts to repair older vehicles have depleted his budget. The Sheriff currently has three vehicles that are not being used because they are not worth the expense to repair. It is his hope that with the new budget he can purchase one and lease two new vehicles to help rebuild his fleet. The motion to approve the additional appropriation was made by Mr. Revere, seconded by Mr. Mansfield and carried unanimously: FROM: 3-1-41060-0001, Fund Balance, \$19,000 TO: 4-1-31020-5407, Sheriff – Vehicle Repair, \$7,000.00; 4-1-31020-5408, Sheriff – Vehicle Supply/Gasoline.

Sheriff Abbott asked the Board to reconsider adopting an ordinance to help regulate the sale of fireworks, particularly from a safety standpoint. Mr. Culley suggested contacting the Planning Director and Building Official regarding setting up wayside stands and with the Commissioner of Revenue regarding business licenses that would be required.

HIGHWAY MATTERS

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

Paving: Paving in the areas of Route 33 from Saluda to Route 227 and from Route 227 to the Urbanna Bridge along with additional paving on Route 33 will be taking place over the next several weeks. It is hoped that this will help take care of some of the problems with ponding water near the intersection of Route 33 and 227. In preparation for paving workers removed the sensor that activates the turn signal onto Route 227, so Board members may receive complaints. This will be replaced when the paving is completed.

Secondary Road Transportation Plan: Mrs. Parker presented recommendations for prioritizing some of the unpaved secondary roads that could be paved using the Plan. Should the Board take action to abandon the right of way on Route 629, the projects would be reprioritized to fund the purchase of additional right of way and construction of cul-de-sacs at the dam. The cost for the cul-de-sac project was estimated at \$150,000.00; total available funding in the next six years of the plan is \$214,325. The motion to adopt the proposed budget for FY 11 and the following resolution for the Plan was made by Mr. Mansfield, seconded by Mr. Crittenden and carried unanimously:

RESOLUTION

At a regular meeting of the Board of Supervisors of the County of Middlesex, held at the Middlesex County Historic Courthouse on May 4, 2010 at 9:00 a.m.

Present were: John D. Miller, Jr.
Wayne H. Jessie, Sr.
Fred S. Crittenden
Carlton S. Revere
Pete W. Mansfield

On motion by Mr. Mansfield, seconded by Mr. Crittenden and carried:

WHEREAS, Sections 33.1-23.1 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan,

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2010/11 through 2015/16) as well as the Construction Budget (2010/11) on April 20, 2010 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Budget Priority List,

WHEREAS, M.C. Parker, P.E., Residency Administrator, Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (2010/11 through 2015/16) and the Construction Budget (2010/11) for Middlesex County,

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Middlesex County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2010/11 through 2015/16) and Construction Budget (2010/11) are hereby approved as presented at the public hearing with the following changes: deletion of Route 629 Stormont Road and addition of Route T1025, Hilliard Street; Route T1026, Red Cedar Lane; Route 679, Rocks Drive; Route 651, Point Breeze Road; Route 685, Riverview Aveune; Route 667, Whipoorwill Lane; Route 665, Seven Springs Lane; Route 687, Reed Drive.

Route 629: There was some discussion of the procedures required to initiate an abandonment versus discontinuance of the right-of-way. Notice and advertisements are required to declare the Board's intent to take action; the public or the Commonwealth Transportation Board may request the Board of Supervisors to conduct a public hearing. The motion to proceed with advertising a public hearing on the intent to abandon was made by Mr. Mansfield, seconded by Mr. Jessie and carried unanimously. Mrs. Parker was asked to provide additional information on the costs involved and sketches showing the approximate locations of the cul-de-sacs.

Primary Road Improvement Plan: The Commonwealth Transportation Board will be conducting a public hearing on May 19th to receive comments and requests for projects in the Fredericksburg District. Written comments can be received until June 11th. While there is not money for large projects, there may be some funds left over to do smaller projects, such as turn lanes. Mrs. Parker presented several projects that the Board of Supervisors has requested in the past and several from her department. The motion to request funding for the following turn lane projects was made by Mr. Revere, seconded by Mr. Crittenden and carried unanimously:

1. Lengthen the right turn lane northbound on Route 17 at Route 615; and
2. Lengthen the right turn lane northbound on Route 17 at Route 616, Town Bridge Road.

Endorsement of Commonwealth Transportation Board Member: The motion to endorse the reappointment of Mrs. Mary Lee Carter as Fredericksburg District representative on the Commonwealth Transportation Board was made by Mr. Jessie, seconded by Mr. Revere and carried unanimously.

Problem Areas: The following concerns were presented to Mrs. Parker: repair to a pothole on Regent Road, water flowing through a yard across from the Rescue Squad building in Deltaville, call center problems, grass trimming needed at intersection of Route 652 and 33 and bus turn-around area on Route 652.

VIRGINIA COOPERATIVE EXTENSION

David Moore, Extension Agent, invited the Board to a dessert social to be held just before their next meeting on May 18th. Mr. Moore also updated the Board on restructuring within the State's Extension Division.

EVB DAY

The proclamation adopted at the Board's April 20th meeting was presented to Mrs. Betty Miller.

REQUEST TO WAIVE FEES

The motion to waive the construction fees for two houses to be constructed by Habitat for Humanity at Tax Map 29-84 was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously.

REIMBURSEMENT REQUEST

The motion to approve reimbursement of a \$25.50 permit fee paid by Tyree Harris was made by Mr. Revere, seconded by Mr. Mansfield and carried unanimously.

APPROPRIATIONS

The following appropriations were approved by unanimous vote:

Airport: FROM: 3-1-12080-0007, Airport Grant, \$269.76 TO: 4-1-10020-3004, Airport Repairs; in-and-out appropriation of remaining reimbursement to be received from Department of Aviation for crack sealing project at Airport. Motion by Mr. Revere, second by Mr. Crittenden.

Supplies: FROM: 3-1-18030-0001, Miscellaneous Refunds, \$50.00 TO: 4-1-21060-5401; Supply refund. Motion by Mr. Mansfield, second by Mr. Jessie.

Insurance Reimbursement: FROM: 3-1-18030-0006, Insurance Reimbursed, \$225 TO: 4-1-31020-5606, Wrecked vehicles; balance of insurance money received (total \$6,725) for 2005 Crown Vic (VIN 4007) that was totaled. Motion by Mr. Revere, second by Mr. Mansfield.

Forestry Service: FROM: 3-1-41060-0001, Fund Balance, \$2,231.00; TO: 4-1-82050-5604, Forestry Service Contribution; Additional funds needed to cover request from the State. Amount charged for services increased from 5 cents to 9 cents per acre. Motion by Mr. Crittenden, second by Mr. Jessie.

APPOINTMENTS

Board of Zoning Appeals

The motion to recommend Henry Easton for reappointment to the Board of Zoning Appeals representing the Jamaica District was made by Mr. Jessie, seconded by Mr. Revere and carried unanimously. If reappointed, Mr. Easton's term will run from May 1, 2010 – April 30, 2015.

POSSIBLE REVENUE SOURCES

Food and Beverage Tax: Mr. Soberick has prepared the documents necessary for the Board to proceed with a request for having the question of having a food and beverage tax placed on the ballot. It was noted that this action would have no effect on restaurants in the Town of Urbanna, because the Town already has the tax. The maximum that can be charged is 4%, and of that 4%, 5% of the tax is kept by the vendor. Board members noted that they would have to work on selling this proposal to the voting public. Dan Downs suggested Board members having their facts and potential savings before presenting it to the public. The motion to adopt the following resolution was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously:

AT A REGULAR MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS, HELD ON TUESDAY, MAY 4, 2010, AT 9:00 A.M. IN THE BOARD ROOM IN THE HISTORIC COURTHOUSE,

SALUDA, VIRGINIA: ON A MOTION DULY MADE BY PETER W. MANSFIELD, AND SECONDED BY FRED S. CRITTENDEN, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE:

JOHN D. MILLER, JR, Chairman	Yes
CARLTON S. REVERE	Yes
PETER W. MANSFIELD	Yes
FRED S. CRITTENDEN.	Yes
WAYNE H. JESSIE, SR.	Yes

WHEREAS, the Middlesex County Board of Supervisors has discussed and considered the enactment of a Food and Beverage Tax within the county, pursuant to the authority of Section 58.1-3833 of the code of Virginia, 1950, as amended; and

WHEREAS, the said Board has determined that a referendum of the County's electorate should be conducted at the General Election of November 2, 2010, on the question of whether or not such a tax should be imposed within the County.

NOW, THEREFORE, BE IT RESOLVED: By the Middlesex County Board of Supervisors that a referendum shall be conducted of the electorate of said County on November 2, 2010, to determine whether or not said electorate would favor the imposition of a Food and Beverage Tax, as hereinabove described, within the County; and

BE IT FURTHER RESOLVED: That the County Attorney is hereby authorized and directed to prepare and file, on behalf of said Board, the necessary documents with the Circuit Court of said County to cause the aforesaid referendum on November 2, 2010, and in conjunction with the County Administrator, to do all things which may be required to bring about said referendum.

A Copy Teste:
Charles M. Culley, Jr., County Administrator

Transient Lodging Tax: Action on this item was tabled until the Board's June 1, 2010 meeting. Mr. Revere requested additional information on whether or not the tax could include boats.

Cigarette Tax: No action was taken on this suggested tax. No surrounding counties have this tax and additional staff would have to be hired to handle the regulation and enforcement.

Admissions Tax: Mr. Soberick would research the possibility of charging admissions taxes.

COMMITTEE REPORTS

Mr. Jessie: Discussions at the Planning District Commission meeting included the park in Gloucester and award of an approximate \$650,000 weatherization grant.

Mr. Crittenden: Would address issue of the increased budget request at the Jail Board meeting scheduled for May 5. The Army Corps of Engineers is working to finalize the work on the Broad Creek Dredging project.

Mr. Revere: Was unable to attend the meeting, however, he had asked the Emergency Services Committee to form a subcommittee to address capital needs of the departments. Each department is now going to report their needs back for prioritizing by the full committee.

Mr. Mansfield: the Dragon Run Steering Committee is accepting nominations for exception preservation.

OLD/NEW BUSINESS

Mr. Revere noted that Board members had received a memo from the Commissioner of the Revenue regarding land use application and fee. This needs to be addressed at the day meeting.

PUBLIC COMMENT

Bob Calves commented that Board members should look at raising all user fees as a way to increase revenues. Mr. Culley noted that a public hearing was scheduled for May 18th regarding proposed fee increases.

CLOSED MEETING

The motion to convene in closed session to discuss a personnel issue pursuant to the Code of Virginia, §2.1-3711.a1, was made by Mr. Revere seconded by Mr. Jessie 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.

BUDGET

Mr. Culley noted that the proposed budget has been balanced with a tax increase of eight cents and included a transfer to the Capital Fund in the amount of \$400,117.00. Mr. Culley made one change to the current proposed budget, removing

\$10,000 from 36050-3002 and increasing the transfer to the Capital Fund 49. These monies had previously been included as the Middlesex portion for a regional emergency services planner hired through the Planning District Commission. No other counties are funding the position.

Mr. Mansfield proposed adding \$254,000.00 to local funds for the schools. There was much debate between Mr. Mansfield and Mr. Crittenden as it is not known how the additional funds would be used. Mr. Mansfield and Mr. Jessie noted that the school board has already indicated that with the school request not funded fully there would be additional costs to maintain older buses, repairs to buildings, class size increases and loss of teachers. Mr. Jessie noted that with increased class sizes the quality of instruction can be expected to go down. In addition, Mr. Crittenden commented that an additional \$254,000.00 would add another one cent to the proposed tax rate. Mr. Mansfield also referred to a memo that he had presented Mr. Miller earlier along with a request for representatives of the School Board and Board of Supervisors to meet earlier in the year to discuss budget requests. Mr. Miller noted that the superintendent and county administrator have never had a problem with communication and he would not be sending a letter to the school board unless the rest of the Board of Supervisors has instructed him to sign. He also noted that to his knowledge the Board of Supervisors has never refused an additional appropriation request from the School Board.

Mr. Revere commented that the state and federal government have not chosen to make schools a priority, noting the continued reduction in funding and noted that it is incumbent on the Board of Supervisors to continue to invest in the schools and to rely on the school board to present their needs. This being said, the motion to approve additional local funding to the school board in the amount of \$250,000.00 was made by Mr. Revere, seconded by Mr. Mansfield. This motion carried by a vote of three in favor to two opposed (Crittenden, Miller).

Mr. Revere then motioned to reduce the funding to the Regional Security Center to \$800,086.00, a level funded amount and resulting in a change in the proposed county budget of \$92,513. It was noted that by being part of the Jail Authority, the County may still be required to pay the additional monies. This motion was seconded by Mr. Mansfield and carried unanimously.

Mr. Revere made a motion that was then withdrawn that the budget for Parks and Recreation be reduced by \$15,000.00. This is with the understanding that the Director's position can be combined with the Extension/4-H position. Mr. Revere wanted the details of this worked out by July 1st.

Mr. Miller went through a memo to the Board from Mr. Mansfield that suggested cuts and ideas of savings from many sources, some expressed at the April 22nd public hearing:

1. *Require justification for any financial support for all festivals and other events, including historical attendance, organizations benefiting and estimated revenues to businesses in the county.* Mr. Mansfield withdrew this item.

2. *Withdraw personal car allowance to all county employees working directly for the county administration. Include a standard travel allowance for the use of personal cars when required on county business; limit the number of county non-working vehicle; return all leased non-working vehicles (if lease contract permits); use local rental agencies and yearly contracts to provide appropriately sized vehicles as needed. The motion to adopt the following policy was made by Mr. Mansfield, but died for lack of a second.*
3. *Eliminate line item 081010-6003 "legislative liaison". There was general agreement that this item could be removed from the proposed budget, for a savings of \$5,000. It was understood that if a paid lobbyist was needed an additional appropriation would be needed.*
4. *Advertise, post and sell, if possible, all surplus county property not designated for future use, as designated by the County Administrator. Mr. Revere suggested that he work with Mr. Culley on a list of properties and come back with a report to the Board.*
5. *Place bins in all Middlesex County Post Offices to collect paper to be recycled. Use volunteer help where available. Mrs. Jones reported that she is looking into this through her contacts with the Virginia Peninsulas Public Service Authority (VPPSA)*
6. *Investigate the commercial advantages (if any) of chipping yard waste (four inch and smaller tree limbs etc) by commercial contract and allow collection by individuals for use as free mulch. It was noted that a chipper site has to be a managed facility. VPPSA has looked into this before, however, the current site is not large enough.*
7. *Instruct the County Administrator to lease land at the end of the airport for low growing agricultural purposes, to produce rent and reduce mowing costs. There was no further action on this proposal. Mr. Crittenden noted that the county had leased land for farming in the past, however, the fields were now used for Wings and Wheels and the County had paid to have the property smoothed and seeded.*
- 8-10 *These items were withdrawn as they are already being worked by the County Attorney.*
11. *Request Ms. Priscilla Davenport to chair a "Tax Committee" of citizens to review and recommend methods of revenue enhancement in addition to the above Meals, Lodging and Admission taxes.*
12. *Work with our State Delegate, Department of Environmental Quality and the other surrounding counties to develop a more reasonable monitoring and closure program for our abandoned solid waste site. Mr. Crittenden and Mr. Miller noted that the consultant is paid to help manage our monitoring requirements. Mr. Revere noted that he did not wish to discourage Mr. Mansfield from seeking ways to save the County money.*
13. *Instruct our County Administrator to establish a rewards program and evaluation committee by which county employees and constituents alike can receive rewards (such as 5% of the first year's savings) for any cost cutting program that they suggest and the county adopts. After some discussion, the motion to approve the recommendation including a change from "establish" to "investigate" was made by Mr. Mansfield, seconded by Mr. Revere and carried unanimously.*
14. *Ask the Middlesex School Board to join with the County Administration to jointly consider a reduction in nighttime lighting in and around our schools and public buildings to perfect a target of 15-20% energy savings. As a member of the School Board present, Mr. Garland Harrow commented that the School Board would consider the request and will investigate.*

15. *Require that a dialogue between the School Board's representative and the Middlesex County Board representative present a joint budget at the joint meeting of both Boards. Both representatives must be tasked with the common goal of continuing to provide their services at the lowest possible costs to the taxpayer. Mr. Mansfield noted that this statement was written as an effort to be better informed about the impact of budget cuts.*

After all the above changes, the new amount that would be carried to the fund balance is \$247,630.00, with a proposed tax increase of 8 cents.

The following motions were made by Mr. Mansfield and seconded by Mr. Jessie:

I move to adopt the 2010-2011 General Fund Budget in the amount of \$18,543,656.00 This includes \$6,950,850.00 as local funds for school operation fund, \$1,202,666.00 for school debt service, and \$46,845.00 as local funds for the textbook fund.

I move to set the Real Estate Tax Rate at 43 cents per hundred, the Personal Property Tax Rate at \$3.50 per hundred, the Mobile Home Rate at 43 cents per hundred and the Machinery and Tools Tax Rate at \$1.75 per hundred assessed value.

As a matter of discussion, Mr. Crittenden noted that Board members should be more considerate to the ones paying the taxes. Mr. Jessie reminded Mr. Crittenden that citizens have had a break; the tax rate should have been higher several years ago. Mr. Revere added that this was not a problem that happened over night.

In a roll-call vote, the vote to approve the motions presented carried by a vote of three in favor (Jessie, Revere, Mansfield) to two opposed (Crittenden, Miller).

ADJOURN

There being no further business, the motion to adjourn the meeting until the regular meeting scheduled for May 18, 2010 was made by Mr. Jessie, seconded by Mr. Revere and carried unanimously.

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