

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, NOVEMBER 2, 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
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 October 5th and October 19th minutes subject to deletion of extra notes in the October 5th minutes, and disbursements dated through November 2, 2010, was made by Mr. Revere, seconded by Mr. Mansfield and carried unanimously. Disbursements numbered 68716 through 68773 totaling \$266,460.12 were disbursed as approved.

CONSTITUTIONAL OFFICERS

Treasurer, Commissioner of Revenue, Sheriff

Mrs. Bray, Treasurer, was present. The motion to approve the following appropriation was made by Mr. Revere, seconded by Mr. Mansfield and carried unanimously: FROM: 3-1-16030-0001, Passport fees, \$2,140.00 TO: 4-1-12130-1001, Compensation, \$2,140.00. This amount is 80% of the total in passport fees collected in the past year. This fee will be divided between the two employees in the Treasurer's Office with November payroll.

Mrs. Davenport, Commissioner of the Revenue, was present and asked the Board if they had made any decision regarding the land use application and changing the application requirements. No action was taken by the Board.

Sheriff Abbott requested that an additional \$2500.00 received in insurance compensation from Deputy Bingel's car be added to the \$11,500.00 previously

approved as a first payment for a new vehicle for the investigator. The Board had no problem with this proposal.

Sheriff Abbott advised the Board that a magistrate will no longer be allowed to be in the Town of Urbanna for their use during the Oyster Festival. It was the belief of the State Supreme Court that having magistrates at the location of festivals such as this gives an appearance of unfairness and impropriety. Deputies will be required to transport persons out of the Town for video arraignment by the magistrate, tying up a deputy for hours. The Sheriff suggested that the Board of Supervisors declare a state of local emergency whereby the County could request that this resource be made available by the State. Mr. Soberick advised that this would be a stretch, especially going against the Supreme County and suggested setting up a temporary holding facility for transportation at a later time. The Board of Supervisors agreed that a formal letter should be sent to the Supreme Court stating that the recent changes to magistrate system are not working.

Appropriations:

The motion to approve the following appropriations was made by Mr. Revere, seconded by Mr. Mansfield and carried unanimously: FROM: 3-1-23020-0050, Finger Roll Live Scan, \$96.00, TO: 4-1-31020-5412, Live Scan, \$96.00; appropriation of fees collected; and FROM: 3-1-23020-0048, Sheriff Reimbursement, \$91.58 TO: 4-1-31020-5203, cellular Phone Service, \$91.58 appropriation of overpayment made prior to switching over to a local government account.

HIGHWAY MATTERS

Joyce McGowan was present to represent the Department of Transportation and gave an update on current activities of the Department as well as respond to questions from the Board:

Piankatank River Bridge maintenance: Some temporary patches were installed by regular VDOT maintenance crews, however, the new superintendent of the bridge division is working on a plan for major patching.

Tar and gravel: surface treatment and chip seal is used as a cheaper method on primary roads as a patch until pavement can be put down.

Johnson Grass: spraying is only done in counties that have existing Johnson Grass ordinances

State surplus: the Commissioner and Secretary of Transportation are working on a plan for using the state surplus.

Resident Administrator: A Resident Administrator has been approved for transfer and will transfer as soon as a replacement is hired for his position in the Northern Neck.

SCHOOL MATTERS

Mr. Fairheart reported that the system has a school population of 1202 built on a membership of 1200 and updated the Board on school activities. The gym roof project has been put out for bids. Mr. Mansfield asked about asbestos in these areas, to which Mr. Fairheart replied that any asbestos in these areas was removed prior to his employment. Mr. Jessie commented that his was one of the jerseys removed from the trophy case at the High School that had no name. There are several others without names that Mr. Jessie can identify. Mr. Fairheart would ask that Dr. Castle be in contact with Mr. Jessie.

HAMPTON ROADS SANITATION DISTRICT

Jim Pyne, HRSD's Chief of Small Communities, was present to discuss two projects in Middlesex County: (1) the design and construction of a collection system in Saluda and transmission force main, including a crossing of Urbanna Creek, to convey the wastewater to the Urbanna Treatment Plant for treatment (estimated project cost \$4,607,000.00) and (2) establishing a new wastewater treatment facility utilizing land application for effluent disposal along with appropriate pump stations and transmission force mains to convey wastewater from the Town and Saluda to the new facility (estimated project cost \$15,200,000.00). Dr. Pyne explained that he was waiting to find out the direction of the Board of Supervisors so that he could request funding in the Commission's budget.

There was much discussion regarding land application – spray versus drip or other methods and the impacts of regulatory instability. Mr. Mansfield commented that HRSD is currently not meeting the regulations at the Urbanna plant by allowing nutrient levels to be eight times the amount allowed. Mr. Revere, however, commented that the plant is staying within what is legally allowed by the Department of Environmental Quality. It was also noted that funding for the collection system would be local only, with treatment funded by the Authority.

Dr. Pyne noted that if the scope of the projects needs to change, then he needs to know that also, so he can work on the budget process. A formal agreement is not needed yet, just some direction. Maurice Lynch, Commissioner with the Authority, noted that some clear guidance is needed so that they can fight for capital dollars. No action was taken at this time.

ARMY CORPS OF ENGINEERS – SHALLOW DRAFT PROJECTS

Doug Stamper, Project Manager – Operations with the Army Corps of Engineers, was present to discuss the process for local dredging projects: authorization, appropriation, allocation of funds, permits, placement site for spoils, dredging contract award and contract closeout. Mr. Stamper explained that in 2003, funding changed to a performance based budget, requiring a performance matrix, with shallow draft and low use projects receiving a lower priority. Better success has been

found for regional projects. Mr. Stamper also noted several key points for improving odds for funding projects in FY 2012: value to the nation (law enforcement, commercial activity, impact to businesses if recreational aspect went away), regional efforts, beneficial use of dredged material (shore protection), refuge point.

Regarding the recent Broad Creek Dredging project, Mr. Stamper reported that there were no "before" dredging condition reports to refer back to for comparison of the effluent site. It was noted that even if a change was noted Army Corps had no authorization for remedy. An inquiry has been issued by Congressman Wittman at the request of the Board of Supervisors, however, there was no report as yet.

Keith Ruse reported that there were over 300 boats racing with their families this summer in Jackson Creek and the Maritime Museum promotes the Creek as part of the John Smith Trail. Mr. Ruse also reported that there has been significant deterioration within the last three months.

RAPPAHANNOCK RIVER BASIN COMMISSION

Eldon James, Coordinator of the Commission, noted that the Commission is trying to achieve a unified approach of multi-jurisdictional, multi-perspectives and sharing of ideas regarding non-point source pollution and total maximum daily load.

Mr. Mansfield made the motion that the County authorizes funding to rejoin the Rappahannock River Basin Commission. This motion was seconded by Mr. Revere and carried unanimously.

WINGS AND WHEELS

Jamie Barnhardt was present with an update on the 2010 Wings and Wheels event. Mr. Barnhardt estimated that 3000 people attended the event that included 180 automobiles. He mentioned that the event benefitted two Lion's Clubs, the Boy Scouts raised \$500.00, the Humane Society raised over \$4,000.00 and the Hartfield Fire Department used the event as a fund raiser. Mr. Barnhardt presented the Board with a check for \$1,200.00 from the Friends of Hummel Field to help cover the County's expenses.

HEALTH INSURANCE

The motion to offer Option 3 from the Health Insurance Plans offered by Rutherford at the last meeting and the Flexible Savings Plan to all salaried employees of the County was made by Mr. Revere, seconded by Mr. Crittenden and carried unanimously. This plan will save the County \$5.50 per employee per month when compared to the current plan. Mr. Revere suggested that the Board also look into other options and structures for this benefit.

FIRST RESPONDERS

No action was taken on a request from Middlesex Volunteer Fire Department with regard to First Responder status.

APPOINTMENTS

Disability Services Board: no action

Sesquicentennial Committee: The motion to adopt the following as a county-wide Sesquicentennial Committee was made by Mr. Mansfield, seconded by Mr. Revere and carried unanimously: Richard Shores (Schools), Raynell Smith (Maritime Museum), Marilyn South (Middlesex Museum), Joan Gosier (Middlesex Museum), Lillian Svetahor (Library), Bob Montague, Mark Lomax (NAACP), Diane Gravatt. No action was taken on appointing a member of the Board of Supervisors.

Mr. Revere noted that he had contacted each of these people regarding their service on the committee. Mrs. Smith has advised Mr. Revere that the Committee must be in place in order to receive any grant funds. It was noted that no County funding will be requested for this Committee.

APPROPRIATION REQUEST

The motion to approve the following appropriation request was made by Mr. Jessie, seconded by Mr. Mansfield and carried unanimously: FROM: 3-1-24010-0002, Welfare, \$2,607.00; TO: 4-1-53010-3002, Professional Services, \$2,607.00.

HOLIDAY SCHEDULE

The motion to approve the additional half-day off on November 24 and approving any additional holidays granted by the Governor was made by Mr. Revere, seconded by Mr. Jessie and carried unanimously.

COMMITTEE REPORTS

Board members reported on activities of their various committees. Mr. Revere noted that the emergency services committee was working on a policy for enacting burn bans and announced the Town Hall meeting to discuss emergency services in the County.

OLD/NEW BUSINESS

Extended Warranty Coverage: No bids were received for providing extended warranty coverage to the generator at the courthouse. The motion to approve the extended warranty offered through Caterpillar Equipment was made by Mr. Revere, seconded by Mr. Jessie and carried unanimously.

Healy's Mill Pond: There is technically no official deadline for public comment for this project because it does not require a public hearing; however Army Corps would like to receive comments earlier in the process rather than later and have extended the deadline for the Board of Supervisors as requested to November 17. Mr. Walker noted that Army Corps is waiting for information from Mr. Ruark on the status of the road bed and dam and its ownership and the effect of the adjoining property owners along the pond. Mr. Soberick continued to caution the Board that this is a civil matter, not a county issue.

At Risk Youth: At an earlier meeting, Mr. Revere presented information to the Board from a party interested in establishing a facility for at-risk youth. The property the group is interested in purchasing is in a Low Density Rural Zone that does not allow congregate living as a permitted or special exception use. Mr. Revere questioned if the Board would be interested in hearing a presentation prior to an application being submitted for an ordinance amendment. It was suggested that Mr. Walker continue to work with the interested party concerning this issue and the possibility of having a contract for purchase written with a contingency of Board of Supervisors approval prior to purchase.

Reassessment: Three firms will be interviewed by a joint Essex/Middlesex panel on November 4. The panel from Middlesex will be Mr. Miller, Mr. Culley and Mrs. Davenport. Mr. Revere asked that the following be clarified with each firm: dig into the computer based component of each firm; data collection and sales market study – at least two years of date; references of firms – make sure they have done some waterfront property appraisals recently; spell out the qualifications of data collectors; require new tables and new data, not updated.

Beaches and Dunes Ordinances: Mr. Miller announced a proposal should be ready for the night meeting.

No-Discharge Zones: Mr. Mansfield asked that a DEQ representative attend a meeting with the Board to explain No Discharge Zones. Mr. Miller suggested that a representative could be invited to the next day meeting, with a 20 minute time limit.

Extension: David Moore, Cooperative Extension Agent, commented that there was information in the Board's packet about the State's restructuring of the Extension program. Mr. Moore would be available if the Board had any questions.

ADJOURN

There being no further business, the motion to adjourn was made by Mr. Revere, seconded by Mr. Mansfield and carried unanimously. Mr. Soberick noted that he would not be present at the Board's December 7th meeting.

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